bill will be in order until the hour of 1 o'clock p.m. At that time the Senate will resume the consideration of H.R. 14434, the energy appropriation bill.

There will then be a period of 20 minutes for debate on the question of germaneness which has been raised by the distinguished Senator from Hawaii (Mr. FONG). A rollcall vote will occur at the hour of 1:20 p.m. on the question of germaneness.

Amendments to the bill will then be in order. It is my understanding that several amendments are to be offered. Yea-and nay votes will occur during the afternoon on that bill.

Hopefully, the Senate will complete action on the energy appropriation bill tomorrow.

As for Thursday and Friday, the schedule has not become clear, but Senators will be appraised of the schedule for those 2 days at the earliest possible moment. Several bills are on the calendar awaiting action. Conference reports can be called up at any time. There is business aplenty, and rollcall votes are expected both Thursday and Friday.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ADJOURNMENT TO 9:45 A.M.

Mr. GRIFFIN. Mr. President, in accordance with the previous order, I move that the Senate stand in adjournment until the hour of 9:45 a.m. tomorrow.

The motion was agreed to; and at 6:25 p.m. the Senate adjourned until tomorrow, Wednesday, June 12, 1974, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate June 11, 1974:

IN THE AIR FORCE

The following officer to be placed on the Retired List in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

To be general

Gen. Theodore R. Milton, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following officer under the provisions of title 10, United States Code, section 8066 to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Ray B. Sitton, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

IN THE NAVY

Rear Adm. Pierre N. Charbonnet, Jr., U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

HOUSE OF REPRESENTATIVES—*Tuesday, June 11, 1974*

The House met at 12 o'clock noon.

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

I will lift up mine eyes unto the hills, from whence cometh my help.—Psalms 121: 1.

Eternal Father, in this hallowed moment at the beginning of the day, dedicated to the upward look we bring our frail and faltering hearts to the rich resources of Thy redeeming grace. Give to us the invisible means of support we need to triumph over the trials of these troubled times. Steady us with Thy spirit that we may maintain our integrity unsullied by selfish ambitions and unspoiled by unworthy endeavors.

As we work to shape the shining future of our beloved land, grant unto us the courage, the vision, and the wisdom to labor for liberty and justice and peace for all and in all. To this end may we fail not man nor Thee.

In the spirit of Him who walked the upward way we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Heiting, one of his secretaries, who also informed the House that on June 8, 1974, the President approved and signed bills of the House of the following titles:

H.R. 1817. An act to provide for the striking of national medals to honor the late J. Edgar Hoover;

H.R. 6979. An act for the relief of Monroe A. Lucas;

H.R. 8215. An act to provide for the suspension of duty on certain copying shoe lathes until the close of June 30, 1976, and for other purposes;

H.R. 10972. An act to delay for 6 months the taking effect of certain measures to provide additional funds for certain wildlife restoration projects;

H.R. 11223. An act to authorize amendment of contracts relating to the exchange of certain vessels for conversion and operation in unsubsidized service between the west coast of the United States and the territory of Guam;

H.R. 12466. An act to amend the Department of aircraft, missiles, naval vessels, Act of 1973 to authorize additional appropriations for the fiscal year 1974, and for other purposes;

H.R. 12565. An act to authorize appropriations during the fiscal year 1974 for procurement of State Appropriations Authorization 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;

H.R. 12925. An act to amend the act to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce; and

H.R. 14013. An act making supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate insists upon its amendment to the bill (H.R. 12471) entitled "An act to amend section 552 of title 5, United States Code, known as the Freedom of Information Act," 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. KENNEDY, Mr. HART, Mr. BAYH, Mr. BURDICK, Mr. TUNNEY, Mr. MCCLELLAN, Mr. THURMOND, Mr. MATHIAS, Mr. GURNEY, and Mr. HRUSKA to be the conferees on the part of the Senate.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 7130, CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the managers have until midnight tonight to file a conference report on H.R. 7130, Congressional Budget and Impoundment Control Act.

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

There was no objection.

CONFERENCE REPORT (H. REPT. No. 93-1101)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7130) to improve congressional control over budgetary outlay and receipt totals, to provide for a Legislative Budget Office, to establish a procedure providing congressional control over the impoundment of funds by the executive branch, 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 to the text of the bill, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLES; TABLE OF CONTENTS

SECTION 1. (a) SHORT TITLES.—This Act may be cited as the "Congressional Budget and Impoundment Control Act of 1974". Titles I through IX may be cited as the "Congressional Budget Act of 1974", and title X may be cited as the "Impoundment Control Act of 1974".

DECLARATION OF PURPOSES

SEC. 2. The Congress declares that it is essential—

(1) to assure effective congressional control over the budgetary process;

(2) to provide for the congressional determination each year of the appropriate level of Federal revenues and expenditures;

(3) to provide a system of impoundment control;

(4) to establish national budget priorities; and

(5) to provide for the furnishing of information by the executive branch in a manner that will assist the Congress in discharging its duties.

DEFINITIONS

SEC. 3. (a) IN GENERAL.—For purposes of this Act—

(1) The terms "budget outlays" and "outlays" mean, with respect to any fiscal year, expenditures and net lending of funds under budget authority during such year.

(2) The term "budget authority" means authority provided by law to enter into obligations which will result in immediate or future outlays involving Government funds, except that such term does not include authority to insure or guarantee the repayment of indebtedness incurred by another person or government.

(3) The term "tax expenditures" means those revenue losses attributable to provisions of the Federal tax laws which allow a special exclusion, exemption, or deduction from gross income or which provide a special credit, a preferential rate of tax, or a deferral of tax liability; and the term "tax expenditures budget" means an enumeration of such tax expenditures.

(4) The term "concurrent resolution on the budget" means—

(A) a concurrent resolution setting forth the congressional budget for the United States Government for a fiscal year as provided in section 301;

(B) a concurrent resolution reaffirming or revising the congressional budget for the United States Government for a fiscal year as provided in section 310; and

(C) any other concurrent resolution revising the congressional budget for the United States Government for a fiscal year as described in section 304.

(5) The term "appropriation Act" means an Act referred to in section 105 of title 1, United States Code.

(b) JOINT COMMITTEE ON ATOMIC ENERGY.—For purposes of titles II, III, and IV of this Act, the Members of the House of Representatives who are members of the Joint Committee on Atomic Energy shall be treated as a standing committee of the House, and the Members of the Senate who are members of the Joint Committee shall be treated as a standing committee of the Senate.

TITLE I—ESTABLISHMENT OF HOUSE AND SENATE BUDGET COMMITTEES

BUDGET COMMITTEE OF THE HOUSE OF REPRESENTATIVES

SEC. 101. (a) Clause 1 of Rule X of the Rules of the House of Representatives is amended by redesignating paragraphs (e) through (u) as paragraphs (f) through (v), respectively, and by inserting after paragraph (d) the following new paragraph:

"(e) Committee on the Budget, to consist of twenty-three Members as follows:

"(1) five Members who are members of the Committee on Appropriations;

"(2) five Members who are members of the Committee on Ways and Means;

"(3) eleven Members who are members of other standing committees;

"(4) one Member from the leadership of the majority party; and

"(5) one Member from the leadership of the minority party.

No Member shall serve as a member of the Committee on the Budget during more than two Congresses in any period of five successive Congresses beginning after 1974 (disregarding for this purpose any service performed as a member of such committee for less than a full session in any Congress). All selections of Members to serve on the committee shall be made without regard to seniority."

(b) Rule X of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:

"6. For carrying out the purposes set forth in clause 5 of Rule XI, the Committee on the Budget or any subcommittee thereof is authorized to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books or papers or documents or vouchers by subpena or otherwise, and to take such testimony and records, as it deems necessary. Subpenas may be issued over the signature of the chairman of the committee or of any member of the committee designated by him; and may be served by any person designated by such chairman or member. The chairman of the committee, or any member thereof, may administer oaths to witnesses."

(c) Rule XI of the Rules of the House of Representatives is amended by redesignating clauses 5 through 33 as clauses 6 through 34, respectively, and by inserting after clause 4 the following new clause:

"5. Committee on the Budget

"(a) All concurrent resolutions on the budget (as defined in section 3(a)(4) of the Congressional Budget Act of 1974) and other matters required to be referred to the committee under titles III and IV of that Act.

"(b) The committee shall have the duty—

"(1) to report the matters required to be reported by it under titles III and IV of the Congressional Budget Act of 1974;

"(2) to make continuing studies of the effect on budget outlays of relevant existing and proposed legislation and to report the results of such studies to the House on a recurring basis;

"(3) to request and evaluate continuing studies of tax expenditures, to devise methods of coordinating tax expenditures, policies, and programs with direct budget outlays, and to report the results of such studies to the House on a recurring basis; and

"(4) to review, on a continuing basis, the conduct by the Congressional Budget Office of its functions and duties."

BUDGET COMMITTEE OF THE SENATE

SEC. 102. (a) Paragraph 1 of rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following new subparagraph:

"(r)(1) Committee on the Budget, to which committee shall be referred all concurrent resolutions on the budget (as defined in section 3(a)(4) of the Congressional Budget Act of 1974) and all other matters required to be referred to that committee under titles III and IV of that Act, and messages, petitions, memorials, and other matters relating thereto.

"(2) Such committee shall have the duty—

"(A) to report the matters required to be reported by it under titles III and IV of the Congressional Budget Act of 1974;

"(B) to make continuing studies of the effect on budget outlays of relevant existing and proposed legislation and to report the results of such studies to the Senate on a recurring basis;

"(C) to request and evaluate continuing studies of tax expenditures, to devise methods of coordinating tax expenditures, policies, and programs with direct budget outlays, and to report the results of such studies to the Senate on a recurring basis; and

"(D) to review, on a continuing basis, the conduct by the Congressional Budget Office of its functions and duties."

(b) The table contained in paragraph 2 of rule XXV of the Standing Rules of the Senate is amended by inserting after—

"Banking, Housing and Urban Affairs.. 15"

the following:

"Budget ---------- 15".

(c) Paragraph 6 of rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following new subparagraph:

"(h) For purposes of the first sentence of subparagraph (a), membership on the Committee on the Budget shall not be taken into account until that date occurring during the first session of the Ninety-fifth Congress, upon which the appointment of the majority and minority party members of the standing committees of the Senate is initially completed."

(d) Each meeting of the Committee on the Budget of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote of a majority of the members of the committee or subcommittee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disagrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

(e) Paragraph 7(b) of rule XXV of the Standing Rules of the Senate and section 133A(b) of the Legislative Reorganization Act of 1946 shall not apply to the Committee on the Budget of the Senate.

TITLE II—CONGRESSIONAL BUDGET OFFICE

ESTABLISHMENT OF OFFICE

SEC. 201. (a) IN GENERAL.—

(1) There is established an office of the Congress to be known as the Congressional Budget Office (hereinafter in this title referred to as the "Office"). The Office shall be headed by a Director; and there shall be a Deputy Director who shall perform such duties as may be assigned to him by the Director and, during the absence or incapactiy of the Director or during a vacancy in that office, shall act as Director.

(2) The Director shall be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate after considering recommendations received from the Committee on the Budget of the House and the Senate, without regard to political affiliation and solely on the basis of his fitness to perform his duties. The Deputy Director shall be appointed by the Director.

(3) The term of office of the Director first appointed shall expire at noon on January 3, 1979, and the terms of office of Directors subsequently appointed shall expire at noon on January 3 of each fourth year thereafter. Any individual appointed as Director to fill a vacancy prior to the expiration of a term shall serve only for the unexpired portion of that term. An individual serving as Director at the expiration of a term may continue to serve until his successor is appointed. Any Deputy Director shall serve until the expiration of the term of office of the Director who appointed him (and until his successor is appointed), unless sooner removed by the Director.

(4) The Director may be removed by either House by resolution.

(5) The Director shall receive compensation at a per annum gross rate equal to the rate of basic pay, as in effect from time to time, for level III of the Executive Schedule in section 5314 of title 5, United States Code. The Deputy Director shall receive compensation at a per annum gross rate equal to the rate of basic pay, as so in effect, for level IV of the Executive Schedule in section 5315 of such title.

(b) PERSONNEL.—The Director shall appoint and fix the compensation of such personnel as may be necessary to carry out the duties and functions of the Office. All personnel of the Office shall be appointed without regard to political affiliation and solely on the basis of their fitness to perform their duties. The Director may prescribe the duties and responsibilities of the personnel of the Office, and delegate to them authority to perform any of the duties, powers, and functions imposed on the Office or on the Director. For purposes of pay (other than pay of the Director and Deputy Director) and employment benefits, rights, and privileges, all personnel of the Office shall be treated as if they were employees of the House of Representatives.

(c) EXPERTS AND CONSULTANTS.—In carrying out the duties and functions of the Office, the Director may procure the temporary (not to exceed one year) or intermittent services of experts or consultants or organizations thereof by contract as independent contractors. or, in the case of individual experts or consultants, by employment at rates of pay not in excess of the daily equivalent of the highest rate of basic pay payable under the General Schedule of section 5332 of title 5, United States Code.

(d) RELATIONSHIP TO EXECUTIVE BRANCH.—The Director is authorized to secure information, data, estimates, and statistics directly from the various departments, agencies, and establishments of the executive branch of Government and the regulatory agencies and commissions of the Government. All such departments, agencies, establishments, and regulatory agencies and commissions shall furnish the Director any available material which he determines to be necessary in the performance of his duties and functions (other than material the disclosure of which would be a violation of law). The Director is also authorized, upon agreement with the head of any such department, agency, establishment, or regulatory agency or commission, to utilize its services, facilities, and personnel with or without reimbursement; and the head of each such department, agency, establishment, or regulatory agency or commission is authorized to provide the Office such services, facilities, and personnel.

(e) RELATIONSHIP TO OTHER AGENCIES OF CONGRESS.—In carrying out the duties and functions of the Office, and for the purpose of coordinating the operations of the Office with those of other congressional agencies with a view to utilizing most effectively the information, services, and capabilities of all such agencies in carrying out the various responsibilities assigned to each, the Director is authorized to obtain information, data, estimates, and statistics developed by the General Accounting Office, the Library of Congress, and the Office of Technology Assessment, and (upon agreement with them) to utilize their services, facilities, and personnel with or without reimbursement. The Comptroller General, the Librarian of Congress, and the Technology Assessment Board are authorized to provide the Office with the information, data, estimates, and statistics, and the services, facilities, and personnel, referred to in the preceding sentence.

(f) APPROPRIATIONS.—There are authorized to be appropriated to the Office for each fiscal year such sums as may be necessary to enable it to carry out its duties and functions. Until sums are first appropriated pursuant to the preceding sentence, but for a period not exceeding 12 months following the effective date of this subsection, the ex-

penses of the Office shall be paid from the contingent fund of the Senate, in accordance with the paragraph relating to the contingent fund of the Senate under the heading "UNDER LEGISLATIVE" in the Act of October 1, 1888 (28 Stat. 546; 2 U.S.C. 68), and upon vouchers approved by the Director.

DUTIES AND FUNCTIONS

SEC. 202. (a) ASSISTANCE TO BUDGET COMMITTEES.—It shall be the duty and function of the Office to provide to the Committees on the Budget of both Houses information which will assist such committees in the discharge of all matters within their jurisdictions, including (1) information with respect to the budget, appropriation bills, and other bills authorizing or providing budget authority or tax expenditures, (2) information with respect to revenues, receipts, estimated future revenues and receipts, and changing revenue conditions, and (3) such related information as such Committees may request.

(b) ASSISTANCE TO COMMITTEES ON APPROPRIATIONS, WAYS AND MEANS, AND FINANCE.—At the request of the Committee on Appropriations of either House, the Committee on Ways and Means of the House of Representatives, or the Committee on Finance of the Senate, the Office shall provide to such Committee any information which will assist it in the discharge of matters within its jurisdiction, including information described in clauses (1) and (2) of subsection (a) and such related information as the Committee may request.

(c) ASSISTANCE TO OTHER COMMITTEES AND MEMBERS.—

(1) At the request of any other committee of the House of Representatives or the Senate or any joint committee of the Congress, the Office shall provide to such committee or joint committee any information compiled in carrying out clauses (1) and (2) of subsection (a), and, to the extent practicable, such additional information related to the foregoing as may be requested.

(2) At the request of any Member of the House or Senate, the Office shall provide to such Member any information compiled in carrying out clauses (1) and (2) of subsection (a), and, to the extent available, such additional information related to the foregoing as may be requested.

(d) ASSIGNMENT OF OFFICE PERSONNEL TO COMMITTEES AND JOINT COMMITTEES.—At the request of the Committee on the Budget of either House, personnel of the Office shall be assigned, on a temporary basis, to assist such committee. At the request of any other committee of either House or any joint committee of the Congress, personnel of the Office may be assigned, on a temporary basis, to assist such committee or joint committee with respect to matters directly related to the applicable provisions of subsection (b) or (c).

(e) TRANSFER OF FUNCTIONS OF JOINT COMMITTEE ON REDUCTION OF FEDERAL EXPENDITURES.—

(1) The duties, functions, and personnel of the Joint Committee on Reduction of Federal Expenditures are transferred to the Office, and the Joint Committee is abolished.

(2) Section 601 of the Revenue Act of 1941 (55 Stat. 726) is repealed.

(f) REPORTS TO BUDGET COMMITTEE.—

(1) On or before April 1 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate a report, for the fiscal year commencing on October 1 of that year, with respect to fiscal policy, including (A) alternative levels of total revenues, total new budget authority, and total outlays (including related surpluses and deficits), and (B) the levels of tax expenditures under existing law, taking into account projected economic factors and any changes in such levels based on proposals in the budget submitted by the President for such fiscal year. Such report shall also include a discussion of national budget priorities, including alternative ways of allocating budget authority and budget outlays for such fiscal year among major programs or functional categories, taking into account how such alternative allocations will meet major national needs and affect balanced growth and development of the United States.

(2) The Director shall from time to time submit to the Committees on the Budget of the House of Representatives and the Senate such further reports (including reports revising the report required by paragraph (1)) as may be necessary or appropriate to provide such Committees with information, data, and analyses for the performance of their duties and functions.

(g) USE OF COMPUTERS AND OTHER TECHNIQUES.—The Director may equip the Office with up-to-date computer capability (upon approval of the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate), obtain the services of experts and consultants in computer technology, and develop techniques for the evaluation of budgetary requirements.

PUBLIC ACCESS TO BUDGET DATA

SEC. 203. (a) RIGHT TO COPY.—Except as provided in subsections (c) and (d), the Director shall make all information, data, estimates, and statistics obtained under sections 201(d) and 201(e) available for public copying during normal business hours, subject to reasonable rules and regulations, and shall to the extent practicable, at the request of any person, furnish a copy of any such information, data, estimates, or statistics upon payment by such person of the cost of making and furnishing such copy.

(b) INDEX.—The Director shall develop and maintain filing, coding, and indexing systems that identify the information, data, estimates, and statistics to which subsection (a) applies and shall make such systems available for public use during normal business hours.

(c) EXCEPTIONS.—Subsection (a) shall not apply to information, data, estimates, and statistics—

(1) which are specifically exempted from disclosure by law; or

(2) which the Director determines will disclose—

(A) matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) information relating to trade secrets or financial or commercial information pertaining specifically to a given person if the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(C) personal or medical data or similar data the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

unless the portions containing such matters, information, or data have been excised.

(d) INFORMATION OBTAINED FOR COMMITTEES AND MEMBERS.—Subsection (a) shall apply to any information, data, estimates, and statistics obtained at the request of any committee, joint committee, or Member unless such committee, joint committee, or Member has instructed the Director not to make such information, data, estimates, or statistics available for public copying.

TITLE III—CONGRESSIONAL BUDGET PROCESS

TIMETABLE

SEC. 300. The timetable with respect to the congressional budget process for any fiscal year is as follows:

On or before:	Action to be completed:
November 10	President submits current services budget.
15th day after Congress meets	President submits his budget.
March 15	Committees and joint committees submit reports to Budget Committees.
April 1	Congressional Budget Office submits report to Budget Committees.
April 15	Budget Committees report first concurrent resolution on the budget to their Houses.
May 15	Committees report bills and resolutions authorizing new budget authority.
May 15	Congress completes action on first concurrent resolution on the budget.
7th day after Labor Day	Congress completes action on bills and resolutions providing new budget authority and new spending authority.
September 15	Congress completes action on second required concurrent resolution on the budget.
September 25	Congress completes action on reconciliation bill or resolution, or both, implementing second required concurrent resolution.
October 1	Fiscal year begins.

ADOPTION OF FIRST CONCURRENT RESOLUTION

SEC. 301. (a) ACTION TO BE COMPLETED BY MAY 15.—On or before May 15 of each year, the Congress shall complete action on the first concurrent resolution on the budget for the fiscal year beginning on October 1 of such year. The concurrent resolution shall set forth—

(1) the appropriate level of total budget outlays and of total new budget authority;

(2) an estimate of budget outlays and an appropriate level of new budget authority for each major functional category, for contingencies, and for undistributed intragovernmental transactions, based on allocations of the appropriate level of total budget outlays and of total budget authority;

(3) the amount, if any, of the surplus or the deficit in the budget which is appropriate in light of economic conditions and all other relevant factors;

(4) the recommended level of Federal revenues and the amount, if any, by which the aggregate level of Federal revenues should be increased or decreased by bills and resolutions to be reported by the appropriate committees;

(5) the appropriate level of the public debt, and the amount, if any, by which the statutory limit on the public debt should be increased or decreased by bills and resolutions to be reported by the appropriate committees; and

(6) such other matters relating to the budget as may be appropriate to carry out the purposes of this Act.

(b) ADDITIONAL MATTERS IN CONCURRENT RESOLUTION.—The first concurrent resolution on the budget may also require—

(1) a procedure under which all or certain bills and resolutions providing new budget authority or providing new spending authority described in section 401(c)(2)(C) for such fiscal year shall not be enrolled until the concurrent resolution required to be reported under section 310(a) has been agreed to, and, if a reconciliation bill or reconciliation resolution, or both, are required to be reported under section 310(c), until Congress has completed action on that bill or resolution, or both; and

(2) any other procedure which is considered appropriate to carry out the purposes of this Act.

Not later than the close of the Ninety-fifth Congress, the Committee on the Budget of each House shall report to its House on the implementation of procedures described in this subsection.

(c) VIEWS AND ESTIMATES OF OTHER COMMITTEES.—On or before March 15 of each year, each standing committee of the House of Representatives shall submit to the Committee on the Budget of the House, each standing committee of the Senate shall submit to the Committee on the Budget of the Senate, and the Joint Economic Committee and Joint Committee on Internal Revenue Taxation shall submit to the Committees on the Budget of both Houses—

(1) its views and estimates with respect to all matters set forth in subsection (a) which relate to matters within the respective jurisdiction or functions of such committee or joint committee; and

(2) except in the case of such joint committees, the estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within the jurisdiction of such committee which such committee intends to be effective during the fiscal year beginning on October 1 of such year.

The Joint Economic Committee shall also submit to the Committees on the Budget of both Houses, its recommendations as to the fiscal policy appropriate to the goals of the Employment Act of 1946. Any other committee of the House or Senate may submit to the Committee on the Budget of its House, and any other joint committee of the Congress may submit to the Committees on the Budget of both Houses, its views and estimates with respect to all matters set forth in subsection (a) which relate to matters within its jurisdiction or functions.

(d) HEARINGS AND REPORT.—In developing the first concurrent resolution on the budget referred to in subsection (a) for each fiscal year, the Committee on the Budget of each House shall hold hearings and shall receive testimony from Members of Congress and such appropriate representatives of Federal departments and agencies, the general public, and national organizations as the committee deems desirable. On or before April 15 of each year, the Committee on the Budget of each House shall report to its House the first concurrent resolution on the budget referred to in subsection (a) for the fiscal year beginning on October 1 of such year. The report accompanying such concurrent resolution shall include, but not be limited to—

(1) a comparision of revenues estimated by the committee with those estimated in the budget submitted by the President;

(2) a comparison of the appropriate levels of total budget outlays and total new budget authority, as set forth in such concurrent resolution, with total budget outlays estimated and total new budget authority requested in the budget submitted by the President;

(3) with respect to each major functional category, an estimate of budget outlays and an appropriate level of new budget authority for all proposed programs and for all existing programs (including renewals thereof), with the estimate and level for existing programs being divided between permanent authority and funds provided in appropriation Acts, and each such division being subdivided between controllable amounts and all other amounts;

(4) an allocation of the level of Federal revenues recommended in the concurrent resolution among the major sources of such revenues;

(5) the economic assumptions and objectives which underlie each of the matters set forth in such concurrent resolution and alternative economic assumptions and objectives which the committee considered;

(6) projections, not limited to the following, for the period of five fiscal years beginning with such fiscal year of the estimated levels of total budget outlays, total new budget outlays, total new budget authority, the estimated revenues to be received, and the estimated surplus or deficit, if any, for each fiscal year in such period, and the estimated levels of tax expenditures (the tax expenditures budget) by major functional categories;

(7) a statement of any significant changes in the proposed levels of Federal assistance to State and local governments; and

(8) information, data, and comparisons indicating the manner in which, and the basis on which, the committee determined each of the matters set forth in the concurrent resolution, and the relationship of such matters to other Budget categories.

MATTERS TO BE INCLUDED IN JOINT STATEMENT OF MANAGERS; REPORTS BY COMMITTEES

SEC. 302. (a) ALLOCATION OF TOTALS.—The joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall include an estimated allocation, based upon such concurrent resolution as recommended in such conference report, of the appropriate levels of total budget outlays and total new budget authority among each committee of the House of Representatives and the Senate which has jurisdiction over bills and resolutions providing such new budget authority.

(b) REPORTS BY COMMITTEES.—As soon as practicable after a concurrent resolution on the budget is agreed to—

(1) the Committee on Appropriations of each House shall, after consulting with the Committee on Appropriations of the other House, (A) subdivide among its subcommittees the allocation of budget outlays and new budget authority allocated to it in the joint explanatory statement accompanying the conference report on such concurrent resolution, and (B) further subdivide the amount with respect to each such subcommittee between controllable amounts and all other amounts; and

(2) every other committee of the House and Senate to which an allocation was made in such joint explanatory statement shall, after consulting with the committee or committees of the other House to which all or part of its allocation was made, (A) subdivide such allocation among its subcommittees or among programs over which it has jurisdiction, and (B) further subdivide the amount with respect to each subcommittee or program between controllable amounts and all other amounts.

Each such committee shall promptly report to its House the subdivisions made by it pursuant to this subsection.

(c) Subsequent Concurrent Resolutions.—In the case of a concurrent resolution on the budget referred to in section 304 or 310, the allocation under subsection (a) and the subdivisions under subsection (b) shall be required only to the extent necessary to take into account revisions made in the most recently agreed to concurrent resolution on the budget.

FIRST CONCURRENT RESOLUTION ON THE BUDGET MUST BE ADOPTED BEFORE LEGISLATION PROVIDING NEW BUDGET AUTHORITY, NEW SPENDING AUTHORITY, OR CHANGES IN REVENUES OR PUBLIC DEBT LIMIT IS CONSIDERED

SEC. 303. (a) IN GENERAL.—It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution (or amendment thereto) which provides—

(1) new budget authority for a fiscal year;

(2) an increase or decrease in revenues to become effective during a fiscal year;

(3) an increase or decrease in the public debt limit to become effective during a fiscal year; or

(4) new spending authority described in section 401(c)(2)(C) to become effective during a fiscal year;

until the first concurrent resolution on the budget for such year has been agreed to pursuant to section 301.

(b) EXCEPTIONS.—Subsection (a) does not apply to any bill or resolution—

(1) providing new budget authority which first becomes available in a fiscal year following the fiscal year to which the concurrent resolution applies; or

(2) increasing or decreasing revenues which first become effective in a fiscal year following the fiscal year to which the concurrent resolution applies.

(c) WAIVERS IN THE SENATE.—

(1) The committee of the Senate which reports any bill or resolution to which subsection (a) applies may at or after the time it reports such bill or resolution, report a resolution to the Senate (A) providing for the waiver of subsection (a) with respect to such bill or resolution, and (B) stating the reasons why the waiver is necessary. The resolution shall then be referred to the Committee on the Budget of the Senate. That committee shall report the resolution to the Senate within 10 days after the resolution is referred to it (not counting any day on which the Senate is not in session) beginning with the day following the day on which it is so referred, accompanied by that committee's recommendations and reasons for such recommendations with respect to the resolution. If the committee does not report the resolution within such 10-day period, it shall automatically be discharged from further consideration of the resolution and the resolution shall be placed on the calendar.

(2) During the consideration of any such resolution, debate shall be limited to one hour, to be equally divided between, and controlled by, the majority leader and minority leader or their designees, and the time on any debatable motion or appeal shall be limited to twenty minutes, to be equally divided between, and controlled by, the mover and the manager of the resolution. In the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such

leaders, or either of them, may, from the time under their control on the passage of such resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal. No amendment to the resolution is in order.

(3) If, after the Committee on the Budget has reported (or been discharged from further consideration of) the resolution, the Senate agrees to the resolution, then subsection (a) of this section shall not apply with respect to the bill or resolution to which the resolution so agreed to applies.

PERMISSIBLE REVISIONS OF CONCURRENT RESOLUTIONS OF THE BUDGET

SEC. 304. At any time after the first concurrent resolution on the budget for a fiscal year has been agreed to pursuant to section 301, and before the end of such fiscal year, the two Houses may adopt a concurrent resolution on the budget which revises the concurrent resolution on the budget for such fiscal year most recently agreed to.

PROVISIONS RELATING TO THE CONSIDERATION OF CONCURRENT RESOLUTIONS ON THE BUDGET

SEC. 305. (a) PROCEDURE IN HOUSE OF REPRESENTATIVES AFTER REPORT OF COMMITTEE; DEBATE.—

(1) When the Committee on the Budget of the House has reported any concurrent resolution on the budget, it is in order at any time after the tenth day (excluding Saturdays, Sundays, and legal holidays) following the day on which the report upon such resolution has been available to Members of the House (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the concurrent resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) General debate on any concurrent resolution on the budget in the House of Representatives shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority parties. A motion further to limit debate is not debatable. A motion to recommit the concurrent resolution is not in order, and it is not in order to move to reconsider the vote by which the concurrent resolution is agreed to or disagreed to.

(3) Consideration of any concurrent resolution on the budget by the House of Representatives shall be in the Committee of the Whole, and the resolution shall be read for amendment under the five-minute rule in accordance with the applicable provisions of rule XXIII of the Rules of the House of Representatives. After the Committee rises and reports the resolution back to the House, the previous question shall be considered as ordered on the resolution and any amendments thereto to final passage without intervening motion; except that it shall be in order at any time prior to final passage (notwithstanding any other rule or provision of law) to adopt an amendment (or a series of amendments) changing any figure or figures in the resolution as so reported to the extent necessary to achieve mathematical consistency.

(4) Debate in the House of Representatives on the conference report on any concurrent resolution on the budget shall be limited to not more than 5 hours, which shall be divided equally between the majority and minority parties. A motion further to limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(5) Motions to postpone, made with respect to the consideration of any concurrent resolution on the budget, and motions to proceed to the consideration of other business, shall be decided without debate.

(6) Appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to any concurrent resolution on the budget shall be decided without debate.

(b) PROCEDURE IN SENATE AFTER REPORT OF COMMITTEE; DEBATE; AMENDMENTS.—

(1) Debate in the Senate on any concurrent resolution on the budget, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 50 hours, except that, with respect to the second required concurrent resolution referred to in section 310(a), all such debate shall be limited to not more than 15 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(2) Debate in the Senate on any amendment to a concurrent resolution on the budget shall be limited to 2 hours, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution, and debate on any amendment to an amendment, debatable motion, or appeal shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution, except that in the event the manager of the concurrent resolution is in favor of any such amendment, motion, or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. No amendment that is not germane to the provisions of such concurrent resolution shall be received. Such leaders, or either of them, may, from the time under their control on the passage of the concurrent resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

(3) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed 3, not counting any day on which the Senate is not in session) is not in order. Debate on any such motion to recommit shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution.

(4) Notwithstanding any other rule, an amendment, or series of amendments, to a concurrent resolution on the budget proposed in the Senate shall always be in order if such amendment or series of amendments proposes to change any figure or figures then contained in such concurrent resolution so as to make such concurrent resolution mathematically consistent or so as to maintain such consistency.

(c) ACTION ON CONFERENCE REPORTS IN THE SENATE.—

(1) The conference report on any concurrent resolution on the budget shall be in order in the Senate at any time after the third day (excluding Saturdays, Sundays, and legal holidays) following the day on which such a conference report is reported and is available to Members of the Senate. A motion to proceed to the consideration of the conference report may be made even though a previous motion to the same effect has been disagreed to.

(2) During the consideration in the Senate of the conference report on any concurrent resolution on the budget, debate shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report.

(3) Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to one-half hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or his designee.

(4) In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee. No amendment that is not germane to the provisions of such amendments shall be received.

(d) REQUIRED ACTION BY CONFERENCE COMMITTEE.—If, at the end of 7 days (excluding Saturdays, Sundays, and legal holidays) after the conferees of both Houses have been appointed to a committee of conference on a concurrent resolution on the budget, the conferees are unable to reach agreement with respect to all matters in disagreement between the two Houses, then the conferees shall submit to their respective Houses, on the first day thereafter on which their House is in session—

(1) a conference report recommending those matters on which they have agreed and reporting in disagreement those matters on which they have not agreed; or

(2) a conference report in disagreement, if the matter in disagreement is an amendment which strikes out the entire text of the concurrent resolution and inserts a substitute text.

(e) CONCURRENT RESOLUTION MUST BE CONSISTENT IN THE SENATE.—It shall not be in order in the Senate to vote on the question of agreeing to—

(1) a concurrent resolution on the budget unless the figures then contained in such resolution are mathematically consistent; or

(2) a conference report on a concurrent resolution on the budget unless the figures contained in such resolution, as recommended in such conference report, are mathematically consistent.

LEGISLATION DEALING WITH CONGRESSIONAL BUDGET MUST BE HANDLED BY BUDGET COMMITTEES

SEC. 306. No bill or resolution, and no amendment to any bill or resolution, dealing with any matter which is within the jurisdiction of the Committee on the Budget of either House shall be considered in that House unless it is a bill or resolution which has been reported by the Committee on the Budget of that House (or from the consideration of which such committee has been discharged) or unless it is an amendment to such a bill or resolution.

HOUSE COMMITTEE ACTION ON ALL APPROPRIATION BILLS TO BE COMPLETED BEFORE FIRST APPROPRIATION BILL IS REPORTED

SEC. 307. Prior to reporting the first regular appropriation bill for each fiscal year, the Committee on Appropriations of the House of

Representatives shall, to the extent practicable, complete subcommittee markup and full committee action on all regular appropriation bills for that year and submit to the House a summary report comparing the committee's recommendations with the appropriate levels of budget outlays and new budget authority as set forth in the most recently agreed to concurrent resolution on the budget for that year.

REPORTS, SUMMARIES, AND PROJECTIONS OF CONGRESSIONAL BUDGET ACTIONS

SEC. 308. (a) REPORTS ON LEGISLATION PROVIDING NEW BUDGET AUTHORITY OR TAX EXPENDITURES.—Whenever a committee of either House reports a bill or resolution to its House providing new budget authority (other than continuing appropriations) or new or increased tax expenditures for a fiscal year, the report accompanying that bill or resolution shall contain a statement, prepared after consultation with the Director of the Congressional Budget Office, detailing—

(1) in the case of a bill or resolution providing new budget authority—

(A) how the new budget authority provided in that bill or resolution compares with the new budget authority set forth in the most recently agreed to concurrent resolution on the budget for such fiscal year and the reports submitted under section 302;

(B) a projection for the period of 5 fiscal years beginning with such fiscal year of budget outlays, associated with the budget authority provided in that bill or resolution, in each fiscal year in such period; and

(C) the new budget authority, and budget outlays resulting therefrom, provided by that bill or resolution for financial assistance to State and local governments; and

(2) in the case of a bill or resolution providing new or increased tax expenditures—

(A) how the new or increased tax expenditures provided in that bill or resolution will affect the levels of tax expenditures under existing law as set forth in the report accompanying the first concurrent resolution on the budget for such fiscal year, or, if a report accompanying a subsequently agreed to concurrent resolution for such year sets forth such levels, then as set forth in that report; and

(B) a projection for the period of 5 fiscal years beginning with such fiscal year of the tax expenditures which will result from that bill or resolution in each fiscal year in such period.

No projection shall be required for a fiscal year under paragraph (1)(B) or (2)(B) if the committee determines that a projection for that fiscal year is impracticable and states in its report the reason for such impracticability.

(b) UP-TO-DATE TABULATION OF CONGRESSIONAL BUDGET ACTIONS.—The Director of the Congressional Budget Office shall issue periodic reports detailing and tabulating the progress of congressional action on bills and resolutions providing new budget authority and changing revenues and the public debt limit for a fiscal year. Such reports shall include, but are not limited to—

(1) an up-to-date tabulation comparing the new budget authority for such fiscal year in bills and resolutions on which Congress has completed action and estimated outlays, associated with such new budget authority, during such fiscal year to the new budget authority and estimated outlays set forth in the most recently agreed to concurrent resolution on the budget for such fiscal year and the reports submitted under section 302;

(2) an up-to-date status report on all bills and resolutions providing new budget authority and changing revenues and the public debt limit for such fiscal year in both Houses;

(3) an up-to-date comparison of the appropriate level of revenues contained in the most recently agreed to concurrent resolution on the budget for such fiscal year with the latest estimate of revenues for such year (including new revenues anticipated during such year under bills and resolutions on which the Congress has completed action); and

(4) an up-to-date comparison of the appropriate level of the public debt contained in the most recently agreed to concurrent resolution on the budget for such fiscal year with the latest estimate of the public debt during such fiscal year.

(c) FIVE-YEAR PROJECTION OF CONGRESSIONAL BUDGET ACTION.—As soon as practicable after the beginning of each fiscal year, the Director of the Congressional Budget Office shall issue a report projecting for the period of 5 fiscal years beginning with such fiscal year—

(1) total new budget authority and total budget outlays for each fiscal year in such period;

(2) revenues to be received and the major sources thereof, and the surplus or deficit, if any, for each fiscal year in such period; and

(3) tax expenditures for each fiscal year in such period.

COMPLETION OF ACTION ON BILLS PROVIDING NEW BUDGET AUTHORITY AND CERTAIN NEW SPENDING AUTHORITY

SEC. 309. Except as otherwise provided pursuant to this title, not later than the seventh day after Labor Day of each year, the Congress shall complete action on all bills and resolutions—

(1) providing new budget authority for the fiscal year beginning on October 1 of such year, other than supplemental, deficiency, and continuing appropriation bills and resolutions, and other than the reconciliation bill for such year, if required to be reported under section 310(c); and

(2) providing new spending authority described in section 401 (c)(2)(C) which is to become effective during such fiscal year.

Paragraph (1) shall not apply to any bill or resolution if legislation authorizing the enactment of new budget authority to be provided in such bill or resolution has not been timely enacted.

SECOND REQUIRED CONCURRENT RESOLUTION AND RECONCILIATION PROCESS

SEC. 310. (a) REPORTING OF CONCURRENT RESOLUTION.—The Committee on the Budget of each House shall report to its House a concurrent resolution on the budget which reaffirms or revises the concurrent resolution on the budget most recently agreed to with respect to the fiscal year beginning on October 1 of such year. Any such concurrent resolution on the budget shall also, to the extent necessary—

(1) specify the total amount by which—

(A) new budget authority for such fiscal year;

(B) budget authority initially provided for prior fiscal years; and

(C) new spending authority described in section 401(c)(2)(C) which is to become effective during such fiscal year,

contained in laws, bills, and resolutions within the jurisdiction of a committee, is to be changed and direct that committee to determine and recommend changes to accomplish a change of such total amount;

(2) specify the total amount by which revenues are to be changed and direct that the committees having jurisdiction to determine and recommend changes in the revenue laws, bills, and resolutions to accomplish a change of such total amount;

(3) specify the amount by which the statutory limit on the public debt is to be changed and direct the committees having jurisdiction to recommend such change; or

(4) specify and direct any combination of the matters described in paragraphs (1), (2), and (3).

Any such concurrent resolution may be reported, and the report accompanying it may be filed, in either House notwithstanding that that House is not in session on the day on which such concurrent resolution is reported.

(b) COMPLETION OF ACTION ON CONCURRENT RESOLUTION.—Not later than September 15 of each year, the Congress shall complete action on the concurrent resolution on the budget referred to in subsection (a).

(c) RECONCILIATION PROCESS.—If a concurrent resolution is agreed to in accordance with subsection (a) containing directions to one or more committees to determine and recommend changes in laws, bills, or resolutions, and—

(1) only one committee of the House or the Senate is directed to determine and recommend changes, that committee shall promptly make such determination and recommendations and report to its House a reconciliation bill or reconciliation resolution, or both, containing such recommendations; or

(2) more than one committee of the House or the Senate is directed to determine and recommend changes, each such committee so directed shall promptly make such determination and recommendations, whether such changes are to be contained in a reconciliation bill or reconciliation resolution, and submit such recommendations to the Committee on the Budget of its House, which upon receiving all such recommendations, shall report to its House a reconciliation bill or reconciliation resolution, or both, carrying out all such recommendations without any substantive revision.

For purposes of this subsection, a reconciliation resolution is a concurrent resolution directing the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be, to make specified changes in bills and resolutions which have not been enrolled.

(d) COMPLETION OF RECONCILIATION PROCESS.—Congress shall complete action on any reconciliation bill or reconciliation resolution reported under subsection (c) not later than September 25 of each year.

(e) PROCEDURE IN THE SENATE.—

(1) Except as provided in paragraph (2), the provisions of section 305 for the consideration in the Senate of concurrent resolutions on the budget and conference reports thereon shall also apply to the consideration in the Senate of reconciliation bills and reconciliation resolutions reported under subsection (c) and conference reports thereon.

(2) Debate in the Senate on any reconciliation bill or resolution reported under subsection (c), and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours.

(f) CONGRESS MAY NOT ADJOURN UNTIL ACTION IS COMPLETED.—It shall not be in order in either the House of Representatives or the Senate to consider any resolution providing for the adjournment sine die of either House unless action has been completed on the concurrent resolution on the budget required to be reported under subsection (a) for the fiscal year beginning on October 1 of such year, and, if a reconciliation bill or resolution, or both, is required to be reported under subsection (c) for such fiscal year, unless the Congress has completed action on that bill or resolution, or both.

NEW BUDGET AUTHORITY, NEW SPENDING AUTHORITY AND REVENUE LEGISLATION MUST BE WITHIN APPROPRIATE LEVELS

SEC. 311. (a) LEGISLATION SUBJECT TO POINT OF ORDER.—After the Congress has completed action on the concurrent resolution on the budget required to be reported under section 310(a) for a fiscal year, and, if a reconciliation bill or resolution, or both, for such fiscal year are required to be reported under section 310(c), after that bill has been enacted into law or that resolution has been agreed to, it shall not be in order in either the House of Representatives or the Senate to consider any bill, resolution, or amendment providing additional new budget authority for such fiscal year, providing new spending authority described in section 401(c)(2)(C) to become effective during such fiscal year, or reducing revenues for such fiscal year, or any conference report on any such bill or resolution, if—

(1) the enactment of such bill or resolution as reported;

(2) the adoption and enactment of such amendment; or

(3) the enactment of such bill or resolution in the form recommended in such conference report;

would cause the appropriate level of total new budget authority or total budget outlays set forth in the most recently agreed to concurrent resolution on the budget for such fiscal year to be exceeded, or would cause revenues to be less than the appropriate level of revenues set forth in such concurrent resolution.

(b) DETERMINATION OF OUTLAYS AND REVENUES.—For purposes of subsection (a), the budget outlays to be made during a fiscal year and revenues to be received during a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or the Senate, as the case may be.

TITLE IV—ADDITIONAL PROVISIONS TO IMPROVE FISCAL PROCEDURES

BILLS PROVIDING NEW SPENDING AUTHORITY

SEC. 401.(a) LEGISLATION PROVIDING CONTRACT BORROWING AUTHORITY.—It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which provides new spending authority described in subsection(c)(2)(A) or (B) (or any amendment which provides such new spending authority), unless that bill, resolution, or amendment also provides that such new spending authority is to be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(b) LEGISLATION PROVIDING ENTITLEMENT AUTHORITY.—

(1) It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which provides new spending authority described in subsection (c)(2)(C) (or any amendment which provides such new spending authority) which is to become effective before the first day of the fiscal year which begins during the calendar year in which such bill or resolution is reported.

(2) If any committee of the House of Representatives or the Senate reports any bill or resolution which provides new spending authority described in subsection (c)(2)(C) which is to become effective during a fiscal year and the amount of new budget authority which will be required for such fiscal year if such bill or resolution is enacted as so reported exceeds the appropriate allocation of new budget authority reported under section 302(b) in connection with the most recently agreed to concurrent resolution on the budget for such fiscal year, such bill or resolution shall then be referred to the Committee on Appropriations of that House with instructions to report it, with the committee's recommendations, within 15 calendar days (not counting any day on which that House is not in session) beginning with the day following the day on which it is so referred. If the Committee on Appropriations of either House fails to report a bill or resolution referred to it under this paragraph within such 15-day period, the committee shall automatically be discharged from further consideration of such bill or resolution and such bill or resolution shall be placed on the appropriate calendar.

(3) The Committee on Appropriations of each House shall have jurisdiction to report any bill or resolution referred to it under paragraph (2) with an amendment which limits the total amount of new spending authority provided in such bill or resolution.

(c) DEFINITIONS.—

(1) For purposes of this section, the term "new spending authority" means spending authority not provided by law on the effective date of this section, including any increase in or addition to spending authority provided by law on such date.

(2) For purposes of paragraph (1), the terms "spending authority" means authority (whether temporary or permanent)—

(A) to enter into contracts under which the United States is obligated to make outlays, the budget authority for which is not provided in advance by appropriation Acts;

(B) to incur indebtedness (other than indebtedness incurred under the Second Liberty Bond Act) for the repayment of which the United States is liable, the budget authority for which is not provided in advance by appropriation Acts; and

(C) to make payments (including loans and grants), the budget authority for which is not provided for in advance by appropriation Acts, to any person or government if, under the provisions of the law containing such authority, the United States is obligated to make such payments to persons or governments who meet the requirements established by such law.

Such term does not include authority to insure or guarantee the repayment of indebtedness incurred by another person or government.

(d) EXCEPTIONS.—

(1) Subsections (a) and (b) shall not apply to new spending authority if the budget authority for outlays which will result from such new spending authority is derived—

(A) from a trust fund established by the Social Security Act (as in effect on the date of the enactment of this Act); or

(B) from any other trust fund, 90 percent or more of the receipts of which consist or will consist of amounts (transferred from the general fund of the Treasury) equivalent to amounts of taxes (related to the purposes for which such outlays are or will be made) received in the Treasury under specified provisions of the Internal Revenue Code of 1954.

(2) Subsections (a) and (b) shall not apply to new spending authority which is an amendment to or extension of the State and Local Fiscal Assistance Act of 1972, or a continuation of the program of fiscal assistance to State and local governments provided by that Act, to the extent so provided in the bill or resolution providing such authority.

(3) Subsections (a) and (b) shall not apply to new spending authority to the extent that—

(A) the outlays resulting therefrom are made by an organization which is (i) a mixed-ownership Government corporation (as defined in section 201 of the Government Corporation Control Act), or (ii) a wholly owned Government corporation (as defined in section 101 of such Act) which is specifically exempted by law from compliance with any or all of the provisions of that Act; or

(B) the outlays resulting therefrom consist exclusively of the proceeds of gifts or bequests made to the United States for a specific purpose.

REPORTING OF AUTHORIZING LEGISLATION

SEC. 402. (a) REQUIRED REPORTING DATE.—Except as otherwise provided in this section, it shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which, directly or indirectly, authorizes the enactment of new budget authority for a fiscal year, unless that bill or resolution is reported in the House or the Senate, as the case may be, on or before May 15 preceding the beginning of such fiscal year.

(b) EMERGENCY WAIVER IN THE HOUSE.—If the Committee on Rules of the House of Representatives determines that emergency conditions require a waiver of subsection (a) with respect to any bill or resolution, such committee may report, and the House may consider and adopt, a resolution waiving the application of subsection (a) in the case of such bill or resolution.

(c) WAIVER IN THE SENATE.—

(1) The committee of the Senate which reports any bill or resolution may, at or after the time it reports such bill or resolution, report a resolution to the Senate (A) providing for the waiver of subsection (a) with respect to such bill or resolution, and (B) stating the reasons why the waiver is necessary. The resolution shall then be referred to the Committee on the Budget of the Senate. That committee shall report the resolution to the Senate, within 10 days after the resolution is referred to it (not counting any day on which the Senate is not in session) beginning with the day following the day on which it is so referred, accompanied by that committee's recommendations and reasons for such recommendations with respect to the resolution. If the committee does not report the resolution within such 10-day period, it shall automatically be discharged from further consideration of the resolution and the resolution shall be placed on the calendar.

(2) During the consideration of any such resolution, debate shall be limited to one hour, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees, and the time on any debatable motion or appeal shall be limited to 20 minutes, to be equally divided between, and controlled by, the mover and the manager of the resolution. In the event the manager of the resolution is in favor of any such motion, or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of such resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal. No amendment to the resolution is in order.

(3) If, after the Committee on the Budget has reported (or been discharged from further consideration of) the resolution, the Senate agrees to the resolution, then subsection (a) of this section shall not apply with respect to that bill or resolution referred to in the resolution.

(d) CERTAIN BILLS AND RESOLUTIONS RECEIVED FROM OTHER HOUSE.—Notwithstanding the provisions of subsection (a), if under that subsection it is in order in the House of Representatives to consider a bill or resolution of the House, then it shall be in order

to consider a companion or similar bill or resolution of the Senate; and if under that subsection it is in order in the Senate to consider a bill or resolution of the Senate, then it shall be in order to consider a companion or similar bill of the House of Representatives.

(e) EXCEPTIONS.—

(1) Subsection (a) shall not apply with respect to new spending authority described in section 401(c)(2)(C).

(2) Subsection (a) shall not apply with respect to new budget authority authorized in a bill or resolution for any provision of the Social Security Act if such bill or resolution also provides new spending authority described in section 401(c)(2)(C) which, under section 401(d)(1)(A), is excluded from the application of section 401(b).

(f) STUDY OF EXISTING SPENDING AUTHORITY AND PERMANENT APPROPRIATIONS.—The Committees on Appropriations of the House of Representatives and the Senate shall study on a continuing basis those provisions of law, in effect on the effective date of this section, which provide spending authority or permanent budget authority. Each committee shall, from time to time, report to its House its recommendations for terminating or modifying such provisions.

ANALYSES BY CONGRESSIONAL BUDGET OFFICE

SEC. 403. The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill or resolution of a public character reported by any committee of the House of Representatives or the Senate (except the Committee on Appropriations of each House), and submit to such committee—

(1) an estimate of the costs which would be incurred in carrying out such bill or resolution in the fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year, together with the basis for each such estimate; and

(2) a comparison of the estimate of costs described in paragraph (1) with any available estimate of costs made by such committee or by any Federal agency.

The estimate and comparison so submitted shall be included in the report accompanying such bill or resolution if timely submitted to such committee before such report is filed.

JURISDICTION OF APPROPRIATIONS COMMITTEES

SEC. 404. (a) AMENDMENT OF HOUSE RULES.—Clause 2 of rule XI of the Rules of the House of Representatives is amended by redesignating paragraph (b) as paragraph (e) and by inserting after paragraph (a) the following new paragraphs:

"(b) Rescission of appropriations contained in appropriation Acts (referred to in section 105 of title 1, United States Code).

"(c) The amount of new spending authority described in section 401(c)(2)(A) and (B) of the Congressional Budget Act of 1974 which is to be effective for a fiscal year.

"(d) New spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 provided in bills and resolutions referred to the committee under section 401(b)(2) of that Act (but subject to the provisions of section 401(b)(3) of that Act)."

(b) AMENDMENT OF SENATE RULES.—Subparagraph (c) of paragraph 1 of rule XXV of the Standing Rules of the Senate is amended to read as follows:

"(c) Committee on Appropriations, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Except as provided in subparagraph (r), appropriation of the revenue for the support of the Government.

"2. Rescission of appropriations contained in appropriation Acts (referred to in section 105 of title 1, United States Code).

"3. The amount of new spending authority described in section 401(c)(2)(A) and (B) of the Congressional Budget Act of 1974 provided in bills and resolutions referred to the committee under section 401(b)(2) of that Act (but subject to the provisions of section 401(b)(3) of that Act).

"4. New advance spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 provided in bills and resolutions referred to the committee under section 401(b)(2) of that Act (but subject to the provisions of section 401(b)(3) of that Act)."

TITLE V—CHANGE OF FISCAL YEAR

FISCAL YEAR TO BEGIN OCTOBER 1

SEC. 501. Section 237 of the Revised Statutes (31 U.S.C. 1020) is amended to read as follows:

"SEC. 237. (a) The fiscal year of the Treasury of the United States, in all matters of accounts, receipts, expenditures, estimates, and appropriations—

"(1) shall, through June 30, 1976, commence on July 1 of each year and end on June 30 of the following year; and

"(2) shall, beginning on October 1, 1976, commence on October 1 of each year and end on September 30 of the following year.

"(b) All accounts of receipts and expenditures required by law to be published annually shall be prepared and published for each fiscal year as established by subsection (a)."

TRANSITION TO NEW FISCAL YEAR

SEC. 502. (a) As soon as practicable, the President shall prepare and submit to the Congress—

(1) after consultation with the Committees on Appropriations of the House of Representatives and the Senate, budget estimates for the United States Government for the period commencing July 1, 1976, and ending on September 30, 1976, in such form and detail as he may determine; and

(2) proposed legislation he considers appropriate with respect to changes in law necessary to provide authorizations of appropriations for that period.

(b) The Director of the Office of Management and Budget shall provide by regulation, order, or otherwise for the orderly transition by all departments, agencies, and instrumentalities of the United States Government and the government of the District of Columbia from the use of the fiscal year in effect on the date of enactment of this Act to the use of the new fiscal year prescribed by section 237(a)(2) of the Revised Statutes. The Director shall prepare and submit to the Congress such additional proposed legislation as he considers necessary to accomplish this objective.

(c) The Director of the Office of Management and Budget and the Director of the Congressional Budget Office jointly shall conduct a study of the feasibility and advisability of submitting the Budget or portions thereof, and enacting new budget authority or portions thereof, for a fiscal year during the regular session of the Congress which begins in the year preceding the year in which such fiscal year begins. The Director of the Office of Management and Budget and the Director of the Congressional Budget Office each shall submit a report of the results of the study conducted by them, together with his own conclusions and recommendations, to the Congress not later than 2 years after the effective date of this subsection.

ACCOUNTING PROCEDURES

SEC. 503. (a) Subsection (a)(1) of the first section of the Act entitled "An Act to simplify accounting, facilitate the payment of obligations, and for other purposes", approved July 25, 1956, as amended (31 U.S.C. 701), is amended to read as follows:

"(1) The obligated balance shall be transferred, at the time specified in subsection (b)(1) of this section, to an appropriation account of the agency or subdivision thereof responsible for the liquidation of the obligation, in which account shall be merged the amounts so transferred from all appropriation accounts for the same general purposes; and".

(b) Subsection (b) of such section is amended to read as follows:

"(b)(1) Any obligated balance referred to in subsection (a)(1) of this section shall be transferred as follows:

"(A) for any fiscal year or years ending on or before June 30, 1976, on that June 30 which falls in the first month of June which occurs twenty-four months after the end of such fiscal year or years; and

"(B) for the period commencing on July 1, 1976, and ending on September 30, 1976, and for any fiscal year commencing on or after October 1, 1976, on September 30 of the second fiscal year following that period or the fiscal year or years, as the case may be, for which the appropriation is available for obligation.

"(2) The withdrawals required by subsection (a)(2) of this section shall be made—

"(A) for any fiscal year ending on or before June 30, 1976, not later than September 30 of the fiscal year immediately following the fiscal year in which the period of availability for obligation expires; and

"(B) for the period commencing on July 1, 1976, and ending on September 30, 1976, and for any fiscal year commencing on or after October 1, 1976, not later than November 15 following such period or fiscal year, as the case may be, in which the period of availability for obligation expires."

CONVERSION OF AUTHORIZATIONS OF APPROPRIATIONS

SEC. 504. Any law providing for an authorization of appropriations commencing on July 1 of a year shall, if that year is any year after 1975, be considered as meaning October 1 of that year. Any law providing for an authorization of appropriations ending on June 30 of a year shall, if that year is any year after 1976, be considered as meaning September 30 of that year. Any law providing for an authorization of appropriations for the fiscal year 1977 or any fiscal year thereafter shall be construed as referring to that fiscal year ending on September 30 of the calendar year having the same calendar year number as the fiscal year number.

REPEALS

SEC. 505. The following provisions of law are repealed:

(1) the ninth paragraph under the headings "Legislative Establishment", "Senate", of the Deficiency Appropriation Act, fiscal year 1934 (48 Stat. 1022; 2 U.S.C. 66); and

(2) the proviso to the second paragraph under the headings "House of Representatives", "Salaries, Mileage, and Expenses of Members", of the Legislative-Judiciary Appropriation Act, 1955 (68 Stat. 400; 2 U.S.C. 81).

TECHNICAL AMENDMENT

SEC. 506. (a) Section 105 of title 1, United States Code, is amended by striking out "June 30" and inserting in lieu thereof "September 30".

(b) The provisions of subsection (a) of this section shall be effective with respect to Acts making appropriations for the support of the Government for any fiscal year commencing on or after October 1, 1976.

TITLE VI—AMENDMENTS TO BUDGET AND ACCOUNTING ACT, 1921

MATTERS TO BE INCLUDED IN PRESIDENT'S BUDGET

SEC. 601. Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), is amended by adding at the end thereof the following new subsections:

"(d) The Budget transmitted pursuant to subsection (a) for each fiscal year shall set forth separately the items enumerated in section 301(a)(1)-(5) of the Congressional Budget Act of 1974.

"(e) The Budget transmitted pursuant to subsection (a) for each fiscal year shall set forth the levels of tax expenditures under existing law for such fiscal year (the tax expenditure budget), taking into account projected economic factors, and any changes in such existing levels based on proposals contained in such Budget. For purposes of this subsection, the terms 'tax expenditures' and 'tax expenditures budget' have the meanings given to them by section 3(a)(3) of the Congressional Budget Act of 1974.

"(f) The Budget transmitted pursuant to subsection (a) for each fiscal year shall contain—

"(1) a comparison, for the last completed fiscal year, of the total amount of outlays estimated in the Budget transmitted pursuant to subsection (a) for each major program involving uncontrollable or relatively uncontrollable outlays and the total amount of outlays made under each such major program during such fiscal year;

"(2) a comparison, for the last completed fiscal year, of the total amount of revenues estimated in the Budget transmitted pursuant to subsection (a) and the total amount of revenues received during such year, and, with respect to each major revenue source, the amount of revenues estimated in the Budget transmitted pursuant to subsection (a) and the amount of revenues received during such year; and

"(3) an analysis and explanation of the difference between each amount set forth pursuant to paragraphs (1) and (2) as the amount of outlays or revenues estimated in the Budget submitted under subsection (a) for such fiscal year and the corresponding amount set forth as the amount of outlays made or revenues received during such fiscal year.

"(g) The President shall transmit to the Congress, on or before April 10 and July 15 of each year, a statement of all amendments to or revisions in the budget authority requested, the estimated outlays, and the estimated receipts for the ensuing fiscal year set forth in the Budget transmitted pursuant to subsection (a) (including any previous amendments or revisions proposed on behalf of the executive branch) that he deems necessary and appropriate based on the most current information available. Such statement shall contain the effect of such amendments and revisions on the summary data submitted under subsection (a) and shall include such supporting detail as is practicable. The statement transmitted on or before July 15 of any year may be included in the supplemental summary required to be transmitted under subsection (b) during such year. The Budget transmitted to the Congress pursuant to subsection (a) for any fiscal year, or the supporting detail transmitted in connection therewith, shall include a statement of all such amendments and revisions with respect to the fiscal year in progress made before the date of transmission of such Budget.

"(h) The Budget transmitted pursuant to subsection (a) for each fiscal year shall include information with respect to estimates of appropriations for the next succeeding fiscal year for grants, contracts, or other payments under any program for which there is an authorization of appropriations for such succeeding fiscal year and such appropriations are authorized to be included in an appropriation Act for the fiscal year preceding the fiscal year in which the appropriation is to be available for obligation.

"(i) The Budget transmitted pursuant to subsection (a) for each fiscal year, beginning with the fiscal year ending September 30, 1973, shall contain a presentation of budget authority, proposed budget authority, outlays, proposed outlays, and descriptive information in terms of—

"(1) a detailed structure of national needs which shall be used to reference all agency missions and programs;

"(2) agency missions; and

"(3) basic programs.

To the extent practicable, each agency shall furnish information in support of its budget requests in accordance with its assigned missions in terms of Federal functions and subfunctions, including mission responsibilities of component organizations, and shall relate its programs to agency missions."

MIDYEAR REVIEW

SEC. 602. Section 201 of the Budget and Accounting Act, 1921, (31 U.S.C. 11), is amended by striking out "on or before June 1 of each year, beginning with 1972" and inserting in lieu thereof "on or before July 15 of each year".

FIVE-YEAR BUDGET PROJECTIONS

SEC. 603. Section 201(a) of the Budget and Accounting Act, 1921 (31 U.S.C. 11), is amended—

(1) by inserting after "ensuing fiscal year" in paragraph (5) "and projections for the four fiscal years immediately following the ensuing fiscal year";

(2) by striking out "such year" in paragraph (5) and inserting in lieu thereof "such years"; and

(3) by inserting after "ensuing fiscal year" in paragraph (6) "and projections for the four fiscal years immediately following the ensuing fiscal year".

ALLOWANCES FOR SUPPLEMENTAL BUDGET AUTHORITY AND UNCONTROLLABLE OUTLAYS

SEC. 604. Section 201(a) of the Budget and Accounting Act, 1921 (31 U.S.C. 11), is further amended—

(1) by striking out "and" at the end of paragraph (11);

(2) by striking out the period at the end of paragraph (12) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(13) an allowance for additional estimated expenditures and proposed appropriations for the ensuing fiscal year, and an allowance for unanticipated uncontrollable expenditures for the ensuing fiscal year."

BUDGET DATA BASED ON CONTINUATION OF EXISTING LEVEL OF SERVICES

SEC. 605. (a) On or before November 10 of each year (beginning with 1975), the President shall submit to the Senate and the House of Representatives the estimated outlays and proposed budget authority which would be included in the Budget to be submitted pursuant to section 201 of the Budget and Accounting Act, 1921, for the ensuing fiscal year if all programs and activities were carried on during such ensuing fiscal year at the same level as the fiscal year in progress and without policy changes in such programs and activities. The estimated outlays and proposed budget authority submitted pursuant to this section shall be shown by function and subfunctions (in accordance with the classifications in the budget summary table entitled "Budget Authority and Outlays by Function and Agency"), by major programs within each such function, and by agency. Accompanying these estimates shall be the economic and programmatic assumptions underlying the estimated outlays and proposed budget authority, such as the rate of inflation, the rate of real economic growth, the unemployment rate, program caseloads, and pay increases.

(b) The Joint Economic Committee shall review the estimated outlays and proposed budget authority so submitted, and shall submit to the Committees on the Budget of both Houses an economic evaluation thereof on or before December 31 of each year.

STUDY OF OFF-BUDGET AGENCIES

SEC. 606. The Committees on the Budget of the House of Representatives and the Senate shall study on a continuing basis those provisions of law which exempt agencies of the Federal Government, or any of their activities or outlays, from inclusion in the Budget of the United States Government transmitted by the President under section 201 of the Budget and Accounting Act, 1921. Each committee shall, from time to time, report to its House its recommendations for terminating or modifying such provisions.

YEAR-AHEAD REQUESTS FOR AUTHORIZATION OF NEW BUDGET AUTHORITY

SEC. 607. Notwithstanding any other provision of law, any request for the enactment of legislation authorizing the enactment of new budget authority to continue a program or activity for a fiscal year (beginning with the fiscal year commencing October 1, 1976) shall be submitted to the Congress not later than May 15 of the year preceding the year in which such fiscal year begins. In the case of a request for the enactment of legislation authorizing the enactment of new budget authority for a new program or activity which is to continue for more than one fiscal year, such request shall be submitted for at least the first 2 fiscal years.

TITLE VII—PROGRAM REVIEW AND EVALUATION

REVIEW AND EVALUATION BY STANDING COMMITTEES

SEC. 701. Section 136(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190d) is amended by adding at the end thereof the following new sentences: "Such committees may carry out the required analysis, appraisal, and evaluation themselves, or by contract, or may require a Government agency to do so and furnish a report thereon to the Congress. Such committees may rely on such techniques as pilot testing, analysis of costs in comparison with benefits, or provision for evaluation after a defined period of time."

REVIEW AND EVALUATION BY THE COMPTROLLER GENERAL

SEC. 702. (a) Section 204 of the Legislative Reorganization Act of 1970 (31 U.S.C. 1154) is amended to read as follows:

"REVIEW AND EVALUATION

"SEC. 204. (a) The Comptroller General shall review and evaluate the results of Government programs and activities carried on under existing law when ordered by either House of Congress, or upon his own initiative, or when requested by any committee of the House of Representatives or the Senate, or any joint committee of the two Houses, having jurisdiction over such programs and activities.

"(b) The Comptroller General, upon request of any committee of either House or any joint committee of the two Houses, shall—

"(1) assist such committee or joint committee in developing a statement of legislative objectives and goals and methods for assessing and reporting actual program performance in relation to such legislative objectives and goals. Such statements shall include, but are not limited to, recommendations as to methods of assessment, information to be reported, responsibility for reporting, frequency of reports, and feasibility of pilot testing; and

"(2) assist such committee or joint committee in analyzing and assessing program reviews or evaluation studies prepared by and for any Federal agency.

Upon request of any Member of either House, the Comptroller General shall furnish to such Member a copy of any statement or other material compiled in carrying out paragraphs (1) and (2) which has been released by the committee or joint committee for which it was compiled.

"(c) The Comptroller General shall develop and recommend to the Congress methods for review and evaluation of Government programs and activities carried on under existing law.

"(d) In carrying out his responsibilities under this section, the Comptroller General is authorized to establish an Office of Program Review and Evaluation within the General Accounting Office. The Comptroller General is authorized to employ not to exceed ten experts on a permanent, temporary, or intermittent basis and to obtain services as authorized by section 3109 of title 5, United States Code, but in either case at a rate (or the daily equivalent) for individuals not to exceed that prescribed, from time to time, for level V of the Executive Schedule under section 5316 of title 5, United States Code.

"(e) The Comptroller General shall include in his annual report to the Congress a review of his activities under this section, including his recommendations of methods for review and evaluation of Government programs and activities under subsection (c)."

(b) Item 204 in the table of contents of such Act is amended to read as follows:

"Sec. 204. Review and evaluation."

CONTINUING STUDY OF ADDITIONAL BUDGET REFORM PROPOSALS

SEC. 703. (a) The Committees on the Budget of the House of Representatives and the Senate shall study on a continuing basis proposals designed to improve and facilitate methods of congressional budget-making. The proposals to be studied shall include, but are not limited to, proposals for—

(1) improving the information base required for determining the effectiveness of new programs by such means as pilot testing, survey research, and other experimental and analytical techniques;

(2) improving analytical and systematic evaluation of the effectiveness of existing programs;

(3) establishing maximum and minimum time limitations for program authorization; and

(4) developing techniques of human resource accounting and other means of providing noneconomic as well as economic evaluation measures.

(b) The Committee on the Budget of each House shall, from time to time, report to its House the results of the study carried on by it under subsection (a), together with its recommendations.

(c) Nothing in this section shall preclude studies to improve the budgetary process by any other committee of the House of Representatives or the Senate or any joint committee of the Congress.

TITLE VIII—FISCAL AND BUDGETARY INFORMATION AND CONTROLS

AMENDMENT TO LEGISLATIVE REORGANIZATION ACT OF 1970

SEC. 801. (a) So much of title II of the Legislative Reorganization Act of 1970 (31 U.S.C. chapter 22) as precedes section 204 thereof is amended to read as follows:

"TITLE II—FISCAL AND BUDGETARY INFORMATION AND CONTROLS

"PART 1—FISCAL, BUDGETARY, AND PROGRAM-RELATED DATA AND INFORMATION

"FEDERAL FISCAL, BUDGETARY, AND PROGRAM-RELATED DATA AND INFORMATION SYSTEMS

"SEC. 201. The Secretary of the Treasury and the Director of the Office of Management and Budget, in cooperation with the Comptroller General of the United States, shall develop, establish, and maintain, for use by all Federal agencies, standardized data processing and information systems for fiscal, budgetary, and program-related data and information. The development, establishment, and maintenance of such systems shall be carried out so as to meet the needs of the various branches of the Federal Government and, insofar as practicable, of governments at the State and local level.

"STANDARDIZATION OF TERMINOLOGY, DEFINITIONS, CLASSIFICATIONS, AND CODES FOR FISCAL, BUDGETARY, AND PROGRAM-RELATED DATA AND INFORMATION

"SEC. 202. (a) (1) The Comptroller General of the United States, in cooperation with the Secretary of the Treasury, the Director of the Office of Management and Budget, and the Director of the Congressional Budget Office, shall develop, establish, maintain, and publish standard terminology, definitions, classifications, and codes for Federal fiscal, budgetary, and program-related data and information. The authority contained in this section shall include, but not be limited to, data and information pertaining to Federal fiscal policy, revenues, receipts, expenditures, functions, programs, projects, and activities. Such standard terms, definitions, classifications, and codes shall be used by all Federal agencies in supplying to the Congress fiscal, budgetary, and program-related data and information.

"(2) The Comptroller General shall submit to the Congress, on or before June 30, 1975, a report containing the initial standard terminology, definitions, classifications, and codes referred to in paragraph (1), and shall recommend any legislation necessary to implement them. After June 30, 1975, the Comptroller General shall submit to the Congress additional reports as he may think advisable, including any recommendations for any legislation he may deem necessary to further the development, establishment, and maintenance, modification, and executive implementation of such standard terminology, definitions, classifications, and codes.

"(b) In carrying out this responsibility, the Comptroller General of the United States shall give particular consideration to the needs of the Committees on the Budget of the House and Senate, the Committees on Appropriations of the House and Senate, the Committee on Ways and Means of the House, the Committee on Finance of the Senate, and the Congressional Budget Office.

"(c) The Comptroller General of the United States shall conduct a continuing program to identify and specify the needs of the committees and Members of the Congress for fiscal, budgetary, and program-related information to support the objectives of this part.

"(d) The Comptroller General shall assist committees in developing their information needs, including such needs expressed in legislative requirements, and shall monitor the various recurring reporting requirements of the Congress and committees and make recommendations to the Congress and committees for changes and improvements in their reporting requirements to meet congressional information needs ascertained by the Comptroller General, to enhance their usefulness to the congressional users and to eliminate duplicative or unneeded reporting.

"(e) On or before September 1, 1974, and each year thereafter, the Comptroller General shall report to the Congress on needs identified and specified under subsection (c); the relationship of these needs to the existing reporting requirements; the extent to which the executive branch reporting presently meets the identified needs; the specification of changes to standard classifications needed to meet congressional needs; the activities, progress and results of his activities under subsection (d); and the progress that the executive branch has made during the past year.

"(f) On or before March 1, 1975, and each year thereafter, the Director of the Office of Management and Budget and the Secretary of the Treasury shall report to the Congress on their plans for addressing the needs identified and specified under subsection (c), including plans for implementing changes to classifications and codes to meet the information needs of the Congress as well as the status of prior year system and classification implementations.

"AVAILABILITY TO AND USE BY THE CONGRESS AND STATE AND LOCAL GOVERNMENTS OF FEDERAL FISCAL, BUDGETARY, AND PROGRAM-RELATED DATA AND INFORMATION

"SEC. 203. (a) Upon request of any committee of either House, of any joint committee of the two Houses, of the Comptroller General, or of the Director of the Congressional Budget Office, the Secretary of the Treasury, the Director of the Office of Management and Budget, and the heads of the various executive agencies shall—

"(1) furnish to such committee or joint committee, the Comptroller General, or the Director of the Congressional Budget Office information as to the location and nature of available fiscal, budgetary, and program-related data and information;

"(2) to the extent practicable, prepare summary tables of such data and information and any related information deemed necessary by such committee or joint committee, the Comptroller General, or the Director of the Congressional Budget Office; and

"(3) furnish to such committee or joint committee, the Comptroller General, or the Director of the Congressional Budget Office any program evaluations conducted or commissioned by any executive agency.

"(b) The Comptroller General, in cooperation with the Director of the Congressional Budget Office, the Secretary of the Treasury, and the Director of the Office of Management and Budget, shall—

"(1) develop, establish, and maintain an up-to-date inventory and directory of sources and information systems containing fiscal, budgetary, and program-related data and information and a brief description of their content;

"(2) provide, upon request, assistance to committees, joint committees, and Members of Congress in securing Federal fiscal, budgetary, and program-related data and information from the sources identified in such inventory and directory; and

"(3) furnish, upon request, assistance to committees and joint committees of Congress and, to the extent practicable, to Members of Congress in appraising and analyzing fiscal, budgetary, and program-related data and information secured from

the sources identified in such inventory and directory.

"(c) The Comptroller General and the Director of the Congressional Budget Office shall, to the extent they deem necessary, develop, establish, and maintain a central file or files of the data and information required to carry out the purposes of this title. Such a file or files shall be established to meet recurring requirements of the Congress for fiscal, budgetary, and program-related data and information and shall include, but not be limited to, data and information pertaining to budget requests, congressional authorizations to obligate and spend, apportionment and reserve actions, and obligations and expenditures. Such file or files and their indexes shall be maintained in such a manner as to facilitate their use by the committees of both Houses, joint committees, and other congressional agencies through modern data processing and communications techniques.

"(d) The Director of the Office of Management and Budget, in cooperation with the Director of the Congressional Budget Office, the Comptroller General, and appropriate representatives of State and local governments, shall provide, to the extent practicable, State and local governments such fiscal, budgetary, and program-related data and information as may be necessary for the accurate and timely determination by these governments of the impact of Federal assistance upon their budget."

(b) The table of contents of the Legislative Reorganization Act of 1970 is amended by striking out—

"TITLE II—FISCAL CONTROLS

"PART 1—BUDGETARY AND FISCAL INFORMATION AND DATA

"Sec. 201. Budgetary and fiscal data processing system.
"Sec. 202. Budget standard classifications.
"Sec. 203. Availability to Congress of budgetary, fiscal, and related data."

and inserting in lieu thereof—

"TITLE II—FISCAL AND BUDGETARY INFORMATION AND CONTROLS

"PART 1—FISCAL, BUDGETARY, AND PROGRAM-RELATED DATA AND INFORMATION

"Sec. 201. Federal fiscal, budgetary, and program-related data and information systems.
"Sec. 202. Standardization of terminology, definitions, classifications, and codes for fiscal, budgetary, and program-related data and information.
"Sec. 203. Availability to and use by the Congress and State and local governments of Federal fiscal, budgetary, and program-related data and information."

CHANGES IN FUNCTIONAL CATEGORIES

SEC. 802. Any change in the functional categories set forth in the Budget of the United States Government transmitted pursuant to section 201 of the Budget and Accounting Act, 1921, shall be made only in consultation with the Committee on Appropriations and the Budget of the House of Representatives and Senate.

TITLE IX—MISCELLANEOUS PROVISIONS; EFFECTIVE DATES

AMENDMENTS TO RULES OF THE HOUSE

SEC. 901. (a) Rule XI of the Rules of the House of Representatives (as amended by section 101(c) of this Act) is amended by inserting immediately after clause 22 the following new clause:

"22A. The respective areas of legislative jurisdiction under this rule are modified by title I of the Congressional Budget Act of 1974."

(b) Paragraph (c) of clause 29 of Rule XI of the Rules of the House of Representatives (as redesignated by section 101(c) of this Act) is amended by inserting "the Committee on the Budget," immediately after "the Committee on Appropriations.".

(c) Subparagraph (5) of paragraph (a) of clause 30 of Rule XI of the Rules of the House of Representatives (as so redesignated) is amended by inserting "and the Committee on the Budget" immediately before the period at the end thereof.

(d) Subparagraph (4) of paragraph (b) of clause 30 of Rule XI of the Rules of the House of Representatives (as so redesignated) is amended by inserting "and the Committee on the Budget" immediately before the period at the end hereof.

(e) Paragraph (d) of clause 30 of Rule XI of the Rules of the House of Representatives (as so redesignated) is amended by striking out "the Committee on Appropriations may appoint" and inserting in lieu thereof "the Committee on Appropriations and the Committee on the Budget may each appoint".

(f) Clause 32 of Rule XI of the Rules of the House of Representatives (as so redesignated) is amended by inserting "the Committee on the Budget," immediately after "the Committee on Appropriations,".

(g) Paragraph (a) of clause 33 of Rule XI of the Rules of the House of Representatives (as so redesignated) is amended by inserting "and the Committee on the Budget" immediately after "the Committee on Appropriations".

CONFORMING AMENDMENTS TO STANDING RULES OF THE SENATE

SEC. 902. Paragraph 1 of rule XXV of the Standing Rules of the Senate is amended—

(1) by striking out "Revenue" in subparagraph (h)1 and inserting in lieu thereof "Except as provided in the Congressional Budget Act of 1974, revenue";

(2) by striking out "The" in subparagraph (h)2 and inserting in lieu thereof "Except as provided in the Congressional Budget Act of 1974, the"; and

(3) by striking out "Budget" in subparagraph (j)(1)(A) and inserting in lieu thereof "Except as provided in the Congressional Budget Act of 1974, budget".

AMENDMENTS TO LEGISLATIVE REORGANIZATION ACT OF 1946

SEC. 903. (a) Section 134(c) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190b(b)) is amended by inserting "or the Committee on the Budget" after "Appropriations".

(b) Section 136(c) of such Act (2 U.S.C. 190d(c)) is amended by striking out "Committee on Appropriations of the Senate and the Committees on Appropriations," and inserting in lieu thereof "Committees on Appropriations and the Budget of the Senate and the Committees on Appropriations, the Budget,".

EXERCISE OF RULEMAKING POWERS

SEC. 904. (a) The provisions of this title (except section 905) and of titles I, III, and IV and the provisions of sections 606, 701, 703, and 1017 are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

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

(b) Any provision of title III or IV may be waived or suspended in the Senate by a majority vote of the Members voting, a quorum being present, or by the unanimous consent of the Senate.

(c) Appeals in the Senate from the decisions of the Chair relating to any provision of title III or IV or section 1017 shall, except as otherwise provided therein, be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, concurrent resolution, reconciliation bill, or rescission bill, as the case may be.

EFFECTIVE DATES

SEC. 905. (a) Except as provided in this section, the provisions of this Act shall take effect on the date of its enactment.

(b) Title II (except section 201(a)), section 403, and section 502(c) shall take effect on the day on which the first Director of the Congressional Budget Office is appointed under section 201(a).

(c) Except as provided in section 906, title III and section 402 shall apply with respect to the fiscal year beginning on October 1, 1976, and succeeding fiscal years, and section 401 shall take effect on the first day of the second regular session of the Ninety-fourth Congress.

(d) The amendments to the Budget and Accounting Act, 1921, made by sections 601, 603, and 604 shall apply with respect to the fiscal year beginning on July 1, 1975, and succeeding fiscal years, except that section 201(g) of such Act (as added by section 601) shall apply with respect to the fiscal year beginning on October 1, 1976, and succeeding fiscal years and section 201(i) of such Act (as added by section 601) shall apply with respect to the fiscal year beginning on October 1, 1978, and succeeding fiscal years. The amendment to such Act made by section 602 shall apply with respect to the fiscal year beginning on October 1, 1976, and succeeding fiscal years.

APPLICATION OF CONGRESSIONAL BUDGET PROCESS TO FISCAL YEAR 1976

SEC. 906. If the Committees on the Budget of the House of Representatives and the Senate both agree that it is feasible to report and act on a concurrent resolution on the budget referred to in section 301 (a), or to apply any provision of title III or section 401 or 402, for the fiscal year beginning on July 1, 1975, and submit reports of such agreement to their respective Houses, then to the extent and in the manner specified in such reports, the provisions so specified and section 202(f) shall apply with respect to such fiscal year. If any provision so specified contains a date, such reports shall also specify a substitute date.

TITLE X—IMPOUNDMENT CONTROL

PART A—GENERAL PROVISIONS

DISCLAIMER

SEC. 1001. Nothing contained in this Act, or in any amendments made by this Act, shall be construed as—

(1) asserting or conceding the constitutional powers or limitations of either the Congress or the President;

(2) ratifying or approving any impoundment heretofore or hereafter executed or approved by the President or any other Federal officer or employee, except insofar as pursuant to statutory authorization then in effect;

(3) affecting in any way the claims or defenses of any party to litigation concerning any impoundment; or

(4) superseding any provision of law which requires the obligation of budget authority or the making of outlays thereunder.

AMENDMENT TO ANTIDEFICIENCY ACT

SEC. 1002. Section 3679(c)(2) of the Revised Statutes, as amended (31 U.S.C. 665), is amended to read as follows:

"(2) In apportioning any appropriation, reserves may be established solely to provide

for contingencies, or to effect savings whenever savings are made possible by or through changes in requirements or greater efficiency of operations. Whenever it is determined by an officer designated in subsection (d) of this section to make apportionments and reapportionments that any amount so reserved will not be required to carry out the full objectives and scope of the appropriation concerned, he shall recommend the rescission of such amount in the manner provided in the Budget and Accounting Act, 1921, for estimates of appropriations. Except as specifically provided by particular appropriations Acts or other laws, no reserves shall be established other than as authorized by this subsection. Reserves established pursuant to this subsection shall be reported to the Congress in accordance with the Impoundment Control Act of 1974."

REPEAL OF EXISTING IMPOUNDMENT REPORTING PROVISION

SEC. 1003. Section 203 of the Budget and Accounting Procedures Act of 1950 is repealed.

PART B—CONGRESSIONAL CONSIDERATION OF PROPOSED RESCISSIONS, RESERVATIONS, AND DEFERRALS OF BUDGET AUTHORITY

DEFINITIONS

SEC. 1011. For purposes of this part—

(1) "deferral of budget authority" includes—

(A) withholding or delaying the obligation or expenditure of budget authority (whether by establishing reserves or otherwise) provided for projects or activities; or

(B) any other type of Executive action or inaction which effectively precludes the obligation or expenditure of budget authority, including authority to obligate by contract in advance of appropriations as specifically authorized by law;

(2) "Comptroller General" means the Comptroller General of the United States;

(3) "rescission bill" means a bill or joint resolution which only rescinds, in whole or in part, budget authority proposed to be rescinded in a special message transmitted by the President under section 1012, and upon which the Congress completes action before the end of the first period of 45 calendar days of continuous session of the Congress after the date on which the President's message is received by the Congress;

(4) "impoundment resolution" means a resolution of the House of Representatives or the Senate which only expresses its disapproval of a proposed deferral of budget authority set forth in a special message transmitted by the President under section 1013; and

(5) continuity of a session of the Congress shall be considered as broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the 45-day period referred to in paragraph (3) of this section and in section 1012, and the 25-day periods referred to in sections 1016 and 1017(b)(1). If a special message is transmitted under section 1012 during any Congress and the last session of such Congress adjourns sine die before the expiration of 45 calendar days of continuous session (or a special message is so transmitted after the last session of the Congress adjourns sine die), the message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the 45-day period referred to in paragraph (3) of this section and in section 1012 (with respect to such message) shall commence on the day after such first day.

RESCISSION OF BUDGET AUTHORITY

SEC. 1012. (a) TRANSMITTAL OF SPECIAL MESSAGE.—Wherever the President determines that all or part of any budget authority will not be required to carry out the full objectives or scope of programs for which it is provided or that such budget authority should be rescinded for fiscal policy or other reasons (including the termination of authorized projects or activities for which budget authority has been provided), or whenever all or part of budget authority provided for only one fiscal year is to be reserved from obligation for such fiscal year, the President shall transmit to both Houses of Congress a special message specifying—

(1) the amount of budget authority which he proposes to be rescinded or which is to be so reserved;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(3) the reasons why the budget authority should be rescinded or is to be so reserved;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the proposed rescission or of the reservation; and

(5) all facts, circumstances, and considerations relating to or bearing upon the proposed rescission or the reservation and the decision to effect the proposed rescission or the reservation, and to the maximum extent practicable, the estimated effect of the proposed rescission or the reservation upon the objects, purposes, and programs for which the budget authority is provided.

(b) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any amount of budget authority proposed to be rescinded or that is to be reserved as set forth in such special message shall be made available for obligation unless, within the prescribed 45-day period, the Congress has completed action on a rescission bill rescinding all or part of the amount proposed to be rescinded or that is to be reserved.

DISAPPROVAL OF PROPOSED DEFERRALS OF BUDGET AUTHORITY

SEC. 1013. (a) TRANSMITTAL OF SPECIAL MESSAGE.—Whenever the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States proposes to defer any budget authority provided for a specific purpose or project, the President shall transmit to the House of Representatives and the Senate a special message specifying—

(1) the amount of the budget authority proposed to be deferred;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific projects or governmental functions involved;

(3) the period of time during which the budget authority is proposed to be deferred;

(4) the reasons for the proposed deferral, including any legal authority invoked by him to justify the proposed deferral;

(5) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the proposed deferral; and

(6) all facts, circumstances, and considerations relating to or bearing upon the proposed deferral and the decision to effect the proposed deferral, including an analysis of such facts, circumstances, and considerations in terms of their application to any legal authority and specific elements of legal authority invoked by him to justify such proposed deferral, and to the maximum extent practicable, the estimated effect of the proposed deferral upon the objects, purposes, and programs for which the budget authority is provided.

A special message may include one or more proposed deferrals of budget authority. A deferral may not be proposed for any period of time extending beyond the end of the fiscal year in which the special message proposing the deferral is transmitted to the House and the Senate.

(b) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any amount of budget authority proposed to be deferred, as set forth in a special message transmitted under subsection (a), shall be made available for obligation if either House of Congress passes an impoundment resolution disapproving such proposed deferral.

(c) EXCEPTION.—The provisions of this section do not apply to any budget authority proposed to be rescinded or that is to be reserved as set forth in a special message required to be transmitted under section 1012.

TRANSMISSION OF MESSAGES; PUBLICATION

SEC. 1014. (a) DELIVERY TO HOUSE AND SENATE.—Each special message transmitted under section 1012 or 1013 shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committee of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

(b) DELIVERY TO COMPTROLLER GENERAL.—A copy of each special message transmitted under section 1012 or 1013 shall be transmitted to the Comptroller General on the same day it is transmitted to the House of Representatives and the Senate. In order to assist the Congress in the exercise of its functions under sections 1012 and 1013, the Comptroller General shall review each such message and inform the House of Representatives and the Senate as promptly as practicable with respect to—

(1) in the case of a special message transmitted under section 1012, the facts surrounding the proposed rescission or the reservation of budget authority (including the probable effects thereof); and

(2) in the case of a special message transmitted under section 1013, (A) the facts surrounding each proposed deferral of budget authority (including the probable effects thereof) and (B) whether or not (or to what extent), in his judgment, such proposed deferral is in accordance with existing statutory authority.

(c) TRANSMISSION OF SUPPLEMENTARY MESSAGES.—If any information contained in a special message transmitted under section 1012 or 1013 is subsequently revised, the President shall transmit to both Houses of Congress and the Comptroller General a supplementary message stating and explaining such revision. Any such supplementary message shall be delivered, referred, and printed as provided in subsection (a). The Comptroller General shall promptly notify the House of Representatives and the Senate of any changes in the information submitted by him under subsection (b) which may be necessitated by such revision.

(d) PRINTING IN FEDERAL REGISTER.—Any special message transmitted under section 1012 or 1013, and any supplementary message transmitted under subsection (c), shall be printed in the first issue of the Federal Register published after such transmittal.

(e) CUMULATIVE REPORTS OF PROPOSED RESCISSIONS, RESERVATIONS, AND DEFERRALS OF BUDGET AUTHORITY.—

(1) The President shall submit a report to the House of Representatives and the Senate, not later than the 10th day of each month during a fiscal year, listing all budget authority for that fiscal year with respect to which, as of the first day of such month—

(A) he has transmitted a special message under section 1012 with respect to a proposed rescission or a reservation; and

(B) he has transmitted a special message under section 1013 proposing a deferral.

Such report shall also contain, with respect to each such proposed rescission or deferral, or each such reservation, the information

required to be submitted in the special message with respect thereto under section 1012 or 1013.

(2) Each report submitted under paragraph (1) shall be printed in the first issue of the Federal Register published after its submission.

REPORTS BY COMPTROLLER GENERAL

SEC. 1015. (a) FAILURE TO TRANSMIT SPECIAL MESSAGE.—If the Comptroller General finds that the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any other officer or employee of the United States—

(1) is to establish a reserve or proposes to defer budget authority with respect to which the President is required to transmit a special message under section 1012 or 1013; or

(2) has ordered, permitted, or approved the establishment of such a reserve or a deferral of budget authority;

and that the President has failed to transmit a special message with respect to such reserve or deferral, the Comptroller General shall make a report on such reserve or deferral and any available information concerning it to both Houses of Congress. The provisions of this part shall apply with respect to such reserve or deferral in the same manner and with the same effect as if such report of the Comptroller General were a special message transmitted by the President under section 1012 or 1013, and, for purposes of this part, such report shall be considered a special message transmitted under section 1012 or 1013.

(b) INCORRECT CLASSIFICATION OF SPECIAL MESSAGE.—If the President has transmitted a special message to both Houses of Congress in accordance with section 1012 or 1013, and the Comptroller General believes that the President so transmitted the special message in accordance with one of those sections when the special message should have been transmitted in accordance with the other of those sections, the Comptroller General shall make a report to both Houses of the Congress setting forth his reasons.

SUITS BY COMPTROLLER GENERAL

SEC. 1016. If, under section 1012(b) or 1013(b), budget authority is required to be made available for obligation and such budget authority is not made available for obligation, the Comptroller General is hereby expressly empowered, through attorneys of his own selection, to bring a civil action in the United States District Court for the District of Columbia to require such budget authority to be made available for obligation, and such court is hereby expressly empowered to enter in such civil action, against any department, agency, officer, or employee of the United States, any decree, judgment, or order which may be necessary or appropriate to make such budget authority available for obligation. The courts shall give precedence to civil actions brought under this section, and to appeals and writs from decisions in such actions, over all other civil actions, appeals, and writs. No civil action shall be brought by the Comptroller General under this section until the expiration of 25 calendar days of continuous session of the Congress following the date on which an explanatory statement by the Comptroller General of the circumstances giving rise to the action contemplated has been filed with the Speaker of the House of Representatives and the President of the Senate.

PROCEDURE IN HOUSE AND SENATE

SEC. 1017. (a) REFERRAL.—Any rescission bill introduced with respect to a special message or impoundment resolution introduced with respect to a proposed deferral of budget authority shall be referred to the appropriate committee of the House of Representatives or the Senate, as the case may be.

(b) DISCHARGE OF COMMITTEE.—

(1) If the committee to which a rescission bill or impoundment resolution has been referred has not reported it at the end of 25 calendar days of continuous session of the Congress after its introduction, it is in order to move either to discharge the committee from further consideration of the bill or resolution or to discharge the committee from further consideration of any other rescission bill with respect to the same special message or impoundment resolution with respect to the same proposed deferral, as the case may be, which has been referred to the committee.

(2) A motion to discharge may be made only by an individual favoring the bill or resolution, may be made only if supported by one-fifth of the Members of the House involved (a quorum being present), and is highly privileged in the House and privileged in the Senate (except that it may not be made after the committee has reported a bill or resolution with respect to the same special message or the same proposed deferral, as the case may be); and debate thereon shall be limited to not more than 1 hour, the time to be divided in the House equally between those favoring and those opposing the bill or resolution, and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(c) FLOOR CONSIDERATION IN THE HOUSE.—

(1) When the committee of the House of Representatives has reported, or has been discharged from further consideration of, a rescission bill or impoundment resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the bill or resolution. The motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate on a rescission bill or impoundment resolution shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the bill or resolution. A motion further to limit debate shall not be debatable. In the case of an impoundment resolution, no amendment to, or motion to recommit, the resolution shall be in order. It shall not be in order to move to reconsider the vote by which a rescission bill or impoundment resolution is agreed to or disagreed to.

(3) Motions to postpone, made with respect to the consideration of a rescission bill or impoundment resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to any rescission bill or impoundment resolution shall be decided without debate.

(5) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of any rescission bill or impoundment resolution and amendments thereto (or any conference report thereon) shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions, amendments, and conference reports in similar circumstances.

(d) FLOOR CONSIDERATION IN THE SENATE.—

(1) Debate in the Senate on any rescission bill or impoundment resolution, and all amendments thereto (in the case of a rescission bill) and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(2) Debate in the Senate on any amendment to a rescission bill shall be limited to 2 hours, to be equally divided between, and controlled by, the mover and the manager of the bill. Debate on any amendment to an amendment, to such a bill, and debate on any debatable motion or appeal in connection with such a bill or an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or resolution, except that in the event the manager of the bill or resolution is in favor of any such amendment, motion, or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. No amendment that is not germane to the provisions of a rescission bill shall be received. Such leaders, or either of them, may, from time under their control on the passage of a rescission bill or impoundment resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

(3) A motion to further limit debate is not debatable. In the case of a rescission bill, a motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed 3, not counting any day on which the Senate is not in session) is not in order. Debate on any such motion to recommit shall be limited to one hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution. In the case of an impoundment resolution, no amendment or motion to recommit is in order.

(4) The conference report on any rescission bill shall be in order in the Senate at any time after the third day (excluding Saturdays, Sundays, and legal holidays) following the day on which such a conference report is reported and is available to Members of the Senate. A motion to proceed to the consideration of the conference report may be made even though a previous motion to the same effect has been disagreed to.

(5) During the consideration in the Senate of the conference report on any rescission bill, debate shall be limited to 2 hours, to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report shall be limited to 30 minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report.

(6) Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to one hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to 30 minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or his designee.

(7) In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be

equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee. No amendment that is not germane to the provisions of such amendments shall be received.

And the Senate agree to the same.

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

In lieu of the amendment of the Senate, amend the title to read as follows: "An Act to establish a new congressional budget process; to establish Committees on the Budget in each House; to establish a Congressional Budget Office; to establish a procedure providing congressional control over the impoundment of funds by the executive branch; and for other purposes."

And the Senate agree to the same.

RICHARD BOLLING,
BERNIE SISK,
JOHN YOUNG,
GILLIS W. LONG,
DAVE MARTIN,
DELBERT L. LATTA,
DEL CLAWSON,
Managers on the Part of the House.

SAM J. ERVIN, JR.,
EDMUND S. MUSKIE,
ABRAHAM RIBICOFF,
LEE METCALF,
HOWARD W. CANNON,
CLAIBORNE PELL,
ROBERT BYRD,
JAMES B. ALLEN,
CHARLES H. PERCY,
WILLIAM V. ROTH, JR.,
BILL BROCK,
M. W. COOK,
HUGH SCOTT,
ROBERT P. GRIFFIN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7130) to improve congressional control over budgetary outlay and receipt totals, to provide for a Legislative Budget Office, to establish a procedure providing congressional control over the impoundment of funds by the executive branch, 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:

Section 1. Short title

The House bill provided that this act may be cited as the "Budget and Impoundment Control Act of 1973." The short title of the Senate amendment was the "Congressional Budget Act of 1974."

The conference substitute provides that the Act may be cited as the "Congressional Budget and Impoundment Control Act of 1974." The conference substitute also provides that Titles I through IX of this act may be cited as the "Congressional Budget Act of 1974" and Title X as the "Impoundment Control Act of 1974."

Section 2. Declaration of purposes

The House bill did not contain a statement of purposes. The Senate amendment declared as the purposes of the legislation: the establishment of national goals and priorities; the annual determination of appropriate levels of revenues and expenditures; assuring the most effective use of Federal revenues; and assuring effective control of the budget process. The Senate amendment also stated various means of accomplishing these purposes.

The conference substitute declares that it is essential to: assure congressional budget control; provide for the congressional determination of the appropriate level of Federal revenues and expenditures; provide a system of impoundment control; establish national budget priorities; and provide for the furnishing of information to Congress by the executive branch.

Section 3. Definitions

The House bill provided definitions of "budget outlays", "budget authority" and "concurrent resolution on the budget." The Senate amendment also defined these terms but excluded insured or guaranteed loans from the definition of budget authority. The Senate amendment also defined "tax expenditures", "tax expenditures budget", and "appropriation act", and it provided that for purposes of the congressional budget process, the House members of the Joint Committee on Atomic Energy are to be deemed a committee of the House and the Senate Members a committee of the Senate.

The conference substitute incorporates the House definition of "concurrent resolution on the budget" and the Senate definition of all other items. The Senate definition of "tax expenditures" has been simplified although no change in meaning is intended. The managers intend that the definition of "budget outlays" and "budget authority" for purposes of the congressional budget process be the same as that used for the executive budget and that any item which is excluded by law from the executive budget may be excluded from any specification of budget outlays or budget authority in the congressional budget process.

TITLE I. HOUSE AND SENATE BUDGET COMMITTEES

Section 101. House Committee on the budget

The House bill provided for a 23-member committee: five from the Ways and Means Committee; five from the Appropriations Committee; eleven from other standing committees; and one member each from the majority and minority leadership. Selection of Budget Committee members would have been without regard to seniority and no member could serve more than two (plus a portion) of any five consecutive congresses. The House version vested the Budget Committee with authority to meet, hold hearings, and issue subpenas. The duties of the House Budget Committee would have been to report concurrent resolutions on the budget, setting forth those matters required by the bill, and to make continuing studies of the effects of existing and proposed legislation on budget outlays.

The conference substitute is substantially the same as the provision in the House bill, except that the duties of the House Budget Committee are set forth in conformity with Titles III and IV of the bill. The House Budget Committee also is charged with the duty of overseeing the operation of the Congressional Budget Office and evaluating studies of tax expenditures.

Section 102. Senate Committee on the Budget

The Senate amendment provided for a 15-member standing committee to be selected in the same manner as other standing committees of the Senate. Members of the Budget Committee could hold two other major committee posts until January 1977; thereafter, they would be allowed one other major committee assignment. The duties of the Senate Budget Committee were specified as the reporting of concurrent resolutions and other matters required by the legislation, the study of the effects of existing and proposed legislation on budget outlays and the evaluation of tax expenditure studies, and the oversight of the Congressional Office of the Budget. All meetings and hearings of the Senate Budget Committee would have been open to the public except those which a majority of the committee members vote to close because of one or more of the reasons set forth in this legislation.

The conference substitute is the same as the Senate amendment, except that certain conforming modifications are made in the jurisdiction and duties of the Senate Budget Committee. The House and Senate Budget Committees are given parallel and identical jurisdiction and duties in the conference substitute.

TITLE II. CONGRESSIONAL BUDGET OFFICE

Section 201(a). Establishment of Office and Director

The House bill provided for a Legislative Budget Office to serve as the staff for the new House and Senate Budget Committees and to give assistance to other committees and Members. The Office would have been headed by a Director or appointed without regard to political affiliation by the Speaker of the House upon the recommendation of the House Budget Committee. The compensation of the Director would have been at level III of the executive schedule. The Senate bill provided for a Congressional Office of the Budget to serve all committees and Members (but with priority to the Budget, Appropriations, Ways and Means, and Finance Committees). The Director and Deputy Director of the Office would have been appointed without regard to political affiliation by the Speaker and President pro tem after consultation with the Budget Committees and approval by the House and Senate. The Director and Deputy would have had a six-year term and could be removed by either House or Senate. The Director's compensation would have been the same as that of the Secretary of the Senate and the Deputy's would have been equal to the highest allowable for an administrative assistant to a Senator.

The conference substitute establishes a Congressional Budget Office headed by a Director who shall appoint a Deputy Director. Appointment of the Director is to be by the Speaker and the President pro tem after considering recommendations from the House and Senate Budget Committees. The managers on the part of the Senate expect that the President pro tem of the Senate would carry out his responsibilities under this section after consultation with the Majority and Minority Leaders of the Senate. The appointment shall be without regard to political affiliation and compensation is to be at level III of the executive schedule, with the Deputy's salary set at level IV. The Director is to have a four year term of office and he may be removed by either the House or Senate.

Section 201 (b) and (c). Personnel, experts, and consultants

The House bill provided that the appointment of personnel by the Legislative Budget Director was to be with the approval of the chairmen of the House and Senate Budget Committees and that personnel would be deemed as employees of the House for purposes of pay and other benefits. The Legislative Budget Office would be authorized to obtain the services of experts and consultants. The Senate amendment authorized the Director of the Congressional Office of the Budget to hire personnel who would be considered Senate employees for pay and other matters. The Director also was authorized to procure the services of experts and consultants.

The conference substitute authorizes the Director to hire, set the pay, and prescribe the duties of the personnel of the Congressional Budget Office without regard to political affiliation. For purposes of pay and employment benefits, such personnel are to be regarded as House employees. The Director also is authorized to procure the temporary services of experts and consultants by contract or employment.

Section 201 (d) and (e). Relationship to executive branch and congressional agencies

The House bill provided that the Legislative Budget Office may utilize the services, information, and facilities of government departments. It further authorized the Legislative Budget Director, with the approval of the chairman of either the House or Senate Budget Committee, to obtain information directly from any executive agency and it directed such agencies to furnish any information so requested. The Senate amendment authorized the Congressional Office of the Budget Director to secure from executive agencies any information whose disclosure is not specifically prohibited by law. It also authorized the Congressional Office of the Budget to utilize with their consent the services, facilities, or personnel of executive agencies. The Senate amendment instructed the Congressional Office of the Budget to cooperate with and secure information and services from the General Accounting Office, the Library of Congress, and the Office of Technology Assessment.

The conference substitute authorizes the Budget Office to obtain information and data from executive and regulatory agencies, other than material whose disclosure would violate law. The Budget Office also may enter into agreements with such agencies to utilize their personnel, services, or facilities, with or without reimbursement. The Budget Office is directed to coordinate its activities with the General Accounting Office, the Library of Congress, and the Office of Technology Assessment, is authorized to obtain information developed by these agencies and with their consent to utilize their services, personnel, and facilities.

The managers intend that the establishment and operation of the Congressional Budget Office be implemented in a manner that will utilize most effectively the resources and capabilities available in existing congressional agencies. While the managers strongly endorse the need for a specialized Budget Office, they anticipate that this office will not needlessly duplicate the work of other congressional agencies and that where appropriate it will use the resources of the other agencies. Toward this end, the managers expect that the Congressional Budget Office will develop cooperative working relationships with the General Accounting Office, the Library of Congress, and the Office of Technology Assessment. These relationships shall include the efficient utilization of staff, procedures for sharing budget-relevant information, and for coordinated assistance to congressional committees and Members. The managers further expect that the Congressional Budget Office shall make appropriate use of information and resources developed by executive agencies. The managers expect that the growth and development of the Budget Office will be consonant with the requirements of the congressional budget process and with the needs of committees and Members for assistance.

Section 201(f). Authorization of appropriations

Both the House and Senate versions authorized the appropriation of funds for the Budget Office to carry out its duties and functions. The House bill provided that until funds are first appropriated, the expenses of the Budget Office are to be paid from the contingent fund of the House of Representatives; the Senate amendment provided for such payment from the contingent fund of the Senate.

The conference substitute provides a permanent authorization of appropriations for the Congressional Budget Office, with payment of the expenses of the Office from the contingent fund of the Senate (for a period of not more than 12 months after the Director is appointed) until funds are first appropriated. The managers are of the view that the expeditious establishment of the Congressional Budget Office is vital to the efficacy of the congressional budget process. Congress must be adequately prepared to meet the important budget responsibilities specified in this legislation. Toward this end, the managers urge that there be no delay in the organization of the Congressional Budget Office and that essential funding be made available in a timely manner.

Section 202 (a), (b), (c), and (d). Assistance to committees and Members

The House bill anticipated that the Legislative Budget Office would function as the joint staff of the two Budget Committees and that it would furnish only available information and related technical assistance to other committees and Members. The Senate amendment anticipated that each Budget Committee would have staff of its own and that the Congressional Office of the Budget would render assistance to all committees and Members in accord with a prescribed order of priority: (1) the Budget, Appropriations, Ways and Means, and Finance Committees; (2) other committees; and (3) Members.

The conference substitute provides that it shall be the duty of the Congressional Budget Office to provide each Budget Committee information with respect to all matters within its jurisdiction and to assign personnel at their request on a temporary basis. The managers recognize that the House and Senate Budget Committees may be expected to establish staffs of their own including experts and consultants in accord with the rules of their respective Houses. Nevertheless, the managers believe that the functioning of the Budget Committees is so essential to the congressional process that their work must command first claim on the time and resources of the Budget Office. Accordingly, it is made the duty and function of the Budget Office to furnish information and assign personnel for all matters relating to the congressional budget process.

The managers believe that very high priority must be accorded those other standing committees whose work and jurisdiction are most closely related to the budget process. These committees are the Appropriations Committees of the House and the Senate, the House Ways and Means Committee, and the Senate Finance Committee. At the request of any of these committees, the Budget Office shall furnish budget-related information and may detail personnel for a limited time.

The managers expect that the Budget Office will furnish information to any other committee, including certain information prepared for the Budget, Appropriations, or tax committees and, to the extent practicable, additional related information. The Budget Office at its discretion may temporarily assign personnel to other committees. The managers understand that all standing committees will be involved in the congressional budget process, and they therefore anticipate that necessary assistance must be forthcoming from the Budget Office. But such assistance must not interfere with priority service to the several budget-related committees.

On request, Members shall be supplied certain information previously prepared for the Budget Appropriations, and tax committees with respect to budget matters and any available, related information. The managers believe that Members are entitled to obtain the basic budget studies and compilations made by the Budget Office. It is vital that Members have available timely and comprehensive information when they consider legislation and resolutions relating to budget policy. However, in the allocation of the specialized resources of the Budget Office, priority must be given to the Budget Appropriations, and tax committees.

Section 202(e). The Joint Committee on Reduction of Federal Expenditures

The Senate amendment provided for the termination of the Joint Committee on Reduction of Federal Expenditures and the transfer of its functions to the Congressional Budget Office.

The conference substitute provides for the termination of the Joint Committee and the transfer of its functions to the Budget Office. This transfer is timed to the appointment of the Director of the Budget Office, so that it will start with a core of experienced technicians and analysts who can perform the scorekeeping functions of the congressional budget process.

Section 202(f). Report to budget committees

The Senate amendment provided for an annual report to Congress by the Congressional Office of the Budget with respect to alternative budget levels including budget authority, outlays, revenues, and tax expenditures. The Senate amendment also called for an annual report to Congress on national goals and priorities, discussing the goals and priorities reflected in the budget and the effect of the budget on national growth and development.

The conference substitute provides for a report by the Congressional Budget Office to the Budget Committees by April 1 of each year. This report is to address fiscal policy and national budget priorities. The report shall discuss alternative budget levels for the next fiscal year as well as alternative allocations of budget authority and outlays and examine the possible effects of such alternative allocations on national growth and development. Additional reports on fiscal policy and national budget policy may be submitted from time to time as appropriate.

The managers look to these reports as a major resource for the Budget Committees in their formulation of concurrent resolutions on the budget. For this reason, the reports are to be submitted directly to the Budget Committees and are timed to coincide with preparation of the first budget resolution. The managers also believe that the annual determinations relating to the budget offer the most relevant context for the discussion of national budget priorities and they therefore regard the annual report as the appropriate occasion for the submission of staff analyses on national budget priorities to the Budget Committees.

Section 202(f). Use of computers and other techniques

The Senate amendment authorized the Director to equip the Budget Office, upon approval by the Senate Committee on Rules and Administration and the Committee on House Administration, with computer capability, to obtain the services of computer experts and consultants, and to develop budgetary evaluation techniques.

The conference substitute is substantially the same as the Senate provision. The aim of the approval requirement is to ensure the coordination of congressional computer facilities so that such facilities will be developed in an orderly and efficient manner. The managers anticipate that the implementation of section 202(f) will be in accord with the following understandings:

1. The approval requirement is to cover only the acquisition and installation in the Office of major computer capability.

2. The Director is not required to secure approval from the two committees for the use of automatic data processing services or computer time-sharing, through purchase or other arrangements; for purchase or lease of the equipment required to communicate with remote data files and other information resources; or for acquisition or use of other modern information handling equipment such as microform, etc.

3. The Director may obtain the services of experts and consultants in automatic data processing and modern information handling techniques, and may purchase, lease, or otherwise develop programs for acquiring, processing, and analyzing fiscal and budgetary data and information as he deems are necessary to carry out the responsibilities of the Office.

Section 203. Public access to budget data

The Senate amendment provided for access to copy budget information obtained by the Budget Office from the executive branch and congressional agencies. This right would not apply to certain excepted categories or to information obtained for committees or Members who specifically instructed that such information not be made available to the public.

The conference substitute is substantially the same as the Senate provision. This section provides that the Director of the Congressional Budget Office shall make available for public copying permit the public to copy information obtained from the executive branch or congressional agencies, pursuant to subsections 210(d) and 201(e), respectively. The right of public access and copying is to be subject to reasonable rules and regulations, with the person requesting the information paying the costs. The Budget Office is to maintain an index of available information to facilitate public access. The right of public access does not apply to information specifically exempted from disclosure by law, national defense information, confidential business data, or personnel or medical data. Information obtained by the Budget Office at the request of a committee or Member may not be made available to the public if such committee or Member requests that it not be disclosed.

TITLE III. CONGRESSIONAL BUDGET PROCESS

Section 300. Timetable

Both the House and Senate versions set certain dates and deadlines for the completion of the various phases of the congressional budget process. The Senate amendment also contained a timetable showing the dates on which actions were to be completed.

The conference substitute fixes a timetable for the most important actions in the congressional budget process. The dates scheduled in the timetable are derived from relevant provisions of the bill.

In chronological order the events for which dates are provided in the timetable are: Presidential submission of the current services budget; submission of the executive budget; views and estimates of House and Senate committees reported to the Budget Committees; Congressional Budget Office report to the Budget Committees; reporting of first budget resolution; committee reports on new authorizing legislation; adoption of first budget resolution; completion of congressional action on budget authority legislation; adoption of second budget resolution; completion of reconciliation process; and start of new fiscal year. The managers do not believe that it is desirable or possible to specify in statute the exact date on which every event in the congressional budget process is to be accomplished. Certain matters can best be left to experience and the development of a workable process through flexible procedures.

Nevertheless, it is essential that the various interdependent elements in the budget process be assigned firm completion dates. For many facets of the budget process, it will not be possible to move ahead unless prior actions have been completed. Appropriations cannot be considered until the first budget resolution is adopted and necessary authorization have been enacted. The reconciliation actions cannot be undertaken until the appropriation bills and the second budget resolution have been cleared. Consequently, the failure to complete a stage on schedule affects later actions as well.

It will require the full cooperation of the budget, authorizing, and appropriation committees to make the new congressional budget process work. Any slippage early in the year will compound the unavoidably tight schedule in the period just prior to the start of the new fiscal year. If continuing resolutions are to be discarded as a way of coping with budget delays, the managers believe that it will be necessary to hold the four main phases of the congressional process (authorizations, budget resolutions, spending measures, and reconciliations) to the completion dates assigned in section 300.

The managers have given careful consideration to all of the elements in the budget calendar and particularly to the need for allowing adequate time for committee preparation and floor debate on each budget decision. The managers believe that in the future it will be necessary to authorize programs a year or more in advance of the period for which appropriations are to be made. When this is done, Congress will have adequate time for considering budget-related legislation within the timetable of the congressional budget process. The managers call attention to section 607 which requires advance submission of proposed authorizing legislation, and to the expectation that Congress will develop a pattern of advance authorizations for programs now authorized on an annual or multiyear basis.

Section 301(a) and (b). Adoption and content of first concurrent resolution

The House bill provided for adoption of the first concurrent resolution by May 1 each year. This resolution would have set forth the appropriate levels of total new budget authority and total outlays, the appropriate level of budget authority and outlays for each functional category, the appropriate levels of overall revenues and public debt, and the appropriate surplus or deficit in the budget. The budget resolution also could contain other matters relating to the budget. The Senate amendment provided for adoption of the first resolution by June 1.

The resolution would have specified appropriate levels of total budget authority and outlays with these totals allocated by functional categories and within each category the amounts would be divided between existing and proposed programs. The allocations for existing programs would have been subdivided between permanent and regular appropriations and within the latter between controllable and other amounts. The Senate amendment also provided that the budget resolution would contain an estimate of Federal revenues and their major sources, the recommended surplus or deficit, any recommended changes in total revenues (and may include the major sources of revenue change), any recommended change in the public debt, and other matters deemed appropriate for the congressional budget. The Senate amendment further provided that the budget resolution could mandate additional procedures relating to the consideration of spending measures.

The conference substitute provides for adoption of the first concurrent resolution on the budget by May 15. This resolution shall set forth: appropriate levels of total budget authority and outlays; the appropriate level of new budget authority and estimated outlays for each functional category, including an allowance for contingencies and for undistributed intragovernmental transactions; the appropriate budget surplus or deficit; the recommended level of Federal revenues and any recommended increase or decrease in aggregate revenues to be reported by the appropriate committees; the appropriate level of the public debt and any recommended increase or decrease to be reported by the appropriate committees; and other matters deemed appropriate to the congressional budget. The first budget resolution may direct that budget authority and entitlement legislation not be enrolled until the second budget resolution and any required reconciliation are adopted or the first concurrent resolution may prescribe the use of some alternative procedure for the ensuing fiscal year.

The adoption date for the first budget resolution is scheduled almost four months after submission of the President's budget, two months after House and Senate committees have transmitted their own views and estimates to the Budget Committees, one month after the resolution is reported by these Committees, and on the deadline set for the reporting of authorizing legislation. Your managers are determined to allow an ample interval between each of these key events in the budget process. The May 15 date means that Congress will be substantially informed of the substance of all authorizing legislation before it makes its initial budget determinations and that it will have received views and estimates bearing on the budget from all of its standing committees. The May 15 date also allows sufficient time for the subsequent consideration of appropriation bills prior to the period set for reconciliation actions. By virtue of the requirement of section 303, the May 15 adoption date also is the effective date for the commencement of floor consideration of appropriation and entitlement measures and for this reason it is critical that all efforts be made to complete action on the first resolution by May 15.

The managers conceive of the first budget resolution as a major annual opportunity for considering budget policies and priorities. The budget process must combine an optimum amount of information in committee reports and other sources with attention to the key aggregates and priorities in the budget resolution. In accord with this approach, the conference substitute specifies that the budget resolution is to set forth total revenue, total budget authority, total spending, and total debt, with the budget authority and outlay amounts divided among broad functional categories.

The managers recognize that as it acquires experience with its new budget process, Congress may desire to establish additional procedures to facilitate the coordination of its separate budget and appropriation decisions. Section 301(b) authorizes Congress to require in the first budget resolution that appropriation and entitlement legislation not be enrolled until the reconciliation stage of the budget process is completed. Congress may devise any other procedure relating to the budget process and prescribe its implementation for the ensuing fiscal year.

It is intended that the authority to prescribe "any other procedure which is considered appropriate to carry out the purposes of this Act" applies only to the specific procedures for the enactment of budget authority and spending authority legislation for the coming fiscal year and not to the jurisdiction of committees, the authorization of budget authority, or to permanent changes in congressional procedure. The Budget Committees are directed to report to Congress on the implementation of such procedures no later than the end of the 95th Congress.

Section 301(c). Views and estimates of other committees

The House bill required certain designated budget-related committees to submit their views and recommendations on matters relating to the first budget resolution. Other committees would have been able to submit their views and recommendations at their discretion. The Senate amendment provided for an annual report on fiscal policy and budget recommendations by the Joint Economic Committee. Every other standing committee and the Joint Committee on Internal Revenue Taxation would have submitted its views and estimates with respect to those matters in the budget resolution relating to its jurisdiction or functions.

The conference substitute mandates reports by March 15 from every standing committee, the Joint Economic Committee, and the Joint Committee on Internal Revenue Taxation to the House or Senate Budget Committee (to both Budget Committees in the case of joint committees). Each committee is to give its views and estimates on all matters in the budget resolution which relate to its jurisdiction or functions as well as an estimate of the budget authority and resulting outlays which it expects to be provided or authorized in legislation within its jurisdiction for the ensuing fiscal year. Any other committee may submit a report if it so desires. The Joint Economic Committee also is to report its views as to the fiscal policy appropriate to achieve the goals of the Employment Act of 1946.

Section 301(d). Hearings and report

The House bill required Budget Committee hearings for both the first and the second concurrent resolutions, and it provided that certain executive officials should be witnesses and that testimony also may be received from public witnesses. It also provided that the committee report on any budget resolution include information concerning the derivation of the amounts specified in the resolution. The Senate amendment required hearings only on the first budget resolution and it set a May 1 deadline for reporting the resolution. Among the matters to be included in the report were to be comparisons with the President's budget, economic assumptions and program objectives, five-year projections of revenues, spending, and tax expenditures, explanations of changes in assistance to State and local governments, and a crosswalk allocation of the amounts in the budget resolution among congressional committees and appropriations subcommittees.

The conference substitute provides that the Budget Committees shall conduct hearings in preparation of the first concurrent resolution and receive testimony from Members of Congress and from others as they deem desirable. The budget resolution is to be reported by April 15, allowing a full month for analysis, floor consideration, and conference. The report is to compare the committees' revenue estimates and the budget authority and outlay levels in the concurrent resolution with the estimates and amounts in the President's budget. It also is to provide an allocation of the recommended level of revenues by major sources, five-year budget projections, the economic assumptions and objectives of the budget resolution, a statement of any significant changes in Federal assistance to States and localities, and information concerning the basis on which the amounts in the budget resolution were determined and their relationship to other budget categories. The managers expect that the relationship with other budget categories will be shown in sufficient detail and with appropriate categories to enable Members of Congress and the public to ascertain the budget status of appropriations and other spending measures and to provide a reliable basis for scorekeeping at all stages of the congressional budget process. Although they concur in the need for adequate crosswalk procedures, the managers do not consider it necessary to specify the particular type of crosswalk that is to be used in the report on the first budget resolution.

The conference substitute also provides for the report to contain a division of the functional allocations of budget authority and outlays contained in the concurrent resolution into more precise categories although this division may be included in the concurrent resolution. Each functional allocation is to be distributed between proposed and existing programs with the latter subdivided between permanent and regular appropriations. The categories then are to be divided between controllable and other amounts.

Section 302. Allocations in statements and reports

The Senate amendment provided for the allocation of total budget authority and total outlays after adoption of the first concurrent resolution or any subsequent resolution revising these totals. Each Budget Committee would allocate the budget authority and outlays among the committees of its House, and the Appropriations Committee would then divide its allocation among its subcommittees. Each Budget Committee would report to its House on the allocations made in accord with this procedure.

The conference substitute provides for the allocations of total budget authority and total outlays to be made in the joint statement of the managers accompanying a conference report on the first or a revised concurrent resolution. The joint statement shall distribute these totals among the appropriate House and Senate committees. Each Appropriations Committee and any other committee to which an allocation has been made shall (after consulting with the counterpart committee of the other House) report to its House on the subdivision of its allocation among its subcommittees (or in the case of other committees among its programs). A further subdivision shall be made by each committee between controllable and other amounts. The managers expect that the making of allocations in the joint statement will expedite the process and encourage consistency in the determinations of the two Houses.

Section 303. Consideration of spending, revenue or debt legislation

The House and Senate versions barred consideration of budget authority, revenue, or debt legislation prior to adoption of the first budget resolution for a fiscal year. Both versions exempted advance appropriations (which become available in a year following that to which the budget resolution applies) and the Senate amendment also excepted advance spending authority, social security and 90 percent self-financed trust funds, and advance revenue changes from the prohibition.

The conference substitute prohibits the floor consideration of budget authority, entitlement authority, or changes in revenues or in the public debt limit before the first concurrent resolution has been adopted.

The purpose of holding up entitlement legislation is to enhance the significance of the first budget resolution and to strengthen congressional control over programs which are difficult to control once the entitlement has been enacted.

The conference substitute permits the consideration of advance appropriations and advance revenue changes prior to adoption of the first budget resolution for the fiscal year to which they apply.

The conference substitute contains a procedure for the waiver of the prohibition in the Senate. Taken from the Senate amendment, the provision allows Senate consideration before adoption of the budget resolution of a spending, revenue, or debt measure if the committee which reported the measure reports a resolution of waiver which is referred to the Senate Budget Committee and subsequently approved by the Senate.

Section 304. Permissible revisions

The House and Senate versions authorized the adoption of additional budget resolutions.

The conference substitute contains the authority to adopt additional budget resolutions during the fiscal year. The managers expect that in addition to the two concurrent resolutions required in May and September, Congress may adopt at least one additional resolution each year, either in conjunction with its consideration of supplemental appropriations or pursuant to the issuance of updated figures for the current fiscal year in the President's budget. Furthermore, whenever there are sharp revisions in the revenue or spending estimates or major developments in the economy it is expected that Congress would review its latest budget resolution and consider possible revisions.

Section 305. Procedures for consideration of concurrent resolutions

The House bill established procedures for the consideration of budget resolutions in the House; the Senate amendment had parallel procedures for consideration in the Senate. Both sets of procedures have been incorporated into the conference substitute.

In the House, floor consideration may begin after a ten-day layover period. Consideration is in the Committee of the Whole, with ten hours allowed for general debate and amendments considered under the five-minute rule. After the committee of the whole has reported, it shall be in order to adopt an amendment to achieve mathematical consistency in the budget resolution. Debate on a conference report shall be limited to five hours. In the Senate, debate on a concurrent resolution and all amendments shall be limited to 50 hours (15 hours in the case of the second required resolution), with no more than two hours allowed for any amendment. Non-germane amendments are not in order and motions to achieve or maintain mathematical consistency always are in order. It is not in order in the Senate to give final consideration to a budget resolution (or a conference report on such resolution) unless it is mathematically consistent. Ten hours are provided in the Senate for consideration of conference reports, with half an hour for each amendment in disagreement.

If House and Senate conferees are unable to agree on a budget resolution after seven days, they shall report to their respective Houses on all matters in agreement or in disagreement.

Section 306. Budget Committee jurisdiction

This section, similar to provisions in both the House and Senate versions, provides that a matter within the jurisdiction of a Budget Committee may be considered only if it has been reported from that committee, if it is an amendment to a bill or resolution reported by the Budget Committee, or if the committee has been discharged from its consideration.

Section 307. House Committee action on appropriation bills

This section, adapted from the House bill provides that to the extent practicable the Appropriations Committee of the House shall complete action on all regular appropriation bills and submit a summary report before reporting its first bill.

Section 308. Reports, summaries and projections

Both the House and the Senate versions had various provisions pertaining to the issuance of reports and projections concerning the congressional budget process. A number of these are consolidated in section 308 of the conference substitute.

Subsection (a) deals with reports on budget authority and tax expenditure legislation. In the case of budget authority bills (other than continuing appropriations), the committee report is to compare the amounts with the latest concurrent resolution, indicate the assistance that will go to State and local governments, and project outlays under the bill. Reports on tax expenditure legislation shall explain the effect on existing levels of tax expenditures (as set forth in the latest budget resolution report), and the five-year tax expenditures that will result from the bill. The projections of budget outlays or tax expenditures may be waived by a committee determination of impracticability.

Subsection (b) provides for periodic reports by the Congressional Budget Office on the status of budget authority, revenue, and debt legislation. These "scorekeeping" reports are to compare the amounts and changes provided in budget authority, revenue, and debt bills with the levels and estimates in the most recent concurrent resolution. Subsection (c) calls for the issuance by the Congressional Budget Office of a five-year projection at the start of each fiscal year. This report shall estimate total budget authority and outlays, revenues and their major sources, the budget surplus or deficit, and tax expenditures for each of the next five years.

Section 309. Timetable for budget authority and entitlement bills

The House bill provided for completion of action (other than enrollment) of all regular appropriation bills by August 1. The Senate amendment had an August 7th date or five days before the beginning of an August adjournment.

The conference substitute provides that Congress shall complete action on all regular budget authority and entitlement bills no later than the seventh day after Labor Day. However, this deadline shall not apply to any appropriation bill whose consideration has been delayed because necessary authorizing legislation has not been timely enacted. It is anticipated that the bulk of the appropriation legislation will be considered in the period immediately following adoption of the first budget resolution. If necessary authorizing legislation is reported by the May 15 date and enacted promptly thereafter, it should be possible to complete action on spending and entitlement bills before the deadline. The deadline set in this section is of the utmost importance for the proper functioning of the congressional budget process. In most years, only three weeks will remain until the start of the new fiscal year, during which period Congress will have to consider a second budget resolution and any required reconciliation actions. Even a small delay in the completion of authorizing and budget authority bills can disturb the reconciliation process and compel Congress to rely on continuing resolutions. The managers understand that failure to "timely enact" authorizing legislation will justify noncompliance with the deadline fixed by this section when the delay is of such duration as to make it impracticable to complete action on an appropriation bill by the seventh day after Labor Day.

Section 310 (a) and (b). Second required concurrent resolution

Both the House and Senate versions provided for adoption of a second concurrent resolution on the budget prior to the start of the new fiscal year.

The conference substitute provides for adoption of the second budget resolution no later than September 15. The second concurrent resolution shall affirm or revise the most recent budget resolution and may specify changes in budget authority (for the new fiscal year or carried over from prior years), entitlements, total revenues, or the public debt limit. The second concurrent resolution also shall direct the committees with jurisdiction over any specified changes to determine and recommend such changes. While no date is fixed for the reporting of the resolution by the Budget Committees (the reporting date probably will vary from year to year depending on whether and when Congress takes a recess and on when action is completed on appropriation bills), this section authorizes the Budget Committees to make their report when Congress is not in session. It is anticipated that the Budget Committees may report in some years during the August recess and that such reports shall be available to Members, so that Congress will be able to consider the concurrent resolution upon its return.

Section 310(c). Reconciliation process

Both the House and Senate versions provided for the reconciliation of spending, revenue, and debt legislation with the levels and instructions set forth in the second concurrent resolution. The conference substitute contains a similar reconciliation procedure.

When Congress has implemented the procedure authorized in section 301(b)(1) requiring that appropriation and entitlement bills not be enrolled until any necessary reconciliations have been made, it is anticipated that the reconciliation will be in the form of a resolution directing the clerk of the House and the Secretary of the Senate to make the necessary changes in the bill being held. When a reconciliation resolution is the appropriate measure, it may also be necessary to consider a reconciliation bill for changing matters previously enacted into law.

If the changes (in spending, entitlement, revenue, or debt legislation) specified by the second concurrent resolution are in the jurisdiction of only one committee in either House, each such committee shall promptly report a reconciliation bill or resolution to its House. If more than one committee in either House has been directed to make changes in matters within its jurisdiction, then either such committee shall submit its recommendations to the Budget Committee of its House. The Budget Committee then shall compile, without substantive change, all the recommendations it has received into a reconciliation bill or resolution. The reconciliation bill or resolution reported to the House or Senate shall fully carry out the directions specified in the second concurrent resolution.

Section 310 (d), (e) and (f). Completion of reconciliation process

The House bill provided for completion of any required reconciliation action prior to adjournment; the Senate amendment had a September 25 completion date. Both versions barred sine die adjournment until the reconciliation has been completed, and the Senate amendment also prohibited any recess for more than three days.

The conference substitute sets September 25 as the deadline for completion of the reconciliation process and it bars sine die adjournment until the second concurrent resolution and any required reconciliation measures have been adopted. Subsection (e) incorporates the procedure contained in the Senate amendment for the consideration of reconciliation measures in the Senate.

Section 311. Limitation on budget authority, entitlement, and revenue legislation

The Senate amendment provided that after adoption of all regular appropriations and a required reconciliation bill, Congress could not consider budget authority legislation in excess of the appropriate levels in the most recent concurrent resolution.

The conference substitute provides that after adoption of the second concurrent resolution and completion of the reconciliation process, it shall not be in order to consider any new budget authority or entitlement measure that would cause the appropriate level of total budget authority or outlays in the most recent concurrent resolution to be exceeded. Nor would it be in order to consider a measure that would reduce total revenues below the appropriate levels in the budget resolution. The managers anticipate that there will be instances in which Congress may deem it appropriate to revise its earlier spending or revenue determinations. But such revision should be made in the context of the congressional budget process and with full awareness of their relationship to the levels set forth in the latest budget resolution.

Although there is no specific mention on the consideration of tax expenditure measures, the managers note that after completion of the reconciliation process, Congress may not consider tax expenditures legislation that would have the effect of reducing total revenues below the appropriate level of the most recent concurrent resolution.

Subsection (b) provides that estimates prepared by the Budget Committee of the House or Senate shall be the basis for determining whether legislation would cause the appropriate level of outlays or revenues in the latest budget resolution to be breached.

TITLE IV. PROVISIONS TO IMPROVE FISCAL PROCEDURES

Section 401(a). Contract and borrowing authority

The House and Senate versions provided that new contract or borrowing authority legislation must contain a provision that such new authority is to be effective only to the extent or in such amounts as are provided in appropriation acts.

The conference substitute adopts this procedure for contract and borrowing authority. These forms of "new spending authority" are defined in section 401(c)(2)(A) and (B). The new procedure does not apply to contract or borrowing authority in effect prior to the effective date of this section. Nor does it apply to certain types of spending authority exempted under section 401(d) such as social security and 90 percent self-financed trust funds or outlays of government corporations.

Section 401(b). Entitlement authority

The House bill provided that new entitlements could be effective only as provided in appropriation acts (the same procedure as for contract and borrowing authority). The Senate amendment established a procedure for the referral of entitlement legislation to the Appropriations Committees under a 10-day time limit.

The conference substitute, like the Senate amendment, provides that it shall not be in order to consider entitlement legislation which would have an effective date before the start of the new fiscal year. The purpose of this procedure is to make entitlements effectively subject to the reconciliation process. As provided in the conference substitute entitlement legislation would be referred to the Appropriations Committee only if it would generate new budget authority in excess of the allocation made subsequent to the latest budget resolution (as specified in section 302). The managers intend the Budget Committees shall provide background information as to such allocations. Such referral would have a 15-day limit, with the Appropriations Committee automatically discharged if it has not reported during this period. The Appropriations Committee may report the bill with an amendment limiting the total amount of new entitlement authority. The managers emphasize that the jurisdiction of the Appropriations Committees shall relate to the cost of the program and not to substantive changes in the legislation.

As provided in section 401(d), social security and 90 percent self-financed trust funds and government corporations would not be subject to the referral procedure for entitlement authority.

Section 401 (c) and (d). Definitions and exceptions

The House and Senate versions had comparable definitions for contract, borrowing, and entitlement authority. The Senate amendment stipulated that insured and guaranteed loans would not be covered by the new procedures. The House bill had a catchall provision to reach all types of spending authority. The House and Senate versions also contained various exemptions from the new procedures. The House bill

subjected existing spending authority to the new procedures after October 1, 1978, while the Senate amendment would have applied only to new spending authority.

The conference substitute defines three categories of new spending authority: contract authority—to enter into contract in advance of appropriations; borrowing authority—to incur indebtedness in advance of appropriations; and entitlement authority—to obligate the United States to make payments in advance of appropriations, but it does not include insured or guaranteed loans. The conference substitute exempts certain types of programs from the new procedures for contract, borrowing, and entitlement authority. These are: all existing social security trust funds; 90 percent self-financed trust funds; general revenue sharing (to the extent provided in subsequent legislation); the outlays of certain government corporations; and gifts to the United States. The Managers note that these exemptions relate only to the procedures in section 401 and that the programs are fully subject to the congressional budget process.

Section 402. Reporting of authorizing legislation

The House bill set a March 31 deadline for the enactment of authorizing legislation; the Senate amendment had a May 15 deadline for the reporting of such legislation. Both versions had waiver procedures for their respective Houses.

The conference substitute establishes a May 15 deadline for the reporting of any measure directly or indirectly authorizing new budget authority. After that date, consideration is permitted in the House if an emergency waiver, reported by the Rules Committee, is adopted. Consideration in the Senate of legislation reported after May 15 is allowed if the committee of original jurisdiction reports a waiver resolution which, after referral to the Senate Budget Committee, is approved by the Senate.

Section 402(d) establishes a procedure for one House to consider authorizing legislation passed by the other House. If its committee has met the reporting deadline, the Senate would be able to consider companion legislation passed by the House. Similarly, if authorizing legislation had been reported to the House by May 15, the House would be permitted to consider a companion bill of the Senate. This technical procedure is necessary to conform with the usual procedure under which the House and Senate normally pass the bill of the House which acted first.

The May 15 reporting requirement does not apply to entitlement authority or to omnibus social security legislation which deals with both trust fund and related programs. These two exemptions are essential for the proper functioning of the congressional budget processs. Inasmuch as entitlement legislation may not be considered prior to passage of the first budget resolution (section 303), such legislation is exempted from the May 15 reporting deadline. As for the social security programs, the managers consider it prudent to enable the continuation of procedures for handling a number of related programs in the same legislation. Thus, social security benefits are directly related to supplemental security assistance for the aged, and medicare trust programs have a direct bearing on medicaid benefits. The procedure established in section 402 allows the consideration of these programs in the same legislation even if reported after May 15.

Section 402(f). Study of existing spending authority and permanent appropriations

The House bill would have barred the exercise of existing spending authority after October 1, 1978. This provision was intended to apply also to the exercise of permanent appropriations.

The conference substitute directs the Appropriations Committees to undertake continuing studies of existing spending authority (contract, borrowing, and entitlement authority enacted prior to the effective date of section 401) as well as studies of permanent budget authority (authority which becomes available without any current action by Congress). The Appropriations Committees are to report from time to time with recommendations to terminate or modify existing spending authority or permanent appropriations.

Section 403. Analyses by Congressional Budget Office

The House bill and the Senate amendment provided for the budget office to make cost analyses of reported legislation.

The conference substitute provides that, to the extent practicable, the Congressional Budget Office is to prepare an analyses of public bills reported by all committees (other than the Appropriations Committees), estimating the five-year costs and comparing its estimate with any made by the reporting committee or by a Federal agency. The Budget Office analysis is to be included in the committee report if it is timely submitted before the report is filed. The managers intend "timely submitted" to mean that the cost analysis is submitted to the reporting committee sufficiently in advance to allow the committee an opportunity to examine the analysis prior to its publication.

Section 404. Jurisdiction of appropriations committees

The House and Senate versions changed the rules of the House and the Senate with respect to the jurisdiction of the Appropriations Committees.

TITLE V. CHANGE OF FISCAL YEAR

Section 501. Fiscal year to begin October 1

The House and Senate versions provided for a shift to an October 1–September 30 fiscal year.

The conference substitute provides for this shift to take place with the fiscal year beginning October 1, 1976. However, the preceding fiscal year is to run from July 1, 1975 through June 30, 1976, thus providing a three-month interim period to provide the necessary transition to the new fiscal year (July 1–September 30, 1976).

Section 502 (a) and (b). Transition to new fiscal year

Both the House and Senate versions contained provisions for the transition to the new fiscal year. Both provided for the issuance of any necessary regulations or orders by the Office of Management and Budget to carry on the transition, and for the submission of proposed legislation deemed necessary for the transition.

The conference substitute provides that after consultation with the Appropriations Committees, the President shall submit budget estimates for the interim three-month period (July 1–September 30, 1976) in such form and detail as he determines. On the basis of guidance provided by the Appropriations Committees, OMB will be in a position to determine the form and detail most suitable for this period. This determination shall take into account the needs of Congress and the public for sufficient information, the desirability of maintaining continuity in accounts, and the amount of time available for preparation of the three-month estimates.

The conference substitute provides that the President shall propose authorizing legislation for the three-month transition period and that OMB shall submit legislative proposals to implement the transition to the October 1–September 30 fiscal year. In addition, OMB shall issue such orders and regulations as are necessary for the orderly transition of Government agencies to the new fiscal year.

Section 502(c). Advance appropriations

The Senate amendment called for a joint OMB-Congressional Office of the Budget study of advance appropriations.

The conference substitute incorporates this provision in revised form. OMB and the Congressional Budget Office shall jointly study but separately report on the feasibility and desirability of budgeting and appropriating one year in advance for all or portions of the budget.

Section 503. Accounting procedures

The Senate amendment contained technical provisions for the adjustment of accounts to the new fiscal year. The conference substitute accepts the Senate provision for the transfer of obligated balances and withdrawals from accounts.

Section 504. Conversion of authorization

The House bill provided for the conversion of all laws to the new fiscal year. The Senate amendment had a conversion provision for authorizing legislation.

The conference substitute provides for the automatic conversion of July 1 starting dates and June 30 closing dates for fiscal years to October 1 and September 30, respectively. This conversion would be timed to the introduction of the new fiscal calendar in 1976, and it would apply only to authorizing legislation.

Section 505. Repeals

The Senate amendment repealed two technical revisions of law. The conference substitute adopts the Senate provision.

Section 506. Technical amendment

The Senate amendment made technical changes in certain laws and these are included in the conference substitute.

TITLE VI. AMENDMENTS TO THE BUDGET AND ACCOUNTING ACT, 1921

Section 601. The President's budget

The House and Senate versions required the President to itemize tax expenditures in his annual budget. The Senate amendment also required the budget to set forth the items in the budget resolution; to report on variances for the last completed fiscal year; to update the estimates twice each year; to contain advance estimates for certain programs; and to present a classification according to national goals, agency missions, and programs.

The conference substitute requires that the President's budget furnish estimates for the appropriate levels of total new budget authority and outlays; functional allocations of budget authority and outlays; the budget surplus or deficit; the recommended level of revenues and any proposed revenue changes; and the appropriate level of the public debt and any proposed change in the public debt limit. The President's budget also is to present an itemization of existing tax expenditures and any proposed changes.

The conference substitute requires that the President shall report and explain in the budget any variances during the last completed fiscal year between actual and estimated revenues and between actual and estimated uncontrollable outlays. The budget is to be updated twice each year—on April 10 and July 15—with a statement of all amendments and revisions proposed by the executive subsequent to the initial submission of the budget. The President's budget also shall contain cost information with respect to any program for which appropriations are authorized to be made one year in advance of the fiscal year to which they apply.

The conference substitute provides for the inclusion in the President's budget of a presentation in terms of national needs, agency missions, and basic programs. The managers anticipate that this need not be a separate classification but can be incorporated, if the President deems it appropriate, into the main budget classifications.

Section 602. Midyear review

The conference substitute incorporates a provision of the Senate amendment changing the date for submission of the midyear budget review from June 1 to July 15.

Section 603. Five-year budget projections

The House and Senate versions had identical provisions for five-year projections in the President's budget. The same provision is contained in the conference substitute.

Section 604. Allowances for supplementals and uncontrollable outlays

The Senate amendment provided that the President's budget shall contain an allowance for supplemental appropriations and permanent unanticipated uncontrollable expenditures. The conference substitute is based on the Senate provision but applies to all uncontrollable expenses.

Section 605. Current services budget

The Senate amendment provided for the submission of a current services budget each year and for Joint Economic Committee review of this budget's economic assumptions and accuracy.

The conference substitute requires submission of a current services budget by November 10 of each year. This budget shall be based upon the existing level of services without policy changes and shall present estimates by agency, function, subfunction, and major programs. The current services budget shall state the economic and program assumptions upon which it is based. The Joint Economic Committee shall review the current services budget and submit an economic evaluation to Congress by December 31 of each year.

Section 606. Study of off-budget agencies

The Senate amendment provided for the termination of the off-budget status of six designated agencies.

The conference substitute provides for continuing studies of off-budget agencies by the House and Senate Budget Committees.

Section 607. Advance requests for authorizing legislation

The Senate amendment provided for the study of advance appropriations by OMB and the congressional budget office. The Senate amendment further provided for the submission of advance estimates where these are authorized by law.

The conference substitute requires that beginning with programs for fiscal year 1977, the Administration shall submit no later than May 15 of the previous calendar year requests for authorizing legislation for the fiscal year following the ensuing fiscal year. Requests for new program authorizations shall be submitted for at least the first two fiscal years.

The intent of this provision is to develop a pattern for the enactment of authorizing legislation at least one year in advance of the fiscal year to which it first applies.

This section does not affect any provision of law which exempts an agency of the Federal Government, or any of its activities or outlays, from inclusion in the Budget.

TITLE VII. PROGRAM REVIEW AND EVALUATION

Section 701. Review and evaluation by committees

The Senate amendment authorized congressional committees to use pilot testing and analytic techniques in the evaluation of Federal programs.

The conference substitute is the same as the Senate provision. It amends the 1946 Legislative Reorganization Act to provide that committees may conduct testing or analysis themselves or require agencies to evaluate programs and report the results to them.

Section 702. Review and evaluation by Comptroller General

The Senate amendment expanded the review and evaluation functions and duties of the Comptroller General, including assistance to committees and Members.

The conference substitute is a revision of the Senate provision. It amends section 204 of the 1970 Legislative Reorganization Act to expand GAO assistance to Congress. As amended, section 204(a) provides that the Comptroller General shall evaluate Government programs at his own initiative, when ordered by either House, or at the request of a congressional committee. Section 204(b) provides that upon request, the Comptroller General shall assist committees in developing statements of legislative objectives and methods for assessing program performance. The managers consider oversight of executive performance to be among the principal functions of congressional committees and they recognize that the usefulness of program evaluation can be enhanced by the clear expression of legislative objectives and the employment of modern analytic methods. The managers further believe that statements of intent can be most appropriately developed by the committee of jurisdiction. Members must be provided upon request with all related information after its release by the committee for which it was compiled.

Section 204(c) directs the Comptroller General to develop and recommend program evaluation methods to Congress. Section 204(d) authorizes the establishment of an office of program review and evaluation in GAO. Section 204(e) calls for the Comptroller General to review GAO's evaluation activities in his annual report to Congress.

Section 703. Study of budget reform proposals

The Senate amendment listed a number of matters to be the subject of continuing study by the Budget Committees. It required the committees to hold hearings and report on the designated subjects, and it stipulated that the provision not be construed to preclude budget improvement activities by other committees.

The conference substitute reduces the number of matters specified to be studied. The Budget Committees are to examine budget improvement proposals including matters relating to the information base for program analysis, the systematic evaluation of programs, time limitations on program authorizations, and techniques of human resource accounting. Other committees are not to be precluded from undertaking studies to improve the budget process.

TITLE VIII. FISCAL AND BUDGETARY INFORMATION

Section 801. Fiscal and budgetary information

The Senate amendment provided for the establishment of standardized budget information systems; the development of standard terminology, definitions, classifications and codes; and the availability of budget information to Congress and to State and local governments.

The conference substitute is the same as the Senate amendment except that the Appropriations, Ways and Means, and Finance Committees are added to the committees whose needs shall be given particular attention in the development of information systems. The conference substitute amends sections 201, 202, and 203 of the Legislative Reorganization Act of 1970 to accomplish these objectives. The managers understand that nothing in Title VIII shall prevent either House of Congress from establishing an office or commission to develop, supervise, and maintain an information classification system for that House and its committees and Members. As amended, section 201 provides for the development by OMB and the Treasury, in cooperation with GAO, of standardized fiscal, budgetary, and program information systems for the use of the Federal Government and, insofar as practicable, State and local governments.

The amended section 202 assigns the Comptroller General, in cooperation with the Treasury OMB, and the Congressional Budget Office, responsibility for developing standard terminology, definitions, classifications, and codes for use by Federal agencies in supplying budget information to Congress. The Comptroller General is to report his initial determinations to Congress by June 30, 1975, and thereafter shall report and submit legislative recommendations as appropriate. In developing these standard classifications and definitions the Comptroller General is directed to give particular consideration to the needs of the Budget, Appropriations, and tax committees. The Comptroller General is further directed to assist committees in developing their information needs and shall report annually on the identification of such needs. Each year, also, OMB and the Treasury shall report to Congress on their plans for addressing the needs thus identified.

The amended section 203 provides for the furnishing of budget and related information to Congress, including the development of data directories and assistance to Congress in analyzing budget data. The Comptroller General is authorized to establish central information files to meet the needs of Congress. OMB, in cooperation with GAO, the Congressional Budget Office, and State and local governments shall provide (to the extent practicable) budget information to States and localities so that they may be able to determine the impact of Federal assistance upon their budgets.

Section 802. Changes in functional categories

The House bill provided that any change in the functional classifications in the budget may be made only in consultation with the Budget Committees.

The conference substitute provides that changes in functional categories may be made only in consultation with the Budget and Appropriations Committees of both Houses.

TITLE IX. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATES

Section 901. Amendments to House rules

The House bill made various conforming changes in the Rules of the House of Representatives to reflect the establishment of the congressional budget process. The conference substitute substantially follows the House bill.

Section 902. Amendments to Senate rules

The Senate amendment made various changes in the Senate Rules. These are incorporated in the conference substitute. The amendments to the Senate Rules modify the jurisdiction of various committees in accord with the provisions of this act.

Section 903. Amendments to the Legislative Reorganization Act of 1946

The Senate amendment authorized its Budget Committee to meet while the Senate is in session. It also exempted the Budget Committees of both Houses from the legislative oversight provisions of section 136 of the Legislative Reorganization Act of 1946. The conference substitute retains these provisions.

Section 904. Rulemaking powers

The House and Senate versions, provided that the rules established for the congressional budget process and certain other provisions are an exercise of the rulemaking powers of the House and Senate and may be changed by either as it desires. The Senate amendment also provided for the waiver or suspension in the Senate of any rules in Titles III and IV by majority vote, and for a one-hour limit on appeals from the ruling of the chair.

The conference substitute retains, with conforming changes, the provisions of the House bill and Senate amendment relating to the rulemaking powers of the House and

Senate. The conference substitute adopts subsections (b) and (c) of the Senate amendment relating to Senate rules.

Section 905. Effective dates

The House bill provided that certain titles would take effect beginning with fiscal year 1975. The Senate amendment provided a phased implementation of the various provisions.

The conference substitute adopts a phased implementation schedule. Except as otherwise provided, the provisions of the bill, including establishment of the House and Senate Budget Committees, become effective upon enactment. Title II (other than section 201(a)) relating to the Congressional Budget Office is to become effective upon appointment of the first Director of the Office. Title III is to be effective with respect to fiscal year 1977 as will the new procedures for authorizing legislation (section 402). The procedures for new spending authority (section 401) are to take effect in January 1976. Various amendments relating to the executive budget shall take effect for fiscal year 1976 while others would be effective later.

Section 906. Application of budget process to fiscal year 1976

The Senate amendment provided for an application of the congressional budget process for fiscal year 1976 under certain conditions.

The conference substitute provides that upon agreement by the Budget Committees, and to the extent provided by such committees in reports to their respective Houses, the procedures of Title III and sections 202 (f), 401, and 402 may be applied to the 1976 fiscal year. The managers anticipate that this advance application will be undertaken only if adequate preparation has been made, that it will be limited to certain parts of the congressional budget process, and that to the extent necessary substitute dates will be used. The Managers recognize that it may not be feasible to go beyond the first budget resolution.

TITLE X. IMPOUNDMENT CONTROL

The House bill provided for a procedure which would require impoundment actions to be reported to Congress by the President within ten days after they were taken. In the event that either House of Congress passed a resolution of disapproval within sixty calendar days of continuous session after the date on which the Presidential message was received by the Congress, the impoundment would have to cease. The Senate amendment tightened the authority in the Antideficiency Act to place funds in reserve by deleting an "other developments" clause. Moreover, it prohibited the use of budgetary reserves for fiscal policy purposes or to achieve less than the full objectives and scope of programs enacted and funded by Congress, and authorized the Comptroller General to bring a civil action in the U.S. District Court for the District of Columbia to enforce those provisions.

The conference substitute combines features from each version. The "other developments" clause is deleted from the Antideficiency Act, permitting reserves solely to provide for contingencies, or to effect savings whenever savings are made possible by or through changes in requirements or greater efficiency of operations. Whenever an officer responsible for making apportionments and reapportionments determines that any amount so reserved will not be required to carry out the full objectives and scope of the appropriation concerned, he shall recommend the rescission of that amount.

If the President determines that all or part of any budget authority will not be required to carry out the full objectives or scope of programs, or that such budget authority should be rescinded for fiscal policy or other reasons, including the termination of authorized projects, or whenever all or part of budget authority provided for only one fiscal year (one-year money) is to be reserved from obligation for such fiscal year, he shall transmit a special message requesting a *rescission* of the budget authority. The message shall include the amount of budget authority involved; the appropriation account or agency affected; the reasons for rescission or placing the budget authority in reserve; the fiscal, economic, and budgetary effects; and all facts, circumstances, considerations, and effects of the proposed rescission or reservation. Unless both Houses of Congress complete action on a rescission bill within 45 days, the budget authority shall be made available for obligation.

A second type of special message concerns *deferrals*. This category includes any withholding or delaying the availability for obligation of budget authority (whether by establishing reserves or otherwise), or any other type of Executive action or inaction which effectively precludes the obligation or expenditure of budget authority, including authority to obligate by contract in advance of appropriations as specifically authorized by law. Such action or inaction may occur at the level of the Office of Management and Budget, such as through the apportionment process, or at the departmental and agency level. The special message from the President shall contain basically the same types of information included in a rescission special message. However, the procedure for congressional action is different in that the President will be required to make the budget authority available for obligation if either House of Congress passes an "impoundment resolution" disapproving such proposed deferral at any time after receipt of the special message. The authority to propose deferral is limited to the fiscal year in which the special message making the proposal is submitted to the House and Senate.

Each special message—whether for rescission or for deferral—shall be referred to the appropriate committee of the House of Representatives and the Senate and printed as a document of each House and in the Federal Register. A copy of each special message shall also be transmitted to the Comptroller General, who shall review each message and inform both Houses of the facts surrounding the proposed action and the probable effects. In the case of deferrals, he shall state whether or not (or to what extent) he determines the proposed deferral to be in accordance with existing statutory authority. Any revision of proposed rescissions or deferrals shall be transmitted by the President in a supplementary message.

If the Comptroller General finds that an action or inaction that constitutes a reserve or deferral has not been reported to Congress in a special message as required, he shall report to Congress on such reserve or deferral. His report will have the same effect as if it had been transmitted by the President in a special message. Moreover, if the Comptroller General believes that the President has transmitted an impoundment action incorrectly, such as by including it in a deferral special message when it should have been included in a rescission special message, or vice versa, he shall report to both Houses setting forth his reasons.

Congressional action with respect to a proposed rescission or deferral shall take the form of a "rescission bill" or an "impoundment resolution." Any rescission bill or impoundment resolution shall be referred to the appropriate committee of the House of Representatives or the Senate. If the committee fails to report a rescission bill or impoundment resolution at the end of 25 calendar days of continuous session after its introduction, it is in order to move to discharge the committee from further consideration. A motion to discharge may be made only by an individual favoring the bill or resolution, may be made only if supported by one-fifth of the Members of the House involved (a quorum being present), and is highly privileged in the House and privileged in the Senate.

If budget authority is not made available for obligation as required by the impoundment control title, the Comptroller General is empowered, through attorneys of his own choosing, to bring a civil action in the United States District Court for the District of Columbia in order to obtain any decree, judgment, or order which may be necessary or appropriate to make such budget authority available for obligation. However, no such action may be brought until the expiration of 25 calendar days of continuous session after the Comptroller General files with the Speaker of the House of Representatives and the President of the Senate an explanatory statement setting forth the circumstances giving rise to the action contemplated. The courts shall give precedence to this type of civil action.

Cumulative reports of proposed rescissions, reservations, and deferrals shall be submitted by the President in a report to the House of Representatives and the Senate not later than the 10th day of each month during a fiscal year. This monthly report shall be printed in the first issue of the Federal Register published after its submission.

Congressional action depends greatly on the quality of these reports and the quality of special messages transmitted by the President. The managers recognize that each proposed impoundment action may be unique, reflecting a complex mixture of various forces. Rather than a few generalized codes to cover all impoundments—which has been the practice of the Office of Management and Budget in implementing the Federal Impoundment and Information Act—the managers expect that the monthly reports and the special messages will provide more specialized treatment. A narrative section should explain and clearly and completely the factors that prompted the Administration to propose to impound the funds.

RICHARD BOLLING,
BERNIE SISK,
JOHN YOUNG,
GILLIS W. LONG,
DAVE MARTIN,
DELBERT L. LATTA,
DEL CLAWSON,
Managers on the Part of the House.

SAM J. ERVIN, JR.,
EDMUND S. MUSKIE,
ABRAHAM RIBICOFF,
LEE METCALF,
HOWARD W. CANNON,
CLAIBORNE PELL,
ROBERT BYRD,
JAMES B. ALLEN,
CHARLES H. PERCY,
W. V. ROTH, JR.
BILL BROCK,
M. W. COOK,
HUGH SCOTT,
ROBERT P. GRIFFIN,
Managers on the Part of the Senate.

AMERICA'S FISHERMEN SEEK REDRESS

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

Mr. STUDDS. Mr. Speaker, at noon yesterday the 108-foot fishing trawler, the *Sharon and Noreen*, from New Bedford, Mass., sailed up the Potomac and docked at the Capitol Yacht Club. This marked the end of a week-long voyage, which is being conducted essentially as a

petitioning of this Government for a redress of grievances on behalf of the American fishing industry.

This symbolic voyage, through nine States, is sponsored by the Committee To Save the American Fisheries. It is a plea to this Congress to act to provide an extension of America's fisheries jurisdiction to 200 miles offshore while there are still fish left to protect.

There are now 251 cosponsors of this bill, The Studds-Magnuson bill, in the House. The need is urgent, the time is critical, and I want these fishermen to know that their Government hears their voices.

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

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

Mr. GROVER. Mr. Speaker, I wish to join and agree with the gentleman in his remarks and say that I have just heard from some of my constituents in my district on the crisis of the North Atlantic fisheries. They have told us some graphic and dramatic stories, stories that are hair-raising in the audacity of some foreign fishing vessels, and frustrating and distressing in the ignorance of the oldest recognition of conservation.

We will see this subject covered this year in the Caracas Conference on the Law of the Sea. There seems to be some interest in abiding the event of the Conference. But I suggest the Congress get moving before the time comes when there are no fish left.

CORRECTING THE NADER PROFILES

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

Mr. OBEY. Mr. Speaker, Members will remember that last year Ralph Nader produced profiles on each Member of Congress. Several weeks ago my office received an updated copy of a profile on me. One item listed in that profile is House attendance. My attendance was incorrectly listed as 86 percent—2 percentage points below average. It should have read 96 percent—8 percentage points above average.

My office called the Nader Congress Project, talked to three different people, informed them of the mistake, and asked that it be corrected in the published copy.

Last week we received the final profile—still uncorrected. We called Nader's people again. I asked that they send me a letter of apology, spelling out that their figure was in error and stating what the correct figure should be so that we could send a release to the news media in my district. Instead, they sent a curt letter admitting no mistake and merely noting that an undefined change in my profile had been made "as requested"—a letter which was of absolutely no use to me in publicly correcting the Nader misstatement of my record.

We were told nothing further was justified because no copies of that erroneous profile had been distributed. But yesterday I received a copy of that still uncorrected profile from a constituent.

Mr. Speaker, the difference between 86 percent and 96 percent may seem a small matter to some, but it does not to me because I am conscientious about my voting record.

Mr. Speaker, on balance I think Ralph Nader has made a positive contribution to this country and I understand how mistakes can happen. What I cannot understand is how a citizen operation organized to expand public knowledge about the record of public servants can be so arrogantly stiff-necked in refusing to admit and correct that mistake. I also cannot understand why they would misinform a congressional office by saying that the erroneous profile had received no distribution when in fact it had.

The Nader Congress project, after being confronted with evidence that they did not tell me the truth, has now finally agreed to send me the letter I asked for in the first place. Would it not have been nice if they had shown the decency and fairness to do that the first time—before we had to catch them in a falsehood?

PERSONAL ANNOUNCEMENT

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

Mr. RIEGLE. Mr. Speaker, on May 30, 1974, on rollcall No. 256 it was my intention to vote "aye." Whether by reason by electronic malfunction or personal error, the recorded vote list in the RECORD of May 30 records me as having voted "no."

While my vote did not, by itself, change the outcome, I do want to indicate for the RECORD that I supported the amendment and fully intended to be recorded in favor of it.

SUGAR ACT OBITUARY

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

Mr. WAMPLER. Mr. Speaker, only time will tell whether the House made a big mistake by not following the leadership of the Committee on Agriculture and instead killed H.R. 14747, the sugar bill.

While I still believe the Nation needs a sugar program, the action to date on this legislation should be duly noted on the obituary page of today's RECORD:

Dateline Washington, D.C.

DIED: Sugar Act, age 40, suddenly and unexpectedly after open rule surgery on the Floor of the U.S. House of Representatives last week. Cause of death uncertain, pending full autopsy.

Ms. Act, a child of the Thirties and a friend of the taxpayers, was known throughout the world for her success in achieving price stability for American consumers, assisting domestic sugar workers and farmers, and effectuating the foreign policy of the United States.

Friends say that in the past year, Ms. Act was under great strain but still performed well and kept U.S. prices lower than those in other parts of the world.

Critics, not mourning Ms. Act's demise, claim what the nation needs is "cold turkey" not sugar program.

Ms. Act had a colorful and sometimes controversial life in Washington politics and provided Congressmen, lobbyists, newsmen, and others much entertainment which in past years ran into the wee hours of the night prior to adjournment.

Sincere condolences from Havana have been received.

Surviving next of kin include House Agriculture Committee, U.S. Department of Agriculture, U.S. Department of State, and Senate Finance Committee where lineal descendants of the late beloved Sugar Act are currently being nurtured.

REPORT ON STATUS OF ADVISORY COMMITTEES IN 1973—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 Government Operations:

To the Congress of the United States:

In accordance with the provisions of section 6(c) of the Federal Advisory Committee Act, the report on the status of advisory committees in 1973 is herewith forwarded.

This is the second annual report and is augmented by indices to afford the public improved access to additional information concerning specific advisory committees.

RICHARD NIXON.

THE WHITE HOUSE, *June 11, 1974.*

CONFERENCE REPORT ON H.R. 14368, ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT OF 1974

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (H.R. 14368) to provide for means of dealing with energy shortages by requiring reports with respect to the energy resources, by providing for temporary suspension of certain air pollution requirements, by providing for coal conversion, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 6, 1974).

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

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

There was no objection.

Mr. STAGGERS. Mr. Speaker, I rise in support of the conference report on H.R. 14368, the "Energy Supply and Environmental Coordination Act."

In many ways, the conference report represents a victory for the House-passed bill. The Senate sought to delete the House provision banning the Environmental Protection Agency from imposing parking surcharges. In conference, the House view prevailed. The House prevailed on the "parking management" provision, as well.

The House provisions pertaining to the use of enforceable intermittent or alternative controls between now and 1979 were retained. The House's energy conservation studies and motor vehicle fuel economy studies were retained. The House provision on energy information reports was also included in the conference report.

Of course, in any conference some compromise is necessary. But this bill will help meet the Nation's energy and environmental needs.

Burning of coal will be encouraged in a manner consistent with protection of the public health. The automobile emission standards will be set at realistic levels. These levels will help conserve gasoline while keeping the progress toward cleaning our Nation's air.

While this bill is not a cure-all for America's energy problems, it will be of some help toward making the Nation more self-sufficient and more reliant on our most abundant fuel—coal.

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

Mr. STAGGERS. I would be delighted to yield to the gentleman from Iowa.

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

I would ask the gentleman from West Virginia if I am correct in assuming this bill carries no authorization for appropriations as such?

Mr. STAGGERS. That is correct. When the bill left the House it was estimated at $55 million, but there was no authorization.

In the extension of the Clean Air Act we carried over the same amount as was used this year.

Mr. GROSS. The conference did not change the figure?

Mr. STAGGERS. No.

Mr. GROSS. The figure that was authorized previously?

Mr. STAGGERS. No; it is the same figure.

Mr. GROSS. And all amendments to this bill are germane?

Mr. STAGGERS. So far as I know, we studied that, and they are all germane.

Mr. GROSS. I again thank the gentleman for yielding.

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

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

Mr. DINGELL. Mr. Speaker, I agreed to the conference report of H.R. 14368 with great reluctance. I am not satisfied that the extensive amendments made by this bill to the Clean Air Act will prove to be in the public interest. I am even more disturbed by the encroachment of this bill on the National Environmental Policy Act of 1969.

The House-passed bill did not, except in a minor way, amend NEPA. But the other body adopted a sweeping floor amendment with little debate which provides that hereafter environmental impact statements shall not be required in the case of any "action taken" by EPA under the Clean Air Act.

I think this broad amendment without adequate debate in Congress is a mistake, and I am concerned that many environmental organizations which supported NEPA, including the impact statement requirements of NEPA, did not speak out against it.

I also think that this amendment may cause considerable disruption of the clean air program by unsettling all EPA actions taken under the Clean Air Act prior to the adoption of this amendment. I have argued for some time that section 102(2)(C) of NEPA, which requires every agency to file an environmental impact statement before undertaking a major Federal action, also applies to EPA. But that agency has argued it is exempt from filing such impact statements when acting under the Clean Air Act. Now EPA is in a pickle. The amendment, by its terms, is not retroactive. It is clearly prospective. Thus, one can argue, including those who seek to scuttle the Clean Air Act, that NEPA did in fact apply to the Clean Air Act before the adoption of this amendment. Otherwise, why have the amendment? Such a contention, if accepted by the courts, could upset many EPA actions under the act.

Fortunately, the bill does not exempt EPA completely from NEPA. Except for the requirements of section 102(2)(C) of NEPA, all other provisions of the 1969 act still apply to EPA actions under the Clean Air Act, as they should.

I will support the bill—with reluctance—primarily because of section 11—the energy information section which I sponsored.

It provides broad powers to the Federal Energy Administration to collect energy data. Most importantly it directs that the FEA "promptly" promulgate regulations requiring energy data reports at least every 90 days from a broad range of persons engaged in the production, including exploration and mining, processing, refining, transportation by pipeline, and distribution, except at the retail level, of all energy resources, including oil, natural gas, coal, uranium, geothermal steam, and so forth. It is intended by the conferees that the FEA promulgate these regulations within a short period of time, such as 45 days.

It provides that the data collected will not be given blanket confidentiality. Nor will such data be withheld under any other laws. Instead, to gain confidentiality, the person providing the energy information must make an affirmative showing to the FEA that disclosure would "divulge methods or processes entitled to protection as trade secrets or other proprietary information." Even if such a showing is made, the data will still be available, upon request, to several Federal agencies identified in the bill and to Congress and to any committee of Congress, upon request of the chairman of the committee.

I particularly call attention to the following conference committee statement (Cong. Rec., June 6, 1974, p. 18168):

> 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.

Thus, to the extent there is any conflict between the provisions of section 11 of this bill and the provisions of sections 13 and 14 of the Federal Energy Administration Act of 1974, it is intended that the provisions of section 11 of this bill shall prevail. I have particular reference to the public disclosure provisions of both acts, which may be in conflict. It is the intention of the conferees that section 11(d) of H.R. 14368 shall prevail in any instance of conflict.

As the conference report indicates, section 11(e) of the House bill was deleted. That section was added as a convenience to the persons required to provide energy data to the FEA so that they would not have to provide it to several agencies. At the urging of the Commerce Department it was deleted from the bill. Since it did not have any substantive effect on the section, and since its deletion would not relieve anyone of his duty to provide the data to FEA, I did not object to its deletion.

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

Mr. NELSEN. Mr. Speaker, I rise in support of the conference report on H.R. 14368, the Energy Supply and Environmental Coordination Act of 1974.

While I am unsatisfied with the coal conversion and stationary source pollution provisions of this conference report, I am in general support of the report as a whole because of the many good features that it contains, particularly the extension of the auto emission standards which we have been trying to enact into law for the last 7 months.

The coal conversion provisions and the accompanying stationary source air pollution requirements are somewhat more restrictive than were the original House provisions. This is mainly because of a requirement imposed by the Senate conferees which precludes coal conversion by any source located in an urban area where primary air standards are not being met unless the source can immediately meet all requisite emission standards. This severely restricts coal conversion of power plants in these urban areas where adequate power supply is most needed.

It is my understanding that this bill was originally designed to allow much greater use of coal by electric utilities in an environmentally sound manner.

The purpose was to check the increasing reliance by the electric power and other industries on expensive imported oil. The mechanism for accomplishing this objective was to give authority to FEA to prevent burning of petroleum and natural gas after a determination by EPA that such an action was consistent with the protection of public health. Assurances were to be given which would not prevent the source from burning coal, by the application of any air pollution requirement, through January 1, 1979, except for an emergency situation set forth in section 303 of the Clean Air Act.

However, the conference report allows EPA to reverse, at any future time, its and FEA's decision to permit conversion by subverting and abbreviating the process by which environmental standards are established for new pollutants under the Clean Air Act. More specifically, the provision (sec. 3(d)(3)) added by the conferees, which was neither in the House or Senate bills, allows the Administrator of EPA, upon finding that the burning of coal will result in an increase in emissions of any air pollutant for which National Ambient Air Quality Standards have not been promulgated and that may cause a significant risk to public health, to suspend the order prohibiting the use of oil or natural gas. This is the first time that the adequacy of the emergency powers of the Clean Air Act have been questioned and I can recall no testimony or debate on this matter.

On the other hand, the standard-setting process established by the Clean Air Act for nonemergency situations is a very careful and deliberate process based upon the weighing of the latest scientific knowledge not only by representatives of the Federal Government but by members of professional societies and the general public. Any action, by the Federal Government, to monopolize this due process in the name of potential emergency action is not in the public interest particularly in view of the fact that emergency actions are permitted under existing law.

I am concerned that many of us underestimate the magnitude of the coal deficit. In a recent study made by the Federal Power Commission, the estimated shortage in coal will range between 212 and 382 million tons or 46 to 83 percent of the total demand for coal by utilities in 1975. The provision added by the conferees is hardly an inducement to invest in long-term contracts for coal and, in my opinion, is counter to the mandate expressed by both Houses.

In addition, the total impact of the coal conversion and Clean Air Act provisions is to lock in the technology of scrubber systems because coal converters are required, within the next few years, to put on such scrubbers unless they can find a long-term supply of very low sulfur fuel. Several members of the conference, myself included, have serious questions about the feasibility of scrubber technology, and we are concerned about the excessive cost of such systems and the solid waste that results from their use. As we stated in the conference report, we have "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." I know that the Senate is in the process of conducting comprehensive hearings on this and several other questions in the Clean Air Act, and I know that the gentleman from Florida (Mr. ROGERS), chairman of our Subcommittee on Public Health and Environment, has promised me that similar hearings will be conducted before our subcommittee very shortly.

It is possible that alternatives to scrubber systems are feasible. These include the requiring of tall stacks to disperse pollutants or the use of intermittent control strategies such as varying levels of operation in accordance with meteorological conditions. Since alternatives exist, the use of scrubbers needs to be examined carefully before we commit the power industry to a questionable technology whose great cost will result in higher and higher utility rates for the consumer.

Even with all these problem in the area of coal conversion, the bill has too many good features for me not to recommend its enactment. It delays the 1975 automobile emission standards for hydrocarbons and carbon monoxide for 1 year, through 1976, and delays the 1977 NOX standard for 1 year, through 1978. These provisions are to my mind the most important in the whole bill. First, the auto industry has to know what requirements will be applicable to the 1976 models for which the air pollution certification process should have already begun. Second, the industry needs an additional year to perfect the devices that have been initiated on the 1975 models.

H.R. 14368 also prohibits the EPA from promulgating parking surcharge regulations and voids any such surcharges which are presently required by EPA. It also delays imposition by EPA of parking supply management regulations until January 1, 1975. As is well recognized by the Members, these sorts of regulations have threatened to cause social and economic disruption in many areas of the country. The conference report would eliminate or delay the imposition of such regulations by the EPA, leaving this authority with the States, where it properly should be.

Thus, because of the overriding importance of the auto emissions provisions, I urge adoption of the conference report.

Mr. STAGGERS. Mr. Speaker, I just want to compliment all of the conferees on their patience and hard work on the bill. It was a matter of give and take, and we had some difficult times while we were trying to get it done.

I also want to compliment the Senators on their part, and especially my own Senator from West Virginia, Senator JENNINGS RANDOLPH, who is the chairman of the Senate committee on the other side, and Senator MUSKIE, from whom the legislation came. I wanted to compliment them, Mr. Speaker, because this was a tiresome and hard conference.

The chairman of the committee which represented the Senate in the handling of this energy bill is the senior Senator from my State of West Virginia, the Honorable JENNINGS RANDOLPH. His name is a noted one in the annals of his State and its parent State, the proud State of Virginia. He is a true scion of a noted family, thoroughly steeped in its noblest traditions of loyalty and concern for the public welfare. For 30 years he has represented our State in the House and in the Senate, and gained wisdom with every passing year. He has consistently employed that wisdom in furthering the good of the people he represents as well as for the great Nation which he and his forbears have helped to build. There is nothing of the self-seeking in Senator RANDOLPH. He can be counted on to be alert for what will advance the interests of all the people. He knows full well that the energy crisis demands a solution calling on the unselfish accord of industry and science in the use of available resources. He knows also that buried deep within the hills of our State lie unmeasured stores of potential power which await only practical exploitation in the public interest. A great deal of that spirit is in the present bill. We are proud of Senator RANDOLPH. His active participation in the writing of this bill and in ironing out the areas of nonagreement between the Senate and the House is a powerful argument for its unquestioned acceptance by the Members of this body today.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R 11873, ANIMAL HEALTH RESEARCH

Mr. POAGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill H.R. 11873, to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research, 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 Texas? The Chair hears none, and appoints the following conferees: Messrs. POAGE, STUBBLEFIELD, FOLEY, MELCHER, GOODLING, MATHIAS of California, and ZWACH.

EXTENDING UNTIL JULY 1, 1975, OF THE SUSPENSION OF DUTIES ON CERTAIN FORMS OF COPPER

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 12281) to continue until the close of June 30, 1975, the

suspension of duties on certain forms of copper.

The Clerk read the title of the bill.

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

Mr. SCHNEEBELI. Mr. Speaker, reserving the right to object, and I shall not object, I take this time to ask the distinguished Chairman if he will explain this legislation.

I yield to the gentleman from Arkansas.

Mr. MILLS. I thank the gentleman for yielding.

Mr. Speaker, the purpose of H.R. 12281, as reported, is to continue until the close of June 30, 1975, the suspension of duties on certain forms of copper.

On a number of occasions in the past, Congress has enacted duty suspensions on certain forms of copper in response to the tight supply situation in the U.S. market. The existing suspension of duty on imports of certain copper-bearing ores and materials under Public Law 93–77 will expire July 1, 1974.

The rate of duty currently suspended under Public Law 93–77 is .8 cents per pound on the copper content of articles imported from countries accorded most-favored-nation treatment. Imports of copper from most Communist countries continue to be dutiable at existing rates of duty.

Copper imports for 1973 totalled 402,000 tons valued at $493 million, with the principal supplying countries being Canada, Peru, Chile, Mexico, and the Republic of South Africa.

Major primary copper producers, many importers, exporters, dealers and merchants, and consumers of copper support the proposed continuation of the copper duty suspension. Some U.S. firms have experienced difficulty in buying domestic copper, particularly during periods of tight supply, and must rely heavily on higher-price imports to meet demand.

Because of the recurrent shortage in domestic copper supply, the Congress enacted, and the President signed, Public Law 93–214 on December 28, 1973, authorizing the sale of 251,600 tons of surplus copper from the national stockpile. It is anticipated that the sale of this surplus copper, which is equivalent to one-tenth of current annual consumption, will be absorbed without disruption to the market. As reported by the Department of the Interior, a first offering on 49,873 tons from the copper stockpile in February, 1974, was sold at an average bid price of 85.3 cents per pound compared with a domestic producer price of 68 cents per pound.

Mr. Speaker, your committee has been informed that the temporary suspension of duties on certain forms of copper as provided by H.R. 12281 would not adversely affect the domestic copper mining industry. Indeed, the committee is informed that the duty suspension would be likely to benefit employment in construction, transportation and electronics industries, which are major consumers of copper.

It is to be noted that the "peril point," under which the suspension of duty would no longer be applicable when the price of copper is below 51 cents per pound, would be continued.

The Committee on Ways and Means was unanimous in favorably reporting H.R. 12281, and I urge its approval by the House.

Mr. SCHNEEBELI. Mr. Speaker, I thank the gentleman for his explanation. Mr. Speaker, I support H.R. 12281, a bill to continue through fiscal year 1975 the suspension of duties on certain forms of copper.

The forms of copper to which the bill applies include ores, scrap, and unwrought metal. The "column one" rate of duty which would continue under suspension is eight-tenths of a cent per pound on the copper content of articles imported.

Imports of copper last year totalled 402,000 tons, valued at more than $490 million, and came largely from Canada, Peru, South Africa, Chile, and Mexico.

Previous suspensions of duty on copper were enacted for national security reasons and to relieve domestic supply shortages. We continue to require more copper than is available, and the Commerce Department recently indicated that domestic production is not likely to increase substantially for the rest of this year at least.

To help alleviate the situation, the Congress passed Public Law 93–214, which the President signed December 28 of last year. This legislation authorized the sale of 251,600 tons of surplus copper from the national stockpile, and the committee has been informed that this amount will be absorbed without market disruption. The Interior Department reported that a first offering of 49,873 tons in February of this year was sold at an average bid price of 85.3 cents per pound, compared with a domestic producer price of 68 cents per pound.

Major producers, along with a number of importers, exporters, dealers, merchants and consumers have expressed support of H.R. 12281, which should help add markedly to the total supply of copper available domestically. The committee has been assured that suspension for another year would not damage the U.S. copper mining industry and generally would have a salutary effect on employment in a variety of industries dependent on copper.

For these reasons, Mr. Speaker, I hope that my colleagues will join me in supporting this bill.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. FROEHLICH. Mr. Speaker, reserving the right to object, this is the fifth bill that has gone through here in the last few weeks on exempting certain commodities from duty. We did it with zinc and with menthol and with feathers and with salts and now again we come to copper. There is in the committee of which the gentleman is chairman a bill regarding the imposed dumping duties on northern bleached hardwood pulp from Canada that the Treasury and the Tariff Commission impose on the basis of a 1971 study. I wonder if there is going to be any consideration given to removing these dumping duties on pulp inasmuch as we are giving consideration to other commodities in short supply.

Mr. MILLS. It is entirely possible that we will consider the bill introduced by the gentleman. We are waiting now for reports from the departments downtown. I do not know what our position will be until we hear from the departments but the matter is under consideration by these departments right now.

Mr. FROEHLICH. I thank the gentleman.

I would inform the chairman that I will not object to this bill today, and I withdraw my reservation of objection, but I would inform the gentleman on the next bill relaxing import duties on whatever commodity, I will object until we give consideration to removing the dumping duties on northern bleached hardwood pulp.

Mr. MILLS. The gentleman's bill will be considered by the committee in due course.

Mr. FROEHLICH. I thank the gentleman from Arkansas.

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

Mr. FRASER. Mr. Speaker, reserving the right to object, I would like to take this opportunity to ask the chairman about another matter now before the Ways and Means Committee.

Last December, as the chairman knows, Congress mandated postponement in implementation of the social services regulations until December 31, 1974.

While there is no need for us to take immediate action on this issue, I would not like to see us delay too long before facing the social services problem again.

We are putting the States in a difficult position if we postpone action until the last possible moment, as we have done too often in the past. The States are not able to plan adequately if they never know where they stand from one 6-month period to the next.

If it is not possible this late in the session for Congress to complete action on legislation which would overhaul the social services program, then many States, including my own, would just as soon see us approve another 6-month delay. A further postponement in implementation of the regulations until June 30, 1975, at least would give the States a full year of stability.

I wonder if the chairman could let us know if and when action might be taken on the social services regulations, so our States will have the leadtime they need to make effective use of this Federal program.

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

Mr. FRASER. I am glad to yield to the gentleman.

Mr. MILLS. The gentleman was very thoughtful in bringing this matter to the staff's attention ahead of time, so

that we could be better prepared, frankly, to answer his question.

Now, the gentleman raised the question of the social services regulations, which twice have been deferred by the Congress; in other words, prevented from going into effect.

I recognize the difficulties and uncertainties that the States are faced in trying to make plans, as the gentleman points out. I am eager to resolve this problem; although I realize there are different points of view as to exactly what should be done.

I would hope we can deal with these in the context of H.R. 3153, which is still in conference and which contains extensive provisions on this general subject matter the gentleman raises. If for any reason we are unable to permanenty resolve the issue in the context of that bill, I would propose a simple bill providing for further deferment, as the gentleman suggests, in order to make certain to the States they could make their plans.

Mr. FRASER. I thank the gentleman and withdraw my reservation of objection.

Mr. GROSS. Mr. Speaker, further reserving the right to object, may I have the attention of the distinguished gentleman from Arkansas?

Mr. MILLS. The gentleman from Iowa always has my attention.

Mr. GROSS. I have had before the Committee on Ways and Means for 10 or 15 years a bill known as H.R. 144, which would provide for balancing the budget and orderly, annual payments on the Federal debt.

I wonder if the gentleman in considering the passage of this bill would be kind enough to say whether in the very near future the committee would hold hearings and, hopefully, give unanimous approval to this bill to provide a balanced budget in order that we may not go further in debt and help halt inflation.

Mr. MILLS. Let me point out to the gentleman that our committee has actually considered the gentleman's thought—

Mr. GROSS. Considered what, thought or position?

Mr. MILLS. No, the thought of the gentleman expressed in the bill.

Mr. GROSS. I see.

Mr. MILLS. Every time we talk about extending the size of the debt ceiling; I have not been able to figure out in my own mind just how we can have a balanced budget or how we can make a payment on the debt itself without having not only a balanced budget, but a surplus in the budget, because if we do as some have suggested to require 10 percent of our revenue to go toward payment of the existing debt, we are going to spend more money than we take in, and we just have to borrow 10 percent more money for the current operations of the Government; but I would be glad at any time, as far as I am personally concerned, to have the gentleman from Iowa come to the Committee on Ways and Means and discuss with us this idea he has in mind and perhaps we can arrange a time mutually convenient to the gentleman from Iowa and the Committee on Ways and Means for him to do it; but I do want the gentleman to understand that the idea itself has been considered every time we have this debt ceiling question.

Mr. GROSS. I will say to my good friend, the gentleman from Arkansas, that I doubt very much if there is a single member of the Committee on Ways and Means that is not completely convinced that we critically need balanced budgets and orderly payments on the Federal debt. I doubt that any rhetoric that I might indulge in before the Committee on Ways and Means would be necessary or would be any more convincing. It is a question of the committee sitting down and putting its stamp of approval on a very worthwhile bill.

Mr. MILLS. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. Yes, of course.

Mr. MILLS. I hesitate to take the time of the House; but my good friend, the gentleman from Iowa, knows during the time he has been here and the time that I have been here, which is slightly longer, that we have had surpluses, but very few. I think I can recall two times that we have had surpluses during all that period of time.

Other times, we have run a deficit. We have run a deficit when we have had what we call full employment. We have run deficits when we have had high unemployment—two entirely different situations.

We have gotten ourselves in the position—and I use this little example because people can understand what I am talking about—the appropriation process has become the body of the dog. The tail of the dog is the revenue part. As the gentleman knows, the body wags the tail. The tail does not wag the body. It puts us in a position where it is most difficult for us to effectively use fiscal policy in times such as these when fiscal policy could make such a major contribution to the stabilizing and the bringing of greater stability to our economy.

Mr. GROSS. But, would it not be nice, I ask the gentleman from Arkansas, to get that bill out on the floor and have a vote on it and see what happens when Members of the House would be confronted with a measure to balance the budget and pay something on the Federal debt each year?

Mr. MILLS. Does the gentleman not think that every Member would vote for it, but frankly, how much good would we do?

Mr. GROSS. It would be interesting to see.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That items 911.10 (relating to copper waste and scrap), 911.11 (relating to articles of copper), 911.13 (relating to copper bearing ores and materials), 911.14 (relating to cement copper and copper precipitates), 911.15 (relating to black copper, blister copper, and anode copper), and 911.16 (relating to other unwrought copper) of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "6/30/74" and inserting in lieu thereof "6/30/75".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after July 1, 1974.

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

FOOD STAMP ELIGIBILITY FOR SUPPLEMENTAL SECURITY INCOME BENEFICIARIES

Mr. MILLS. Mr. Speaker, I call up the bill (H.R. 15124) to amend Public Law 93–233 to extend for an additional 12 months, until July 1, 1975, the eligibility of supplemental security income recipients for food stamps, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

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

Mr. PETTIS. Mr. Speaker, reserving the right to object, although I am in support of the bill, I do this only to give the chairman an opportunity to explain the bill.

Mr. MILLS. Mr. Speaker, I do appreciate an opportunity to explain the bill.

Mr. Speaker, the bill was, as I said, unanimously reported by the Committee on Ways and Means and would extend for 1 year, until June 30, 1975, the existing arrangements with respect to the eligibility of supplemental security income beneficiaries for food stamps. That is the adult welfare category I am referring to, the people who are 65 years of age and older, the disabled, the blind.

It would extend for that period of time for these people, eligibility to purchase food stamps. It will be recalled that the Committee on Agriculture reported legislation and we passed it last year which made changes within the food-stamp program.

The Ways and Means Committee also passed legislation that made changes in the eligibility of certain people for food stamps. If we do not take action today, many of these people I am talking about, who are the hardest hit of all, perhaps, by inflation, will not be able in the 45 States where they continue to be eligible for food stamps, to receive any benefit from the food stamps.

For these beneficiaries, generally it is a $10 benefit. In other words, they spend $32, say, for $42 of stamps, and that increases by $10 the amount of benefits they get. Five States bought out the food stamp by providing a supplemental payment of $10 to this category of people. The State of New York was one of those States that did that.

What we are saying here is that for 1 more year we will maintain today's status quo. In the 45 States that have not bought out, the situation, and their options, are unchanged. The five States

that have already bought out can change their situation and let them have the food stamps if they want to do it.

Mr. Speaker, the bill does not force any State; as my friend, the gentleman from California, as well as other members of the committee who may be present are aware, our committee has generally been very adverse to requiring States to do such things in connection with the welfare program. We make it available. We let them set the level of benefits and so on.

We have required the States, when they operated the welfare payments in the past, to use some of the increase that we have provided for those few of the welfare beneficiaries who are recipients also of social security benefits. Aside from that, we have laid down standards, but we have not required the States to take this action.

Mr. Speaker, I know my friends from New York had hoped that the Ways and Means Committee would require the State of New York to provide the food stamps in a way differently from the way the State is now making them available.

It has been said that there are certain beneficiaries who have not been taken care of. We want them to be taken care of just as much as they do.

There is one category of food stamp recipients in your State that you think has been disadvantaged by State law, and I wish you would tell me just exactly what the situation is.

Ms. HOLTZMAN. Mr. Speaker, if the gentleman would yield, I appreciate the statement of the chairman.

As I understand the problem, when we first passed the SSI legislation, it was the intention of the Congress to hold people harmless who switched over from the welfare program to the SSI program. It was our basic intention that the States were to comply with the hold-harmless provision.

Mr. Speaker, unfortunately, when the Congress drafted the bill, a loophole developed, so that under the legislation, the five cash-out States were not required to hold people harmless as to food stamp benefits.

Therefore, in the five cash-out States, particularly in New York, the people who switched from the welfare program to the SSI program, lost those food stamp benefits. In other words, if a person were getting $250 under welfare, he would now get $240 under the SSI program.

Mr. Speaker, I am sure this was not the intention of the legislation, but it was the result of the loophole. I wish to reserve the right to object in view of this problem.

Mr. MILLS. Mr. Speaker, I am aware of that and of the fact that this happened.

Let me ask my colleagues from New York if it would be possible, in their opinion, to interest one or both of their Senators in this matter? Could it be added to this bill in the Senate? If it is added to the bill in the Senate, I can assure my colleagues from New York that I am perfectly willing to accept it. I would even ask to take it from the Speaker's table and agree to it by unanimous consent if we could, assuming the gentlewoman is correct that this is a loophole.

Ms. HOLTZMAN. If the gentleman will yield, I want to thank the distinguished chairman for his acknowledging the fact that it is a loophole. We were hoping to get this problem corrected in this piece of legislation, this palpable deficiency. The State of New York has a problem in correcting this matter on its own because it does not want to raise benefits for a special segment of people on SSI.

Mr. MILLS. Mr. Speaker, in view of the interest that not only these two fine, beautiful lady Members of the House have in this bill, but of all of the other Members, I assume, from the State of New York, and because I do not have such an amendment available, I am going to ask to withdraw the bill.

We do have this scheduled for consideration next Monday or Tuesday under suspension of the rules. My staff people tell me that we can have an amendment drafted, and I will move to suspend the rules and pass the bill and include this amendment with it.

Ms. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. PETTIS. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Speaker, as a Representative of a "cash out" State, I am deeply concerned that the urgent needs of certain SSI recipients in these cash-out States—New York, California, Nevada, Massachusetts and Wisconsin—are not adequately provided for in the proposal under consideration today.

The mandatory supplementation provisions of Public Law 93-66, passed by Congress last year, attempted to guarantee that those recipients who were grandfathered in from public assistance rolls to the SSI program would receive at least the amount of cash assistance they had received in December of 1973. However, we failed to realize that, even if the grant levels were stabilized on a December 1973 basis, an individual who also participated in the food stamp program could suffer a reduction in total purchasing power if his or her State chose to cash out food stamps. We had failed to include in the mandatory supplementation the bonus value of food stamps previous participation in the food stamp program had rendered to these individuals.

As a result, the program operates in an inequitable manner. Any person who received a cash payment on public assistance which was below the State average payment level created by the SSI program, was converted to a SSI benefit level which includes the cash out of the bonus value of food stamps.

But many of country's poor aged, blind, and disabled have special needs that were previously met by public assistance at a rate higher than the States average SSI payment level, conversion for these needy recipients did not include the cash out of the bonus value of food stamps. They were simply converted at the rate of public assistance they had previously received totally disregarding the benefits they had received through participation in the food-stamp program. As you know, recipients in cash-out States are prohibited from participating in the food stamp program; so these individuals, including 40,000 New Yorkers, receive neither a cash out nor food stamps.

This inequity could be remedied if the cash-out States were to include in their mandatory supplementation payments an amount equal to the bonus value of food stamps for this latter group of SSI recipients. Accordingly, I propose the following amendment:

SEC. 1. That section 212(a)(3)(B)(i) of Public Law 93-66 is amended by striking out "and" after "June 1973," and inserting in lieu thereof the following: "together with the bonus value of food stamps in such State for January 1972, as defined in section 401(b)(3) of Public Law 92-603, for which such individual was eligible, or would have been eligible had he applied, in December 1973, if, for such month, such individual resides in a State which provides State supplementary payments (I) of the type described in section 1616(a) of the Social Security Act, and (II) the level of which has been found by the Secretary of Health, Education, and Welfare to have been specifically increased so as to include the bonus value of food stamps, and".

SEC. 2. (a) The amendment made by the first section of this Act shall take effect on January 1, 1974.

(b) The Secretary of Health, Education, and Welfare is authorized to prescribe regulations for the adjustment of an individual's monthly supplemental security income payment in accordance with any increase to which such individual may be entitled under the amendment made by the first section of this Act: *Provided*, That such adjustment in monthly payment, together with the remittance of any prior unpaid increments to which such individual may be entitled under such amendment, shall be made no later than the first day of the first month beginning more than sixty days after the date of the enactment of this Act.

Mr. Speaker, I will just make this comment: I am very glad that the chairman of the committee is willing to conside this matter in this way at this time. We think this is an important problem, and it is one that should be properly addressed.

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

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

Mr. BURTON. Mr. Speaker, I missed the earlier part of the debate. I will just say that I would hope at some stage of the proceedings this situation could be remedied.

As we all know, the Governor of our State, Governor Reagan, has been antagonistic to this entire notion. It so happened that Governor Reagan, who has really resisted the implementation of the SSI program, sometime in the latter half of last year entered into some conversations with a former appointee of his who is now engaged in executive responsibilities in the Department of HEW. Based on those very informal conversations and informal communications, he has tried to lay the basis in our State that no recipient is eligible for food stamps, in spite of the fact that we passed the farm bill

and included an assurance that no recipient would have an overall reduction in income.

Mr. Speaker, although I must admit there is not a great number of these persons involved—there are perhaps some 5,000 to 12,000 such people in our State—I would hope that this legislation, before it runs its course, would permit remedying the unbelievable situation that in this period of skyrocketing inflation the elderly and, more importantly in our State as it affects this category, the disabled poor have found themselves, as a result of SSI and its implementation by our State, having been chiseled out of a couple of bucks a month.

I am not sure at what stage of the proceedings we ought to press this matter, but I would urge my dear friend, the distinguished gentleman from California (Mr. PETTIS) as well as the distinguished chairman of the full committee, that they address themselves to this problem.

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

Mr. PETTIS. I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, I am not certain, but I believe that my friend, the gentleman from California (Mr. BURTON) is raising the same question that was raised by our friends, the Members from New York, because the five States that I referred to that have cashed out the food stamps heretofore are California, Massachusetts, Nevada, New York, and Wisconsin.

I have agreed with the gentlewoman from New York (Ms. HOLTZMAN) that they did it because they found a loophole, which was certainly not intended, in the bill which the gentleman is so well informed on and which we passed, taking over the SSI program for Federal Government administration.

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

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

Mr. BURTON. Mr. Speaker, I would like to commend the distinguished chairman of the full committee and note that this particular program is going to enormously simplify maintaining income for the aged, the blind, and the disabled. It is going to reduce enormously the administrative costs. It is contrary to the congressional will that these elderly, blind, and disabled poor lose a few bucks, and that is what we are talking about, $3 or $4 each for a number of them, during this period of runaway inflation.

Mr. Speaker, I commend the distinguished Chairman for his response.

Mr. MILLS. Mr. Speaker, if the gentleman will yield further, as I said earlier, I want to withdraw the bill. For the benefit of my friend, the gentleman from California (Mr. BURTON) since I do not know whether he was here earlier, I did call the attention of the House to the fact that I intend to call the bill up under suspension of the rules Monday or Tuesday with an amendment that will correct this situation.

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

Mr. MILLS. Mr. Speaker, I withdraw the bill.

GENERAL LEAVE

Mr. MILLS. 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. 12281, extending the suspension of duties on certain forms of copper, which was passed earlier.

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

There was no objection.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 286]

Adams	Fish	Nelsen
Ashley	Fisher	O'Hara
Blatnik	Fraser	Pepper
Boland	Gray	Pike
Bowen	Harsha	Rangel
Brasco	Hébert	Reid
Burke, Calif.	Holifield	Rooney, N.Y.
Carey, N.Y.	Howard	Sandman
Cochran	Jarman	Stratton
Derwinski	Kyros	Stuckey
Diggs	Lott	Wiggins
Dorn	Martin, Nebr.	Wyatt
Drinan	Moss	

The SPEAKER. On this rollcall 395 Members have answered to their names, a quorum.

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

AUTHORIZING THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF CERTAIN WORKS IN THE COLORADO RIVER BASIN TO CONTROL THE SALINITY OF WATER DELIVERED TO USERS IN THE UNITED STATES AND MEXICO

Mr. DELANEY. Mr. Speaker, I call up House Resolution 1166 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1166

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. 12165) to authorize the construction, operation, and maintenance of certain works in the Colorado River Basin to control the salinity of water delivered to users in the United States and Mexico. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be read for amendment by titles instead of by sections, and all points of order against section 205 of said substitute for failure to comply with the provisions of clause 4, rule XXI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from New York (Mr. DELANEY) is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. DEL CLAWSON), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1166 provides for an open rule with 1 hour of general debate on H.R. 12165, a bill to authorize the construction, operation, and maintenance of certain works in the Colorado River Basin to control the salinity of water delivered to users in the United States and Mexico.

House Resolution 1166 provides that it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the 5-minute rule. House Resolution 1166 also provides that the substitute shall be read for amendment by titles instead of by sections.

House Resolution 1166 provides that all points of order against section 205 of the substitute for failure to comply with the provisions of clause 4, rule XXI of the rules of the House of Representatives—prohibiting appropriations in a legislative bill—are waived.

Title I of H.R. 12165 authorizes a desalting complex to be constructed near Yuma, Ariz. It authorizes the Secretary of the Interior to advance funds to the U.S. section of the International Boundary and Water Commission with which to construct, operate, and maintain that portion of the reject brine channel located in the Republic of Mexico.

Title I also authorizes appropriations in the amount of $116.5 million for the desalting complex. An additional amount of $34 million is authorized for the boundary pumping program.

Title II authorizes the Secretary of the Interior to construct, operate, and maintain four specific salinity control projects as an initial stage of an overall salinity control program. They are: The Paradox Valley unit, Colorado, the Grand Valley Basin unit, Colorado, the Crystal Geyser unit, Utah, and the Las Vegas Wash unit, Nevada. Title II authorizes

appropriations in the amount of $82.7 million for these programs.

Mr. Speaker, I urge the adoption of House Resolution 1166 in order that we may discuss and debate H.R. 12165.

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

Mr. Speaker, House Resolutions 1166, as previously explained, provides for the consideration of H.R. 12165, the Colorado River Basin Salinity Control Act, under an open rule with 1 hour of general debate. The rule has several other provisions. It makes the committee substitute in order as an original bill for the purpose of amendment, provides that the substitute be read by titles instead of by sections, and waives points of order against section 205 for failure to comply with clause 4, rule XXI, which deals with appropriations on a legislative bill.

H.R. 12165 has two titles. Generally, the first deals with a program of salinity control and management on behalf of the quality of water delivered to Mexico. Title II deals with the management of salinity generally, within the Colorado River Basin, with its purpose being to improve the quality of water available for use within the United States and within Mexico.

Mr. Speaker, I urge adoption of this rule so that the House may proceed to consider the merits of this legislation.

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

The previous question was ordered.

The SPEAKER. The question is on the resolution.

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

Mr. HOSMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 402, nays 1, not voting 30, as follows:

[Roll No. 287]

YEAS—402

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

NAYS—1

Gross

NOT VOTING—30

Adams	Esch	Meeds
Ashley	Fish	Moss
Blatnik	Frelinghuysen	O'Hara
Boland	Griffiths	Owens
Bowen	Gubser	Pepper
Brasco	Hanna	Railsback
Carey, N.Y.	Hansen, Wash.	Reid
Derwinski	Hawkins	Rooney, N.Y.
Diggs	Hébert	Sandman
Dorn	Howard	Wyatt

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Derwinski.

Mr. Rooney of New York with Mr. Railsback.

Mr. Adams with Mr. Esch.

Mr. Brasco with Mr. Sandman.

Mr. Boland with Mr. Fish.

Mr. Carey of New York with Mr. Wyatt.

Mr. Diggs with Mr. Ullman.

Mr. Reid with Mr. Gubser.

Mr. Pepper with Mrs. Griffiths.

Mr. Howard with Mr. Hanna.

Mr. Meeds with Mr. O'Hara.

Mr. Moss with Mr. Blatnik.

Mr. Hawkins with Mr. Dorn.

Mr. Ashley with Mr. Frelinghuysen.

Mr. Bowen with Mrs. Hansen of Washington.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. JOHNSON of California. 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. 12165) to authorize the construction, operation, and maintenance of certain works in the Colorado River Basin to control the salinity of water delivered to users in the United States and Mexico.

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. 12165 with Mr. OBEY in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from California (Mr. JOHNSON) will be recognized for 30 minutes, and the gentleman from New Mexico (Mr. LUJAN) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from California.

Mr. JOHNSON of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 12165 to authorize the construction, operation, and maintenance of certain works in the Colorado River Basin to control the salinity of water delivered

to users in the United States and Mexico.

Before explaining the details of this measure, I would like to take this opportunity to express my appreciation to the chairman, ranking member and my other colleagues on the Committee on Interior and Insular Affairs for their support and assistance in bringing this bill to the floor at this time. Except for the unanimous support of the entire committee membership at every stage of the proceedings on this measure we would not be in a position to debate and pass it today.

I characterize the bill as a milestone for three reasons. One, its principal thrust is toward environmental improvement as distinct from most measures coming out of our Water and Power Resources Subcommittee where water utilization is the usual purpose. Second, the bill, particularly title I, will resolve—hopefully for all time—a matter of serious international concern between the United States and the Republic of Mexico. Third and last, we are concerned with the authorization of, far and away, the largest desalting plant ever undertaken anywhere in the world—thus achieving a major dividend for our more than 20 years of support of the research and development programs of the Office of Saline Water, Department of the Interior.

Mr. Chairman, H.R. 12165 consists of two separate titles. Title I is identified as "Programs Downstream from Imperial Dam" and is legislation to authorize measures and programs needed to implement a recent international agreement with the Republic of Mexico to resolve, definitely, the long-standing problem of salinity in the flows of the Colorado River water entering Mexico.

By way of background to title I, it may be helpful to review for the Members that the U.S. Government entered into the Mexican Water Treaty of 1944—in which a commitment was made to deliver 1,500,000 acre-feet of water annually to Mexico in the Colorado River at the international boundary. The treaty and its record of negotiation and ratification makes it clear that no quality limitations were explicitly imposed on this water; and it is equally clear that all then concerned realized that irrigation return flows would comprise a portion of the annual delivery.

For many years following the effective date of the treaty the United States delivered many millions of acre-feet of water, of reasonably high quality, to Mexico. Beginning about 1961, the United States commenced preparations for the filling of Lake Powell by increasing the storage content of Lake Mead. This action reduced the delivery to the treaty level of 1,500,000 acre-feet. At about the same time irrigation drainage flows from the Wellton-Mohawk division of the Gila project commenced to enter the river system. These flows were highly saline. The combination of these two developments caused the average salinity of the water entering Mexico to rise dramatically and to become a source of much concern to the Mexican Government and the Department of State.

Interim measures were taken by the Department of the Interior to accumulate the Wellton-Mohawk drainage water; to convey about 50,000 acre-feet past the Mexican Diversion Dam known as Morelos; to exempt this water from treaty accountability; and to replace it by a like amount of water from storage in American reservoirs. This arrangement existed for several years and of course resulted in an overdelivery on the American obligation.

In 1972, by international agreement, the United States agreed to bypass an additional increment of drainage water and to replace it with high-quality groundwater, thus increasing the overdelivery to about 118,000 acre-feet annually. This is the arrangement that exists at the present time.

Since the water being overdelivered to Mexico is being taken from the flows of the Colorado River that are, by compact, the entitlement of the seven States of the basin, there is a clear and present need to reduce the overdelivery and to identify a source of replacement water for that being overdelivered. The domestic thrust for this legislation rises from this fact.

Despite the interim arrangements which have been undertaken, the question of salinity continued to be a troublesome point in our relations with Mexico—so much so that President Nixon, in June of 1973, appointed a special representative to identify a permanent and definitive solution to the problem. The representative designated for this duty was the Honorable Herbert Brownell of New York. Ambassador Brownell developed a plan which, with the approval of the President, was presented to the Mexican Government. The plan was accepted and an agreement known as Minute No. 242 to the Mexican Water Treaty of 1944 was executed on August 30, 1973, in Mexico City. Title I of H.R. 12165 authorizes the facilities and measures required to give meaning and effect to Minute No. 242.

The minute guarantees that the salinity of the water delivered to Mexico shall be keyed to the salinity of the water arriving at Imperial Dam, the farthest downstream diversion point on the river in the United States. It requires that the salinity at the border shall be within 115 parts per million—give or take 30 parts per million—of the quality at Imperial Dam. This will be accomplished by desalting a portion of the drainage flows from the Wellton-Mohawk project, rejecting a portion of the flow as brine to the ocean and blending the product water with the untreated drainage water to assure the quality limitations set forth in the minute.

Accordingly, the centerpiece of title I is a large desalting plant to be located near the Mexican border, adjacent to Yuma, Ariz. This plant will be capable of producing 100,000,000 gallons of product water per day. This, in other terms, will amount to 144,000 acre-feet of drainage water converted to 101,000 acre-feet of product water and 43,000 acre-feet of brine. The product water will be blended with 31,000 acre-feet of untreated drainage water to achieve an overall product for delivery to Mexico and meeting the commitments of our Government.

Additional measures are authorized to assure that the drainage outflow from the irrigation project will not exceed 175,000 acre-feet annually; to prevent surface flows from entering the Wellton-Mohawk drainage system; to provide an interim source of replacement water; to identify permanent sources of replacement water; to secure project right-of-way across an Indian reservation; and to preserve groundwater aquifers along the international boundary from the adverse effects of Mexican pumping.

The desalting complex authorized by title I of H.R. 12165 will be complete with facilities for accumulating and managing the feedwater; for blending and delivery of the product water to the river; for discharge of the reject brine to the Santa Clara Slough, an arm of the Gulf of California; and corollary facilities for construction and operation of the plant. These consist of access roads, railroad spurs, power supply, shops, headquarters, and other operating facilities.

Mr. Chairman, there are several aspects of the desalting complex which are worthy of more specific mention for the information of Members. The first of these are the facilities for accumulation and management of the drainage water issuing from the Wellton-Mohawk division. An adequate system of drainage wells and collection drains has been installed and is in operation. This system produces approximately 250,000 acre-feet of drainage water at the present time. To limit the drain flow to 175,000 acre-feet per year, it is planned to acquire at least 10,000 acres of irrigable lands of the Wellton-Mohawk project and to retire it from service. The lands to be acquired are those which, on the basis of careful study, are contributing a maximum of salinity to the river system. The quality and quantity of drainage will be further limited by a program of work designed to achieve increased efficiency in irrigation water use in the remaining lands. This will be accomplished through assistance to water users in the installation of system improvements on the farms and will be carried out cooperatively with the Department of Agriculture whose participation is specifically authorized by the legislation. In order to be certain that surface flows of the Gila River will not enter the Wellton-Mohawk drainage system, it is planned to change the operating regimen of Painted Rock Reservoir, an existing flood control facility constructed on the Gila River by the Corps of Engineers—upstream from the Wellton-Mohawk. This facility now operates merely as a detention reservoir and thus requiring that only flowage easements be acquired in the area above the dam, it will be necessary to impound water for a longer period of time and the bill provides conditional authority to acquire fee title to the required right-

of-way. This authority will only be exercised if the Courts find that the present easements are not broad enough to permit extended inundation of reservoir lands.

The only work required to be accomplished on the existing drainage outlet system is the replacement of an existing metal flume with a concrete structure and the extension of the bypass through Mexican territory to Santa Clara Slough. The work to be accomplished in Mexico will be done by the Mexican section of the International Boundary and Water Commission, Department of State, with funds transferred to the Mexican Government through the U.S. section of the Boundary and Water Commission.

H.R. 12165, as reported, also authorizes the Secretary of the Interior to transfer 360 acres of public domain lands to the Cocopah Tribe of Indians, to be held in trust as reservation lands in consideration of a right-of-way across the reservation for the reject brine channel. Adequate crossing structures will also be provided across the channel so that the tribe may have ready access to all of its lands.

As I pointed out earlier, there will be an annual brine stream of approximately 43,000 acre-feet of brine from the desalting plant. This amount of water is exempt from treaty accountability and must be replaced with useable water from some source. The legislation provides that the responsibility for this increment of replacement supply is a national obligation, as distinct from any of the States of the basin, and authorizes studies to be completed by 1980 of measures to supply this added amount of water to the Colorado River system. These studies will be financed at project expense and $2,000,000 is included in the amount to be appropriated for conducting them. Constraints are also included in the legislation as to the sources of replacement water which might be considered. My friends and colleagues from the Columbia River Basin States will appreciate that their river system is off limits insofar as it might constitute a source of water for this replacement purpose.

The initial source of replacement water provided by the legislation will be from the Colorado River water salvaged and saved through lining and reconstruction of 49 miles of the Coachella Canal in California. This facility is served from the All-American Canal which diverts, in turn, at Imperial Dam near Yuma, Ariz. Through a program of reconstruction and lining it will be possible to salvage more than 100,000 acre-feet of water now being lost to seepage. This amount of water will thus remain in storage and be, in an accounting sense, used to credit the States for previous overdeliveries and to replace the reject brine after the desalting plant begins to operate. When the central Arizona project is completed and the State of California is obliged, in accordance with the terms of the Supreme Court decree in Arizona against California, to reduce its diversions from the Colorado River to 4,400,000 acre-feet annually, the use of Coachella salvage water for replacement will terminate. By then a source of replacement water is expected to have been identified as pointed out above.

H.R. 12165 further provides that the cost of lining and reconstruction of Coachella Canal be repaid in 40 equal annual installments, on an interest-free basis. However, payments are waived for the interim period that the salvage water is used as a source of replacement of the reject brine from the desalting plant. When the interim period is ended, the Coachella District will assume responsibility for payment of the remaining annual installments.

Appropriate adjustments to reduce the repayment obligations of the Imperial Irrigation District are also authorized by the bill—in recognition of capacity rights in Coachella being relinquished by the Imperial District in the reconstructed canal.

The facilities and measures comprising the desalting complex will be a national obligation except for on-farm system improvements benefiting the water users of the Wellton-Mohawk division. The legislation authorizes appropriations in the amount of $116,500,000 at April 1973 price levels for the accomplishment of the desalting complex and related programs.

Title I also authorizes a program of groundwater pumping along the border in the vicinity of San Luis, Ariz. The purpose of this program is to preserve groundwater from appropriation by pumping now being performed by Mexican interests immediately adjacent to the border in this area. If the Mexican pumping program is not compensated, groundwater inflows to the boundary section of the river will diminish and additional releases from storage will be required to accomplish the 1,500,000 acre-foot obligation. The well field, for which title I authorizes $34,000,000 to be appropriated, will have the capacity to produce 160,000 acre-feet annually—either for delivery to Mexico or for use in the United States. To the extent that the water is delivered to Mexico, its cost of production will be nonreimbursable as a national obligation.

Mr. Chairman, the measures I have discussed to this point are those which are supported generally by the executive branch. They benefit, directly, Mexican interests and have no direct beneficial effect on our citizens. The Committee on Interior and Insular Affairs is pleased to participate in resolving this source of international tension. Yet, it is the feeling of the committee that our own citizens are just as worthy of consideration as are the foreign interests. Accordingly, H.R. 12165 includes title II, programs upstream from Imperial Dam, which when implemented will signal the start of a program designed to improve and control the salinity of water at the several points of diversion for use within the United States.

Let me say at this point that the administration's position on the programs included in title II is ambiguous. The testimony before our committee is to the general effect that the executive branch supports the objectives of title II but prefers that the title not be enacted at this time. The need for more study is cited as the basis for this position. I would like to put this issue in perspective.

Beginning in 1962, the Congress mandated the Secretary of the Interior to monitor and report on the salinity of the Colorado River system. Biannual reports have thereafter been submitted by that Department. These reports show that the quality of the water available for use in the lower basin has steadily deteriorated. This is not a surprising finding since all expert opinion has long recognized that the works of man have this effect on any river.

In the last 12 years the U.S. Government has accumulated a great deal of information on the causes of salinity, the sources contributing to it, the actual salinity levels of the river flows at many locations, and the cost of means and measures to limit and control these levels.

There is full agreement between the Federal Government represented by the Environmental Protection Agency and the States of the Colorado River Basin that the objective of any control program should be the limiting of salinity in the lower river—to existing levels as the Upper Basin States proceed to develop their water entitlements pursuant to the Colorado River Compact and the Upper Colorado River Compact. This means, succinctly stated, that if additional economic development is to be achieved through water resource development and utilization in the Upper Basin States some of the existing sources of salinity must be brought under control.

This objective is being given increasing urgency every day that passes, particularly as we enact legislation pointed toward utilization of the coal and oil-shale resources in the basin as part of our thrust for energy self-sufficiency. It makes no difference, Mr. Chairman, whether the remaining undeveloped water in the States of New Mexico, Wyoming, Colorado, and Utah is used for conventional agricultural purposes or newly developed technology for fossil fuel extraction and conversion, the effect on residual salinity content is likely to be the same. That is to say, the river is bound to get worse unless we do something about it and do it quickly. Millions of people in virtually every metropolitan area in the southwest rely on this river for life-giving water supplies. To name only the major areas—there are Los Angeles, San Diego, shortly Phoenix and Tucson, Las Vegas, Salt Lake City, Denver, and Albuquerque—most of them geographically outside the basin but no less dependent upon it.

Title II is a response to this need. It mandates continued study of the problem. It identifies 13 specific sources of salinity for expedited study and authorizes development, operation, and maintenance of an initial program of works covering four well-known sources of salinity contribution to the river.

The programs to be immediately authorized by title II are known as Paradox, Colo.; Grand Valley, Colo.; Crystal Geyser, Utah; and Las Vegas Wash, Nev.

The bill authorizes appropriations in the amount of $82,700,000 with which to construct these programs. They have a cumulative capability of preventing the entrance of 381,000 tons of salt each year into the river.

The legislation provides that 75 percent of the cost of constructing the salinity control measures be nonreimbursable. Since salinity is a form of pollution and is not readily identified with specific individual parties for its cause, it is considered by our committee to be appropriate to assign this amount as a Federal expense in the same sense that grants for municipal treatment facilities are provided at this level.

The remaining costs of the programs are subassigned to the Upper and Lower Basin States for repayment and use of existing basin accounts is authorized for this purpose. In the case of the upper basin fund, a specific power rate increase is authorized as a source of revenue for this purpose.

Mr. Chairman, in conclusion let me say that this bill has had a great deal of careful study by our committee. It passed at every level of consideration without a dissenting vote. As I said at the start, it is a milestone measure. It marks the beginning of a national commitment to do something about the quality of life as that is defined by adequate supplies of useful water. I am confident that the Members of this House will rise to the occasion to join with us in grasping this opportunity today.

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

Mr. Chairman, I am pleased to associate myself with the remarks of the distinguished chairman of our Water and Power Resources Subcommittee and to join him in full support of this bill.

The gentleman from California has presented a very comprehensive and detailed analysis of the bill's provisions, and I compliment him on the leadership he has given our committee in developing this excellent legislation.

What we have before us, Mr. Chairman, is a bill that combines and implements the best elements of foreign policy and the most enlightened elements of domestic policy.

On the one hand, we are supporting a generous commitment the President has made to our friendly neighbor to the south, the Republic of Mexico. In passing this legislation, the Congress is joining the President in saying to our Mexican neighbors, "The United States has no legal obligation to clean up the water of the Colorado River before delivering it to Mexico, but we recognize that our use of this water is polluting it so badly that it is of little economic use to Mexican farmers. So we are going to take the initiative and clean it up ourselves, not as the fulfillment of a legal requirement but simply out of our desire for continued friendship and good relations with your nation."

Mr. Chairman, that is the good neighbor policy operating at its very best.

On the other hand, we are saying to our own people that charity begins at home. We take care of our international commitment in title I and then move on to take care of our domestic needs in title II. At the same time that we are cleaning up the water for Mexico's use, we are initiating upstream antipollution measures that will clean it up for our own use.

I am hopeful, Mr. Chairman, that this bill is just the beginning of our efforts to depollute the rivers, streams, and lakes of this country. What we are doing in the Colorado River Basin can also be done in the Rio Grande Basin, the Canadian River Basin, the Missouri River Basin and, eventually, in all of the water systems of America.

It is significant that this beginning is being made in the form of a gesture of good will toward our neighbor, for such a gesture is a mirror of the generosity of the American spirit; but it is also significant that this beginning provides equal benefits for our own citizens, for this is a reaffirmation of our belief in a national policy of enlightened self-interest.

Mr. Chairman, I join my colleagues on the committee in full support of this bill and urge a unanimous vote for its passage.

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

Mr. LUJAN. I yield to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, I join the gentleman in support of this bill. I rise in support of this bill and urge its passage. But in so doing, I want to make two points clear:

First. The executive branch of the Government took it upon itself to make a commitment to the Republic of Mexico to the effect that the United States will clean up the Colorado River water before it flows into Mexico. The extent of the commitment and therefore the cleanup is a little ambiguous. In any event, thereafter the Executive asked the Congress to fulfill this commitment by authorizing a very expensive desalination project. The bill before us will do that. And we should pass it to avoid embarrassing the President and our Government.

At the same time, however, the Congress must make it clear that the United States has absolutely no legal obligation to do this.

The United States has never, in any way, obligated itself to deliver a specific quantity of water to the Republic of Mexico. The President may have done so for himself, but he was legally unable to bind our Government, our country. That should be crystal clear.

The United States has never, in any way obligated itself to deliver any specified quality of water to the Republic of Mexico.

With this bill, we are not, repeat not, creating or affirming any such obligation to deliver water of any specified quantity or quality to our good neighbors to the South.

What we are doing—and all that we are doing here today—is making a magnanimous gesture to our neighbor, on our own initiative, out of the goodness of our heart.

I have no objections to our doing this. It is a fine and generous thing to do. But in this, as in other matters of foreign assistance, or protocol or good will, I believe we should first take care of our country's needs before spending U.S. tax dollars to take care of the needs of others.

Also, it should be understood that others, in this case Mexico, should reciprocate and assume their just duties and obligations on their side of the border. That means they should provide the necessary outlays for lining the drainage ditches and doing the other things necessary to improve the irrigation situation in Lower California. They should also exercise proper restraint in pumping near irrigation wells in Lower California. I hope and trust that this will be done.

And that brings me to my second point, Mr. Chairman.

What we also have done with this bill, which I sponsored, is to provide for improvements of our own water at the same time, upstream on the American side of the border, we are improving the water that goes to Mexico.

We have done this by adding title II, to the bill which authorizes four desalinating projects on the upper reaches of the Colorado.

Some have suggested that perhaps the executive branch will move ahead swiftly on title I, which fulfills its commitment to Mexico, but drag its feet on implementing title II, which fulfills the commitment of the Congress to the American taxpayers.

I want it clearly understood that the intent of this legislation is to move ahead on both titles; to begin cleaning up our own water at the same time we clean up the water going to Mexico.

With those two points in mind, Mr. Chairman, I repeat that I support this bill and urge its swift passage.

Mr. JOHNSON of California. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, I rise in support of H.R. 12165 and to associate myself with the presentation of the manager of the bill and chairman of the Subcommittee on Water and Power Resources. He has explained comprehensively the background of this legislation and its detailed provisions. This need not be repeated.

I am proud to be a cosponsor of this legislation along with my colleagues on both sides of the aisle from the States of the Colorado River Basin. I am sure that each of them shares my interest in this matter and, further, shares my view that in the West there are no political parties when the issues are water and its management. Nevertheless, there may be some who will express reservations concerning this measure—who will say that we have no obligation to perform these programs—and who will become conscience stricken over the apparent cost. Despite these reservations, some of which I share, it is my strongly held view that we cannot afford to fail to get

on with both titles of this bill and to do so at once.

I would like to commend the President and his special representative, Ambassador Brownell, for devising a program and bringing it to the Congress for authorization. As most are aware, I am not always supportive of the administration's actions but I am most pleased to say that its handling of the Mexican salinity question is both timely and imaginative and reflects great credit on our Nation.

Title I—the Mexican salinity program—is long overdue. For a dozen years or more our Nation has been delivering water to the farms and villages of the Mexicali Valley in the State of Baja California. This water was often unfit for use in the light of the level of technical expertise available to the Mexican water users. Admittedly, some interim steps have been taken which have helped the situation in recent years but they are not viable solutions from either the standpoint of the Mexican interests or the long-term well-being of the Basin States.

For several years I have been a member of the United States-Mexico Interparliamentary Conference. At each of our annual meetings the Colorado River salinity problem has been of top concern to our Mexican colleagues. Whether this concern is symbolic or tangible makes little difference. It is no less real and until it is resolved it will stand as a barrier to the kind of relationship we wish to maintain with an immediate neighbor, one who is the fifth largest buyer of U.S. products and with which we consistently maintain a favorable balance of trade.

Desalting technology developed by the Department of the Interior, under the overview of our Committee on Interior and Insular Affairs, now affords an engineeringly feasible solution. And, apart from affording an answer to this immediate problem, construction of this large facility will demonstrate that there exists a means to cope with social and economic crises emerging in other parts of the world. I cannot overemphasize, Mr. Chairman, the necessity of testing and proving our capability to solve large-scale water and water quality-related problems in our own public interest—and in the interest of our role as the leading Nation of the world. The works authorized by this bill will afford this proof or, alternatively, point the way to additional needed developmental research.

Here at home, on the domestic scene, many of us are occupied practically full time on energy matters—primarily on measures needed to assure self-sufficiency in an early time frame. One of the truly perplexing issues that face us is our capability to find, regulate, and preserve adequate water resources to support the energy developments of the near future. Certainly a capability to convert brackish water to useful form and to reclaim that water after it has once been used—so that it may be reused—is as vital to our attainment of self-sufficiency as any other aspect of the technological question. The Wellton-Mohawk Desalting Plant will take us a long first stride down the road to demonstrating a self-sufficiency in problem solving.

On the issue of whether the United States is obligated to do what we propose here to do I would like to point out that there is more than one kind of obligation. As to a clear legal obligation—we perhaps have none. There is, however, an obligation of conscience and another of commonsense. The implications of the former are clear and require no explanation or justification. Also, as a matter of practical commonsense, it should not be necessary to dwell on the importance of our diplomatic and economic relationships with the Republic of Mexico.

Finally, as a native of the southwestern desert which encompasses my State of Arizona and much of northern Mexico, I have a deep understanding of the importance of the river as a symbol of life for the inhabitants of the region. Our very existence, both in the United States and Mexico, is dependent on maximizing our use of this great resource for agricultural and domestic water supplies. The survival of our regional social order is tied to the quality and, consequently, the utility of the river's flow. Without the programs that will be accomplished under this legislation we have little hope of preserving our existing economic and social order—much less improving it.

For these reasons I support both titles of H.R. 12165 and urge its passage.

Mr. LUJAN. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. STEIGER).

Mr. STEIGER of Arizona. Mr. Chairman, I would like to echo the warm, sincere sentiments of my friend, the gentleman from Arizona (Mr. UDALL), with respect to the efficacy of this bill. I would like to do that, but I do not find myself as enthusiastic about it as he is. I am going to vote for the bill, because I think its passage is inevitable; but I think somewhere in this record it ought to reflect that we never did examine whatever alternative devices might have been used. We never did examine the real need beyond the outraged screams of diplomats on both sides of the border.

Having said that and having pointed it out, I have done nothing else but ease my conscience, because I am going to vote for this legislation.

I wonder if the distinguished chairman of the subcommittee, the gentleman from California (Mr. JOHNSON) would consider responding to a question about a specific problem in my area.

Mr. JOHNSON of California. Yes, I will yield to the gentleman.

Mr. STEIGER of Arizona. In section 101(h) of the bill there is a provision that the Secretary is authorized to provide specific assistance to the water users in a specific division in installing improvements.

Is it the intention, as the gentleman understands it, that this provision would also authorize the Secretary to assist the Wellton-Mohawk irrigation and drainage district in installing system improvements, since that district is made up of the individual water users?

Mr. JOHNSON of California. Yes. There are funds and they would be there and available at the discretion of the Secretary.

Mr. STEIGER of Arizona. I thank the distinguished chairman of the subcommittee for making the record very clear on that. I know that was the intent.

I would like to point out one thing that the record ought to reflect in this effort, that as the gentleman from Arizona (Mr. UDALL) pointed out, this particular effort, although required by what I consider inappropriate demands, was responded to in a most efficient fashion by the Brownell committee or commission made up, surprisingly enough, not of political legatees, but of people who understand the problem, as a result of our examination and negotiations that we arrived at what appears to be, at least, one solution to a problem that is very real in the minds of Mexican citizens.

Mr. Chairman, those who have spent a great deal of time on this are to be congratulated. As far as I am concerned, the taxpayer deserves our sympathy, if nothing else.

Mr. JOHNSON of California. I yield 5 minutes to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, seldom in my tenure in Congress has there been a bill on which I felt so keenly with regard to the clear right and wrong as I feel about this bill.

I very firmly support this legislation. I think it is long overdue. Some 2 years ago I introduced a bill to achieve the same objective.

I think this is just a simple question of right and wrong, and that we in the United States should perform our responsibility as good neighbors to perhaps the best neighbors that we have in the world.

In 1944, we solemnly signed a treaty under which we agreed to provide to the Republic of Mexico and its people a minimum of 1½ million acre-feet annually of water in the Colorado River, which flows through the United States before it enters the neighboring Republic of Mexico. Implicit in that agreement was the assumption that the water so provided should be usable water, reasonably free from serious pollution or artificially induced contamination.

But, in the 30 years that have intervened since our signing of that treaty, harmful saline content in this water we have been delivering to our neighbor under that treaty has increased from approximately 900 parts per million initially, to an extremely high and devastating level presently estimated to run from 2,500 to 5,000 parts per million.

Our own Department of the Interior has published studies which conclude that anything higher than 2,000 parts per million of saline mineral content renders water totally unacceptable for most cultivation; anything, for that matter, except for certain highly salt-resistant crops. These, unfortunately, are climatologically unsuitable for the area involved. As a result of our continuing

to dump this great amount of harmful mineral content on the lands of our neighbor, what once was the most productive farmland in all of Mexico, a veritable garden known as the Mexicana Valley, has been grievously afflicted. Life-giving crops have been annually killed by this heavy mineral intrusion. And much of that formerly lush and verdant valley has come to resemble a sun-bleached corpse.

Mr. Chairman, I have visited this country, and I can assure the members of the committee that the damage we have inadvertently inflicted upon these good neighbors has been immense. They now face the grim specter of permanent ecological damage hanging like a heavy cloud over the future of that entire region, because lands continually inundated by salt ultimately return to desert.

So, what in effect we have been doing has been almost analogous to a man dumping his garbage in his neighbor's well.

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

Mr. WRIGHT. Mr. Chairman, I am happy to yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, I think the gentleman is overstating a point here, if he has a point at all. The reason that there is a salt problem in the lower Colorado River is, one, during World War II when the treaty with Mexico was written, a lot of the Colorado River water was traded off so that the State of Texas could get the benefit of Rio Grande water, and that enhanced the salt problem in the lower Colorado River Basin.

Mr. WRIGHT. Mr. Chairman, I decline to yield any further because I just have a short time remaining.

Mr. HOSMER. Mr. Chairman, I would like to have the gentleman get it straight on the record what the facts are.

Mr. WRIGHT. Mr. Chairman, I was not a Member of Congress in 1944, and I do not know what motivated the Government to sign the treaty. I think it was a fair treaty. I was not aware, and the gentleman may be entirely correct in stating that some water inured to the benefit of the State of Texas from the Rio Grande River, but that was no part of that treaty. And it has utterly nothing whatever to do with the bill we are considering today.

Mr. Chairman, all I am saying is that once we contractually agreed with a neighboring country to furnish its citizens through this river 1½ million acre-feet of water a year, we implicitly assumed the responsibility to give them usable water. We have not done it. This has caused serious repercussions in our neighboring republic. Poverty has stalked the land which once was its most productive and most prosperous area.

There have been serious demonstrations by farm and union groups. Against us? No, against the officials of the Republic of Mexico for not having been successful in getting a rectification from us of this problem. Yet, they have not threatened us. They have been an example of patience.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JOHNSON of California. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, every year for the past 13 I have met with Mexican lawmakers. I have visited these afflicted lands. I just say to the members of the committee that it is the fair thing and the decent thing and the neighborly thing for us to do. I strongly support this bill and urge its adoption by an overwhelming vote.

Mr. LUJAN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, to carry on the colloquy with the gentleman from Texas, this matter of a trade-off of the water between the Rio Grande and the Colorado River, to the disadvantage of the western States of California, Nevada, and Arizona principally, is a well-known event in the recent history of these United States.

The excessive 1½ million acre-feet of water that Mexico got was more than adequate at that time to take care of all of its needs and of all of its projected future needs into the next century.

Mr. Chairman, the reason that the lower Californians are having problems is not because, as the gentleman insists, that we have dumped salt on them.

We have, because of the Wellton-Mohawk project in the State of Arizona, dumped a lot of extra salt in the river. But in the first place, before and after, the Mexicans were and are getting actually what they are entitled to, and that is 1½ million acre feet of something wet. Absolutely no commitments regarding water quality were ever made to the Mexicans by anybody.

In the second place, they not only get the 1½ million feet, but they are now complaining about salt conditions which largely they could remedy themselves in Lower California by lining the drainage ditches and making the other improvements that are made according to good irrigation practices by irrigators up north of the border.

Mr. Chairman, there is no reason in the world to shed a lot of tears for the Mexicans in this instance. In the next instance, there is no legal obligation as to water quality, only as to quantity. This was set forth specifically back in World War II days when the treaty was written. There is no legal obligation to do anything with respect to what goes past the border, but to insure that it is wet and in the minimum quantity.

There is a quantity requirement. There is absolutely no quality requirement with respect to what goes down to Mexico.

There was not any trouble about this quality of the water in Mexico, even after the Wellton-Mohawk Dam was put in, until the present President of Mexico became an officeholder and, for whatever his reasons, insisted that something be done about it.

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

Mr. HOSMER. Mr. Chairman, I will yield to the gentleman from Texas.

Mr. WRIGHT. This is simply for a factual correction. For 13 years representatives of Mexico have been talking with me and with other members of the interparliamentary delegation about the seriousness of this problem. It is not correct to say that there was not any problem until the present President of Mexico assumed office. I have visited the area afflicted, as have other Members, and I can assure the gentleman that this is not a new problem which has arisen with the present President of Mexico. It is a long-standing problem which has grown progressively worse.

Mr. HOSMER. Mr. Chairman, 13 years ago, coincidentally, was when the United States commenced to enforce the wetback law. Up to that time, the Mexicans had gone from Mexico up to California and Arizona, tending the tomatoes; and, when the U.S. Immigration Service insisted on enforcing the wetback law, then the farmers brought the tomato vines back below the border. Along with them the people came back to tend the vines now planted below the border. The farmers thought they would be better off with a little less salt content in the irrigation water. That is when this issue arose. Again I repeat that it was not even then, but only after the gentleman who is now the President of Mexico made a great big issue out of it. He made an issue out of it with the President of the United States. The President of the United States promised to do something about it, and this bill that we have before us is doing something about it.

Mr. Chairman, that the President made a commitment is the sole and only reason why I am supporting the bill today. But, I think the RECORD ought to show that this bill is going to cost the American taxpayers money ad infinitum, a heavy first investment capital charge. Then for operation about $50 million a year, or so, to keep the desalting plant going, till the future knoweth not to the contrary.

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

Mr. HOSMER. I will yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, it is not accurate to say that this bill is solely the result of an importuning of our President by the President of Mexico. Many of us here in the United States have been urging a solution to this problem for quite some while.

I personally called this to the attention of the President of the United States and urged that he do something about it before President Echeverria visited the United States for this purpose. So there have been some of us on this side of the river who do feel that we ought to be fair to our neighbors.

Mr. HOSMER. Mr. Chairman, I think we ought to stop giving away the water that belongs to the people of California.

Mr. LUJAN. Mr. Chairman, if the gentleman will yield, I agree that the gentleman is correct, there is no legal obligation, but I do think that a great deal has been done by putting a drainage system in to serve the Mexicali Valley. I do not believe there would be any objection to this, because there is no better way to gain the goodwill of our neighbor, at a time when we need it in many other respects.

So I think the money—and I am sure the gentleman would agree with me—that is being spent on this project is a goodwill gesture and represents a wise expenditure of money.

Mr. HOSMER. Mr. Chairman, I also believe that goodwill works both ways.

Mr. LUJAN. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. CRONIN).

Mr. CRONIN. Mr. Chairman, as a member of the Committee on Interior and Insular Affairs, I rise to support this legislation for a very different reason than those which my colleagues from the West and the Southwest have expressed today.

I represent an area in the Northeast part of our country that is not going to be directly affected by the water that will come from this project. However, this project is going to provide for the building of the largest desalinization plant in the world. We have been preoccupied in this country with the oil shortage and the energy shortage for the last year, as well as the minerals shortage, and we have yet to face up to the pending water shortages which our Nation is going to face. The Office of Saline Water has received far less than the active support it should be receiving from this administration and from the people of our country.

This is the one area in which the United States has had supremacy in technology for some time. It is an area where we have been giving that supremacy away in recent years. It is an area where we are going to need this support in the very short run.

We are going to need water, and one of the best ways to get it is through the technology which the Office of Saline Water has been able to produce. I think this project, in which roughly half of the cost is going into the building of this new desalinization plant, is an investment in a program to combat the next major problem of this Nation, a problem which this Nation and the rest of the world is going to face—the question of water supply.

For these reasons, Mr. Chairman, I rise in support of this project, because I believe it is an investment in the future. It is an investment toward helping us solve the water problem which we are going to face in the years to come.

Mr. JOHNSON of California. Mr. Chairman, I yield 3 minutes to the gentleman from Wyoming (Mr. RONCALIO), a member of the committee, and a Member who represents a Colorado River Basin State.

Mr. RONCALIO of Wyoming. Mr. Chairman, I would like to second the arguments which have been made by Members on both sides of the aisle, and by my colleagues on the committee, which I feel summarize in excellent form the reasons why this is good legislation, and which ought to be passed.

I particularly call the attention of Members to the fact that there are better than 3,500,000 tons per year of solvents, saline dissolved solids put into the waters of the Colorado River as a result of nature's functions in the Colorado or as a result of man's functions in the process of irrigating. Particularly the La-Verkin Springs, Utah, and Blue Mesa and Blue Springs, Ariz. areas, contribute some 700,000 tons a year of saline matter to the waters. In the Colorado and Gunnison irrigation projects, as a result of this flow from the irrigation of the Gunnison Valley, there has been better than 1 million tons a year. The other irrigation projects in Utah and in Arizona, of course, constitute the balance of the better than 3½ million tons a year that we add in the way of saline content to these waters.

They become, as my colleague, the gentleman from Arizona, said, clearly unusable either for man, for irrigation or for the use of animals.

The cost of the legislation is in excess of $233 million, but I submit that is a modest and altogether appropriate authorization at this time in the consideration of goals which serve a four-fold function, as this does.

First and foremost, this provides for cleaning the waters of one of our great rivers; second, it fulfills an international obligation to one of our two fine neighbors.

This is because we have caused damage to the lands of Mexicali, as our friend from Texas (Mr. WRIGHT) so vividly pointed out.

Third, this plant that will be built in the Yuma area will contribute to the expertise to be gained in the water desalinization program.

Lastly, most certainly it will give us an opportunity to move in the direction of sharing expertise, which was discussed on these various fronts heretofore.

So far as the objections are concerned, I have been told this, and I believe a field trip that many of us took all through December a year ago has borne this out. This trip was taken immediately after the last election, as I recall it, when we visited virtually every discharge point on the Colorado River and talked to a great number of the people who would be involved in this area. We came away convinced that the Wellton-Mohawk in California exacerbated our Mexican water problem, and that the legislation would be in the best interests of this Nation and indeed of the entire hemisphere.

Mr. Chairman, I urge the enactment of this legislation.

Mr. JOHNSON of California. Mr. Chairman, I yield to the gentleman from Texas (Mr. DE LA GARZA), such time as he may consume.

Mr. DE LA GARZA. Mr. Chairman, I very respectfully rise in support of this legislation, H.R. 12165, the Colorado River Basin Salinity Control Act. The history of this problem is well known—my esteemed colleague from Texas, Mr. WRIGHT, has previously mentioned part of it; also, the very able chairman of the subcommittee which handled this legislation, Mr. JOHNSON of California, whom I commend for his very forceful and diligent handling of this legislation.

It has been a long time since the initial protest was made by Mexico that the salt content of the waters due them from the Colorado River under the Treaty of 1944 were beyond an acceptable level. Since then, Mr. Chairman, many people of good will have worked toward a solution—to mention just a few—President Richard Nixon; President Lyndon B. Johnson; and former Vice President HUBERT HUMPHREY. And how could we ever forget the invaluable assistance of Commissioner Joe Friedkin of the U.S. section of the International Boundary and Water Commission; and certainly the Honorable Herbert Brownell.

In the Congress, there have been those Members who have served through the years on the several Interparliamentary meetings with our colleagues from Mexico. I have been honored to serve as a representative to those meetings for several years, and I am happy to have worked—be it in a very humble capacity—on the eventual solution to this very delicate problem. Many people on both sides of the border will benefit from this project.

Mr. Chairman, but above and beyond that, we have once again demonstrated to the world, that nations can live in peace and yet have problems, but that no problem is such that it cannot be settled by men of good will in a peaceful and civilized manner. And we have demonstrated that no nation is too small or too large in dealing with its neighbors—then you are just neighbors, no more, no less, and that equity and justice will prevail when those neighbors approach the conference table with mutual respect. A great Mexican once said, "Respect for the rights of others is peace." Our two countries have again upheld this theory—I am happy we have done so.

Mr. VANIK. Mr. Chairman, in order to fulfill our international obligations with Mexico, I feel bound to support this legislation to authorize $233.2 million to construct, operate, and maintain certain works in the Colorado River Basin so as to control the salinity of water delivered to users in the United States and Mexico. If Mexico had caused similar water quality damage to the United States, we would expect and demand the same from her.

As a letter to the Speaker from the Department of State notes:

> In respect to our international relations, the agreement removes a problem which has plagued our relations with Mexico for more than a decade. It demonstrates once again the willingness of the United States to resolve its differences with other countries, as well as our will and ability to find constructive ways to do so.

As the committee report indicates, much of the damage to the water quality

of the Colorado has been caused by Bureau of Reclamation programs, in particular the Wellton-Mohawk division of the Gila project.

I would like to call the attention of the committee and the Congress to a similar problem which is developing on our northern border. If the Congress and the administration act now to take corrective action, maybe we can avoid having to construct a third of a billion dollars in repair works along the Canadian border 10 years from now.

On October 23, 1973, the Canadian Embassy transmitted to the State Department a very strong note objecting to the Bureau of Reclamation's Garrison diversion unit in North Dakota. On November 5th, State forwarded the note to Secretary of the Interior Morton and informed the Secretary 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 weighed before further funds are expended on this project.

The Canadian objection—supported by a good number of American environmentalists—is that the Garrison project would degrade the quality of water flowing from North Dakota to Canada. In particular, it would turn the Souris River into something of a salt lick.

Despite these warnings, work is continuing on the Garrison diversion unit.

If work continues, the Canadians will insist on reparations. It will be a subject of bad blood between our two nations. It will end up costing us hundreds of millions of dollars to repair the damage caused. Yet if we act now, we can prevent that damage. I hope that the committee, the Departments of Interior and State, and the Office of Management and Budget can act now to prevent the Garrison project from creating the same type of problem that developed along the Mexican border—the same type of problem we are attempting to correct in this bill before the House today—a problem which could cost the taxpayers hundreds of millions of dollars.

Mr. JOHNSON of California. Mr. Chairman, I have no further requests for time on this side.

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

The CHAIRMAN. Pursuant to the rule, the Clerk will now read by title the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purposes of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Colorado River Basin Salinity Control Act".

TITLE I—PROGRAMS DOWNSTREAM FROM IMPERIAL DAM

SEC. 101. (a) The Secretary of the Interior, hereinafter referred to as the "Secretary", is authorized and directed to proceed with a program of works of improvement for the enhancement and protection of the quality of water available in the Colorado River for use in the United States and the Republic of Mexico, in accordance with the provisions of this Act.

(b)(1) The Secretary as authorized to construct, operate, and maintain a desalting complex, including (1) a desalting plant to reduce the salinity of drain water from the Wellton-Mohawk division of the Gila project, Arizona (hereinafter referred to as the division), including a pretreatment plant for settling and filtration of the drain water to be desalted; (2) the necessary appurtenant works including the intake pumping plant system, product waterline, power transmission facilities, and permanent operating facilities; (3) the necessary extension in the United States and Mexico of the existing bypass drain to carry the reject stream from the desalting plant and other drainage waters to the Santa Clara Slough in Mexico, with the part in Mexico, subject to arrangements made pursuant to section 101(d); (4) replacement of the metal flume in the existing main outlet drain extension with a concrete siphon; (5) reduction of the quantity of irrigation return flows through acquisition of lands to reduce the size of the division, and irrigation efficiency improvements to minimize return flows; (6) acquire on behalf of the United States such lands or interest in lands in the Painted Rock Reservoir as may be necessary to operate the project in accordance with the obligations of Minute Numbered 242 to the Mexican Water Treaty of 1944; and (7) all associated facilities including roads, railroad spur, and transmission lines.

(2) The desalting plant shall be designed to treat approximately one hundred and twenty-nine million gallons a day of drain water using advanced technology commercially available. The plant shall effect recovery initially of not less than 70 per centum of the drain water as product water, and shall effect reduction of not less than 90 per centum of the dissolved solids in the feed water. The Secretary shall use sources of electric power supply for the desalting complex that will not diminish the supply of power to preference customers from Federal power systems operated by the Secretary. All costs associated with the desalting plant shall be nonreimbursable.

(c) Replacement of the reject stream from the desalting plant and of any Wellton-Mohawk drainage water bypassed to the Santa Clara Slough to accomplish essential operation except at such times when there exists surplus water of the Colorado River under the terms of the Mexican Water Treaty of 1944, is recognized as a national obligation as provided in section 202 of the Colorado River Basin Project Act (82 Stat. 895). Studies to identify feasible measures to provide adequate replacement water shall be completed not later than June 30, 1980. Said studies shall be limited to potential sources within the States of Arizona, California, Colorado, New Mexico, and those portions of Nevada, Utah, and Wyoming which are within the natural drainage basin of the Colorado River. Measures found necessary to replace the reject stream from the desalting plant and any Wellton-Mohawk drainage bypassed to the Santa Clara Slough to accomplish essential operations may be undertaken independently of the national obligation set forth in section 202 of the Colorado River Basin Project Act.

(d) The Secretary is hereby authorized to advance funds to the United States section, International Boundary and Water Commission (IBWC), for construction, operation, and maintenance by Mexico pursuant to Minute Numbered 242 to the Mexican Water Treaty of February 3, 1944, of that portion of the bypass drain with Mexico. Such funds shall be transferred to an appropriate Mexican agency, under arrangements to be concluded by the IBWC providing for the construction, operation, and maintenance of such facility by Mexico.

(e) Any desalted water not needed for the purposes of this title may be exchanged at prices and under terms and conditions satisfactory to the Secretary and the proceeds therefrom shall be deposited in the General Fund of the Treasury. The city of Yuma, Arizona, shall have first right of refusal to any such water.

(f) For the purpose of reducing the return flows from the division to one hundred and seventy-five thousand acre-feet or less, annually, the Secretary is authorized to:

(1) Accelerate the cooperative program of Irrigation Management Services with the Wellton-Mohawk Irrigation and Drainage District, hereinafter referred to as the district, for the purpose of improving irrigation efficiency. The district shall bear its share of the cost of such program as determined by the Secretary.

(2) Acquire, by purchase or through eminent domain or exchange, to the extent determined by him to be appropriate, lands or interests in lands to reduce the existing seventy-five thousand irrigable acres authorized by the Act of July 30, 1947 (61 Stat. 628), known as the Gila Reauthorization Act. The initial reduction in irrigable acreage shall be limited to approximately ten thousand acres. If the Secretary determines that the irrigable acreage of the division must be reduced below sixty-five thousand acres of irrigable lands to carry out the purpose of this section, the Secretary is authorized, with the consent of the Board of Directors of the Wellton-Mohawk Irrigation District, to acquire additional developed lands, as may be deemed by him to be appropriate.

(g) The Secretary is authorized to dispose of the acquired lands and interests therein on terms and conditions satisfactory to him and meeting the objective of this Act.

(h) The Secretary is authorized, either in conjunction with or in lieu of land acquisition, to assist water users in the division in installing system improvements, such as ditch lining, change of field layouts, automatic equipment, sprinkler systems and bubbler systems, as a means of increasing irrigation efficiencies: *Provided, however,* That all costs associated with the improvement authorized herein and allocated to the water users on the basis of benefits received, as determined by the Secretary, shall be reimbursed to the United States in amounts and on terms and conditions satisfactory to the Secretary.

(i) The Secretary is authorized to amend the contract between the United States and the district dated March 4, 1952, as amended, to provide that—

(1) the portion of the existing repayment obligation owing to the United States allocable to irrigable acreage eliminated from the division for the purposes of this title, as determined by the Secretary, shall be nonreimbursable; and

(2) if deemed appropriate by the Secretary, the district shall be given credit against its outstanding repayment obligation to offset any increase in operation and maintenance assessments per acre which may result from the district's decreased operation and maintenance base, all as determined by the Secretary.

(j) The Secretary is authorized to acquire through the Corps of Engineers fee title to, or other necessary interests in, additional lands above the Painted Rock Dam in Arizona that are required for the temporary storage capacity needed to permit operation of the dam and reservoir in times of serious flooding. No funds shall be expended for acquisition of land or interests therein until it is finally determined by a Federal court of competent jurisdiction that the Corps of Engineers presently lacks legal authority to use said lands for this purpose. Nothing contained in this title nor any action taken pursuant to it shall be deemed to be a recognition or admission of any obligation to the owners of such land on the part of the United States or a limitation or deficiency in the

rights or powers of the United States with respect to such lands or the operation of the reservoir.

(k) To the extent desirable to carry out sections 101(f)(1) and 101(h), the Secretary may transfer funds to the Secretary of Agriculture as may be required for technical assistance to farmers, conduct of research and demonstrations, and such related investigations as are required to achieve higher-on-farm irrigation efficiencies.

(l) All cost associated with the desalting complex shall be nonreimbursable except as provided in sections 101(f) and 101(h).

SEC. 102. (a) To assist in meeting salinity control objectives of minute 242 of the Mexican Water Treaty of 1944 during an interim period, the Secretary is authorized to construct a new concrete-lined canal or, to line the presently unlined portion of the Coachella Canal of the Boulder Canyon project, California, from station 2 plus 26 to the beginning of siphon numbered 7, a length of approximately forty-nine miles. The United States shall be entitled to temporary use of a quantity of water, during an interim period, equal to the quantity of water conserved by constructing or lining the said canal. The interim period shall commence the year following completion of construction or lining said canal and shall end the first year that the Secretary delivers main stream Colorado River water to California in an amount less than the sum of the quantities requested by (1) the California agencies under contracts made pursuant to section 5 of the Boulder Canyon Project Act (45 Stat. 1057), and (2) Federal establishments to meet their water rights acquired in California in accordance with the Supreme Court decree in Arizona against California (376 U.S. 340).

(b) The charges for total construction shall be repayable without interest in equal annual installments over a period of forty years beginning in the year following completion of construction: *Provided*, That, repayment shall be prorated between the United States and the Coachella Valley County Water District, and the Secretary is authorized to enter into a repayment contract with Coachella Valley County Water District for that purpose. Such contract shall provide that annual repayment installments shall be nonreimburseable during the interim period, defined in section 102(a) of this title and shall provide that after the interim period, said annual repayment installments or portions thereof, shall be paid by Coachella Valley County Water District.

(c) The Secretary is authorized to acquire by purchase, eminent domain, or exchange private lands or interests therein, as may be determined by him to be appropriate, within the Imperial Irrigation District on the Imperial East Mesa which receive, or which have been granted rights to receive, water from Imperial Irrigation District's capacity in the Coachella Canal. Costs of such acquisitions shall be nonreimbursable and the Secretary shall return such lands to the public domain. The United States shall not acquire any water rights by this transfer.

(d) The Secretary is authorized to credit Imperial Irrigation District against its final payments for certain outstanding construction charges payable to the United States on account of capacity to be relinquished in the Coachella Canal as a result of the canal lining program, all as determined by the Secretary: *Provided*, That, relinquishment of capacity shall not affect the established basis for allocating operation and maintenance costs of the All-American Canal to existing contractors.

(e) The Secretary is authorized and directed to cede the following land to the Cocopah Tribe of Indians, to be held in trust by the United States for the Cocopah Tribe of Indians:

Township 9 south, range 25 west of the Gila and Salt River meridian, Arizona;

Section 25: Lots 18, 19, 20, 21, 22, and 23;

Section 26: Lots 1, 12, 13, 14, and 15;

Section 27: Lot 3; and all accretion to the above described lands.

The Secretary is authorized and directed to construct three bridges, one of which shall be capable of accommodating heavy vehicular traffic, over the portion of the reject stream which crosses the reservation of the Cocopah Tribe of Indians. The transfer of lands to the Cocopah Indian Reservation and the construction of bridges across the reject brine channel shall constitute full and complete payment to said tribe for the rights-of-way required for construction of the reject brine channel and appurtenant electrical transmission lines.

SEC. 103. (a) The Secretary is authorized to:

(1) Construct, operate, and maintain wells in the areas found appropriate for well fields as a means of utilizing ground waters of the Yuma Mesa division, Gila project, and the Valley division, Yuma project areas, Arizona, which wells shall be capable of furnishing approximately one hundred and sixty thousand acre-feet of water per year for use in the United States and for delivery to Mexico in satisfaction of the 1944 Mexican Water Treaty.

(2) Acquire by purchase, eminent domain, or exchange, to the extent determined by him to be appropriate, approximately twenty-three thousand five hundred acres of lands or interests therein within approximately five miles of the Mexican border on the Yuma Mesa: *Provided, however*, That any such lands which are presently owned by the State of Arizona may be acquired or exchanged for Federal lands.

(3) Any lands removed from the jurisdiction of the Yuma Mesa Irrigation and Drainage District available for use under the Gila Projects Reauthorization Act (61 Stat. 628), shall be substituted for like lands within the Yuma Mesa division of the project. In the development of these substituted lands or any other lands within the Gila project, the Secretary may provide for full utilization of the Gila Main Gravity Canal in addition to contracted capacities.

(b) The cost of work provided for in this section, including delivery of water to Mexico, shall be nonreimbursable; except to the extent that the waters furnished are used in the United States.

SEC. 104. The Secretary is authorized to provide for modifications of the projects authorized by this title to the extent he determines appropriate for purposes of meeting the international settlement objective of this title at the lowest overall cost to the United States. No funds for any such modification shall be expended until the expiration of sixty days after the proposed modification has been submitted to the appropriate committees of the Congress, unless the Congress approves an earlier date by concurrent resolution. The Secretary shall notify the Governors of the Colorado River Basin States of such modifications.

SEC. 105. The Secretary is hereby authorized to enter into contracts that he deems necessary to carry out the provisions of this title in advance of the appropriation of funds therefor.

SEC. 106. In carrying out the provisions of this title, the Secretary shall consult and cooperate with the Secretary of State, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and other affected Federal, State, and local agencies.

SEC. 107. Nothing in this Act shall be deemed to modify the National Environmental Policy Act of 1969, the Federal Water Pollution Control Act, as amended, or, except as expressly stated herein, the provisions of any other Federal law.

SEC. 108. There is hereby authorized to be appropriated the sum of $116,500,000 for the construction of the works and accomplishment of the purposes authorized in sections 101 and 102, and $34,000,000 to accomplish the purposes of section 103, based on April 1973 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations in construction costs involved therein, and such sums as may be required to operate and maintain such works and to provide for such modifications as may be made pursuant to section 104. There is further authorized to be appropriated such sums as may be necessary to pay condemnation awards in excess of appraised values and to cover costs required in connection with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 90-646).

Mr. JOHNSON of California (during the reading). Mr. Chairman, I ask unanimous consent that further reading of title I be dispensed with, that it be printed in the RECORD, and open to amendment at any point.

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

There was no objection.

Mr. GROSS. Mr. Chairman, I am at a loss to understand just what this legislation is going to cost the taxpayers of this country. I would welcome a figure of some kind from any member of the committee.

Mr. LUJAN. Will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. LUJAN. Title I, which is the desalting plant, is going to cost $150 million, and then the five projects upstream will cost $82 million for a total of $233 million.

Mr. GROSS. $233 million. How much of this is returnable to the taxpayers?

Mr. JOHNSON of California. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. JOHNSON of California. As far as the items repayable are concerned, it is $21 million.

Mr. GROSS. How much?

Mr. JOHNSON of California. $21 million will be repaid to the U.S. Government against the Coachella Valley canal lining project.

The balance of title I, the desalting facility that is now called for in the bill, will be nonreimbursable. This is an obligation of the U.S. Government. That means all of the taxpayers in the United States will participate in it.

The pumping facilties that will be an offset pumping facility on the border will be an obligation against the United States also. The water which will be developed there in an amount of 160,000 acre-feet a year will be used as a part of the entitlement to Mexico; therefore making more water on the Colorado River available to the States. That is nonreimbursable also.

As far as the other projects that the gentleman from New Mexico spoke about,

such as the upstream salinity control programs, they are included and eligible under the formula of the Water Pollution Control Act of 1973 whereby the Federal Government in eliminating source point intrusion into a river or into a lake or into the ocean is entitled to Federal consideration on a formula of 75 percent Federal and 25 percent local. The other 25 percent under that particular act is to be raised by the State and local agencies.

The local agencies have committed themselves, to take from the Basin funds, 25 percent of the cost. That will be split between the Upper Basin people and the Lower Basin people making up the association known as the Basin States of the Colorado River.

Mr. GROSS. What is the contribution by Mexico to this cause?

Mr. JOHNSON of California. Mexico's contribution was negotiated——

Mr. GROSS. What is their contribution to the cost of this?

Mr. JOHNSON of California. If the gentleman from Iowa will yield, I am trying to explain the concern of the Mexican people after the treaty was entered into.

Mr. GROSS. And I am trying to express some concern for the people of this country.

Mr. JOHNSON of California. I will ask for additional time, if necessary, for the gentleman from Iowa.

Mr. GROSS. I thank the gentleman.

Mr. JOHNSON of California. You cannot possibly answer that by yes or no.

In 1944 we entered into a treaty. Since that time we have authorized a great many projects on the Colorado River. Each time we add a project to a river of this kind we increase the salinity in that river. That has been our experience. The salinity was building up at a fairly slow rate, but then came the last two developments on the river, Glen Canyon, and the filling of Lake Mead, and then the construction of the Wellton-Mohawk division of the Gila Project, have contributed a great deal of salinity to the river as drainage takes place from that particular irrigation project in Arizona.

I would say that the Mexican Government raised their complaints very strong about that time.

I served 7 years, myself, on the Inter-Parliamentary Group. That was some time back, when I first came to Congress. Three of the Presidents of Mexico that I know of have raised this issue with our last three Presidents. Finally President Nixon appointed a commission headed by Mr. Brownell, and gave him the status of Ambassador to work with the Mexican Government. They worked on this for about a year before they finalized their agreement in Minute 242. This was reported back to the President of the United States, to the State Department, to the Department of the Interior, and ultimately to the Congress.

They have recommended this project to clean up the salinity in the waters that flow into the river before it flows into Mexico in the Mexican State of Sonora. This to be done at our expense. This is all at our expense. The Mexican Government is putting up no funds that I know of in this particular project.

Mr. GROSS. Is the gentleman from California saying that Arizona is the culprit in this piece, in that it has added to the salt content of these waters that are now pouring into Mexico?

Mr. JOHNSON of California. Each State has contributed a great deal in the way of salt.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. JOHNSON of California, and by unanimous consent, Mr. GROSS was allowed to proceed for 3 additional minutes.)

Mr. GROSS. I thank the gentleman.

The gentleman from California mentioned Arizona as having compounded the salinity of the water, so is the responsibility that of Arizona, or where does it belong?

Mr. JOHNSON of California. All States on the Colorado River have been contributors to the salinity content of that river. Whenever you provide for a project on a river of this kind, in that type of terrain, you will have this happen.

Congress is the one that is responsible. Congress has authorized many projects on the Colorado River, including the Wellton-Mohawk, which was not too well conceived from the standpoint of its relation to the Mexican Water Treaty. It is below Imperial Dam, and the salinity is allowed to flow into the Colorado River, and then flow into Mexico.

Mr. GROSS. Is there any reason why the people who benefit from the use of these waters should not pay for the situation that exists, for the salting of the water in this river, the additions thereto, et cetera?

Why should the taxpayers of the entire country be saddled with something from which they derive no benefit whatsoever that I know of?

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

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

Mr. JOHNSON of California. I thank the gentleman for yielding.

As all reclamation projects in the West that have been authorized by Congress, there is a certain amount of the project that is repaid by the user.

Mr. GROSS. On page 20 of the report: Subsection 205(a) declares that 75 percent of the cost of construction, operation and maintenance shall be nonreimbursable. It goes on to say two paragraphs later:

> The subsection establishes a repayment period of 50 years and declares the investment to be non-interest bearing.

This sounds to me very much like a foreign aid bill. Could it be possible that Arizona is now a foreign country, and the other States involved in the same status?

Mr. JOHNSON of California. If the gentleman will yield further, every reclamation project that has been built with Federal funds in the West is repaying a certain portion of the project. In many cases it is 90 percent over a 50-year period, and some of them are with interest. Here we are developing the country, reclaiming the land, and contributing new wealth to the United States. This is the big plus on the side of these projects. I think the total worth of the Colorado River to the United States is far more valuable than anything we are talking about here—the benefits that will accrue from this particular river.

Mr. GROSS. I know of no reason why Mexico should not make a contribution to this since the States involved on this side of the border are going to make only a token contribution.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. JOHNSON of Colorado, and by unanimous consent, Mr. GROSS was allowed to proceed for 2 additional minutes.)

Mr. JOHNSON of Colorado. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Colorado.

Mr. JOHNSON of Colorado. I thank the gentleman for yielding.

I have been in touch with the EPA in Denver, and also the Department of Interior, and they inform me that approximately 65 percent of the salinity in the river as it crosses over into Mexico is natural salinity. In other words, it is not caused by irrigation or return flow, but it is natural in its accumulation as the river proceeds down through the Colorado Rockies, through California, and into Mexico.

Mr. GROSS. I thank the gentleman from Colorado for his observation. Does the Presidential candidate from Arizona wish to be heard?

Mr. UDALL. If the gentleman will yield, I am trying to find a place in my administration for the gentleman from Iowa, should he be available. I have thought of a diplomatic post of some kind.

Mr. GROSS. Would that require that I change my party affiliation? If so, I will not be available.

Mr. UDALL. No; this will be a bipartisan position.

Mr. Chairman, the gentleman is searching for information. The Colorado River serves seven States. It is a very salty river, and it drains the saltiest area of this country. We had good water in the lower part of the river back in the thirties and the forties. Then the U.S. Government came along and we gave a billion acre-feet to Mexico. They made a treaty with the Government of Mexico, and now the burden of carrying out that treaty falls on the farms of Arizona, on the water users of Colorado, Utah, and other Basin States.

What we are saying in this bill is that since our Presidents and our Senate, by concurring in the treaty, gave away this water that we thought was ours, it should

be a national obligation to replace it and clean it up. That is what we are saying.

Mr. GROSS. I just do not like foreign aid bills, I will say to the gentleman, and this has all of the earmarks of being a first-class foreign aid bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWELL of Nevada. Mr. Chairman, as one of the original sponsors of H.R. 12165, the Colorado River Basin Salinity Control Act, I do want to briefly urge my colleagues here in the House to support the final passage of this bill.

Basically, I want to stress the enormous importance of this legislation, not only to the Southwestern United States and the Colorado River Basin States, but truly to the entire Nation. I refer my colleagues from outside the Southwest area of the United States to carefully review the remarks of the Honorable PAUL CRONIN of Massachusetts. His reference to the technology that will be gained from this project is most appropriate, and indeed that technology will benefit the whole Nation as many areas are already facing a pure water crisis.

Of course, title I of the bill will implement an agreement between the United States and Mexico regarding the deliverance of usable Colorado River water to Mexico. This particular section of H.R. 12165 involves a substantial commitment of Federal funds toward the construction of a desalting facility and other works to limit the salinity level of water supplied to Mexico.

However, in considering the obligation we may have to Mexico, we must not lose sight of the fact that we have an even greater obligation to our own citizens to protect the future resources of the Colorado River. Title II of H.R. 12165 specifically authorizes four salinity control projects upstream on the Colorado River. These projects, located in Colorado, Utah, and Nevada, aim at meeting the growing demands for water in areas where the dissolved mineral load is approaching critical levels.

For example, the Las Vegas wash unit in Nevada has now reached the stage where increased Federal funding is needed for continued expansion of its facilities. It is estimated that, as a result of such expansion, the unit will eliminate 138,000 tons of salt per year by intercepting and evaporating groundwater. Throughout the first stage of development of this particular project, State and local expenditures toward water quality improvement and pollution abatement have increased. However, to continue its contribution to the overall Colorado River water quality improvement program, the Las Vegas wash unit is dependent on the funding authorized by H.R. 12165.

I believe that the expeditious review of the bill by the House Interior and Insular Affairs Committee is a strong indication of congressional support for the intent of the legislation, and I look forward to positive House action on H.R. 12165 today.

The CHAIRMAN. Are there any amendments to title I? If not, the Clerk will read.

The Clerk read as follows:

TITLE II—MEASURES UPSTREAM FROM IMPERIAL DAM

SEC. 201. (a) The Secretary of the Interior shall implement the salinity control policy adopted for the Colorado River in the "Conclusions and Recommendations" published in the Proceedings of the Reconvened Seventh Session of the Conference in the Matter of Pollution of the Interstate Waters of the Colorado River and Its Tributaries in the States of California, Colorado, Utah, Arizona, Nevada, New Mexico, and Wyoming, held in Denver, Colorado, on April 26–27, 1972, under the authority of section 10 of the Federal Water Pollution Control Act (33 U.S.C. 1160), and approved by the Administrator of the Environmental Protection Agency on June 9, 1972.

(b) The Secretary is hereby directed to expedite the investigation, planning, and implementation of the salinity control program generally as described in chapter VI of the Secretary's report entitled, "Colorado River Water Quality Improvement Program, February 1972".

(c) In conformity with section 201(a) of this title and the authority of the Environmental Protection Agency under Federal laws, the Secretary, the Administrator of the Environmental Protection Agency, and the Secretary of Agriculture are directed to cooperate and coordinate their activities effectively to carry out the objective of this title.

SEC. 202. The Secretary is authorized to construct, operate, and maintain the following salinity control units as the initial stage of the Colorado River Basin salinity control program.

(1) The Paradox Valley unit, Montrose County, Colorado, consisting of facilities for collection and disposition of saline ground water of Paradox Valley, including wells, pumps, pipelines, solar evaporation ponds, and all necessary appurtenant and associated works such as roads, fences, dikes, power transmission facilities, and permanent operating facilities.

(2) The Grand Valley unit, Colorado, a contiguous area of approximately twenty-five thousand acres in the Grand Valley of Colorado between the west end of the presently irrigated area and Little Salt Wash, consisting of measures and all necessary appurtenant and associated works to reduce the seepage of irrigation water from the irrigated lands of that portion of Grand Valley into the ground water and thence into the Colorado River. Measures shall include lining of canals and laterals, installing water measuring devices, and the combining of existing canals and laterals into fewer and more efficient facilities. Prior to initiation of construction of the Grand Valley unit the Secretary shall enter into contracts through which the agencies owning, operating, and maintaining the water distribution systems in Grand Valley, singly or in concert, will assume all obligations relating to the continued operation, and maintenance of the unit's facilities to the end that the maximum reduction of salinity inflow to the Colorado will be achieved. The Secretary is also authorized to provide, as an element of the Grand Valley unit, for a technical staff to provide information and assistance to water users on means and measures for limiting excess water applications to irrigated lands: *Provided, however,* That such assistance shall not exceed a period of five years after funds first become available under this title.

(3) The Crystal Geyser unit, Utah, consisting of facilities for collection and disposition of saline geyser discharges; including dikes, pipelines, solar evaporation ponds and all necessary appurtenant works including operating facilities.

(4) The Las Vegas Wash unit, Nevada, consisting of facilities for collection and disposition of saline ground water of Las Vegas Wash, including infiltration galleries, pumps, desalter, pipelines, solar evaporation facilities, and all appurtenant works including but not limited to roads, fences, power transmission facilities, and operating facilities.

SEC. 203. (a) The Secretary is authorized and directed to—

(1) Expedite completion of the planning reports on the following units, described in the Secretary's report, "Colorado River Water Quality Improvement Program, February 1972":

(i) Irrigation source control:
Grand Valley (ultimate)
Lower Gunnison
Uintah Basin
Colorado River Indian Reservation
Palo Verde Irrigation District
(ii) Point source control:
LaVerkin Springs
Littlefield Springs
Glenwood-Dotsero Springs
(iii) Diffuse source control:
Price River
San Rafael River
Dirty Devil River
McElmo Creek
Big Sandy River

(2) Submit each planning report on the units named in section 203(a)(1) of this title promptly to the Colorado River Basin States and to such other parties as the Secretary deems appropriate for their review and comments. After receipt of comments on a unit and careful consideration thereof, the Secretary shall submit each final report with his recommendations, simultaneously, to the President, other concerned Federal departments and agencies, the Congress, and the Colorado River Basin States.

(b) The Secretary is directed—

(1) in the investigation, planning, construction, and implementation of any salinity control unit involving control of salinity from irrigation sources, to cooperate with the Secretary of Agriculture in carrying out research and demonstration projects and in implementing on-the-farm improvements and farm management practices and programs which will further the objective of this title;

(2) to undertake research on additional methods for accomplishing the objective of this title, utilizing to the fullest extent practicable the capabilities and resources of other Federal departments and agencies, interstate institutions, States, and private organizations.

SEC. 204. (a) There is hereby created the Colorado River Basin Salinity Control Advisory Council composed of no more than three members from each State appointed by the Governor of each of the Colorado River Basin States.

(b) The Council shall be advisory only and shall—

(1) act as liaison between both the Secretaries of Interior and Agriculture and the Administrator of the Environmental Protection Agency and the States in accomplishing the purposes of this title;

(2) receive reports from the Secretary on the progress of the salinity control program and review and comment on said reports; and

(3) recommend to both the Secretary and the Administrator of the Environmental Protection Agency appropriate studies of further projects, techniques, or methods for accomplishing the purposes of this title.

SEC. 205. (a) The Secretary shall allocate the total costs of each unit or separable fea-

ture thereof authorized by section 202 of this title, as follows:

(1) In recognition of Federal responsibility for the Colorado River as an interstate stream and for international comity with Mexico, Federal ownership of the lands of the Colorado River Basin from which most of the dissolved salts originate, and the policy embodied in the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816), 75 per centum of the total costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof shall be nonreimbursable.

(2) Twenty-five per centum of the total costs shall be allocated between the Upper Colorado River Basin Fund established by section 5(a) of the Colorado River Storage Project Act (70 Stat. 107) and the Lower Colorado River Basin Development Fund established by section 403(a) of the Colorado River Basin Project Act (82 Stat. 895), after consultation with the Advisory Council created in section 204(a) of this title and consideration of the following items:

(i) benefits to be derived in each basin from the use of water of improved quality and the use of works for improved water management;

(ii) causes of salinity; and

(iii) availability of revenues in the Lower Colorado River Basin Development Fund and increased revenues to the Upper Colorado River Basin Fund made available under section 205(d) of this title: Provided, That costs allocated to the Upper Colorado River Basin Fund under section 205(a)(2) of this title shall not exceed 15 per centum of the costs allocated to the Upper Colorado River Basin Fund and the Lower Colorado River Basin Development Fund.

(3) Costs of construction of each unit or separable feature thereof allocated to the upper basin and to the lower basin under section 205(a)(2) of this title shall be repaid within a fifty-year period without interest from the date such unit or separable feature thereof is determined by the Secretary to be in operation.

(b)(1) Costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof allocated for repayment by the lower basin under section 205(a)(2) of this title shall be paid in accordance with subsection 205(b)(2) of this title, from the Lower Colorado River Basin Development Fund.

(2) Section 403(g) of the Colorado River Basin Project Act (82 Stat. 896) is hereby amended as follows: strike the word "and" after the word "Act," in line 8; insert after the word "Act," the following "(2) for repayment to the general fund of the Treasury the costs of each salinity control unit or separable feature thereof payable from the Lower Colorado River Basin Development Fund in accordance with sections 205(a)(2), 205(a)(3), and 205(b)(1) of the Colorado River Salinity Control Act and"; change paragraph (2) to paragraph (3).

(c) Costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof allocated for repayment by the upper basin under section 205(a)(2) of this title shall be paid in accordance with section 205(d) of this title from the Upper Colorado River Basin Fund within the limit of the funds made available under section 205(e) of this title.

(d) Section 5(d) of the Colorado River Storage Project Act (70 Stat. 108) is hereby amended as follows: strike the word "and" at the end of paragraph (3); strike the period after the word "years" at the end of paragraph (4) and insert a semicolon in lieu thereof followed by the word "and"; add a new paragraph (5) reading:

"(5) the costs of each salinity control unit or separable feature thereof payable from the Upper Colorado River Basin Fund in accordance with sections 205(a)(2), 205(a)(3), and 205(c) of the Colorado River Salinity Control Act.".

(e) The Secretary is authorized to make upward adjustments in rates charged for electrical energy under all contracts administered by the Secretary under the Colorado River Storage Project Act (70 Stat. 105, 43 U.S.C. 620) as soon as practicable and to the extent necessary to cover the costs of construction, operation, maintenance, and replacement of units allocated under section 205(a)(2) and in conformity with section 205(a)(3) of this title: *Provided*, That revenues derived from said rate adjustments shall be available solely for the construction, operation, maintenance, and replacement of salinity control units in the Colorado River Basin herein authorized.

SEC. 206. Commencing on January 1, 1975, and every two years thereafter, the Secretary shall submit, simultaneously, to the President, the Congress, and the Advisory Council created in section 204(a) of this title, a report on the Colorado River salinity control program authorized by this title covering the progress of investigations, planning, and construction of salinity control units for the previous fiscal year, the effectiveness of such units, anticipated work needed to be accomplished in the future to meet the objectives of this title, with emphasis on the needs during the five years immediately following the date of each report, and any special problems that may be impeding progress in attaining an effective salinity control program. Said report may be included in the biennial report on the quality of water of the Colorado River Basin prepared by the Secretary pursuant to section 15 of the Colorado River Storage Project Act (70 Stat. 111; 48 U.S.C. 602n), section 15 of the Navajo Indian irrigation project, and the initial stage of the San Juan Chama Project Act (76 Stat. 102), and section 6 of the Fryingpan-Arkansas Project Act (76 Stat. 393).

SEC. 207. Except as provided in section 205 (b) and 205(d) of this title, with respect to the Colorado River Basin Project Act and the Colorado River Storage Project Act, respectively, nothing in this title shall be construed to alter, amend, repeal, modify, interpret, or be in conflict with the provisions of the Colorado River Compact (45 Stat. 1057), the Upper Colorado River Basin Compact (63 Stat. 31), the Water Treaty of 1944 with the United Mexican States (Treaty Series 994; 59 Stat. 1219), the decree entered by the Supreme Court of the United States in Arizona against California and others (376 U.S. 340), the Boulder Canyon Project Act (45 Stat. 1057), Boulder Canyon Project Adjustment Act (54 Stat. 774; 43 U.S.C. 618a), section 15 of the Colorado River Storage Project Act (70 Stat. 111; 43 U.S.C. 620n), the Colorado River Basin Project Act (82 Stat. 885), section 6 of the Fryingpan-Arkansas Project Act (76 Stat. 393), section 15 of the Navajo Indian irrigation project and initial stage of the San Juan-Chama Project Act (76 Stat. 102), the National Environmental Policy Act of 1969, and the Federal Water Pollution Control Act, as amended.

SEC. 208. (a) The Secretary is authorized to provide for modifications of the projects authorized by this title as determined to be appropriate for purposes of meeting the objective of this title. No funds for any such modification shall be expended until the expiration of sixty days after the proposed modification has been submitted to appropriate committees of the Congress, and not then if disapproved by said committees, except that funds may be expended prior to the expiration of such sixty days in any case in which the Congress approves an earlier date by concurrent resolution. The Governors of the Colorado River Basin States will be notified of these changes.

(b) The Secretary is hereby authorized to enter into contracts that he deems necessary to carry out the provisions of this title, in advance of the appropriation of funds therefor. There is hereby authorized to be appropriated the sum of $82,700,000 for the construction of the works and for other purposes authorized in section 202 of this title, based on April 1973 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations in costs involved therein, and such sums as may be required to operate and maintain such works. There is further authorized to be appropriated such sums as may be necessary to pay condemnation awards in excess of appraised values and to cover costs required in connection with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 90-646).

SEC. 209. As used in this title—

(a) all terms that are defined in the Colorado River Compact shall have the meanings therein defined;

(b) "Colorado River Basin States" means the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.

Mr. JOHNSON of California (during the reading). Mr. Chairman, I ask unanimous consent that further reading of title II be dispensed with, that it be printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to title II? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. OBEY, 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. 12165) to authorize the construction, operation, and maintenance of certain works in the Colorado River Basin to control the salinity of water delivered to users in the United States and Mexico, pursuant to House Resolution 1166, 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.

The question is on the amendment.

The amendment was agreed to.

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

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

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

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 403, nays 8, answered "present" 1, not voting 21, as follows:

[Roll No. 288]

YEAS—403

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

NAYS—8

Crane	Landgrebe	Snyder
Davis, Wis.	Rarick	Wydler
Gross	Shuster	

ANSWERED "PRESENT"—1

Steiger, Wis.

NOT VOTING—21

Boland	Fish	Price, Tex.
Bowen	Hanna	Quillen
Carey, N.Y.	Hébert	Reid
Dent	Howard	Rooney, N.Y.
Derwinski	King	Sandman
Diggs	Moss	Staggers
Dorn	Pepper	Wyatt

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Price of Texas.
Mr. Boland with Mr. Dent.
Mr. Rooney of New York with Mr. King.
Mr. Howard with Mr. Bowen.
Mr. Carey of New York with Mr. Derwinski.
Mr. Pepper with Mr. Dorn.
Mr. Moss with Mr. Hanna.
Mr. Diggs with Mr. Quillen.
Mr. Reid with Mr. Sandman.
Mr. Staggers with Mr. Fish.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

PERSONAL EXPLANATION

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

Mr. DINGELL. Mr. Speaker, relative to the Honorable SILVIO CONTE'S amendment which sought to delete $800,000 appropriated for the Dickey-Lincoln lakes project from the Public Works-AEC appropriations bill which came before the House on June 6, I was recorded as voting "no" on this issue, rollcall No. 278, but I intended to vote "aye" and hereby make my intentions known.

PROVIDING FOR CONSIDERATION OF H.R. 10294, LAND-USE PLANNING ACT

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1110 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1110

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. 10294) to establish land use policy; to authorize the Secretary of the Interior, pursuant to guidelines issued by the Council on Environmental Quality, to make grants to assist the States to develop and implement comprehensive land use planning processes; to coordinate Federal programs and policies which have a land use impact; to make grants to Indian tribes to assist them to develop and implement land use planning processes for reservation and other tribal lands; to provide land use planning directives for the public lands; and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. It shall be in order to consider the text of the bill H.R. 13790 if offered as an amendment in the nature of a substitute for the bill H.R. 10294. At the conclusion of the consideration of H.R. 10294 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 10294, the Committee on Interior and Insular Affairs shall be discharged from further consideration of the bill S. 268, and it shall then be in order in the House to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the provisions contained in H.R. 10294 as passed by the House.

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

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the distinguished gentleman

from California (Mr. DEL CLAWSON), pending which I yield myself such time as I may consume.

Mr. Speaker, this is a very controversial rule, I understand. I understand there will be an effort made to defeat it.

This is an open rule providing for 2 hours of general debate. The only unusual features of the rule are as follows: That it provides for reading the bill by titles rather than by sections. It was thought that that would provide for a more orderly consideration of the bill. And also the rule provides that the text of the so-called Rhodes-Steiger bill, H.R. 13790, may be offered as an amendment in the nature of a substitute to the bill that this rule makes in order.

Mr. Speaker, I may have something further to say later on in the debate, but in the meantime I yield 2 minutes to the distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Florida (Mr. HALEY).

Mr. HALEY. Mr. Speaker, I cannot understand how Members of this House can seriously say that the land-use planning bill, H.R. 10294, should not be debated on the floor, and that the resolution granting a rule should be defeated. And yet, there are those who take this position, apparently afraid to have a bill considered on its merits. Although there are differences of opinion—including differences in my own district—this piece of legislation deserves a full debate so that these differences may be resolved.

Two of the bills before the Committee on Interior and Insular Affairs, on which the present land use planning bill is based in part, were introduced by my colleagues from Florida in January 1973. Mr. BENNETT is the author of H.R. 91, and Mr. YOUNG introduced H.R. 2942.

The first of these measures was submitted to the Congress by the administration, and the second was the House version of the bill that passed the Senate in 1972. In addition, we had before us a new executive branch recommendation, H.R. 4862, which was developed by environmental organizations and introduced by the late Representative Saylor. Another measure proposed by Representative MEEDS contained strong sanctions, and Indian and public lands titles.

On the basis of these bills, the Subcommittee on the Environment, chaired by the gentleman from Arizona (Mr. UDALL) held 5 days of hearings last spring. After that, the subcommittee had 9 markup sessions, including two meetings in early May devoted to the identification of major issues, alternatives, and tentative decisions. Beginning in July the subcommittee undertook a word-by-word review and reported a clean bill, H.R. 10294, to the full committee last September.

Beginning on October 10, and continuing through most of February of this year, the full committee devoted 11 meetings to this legislation in the final markup process. After we went to the Rules Committee with this bill, the subcommittee held an additional 3 days of hearings in April for the convenience of those who told the Rules Committee that they had not had an opportunity to present statements. Altogether, this bill has had 8 days of hearings, during which 287 statements were received orally or filed for the record, and the bill has had the benefit of 20 detailed mark up sessions.

Although there were times during this long and detailed consideration of the bill when I questioned some of its provisions, I am convinced that the bill received one of the most thorough reviews that a major piece of legislation could receive. Its faults have been corrected. Its virtues have been strengthened.

This bill is one that will help my own State of Florida in its pioneering efforts to develop an ongoing land use planning process. It is also a bill that will help all States that have not yet proceeded far in this field. And very importantly, it is a bill that leaves control of private land where it should be—at the local and State levels of government.

I recommend to my colleagues that the rule be granted and that the bill be enacted.

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

Mr. Speaker, I oppose the rule and take this position because I am convinced that the bill which it makes in order should be returned to the Interior Committee for appropriate changes. This is landmark legislation which can affect the lives and property rights of individual citizens; the plans and programs of States and municipalities; the direction of industrial growth and expansion across the Nation. Yet what is being proposed is that we write the bill on the House floor today. The evidence presented before the Rules Committee on February 26 persuaded the committee to decide in a 9 to 4 rollcall vote that action on this bill should be postponed indefinitely. Additional hearings have been held in Washington, but, I underscore, field hearings have not been conducted. However, the bill has now been given a rule identical to the one which the committee previously refused to approve.

The Rules Committee reported an open rule with 2 hours of general debate for the consideration of H.R. 10294, the Land Use Planning Act of 1974. The rule makes it in order to consider the text of H.R. 13790, the Steiger-Rhodes bill, as a substitute. The rule provides that the bill be read for amendment by titles instead of by sections. Finally, the rule provides that after passage of the House bill, it will be in order to insert the House passed language in the Senate bill.

Mr. Speaker, my opposition to the rule is also based on the whole thrust of the legislation which it makes in order. It is described by eight members of the Interior Committee in dissenting views as "merely the first step on the road toward more public control over the use of private property."

Later the same dissenting views state:

In addition, it is questionable whether this bill is designed merely to encourage and enable the States to adopt land use regulations. Each State in order to qualify for Federal grants is to establish a comprehensive land use planning process and to develop substantive policies to guide land use. However, whether a particular State is eligible for the Federal grants involved is determined by the Department of the Interior pursuant to guidelines and regulations to be set out by them. Thus, by retaining the power of the purse, the Federal government has in effect reserved the power to direct and affect the State planning process and its implementation. This is of course directly antithetical to our traditional concept that the responsibility for land use decisions should rest at the local level.

Mr. Speaker, these are but a few of my objections to the rule before us today and the bill which it makes in order. I recommend that it be returned to the committee for the citizen input which would come about through field hearings, and urge a no vote on the rule.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. RUPPE).

Mr. RUPPE. Mr. Speaker, this is certainly very controversial legislation, to say the least. However, I think it is also a very valuable piece of legislation upon which we should have a rule and which we should vote on today.

I think we ought to realize that this bill has triggered a large number of witnesses who appeared before the Committee on Interior and Insular Affairs and its subcommittee for the last two sessions of Congress over a period of almost 4 years. We have heard literally dozens of witnesses, and almost all of them, particularly those at the local levels of government, have been in favor of the legislation. Mayors and city councils, regional governments and Governors have been in favor of it. They recognize that we have an enormous problem in meeting the calls upon our Nation's land resources.

We are going to build before the turn of the century twice the number of structures that we have existing today and which have been completed in the first 300 years of this country. This problem will create tremendous burdens for State and local governments and will certainly have a dramatic effect on land patterns in the United States.

Today we are seeing many thousands of acres lost to timber yield, lost to recreational use, and agricultural production. I think that State and local governments want help; they do not know how to cope with the pressures of development. Too often, as in the case of Fairfax County, the response is negative, "Let us have a sewer moratorium," and then a short time later the response is, "Let us stop building." Local governments just throw up their hands.

This legislation provides assistance to the States only if they apply for grants. It calls upon the States on a voluntary basis, to develop a land use planning process and, if they willingly accept the

Federal Government's money, to designate certain areas which they consider to be areas of critical environmental concern and to control them.

At the same time it provides that any State land use plan would have to provide a mandate that the State have a plan that provides for development which would be of national benefit. That means in the case of energy siting, for example, that the local area will have to come to grips with deciding problems which they have not come to grips with in the past.

Mr. Speaker, if we look back on this legislation, we will see, as I indicated before, that it has certainly created a lot of interest and controversy and national pressures.

There is a lot of merit to the bill. I am sure that the people in favor of the Steiger substitute think there are a lot of merits to their position as well, but the fact of the matter is that we have a bill before the House today with a serious amendment to it in the form of the Steiger amendment, and I feel all the Members of the House ought to get down to voting on the rule and then on the amendments that will be placed before the House.

I cannot help but think that I would have a hard time going back to my own district in Michigan and saying that I was afraid to debate and vote on amendments and a bill the subject of which has been a matter of debate and concern to the Congress for a full 4 years. Frankly, I can appreciate the divergencies of opinion, but I certainly feel the merits of the bill deserve a hearing before the House today.

Mr. BOLLING. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Speaker, it is being said that this bill imposes no Federal control on privately owned lands. Yet, some of the ablest Members of the House say the bill must be amended to protect private owners from Federal control. One thing is certain, the bill proposes Federal expenditures of $800 million. If you do not think the bill now permits Federal control, just give it time. Just give it time. Federal bureaucracy, armed with $800 million and the loose language of this bill will insure too much control of private lands by the Federal Government.

I am told that if the rule is adopted, many amendments will be offered, some by the author of the bill. That in itself is a frank admission the bill needs improving. Regardless of how much this bill is improved, if it goes to conference, we will get back the Senate bill. There are very few who want the Senate bill, but that is what you will get if you pass a Land Use bill today.

This was a bad bill when it was sent to the Rules Committee on February 26. The Rules Committee voted 9 to 4 against it. But between February 26 and May 15, nothing was done to improve the bill. Nothing to clear up question marks and remove objectional features. During this 2½ month period, the only thing the committee did was hold 3 days of hearings. Now the Rules Committee has voted 8 to 7 to send it to the floor; the closest of margins.

A very high percentage of the people who testified in committee were opposed. This is very unusual for a measure which deals with the environment. There is a list of organizations more than two pages, single spaced, State and national, which oppose the Udall land use bill. To me, these things speak louder than words which attempt to analyze the bill. The people are afraid of Federal control, more redtape, more bureaucracy.

This bill affects not only the private land owner, it affects State and local governments, manufacturers, builders, developers; everyone who owns land. We don't know enough about how it will affect them. The Congress will set a good example by defeating the rule.

Mr. DEL CLAWSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Speaker, the Land-Use Planning Act, H.R. 10294, now before the House, has frightening implications for the future of this Nation. In the past three decades we have watched as the Federal Government has intruded into all aspects of American life, to the point where it now regulates housing, education, transportation, new towns, and even the environment in which we live. Now the Federal Government wants to get into the business of telling us how to use and develop our private property.

Mr. Speaker, every time the Federal Government decides to regulate some aspect of our life to make things better for us, things almost automatically get worse. I suggest to you that the land use legislation reported to this body in the form of H.R. 10294 would not only continue this poor record of achievement if allowed to pass; it would also destroy traditional local control over land use, further retard an already seriously damaged economy, and would remove and eliminate one of the last remaining ways for an individual to have a voice in determining his future.

Mr. Speaker, I have long supported the need for broad planning at the local level. Since comprehensive land use planning is by its very nature a regulation of people's lives, income, and property, it must be conducted only at the local level and nowhere else. Only then can citizens be assured that they will be heard and that they will have access to the decisionmakers.

Only then will we have plans and planners that will be responsive to the needs and problems of the locality.

H.R. 10294 is totally unacceptable in this regard. It would elevate land use planning and control to the State level, and ultimately by review to the Department of Interior. It includes a vast and complex design for labeling almost any land with any value at all as an "area of critical environmental concern," subject to control by the State agency and to review by a Federal agency. With control over private lands so far removed from local communities, the majority of the people of this country would be threatened with total isolation from the actual decisionmakers, eliminating any voice they might otherwise have had in determining their own destiny.

I cannot and I will not support H.R. 10294. If we cannot avoid a Federal land and use planning program, then it must be one that we can all live with. If a majority here want such a Federal program, I believe that the substitute proposal offered by my distinguished friend and colleague, SAM STEIGER of Arizona, is a far better road to follow. The Steiger bill reduces some of my concerns about the Federal and State roles in land use planning. It seeks local participation in planning and implementing a State land use program; it would allow flexibility in the designation of areas of critical environmental concern, key facilities and other large-scale developments; and it includes reasonable procedures for the development of State use planning processes.

I would caution my colleagues to examine H.R. 10294 carefully before it comes to a vote. While on the surface it appears as a lofty design for better living, in reality it would create more problems than it would solve. The intent of H.R. 10294 is to create a Federal grant program to encourage and assist the States in developing and implementing a statewide land use planning process. One might think this sounds harmless enough. But if we read further we find disturbing language that goes far beyond encouraging planning to the point that it promises to have a resounding impact on our economy, our system of Government, and indeed, our way of life as we have come to know it.

Traditionally land use decisions have been made by local officials, because it is generally believed that local officials are more knowledgeable about local problems, and therefore, are more qualified to make decisions affecting the use of property in the community. But this bill would bring an end to traditional local control in one fatal stroke by mandating that major land use decisions be made at the State level, by State level bureaucrats, in conformance with Federal rules and procedures; failure to conform to Federal guidelines could, under the act, result in withholding of Federal funds. Zoning and land use decisions would no longer be made by familiar local individuals who have an understanding of the needs of the community. Instead, decisions would be made by some nameless, faceless bureaucratic agency in conformance with its view of local needs, and its conception of what is good for the community.

All of us, Mr. Speaker, are reminded daily of the power we have surrendered to the executive branch by granting that branch authority to withhold Federal funds to States to force compliance with Federal guidelines. It was through such surrender of power that our local communities lost control of their schools. The

arguments for this bill remind me a great deal of arguments made on this floor on early education bills. We were told then that Congress would still hold the purse strings and power over our school would still remain with our citizens. We are still plagued with that legislative can of worms. The bussing problem is a clear example.

The adoption of H.R. 10294 would also allow these same Federal planners to rip away from our citizens the last vestige of their rights to have and hold private property.

The charge that the bill is a bureaucratic boondoggle is not just a lot of political hot air. H.R. 10293 would set up two new levels of bureaucracies—one at the Federal level and one in each State—to direct the implementation of the act. The Federal bureaucracy promises to be large, in spite of the insistence of Interior Department officials to the contrary. Even now, Interior has an Office of Land Use and Water Planning, completely staffed, with a Director and a bimonthly newsletter, just waiting for the bill to pass. We can be assured that if this legislation is successful the bureaucracy will mushroom overnight, fed by a plush $10 million per year expense account that is authorized under the act for "administrative purposes."

Meanwhile, each State would be required as a prerequisite in receiving grants to set up its own land use bureaucracy regardless of whether it needs one or not. The bill requires that the State land use agency have an "adequate interdisciplinary professional and technical staff as well as technical consultant of various and broad backgrounds." In addition the agency would be required to have a data collection and inventorying function that, if property implemented, will in itself be extremely expensive.

Finally, existing Federal and States agencies responsible for administering land-related programs, would be prompted to establish liaison offices to monitor Federal and State land use agencies to assure that their programs are not threatened.

Mr. Speaker, if the people of this country knew the extent to which this bill would encourage the proliferation of a large and cumbersome land use bureaucracy with which they would have to contend with in the future, I have no doubts that they would be overwhelmingly opposed to it. Bureaucratic delay and mismanagement have become a standing joke in the country. In my opinion, to turn land use decisionmaking over to a bureaucracy of the sort contemplated in this bill would create such a great amount of confusion and redtape that any proper conceptualization of land use planning would be lost in the shuffle.

Aside for creating havoc with our traditional system of land use control, H.R. 10294 would have a deleterious affect on the economy. The primary focus of the bill is on development, which in many ways is one of our most important and most vital national industries. The construction industry provides local communities with jobs, housing, public facilities, highways, parks, shopping centers, ski areas, and a host of other vital benefits we often take for granted. H.R. 10294 would require State control over three broad categories of development: First, key facilities; second, large scale development; and third, large scale subdivisions or development projects. The definitions of these areas are so broadly written as to encompass almost every kind of development, including airports, major highways interchanges, major recreational land and facilities, public utilities, powerplants, pipelines, and large-scale subdivisions. The import of this is obvious: major land use decisions affecting the local economy would be hereafter made by the State. Any development that would be deemed by the State to be of more than local significance could not proceed until approved by the State land use agency.

The bill would also require that the State designate and assert control over "areas of critical environmental concern"—a concept which is defined so as to include almost every conceivable category of land of any value in the State. Areas of critical environmental concern are defined in the bill as areas on non-Federal lands "where uncontrolled or incompatible development could result in damage to the environment, life, or property or the long-term public interest which is of more than local significance." The definition goes on to list specific types of land that the State must include under its jurisdiction. The list is long and comprehensive. The land use program would encompass all fragile or historic lands, including shorelands along rivers, lakes, and streams, rare or valuable ecosystems, an extremely broad term in itself, and geological formations, significant wildlife habitats, scenic or historic areas, and natural areas of significant and scientific value. It would also include all so-called natural hazards lands, such as floor plains, areas subject to weather disasters, areas of unstable geological character, ice or snow formations, and areas with high seismic or volcanic activity. Finally, all agricultural lands, forest lands, grazing lands, and watershed lands would be subject to State control. And as if there were some doubt that these categories were not adequate to cover the situation, the bill allows the State to name additional areas as it may deem to be of critical environmental concern.

Mr. Speaker, it is not hard to predict that if definitions of key facilities, large-scale development, and areas of critical environmental concern contained in H.R. 10294 are allowed to remain as is, we will be placing a firm lid on future economic development of many communities across the country. Any proposed development on any of these lands mentioned in the bill could not go forward until deemed to be consistent with the State plan or until it has run the gamut of bureaucratic redtape to secure a State-level permit. In the meantime, the local community, its control over land use rendered impotent, would be forced to sit idly by, as housing becomes scarce, employment opportunities decline, and the local tax base is undermined.

Mr. Speaker, everyone knows that unregulated economic growth is a thing of the past. No thinking American wants to see his land desecrated and permanently fouled. Certainly, we must take every reasonable precaution to see that proper environmental restraints are employed as development goes forward. But we must be sure that what we ask of State and local government is feasible and capable of being implemented. A system that requires citizens to go to their State capital to obtain approval or to register their disapproval of every major development or every project proposed for location within a so-called critical environmental area specified by State planners would not only be impractical, but, to my way of thinking, would be totally unnecessary and unworkable.

Mr. Speaker, Fairfax County, Va., which makes up a large part of the district I represent, has recently imposed a moratorium on all development in the county until June of 1975. The rationale of this action was that such a moratorium would curb the rapid growth the county has been experiencing in the past few years. The new ordinance immediately precipitated a loud public outcry, when a public hearing was convened to discuss it, thousands turned out in protest.

Mr. Speaker, this is a prime example of the benefits of retaining local control over land use planning. It assures that necessary land use controls that are imposed will be acceptable to the people who will be governed by them. If they are not, then the people are afforded an apportunity to voice their complaints to local authorities directly concerned with their needs and to hold their elected officials responsible for their actions.

Mr. Speaker, I urge my colleagues to reject H.R. 10294.

Mr. DEL CLAWSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. BAKER).

Mr. BAKER. Mr. Speaker, I rise in opposition to this rule for the land use bill, H.R. 10294. Although this legislation opposition to this rule for the land-use policies per se, it does exert very strong Federal controls over how this country will develop its urban, suburban, and rural lands. This bill is being touted on the ground the States will have total control in developing land-use programs. An actual reading of the bill reveals the unlikeliness of a passive Federal role.

The requirements of title I establish a national policy for land use to be imposed upon States with the withholding of funds as a threat. This represents the classic carrot and stick approach. States are offered a Federal grant of up to several million dollars a year to assist them in developing and implementing their plan. The offer is all but irresistible to State legislatures which jump to finance

programs with this free money from Washington.

H.R. 10294 gives rise to a novel situation—in which two provisions play roles. The term "areas of critical environmental concern" carry the connotation that no use is to be allowed in these areas. The definition of the areas is so open ended that any type land area could be so designated. However, the States are not required to use their power of eminent domain—providing compensation to the landowners. The situation could arise that a State lacking adequate funds for compensation might proceed to implement the provisions in the bill by using its police powers to totally deny use of the land by the landowner. This tactic would circumvent the issue of compensation, because the police power—zoning—is not normally a compensable land use control mechanism. The inevitable result of increasing the number and amount of controls on land use is to terminate the freedom of the individual to acquire and own property.

I believe Federal advice on land use policies will evolve into Federal dictates. If passed, this proposal could result in the demise of private property rights and increase Federal encroachment of State matters.

Mr. DEL CLAWSON. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, there is no question that land use planning is needed if a growing population, increasingly aware of its environment, is to use a limited amount of land properly.

The question we must answer, in my judgment is not whether we should have land use planning, but who should do the planning and how should the planning be accomplished.

Both the proponents of the Udall bill and the proponents of the Steiger substitute proposal agree that the Federal Government should not be involved in making land use decisions except, of course, on federally owned lands.

I, too, believe very strongly that this planning, if it is to be successful, must be done at the local level. On the north coast of California we are fortunate to have a general understanding of the need for appropriate land use and the diversity of approaches to the subject that lends itself to effective public policy development.

Furthermore, a most important requirement is the creation of the consensus of opinion on the part of everyone as to the directions to be taken. Unless such a consensus is developed we will see a polarized conflict between interests that can only result in land use decisions being made by means of sheer political force in what could possibly be a better atmosphere.

To be effective, land use plans must be presented in a reasonable and balanced manner.

During the past few months, the debate surrounding the Udall bill and the Steiger substitute has made clear two facts. First, there is no consensus on the subject in regard to the specifics of the legislation or the final outcome it will create. Second, there is a lack of understanding as to the impact the bill will have.

The lack of consensus is vital, as I have said, because community involvement and acceptance is the key element of land use plans. It is clear that 100 percent agreement will never be obtained on any given plan at the national level but general acceptance at the local level is absolutely essential.

The past few months have shown me that general acceptance is not present nor is it likely to be until the questions which have been raised are satisfactorily answered and the issues presented are satisfactorily resolved.

The lack of understanding of the bill before us is equally great. The input I have had in my mail and personal contacts makes clear that many people with conflicting interests in land believe this legislation is going to solve their problems.

Others believe that the bill can provide the vehicle for controlling growth or achieving a "no-growth" condition.

Neither of these assumptions is true. The fact is that no one knows what might be brought about by the enactment of this legislation because no one knows what a land use plan will contain until it is completed by those officials who are responsible for weighing all the many variables associated with the planning process.

In view of the misunderstandings involved and the increasingly divided opinion on the measure, I have concluded that the Congress should take no action until the issues are more fully resolved. It has become clear to me that more in-depth consideration and input are needed before final action is taken.

Mr. DEL CLAWSON. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Speaker, I hope that this rule before us will be defeated.

The great and good and gentle chairman of the Committee on the Interior has just said that after 3 years of committee deliberation we are faced with the final decision on this momentous issue of land use.

Let that decision be made here and now on this rule, and let us avoid the long and tortuous, far-reaching parliamentary path that lies before us if we go ahead with the many, many amendments that will be offered.

This bill is in trouble, and it should be in trouble. The people of the State of Maryland would rather do it themselves, as the people of the 49 other States of the Union would rather do it themselves. What they would rather do is control their own private property in the way that they wish. What they would rather do is have their own State and local government make the decisions governing the proper use of land, rather than have the Federal bureaucrats impose their distant will.

We are asked now, at the 11th hour, at this very late date, to proceed with this bill as the sponsors of this legislation belatedly come in with a host of amendments to try to salvage this bad legislation. We are asked to go ahead and act on the floor of the House as the Committee on the Interior should have acted in the numerous sessions it held on this matter.

I hope the Members will read very carefully what these amendments being offered at this last month do. They are cosmetic in the extreme. They do not address the fundamental constitutional wrongness of this legislation. These amendments are just as mistaken as the bill itself, and I am surprised that some unidentified source "at the White House" would submit such amendments at this last moment with the President out of the country.

We here today have the chance to reaffirm the right of private property, the rights of the sovereign States, and the right of local governments to make land use decisions for themselves; and that reaffirmation can be attained by voting "no" on this rule, defeating it, and, indeed, taking the burden off not only the good Chairman of the Interior Committee, but the people of the United States as well.

Mr. BOLLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Speaker, I rise in opposition to the rule in opposition to both H.R. 10294 and H.R. 13780.

The need for land use planning and policies is not in issue. Nearly everyone agrees that there is a need for more effective and better land use planning. What is at issue is the way more effective land use planning should come into being.

Mr. Speaker, I do not question the sincerity of my good friend, MORRIS UDALL. In fact, I agree with the lofty and ideal objectives of Congressman UDALL but I fear that if he is successful in guiding H.R. 10294 to final enactment we will have a more horrendous mess on our hands than we now have with the U.S. Postal Corporation.

We can all recall the great promise of the Independent Postal Corporation. More economical service, more efficiency and speedier service. Instead we received wasteful and more expensive service, less efficiency, service slower than the pony express and a situation which promises to get worse before it gets better. H.R. 10294 is an even greater legislative monstrosity.

Although the bill purports to leave the States in full control in the development of their land use programs, a close reading of the legislation reveals that it will eventually, if not immediately, move planning and zoning decisions from the city councils and State legislatures to the bureaucracy in Washington. Participation in another phase of government will again be moved further away from the people and another huge, wasteful, inept, and fund-consuming bureaucracy will have been created in Washington.

Mr. Speaker, how long will this shortsighted and dangerous march of power to Washington continue? We have seen this same old story repeated over and over again. Local units of government are not responding to the needs of the people. Local units of government do not have the financial resources. Local units of government cannot effectively deal with the complex problems of a modern industrial and sophisticated society.

The people demand that Washington should step in and solve the problem. How many times in the past have we responded to these arguments only to end up in a state of frustration and despair, only to find that Washington has an outstanding ability to articulate and address problems but a very inferior ability to solve them?

During the 14 years I have been in Congress I have experienced the proponents of such legislation, using the same arguments to pass such legislation only to replace an imperfect system with a cumbersome, inept, frustrating bureaucratic nightmare. As a result the traditional jurisdictional lines between local and Federal areas of authority have broken down and we find ourselves either legislating or trying to legislate on every conceivable subject from the regulation of switchblade knives, a city council matter, to the building of complex defense systems, truly a matter of national responsibility.

The result has been that we are addressing ourselves to so many problems, most of which should have been left to local concern, that we have permitted the big problems truly of a national concern to go unsolved and unattended. The legislation has come so fast and furious that a good many legislators have little or no sound legislative working knowledge of the measures upon which they are called to vote. Each measure contains broad and ambiguous grants of discretion and rulemaking authority to the unwieldly Federal bureaucracy. The ultimate result has been the movement of power from the Congress to the executive, Watergate, inflation, shortages and the loss of confidence of our free people in Government and its officials. Is it not time to call a halt to such unwise parliamentary action?

Is it not time to begin the move of returning Government to the people rather than moving more and more government into the hands of nonelected Federal servants far-removed and isolated from the real demands and desires of the people? I have no doubt that if H.R. 10294 passes it would be but a short time when this body would be very deeply involved in the making of planning and zoning decisions of a local nature.

Although H.R. 10294 purports to prohibit the Federal Government from controlling the use of private or State land, the bill is replete with broad and ambiguous language giving the Secretary of the Interior and other Federal officers very strong control over how this country will develop its urban, suburban and rural lands. Mr. Speaker, in its original form, H.R. 10294 left no doubt about the intent of its proponents to centralize planning and land use decisions in the Federal bureaucracy. True, there has been considerable surgery done in an effort to pass the measure, but the fact remains that the Secretary reserves complete control of the $800 million we are asked to appropriate to finance the bill. The retention of power over the purse strings is in reality the retention of control over planning and land use decisions.

Although H.R. 13790 does not give the Secretary the control given by H.R. 10294, the end result will ultimately be the same. When will this body take cognizance of the basic rules of economics which the Members learned in grade school? Deficit spending is the primary cause of inflation, the problem of primary concern to most of the people in this Nation. When are we going to make a start toward balancing the budget? Both measures call for the spending of money which we do not have. Therefore, I ask the Members to vote against the rule, and if the rule is adopted, then vote against both the Udall and Steiger measures.

Mr. BOLLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Speaker, I rise in strong opposition to the rule on H.R. 10294, the Land Use Planning Act. It is most infrequently that I ever vote against an open rule, but it is said that it takes an exception to prove the rule.

In short, this legislation is so objectionable that it simply should not be debated. Someone has said this is a frightening piece of legislation. Well, its potential consequences are truly frightening in that it could ultimately mean Federal control over every piece of land in America to the detriment of individual property rights.

Another apt description of this bill is that it embodies an ingenious plan. It has the old carrot and stick approach. There is the inviting carrot with free Federal money to assist the States in developing the land use plan. This kind of free money is almost irresistible to States and municipalities. But then comes the not so obvious stick. Things are attached.

As soon as a State accepts the free money to plan it must design and implement its plan according to detailed requirements set down by Washington or else there will be serious sanctions exercised against those who accepted the assistance.

This bill is dangerous, it affects the rights of every land owner in America. Rather than providing for land use, it could be said it provides for nonland use. No longer would any individual have full and complete control over his own property.

As for the farmers of west central Missouri, whom I am privileged to represent it would mean they would have to accept the decision of Washington on where every feed lot would be located or whether their land could be used or left unused. For my part I am not convinced Washington enjoys such a monopoly of wisdom on land use.

Mr. Speaker, this bill provides for the kind of big government we do not need. It could be disastrous to the building industry and permanently affect employment in the building trades.

The Rules Committee quite wisely denied a rule on February 26, but reversed itself on May 15th, but not one word or comma was changed to warrant this reversal. Even its proponents say there should be some amendments adopted. The floor of the House is no place to write legislation. This bill cannot be cleaned up on the floor. For that reason the rule should be defeated.

The most bitter critics say the bill borders on socialism and if passed could lead in the future to some kind of agrarian reform. Well I am not certain that will ever happen but I repeat this is a dangerous foot in the door—intrusion by the Federal Government into the proper authority and jurisdiction of the States.

If this is not the worst bill ever to come out of the Interior Committee it is only because it is the most misunderstood bill we've had in years. For the foregoing reasons I urge you to vote against the resolution or the rule providing for the consideration of H.R. 10294 which is at the same time an ingenious but also a dangerous bill which could adversely affect the property rights of everyone in America.

Mr. BOLLING. Mr. Speaker, I yield 7 minutes to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, I believe there is a single basic issue confronting this House today. It can be stated in a simple question—is the bill made in order by this rule proper legislation? My answer—No.

I have no argument with those who say we need land use planning in our Nation. I concede the interest of our people in the soil and water that produce our food and fiber and the important questions of siting homes, commercial and industrial developments. But I contend that these matters involve the people who own the land, their community interests, perhaps the States' protection of regional concerns. I say we should not escalate this issue to national policy.

We know our established methods have produced an agricultural system that not only feeds and clothes our people but provides sufficient produce for export—that has turned around our troublesome problems with our balance of trade. We have seen our commerce rank first in the world, with most of our people having jobs, homes, and public facilities that balance our cities and towns with our agriculture. We have not achieved utopian perfection, but I say the Congress should not build roadblocks to progress.

Ours is a proud national history of growth. We have pushed our frontiers from coast to coast and beyond, not by a policy of congressional restraint but

by the wisdom, energy, and dedication of our citizens.

We all know the famous plea of Abraham Lincoln that we should always maintain a "government of the people, by the people and for the people." Lincoln may have taken that thought from the words of Daniel Webster, who earlier spoke of "the people's government, made for the people, made by the people, and answerable to the people."

The point I would make is embodied in those words: We are representatives of the people, sent to this House to act for them, and we should not seek to preempt the people's rights. We should not claim greater wisdom than they have. Land use planning is no innovation in our Nation. The pioneer settlers began it. The men and women who pushed our frontiers out to span the continent knew their obligation to the land. They knew that the production of food and fiber was their livelihood and then, as the Nation grew, they knew they had to feed and clothe and shelter those fellow citizens who gathered in the towns and cities of our Nation.

I argue that this legislation intrudes on rights of private property established by the earliest pioneers and buttressed by generations of landowners. I do not contend that everyone labored to create a utopian land of perfection, but I would leave controls to the landowners and their neighbors, the men and women who know each region of our country, who understand local problems and local needs. I cannot believe that there is a monopoly of wisdom here, that we can provide the best answers to all questions.

I recall a statement that President Lyndon Johnson often made in times of tough decisions, when he said:

> It isn't hard to do what's right—anyone can do what's right—but it's awfully hard to know what's right to do.

Let us trust the people—let us not enact legislation that tells them we do not trust them to protect their property and the products we all need.

I believe many Americans are alarmed by this proposed legislation.

One of the strongest indictments of this bill is the statement of the Chamber of Commerce of the United States. The chamber has called this bill "one of the most critical ever considered by this or any other Congress." Its study penetrated the claim that there are no sanctions in this proposal. On this point, the chamber found:

> The requirements of Title I, in effect, establish a national land use policy to be imposed upon the states under threat of withdrawal of federal funds for land use planning. It is fiction to speak of encouraging and assisting the states with a bill that is filled with criteria, guidelines and suggestions for defining an "adequate" comprehensive land use planning process.

I agree completely with the chamber of commerce's summation that says:

> We find the bill objectionable because it risks jeopardizing needed economic growth, threatens another federal invasion of states' rights, and raises a serious possibility that private citizens could have their property impaired in value, without compensation.

The National Association of Home Builders has accepted the need for land use planning, but it has stated:

> Unfortunately, as the federal land use planning bill worked its way through the Congress, it evolved into a program for the creation of state and federal bureaucracies to plan primarily for the non-use of land. Under the guise of protecting areas of critical environmental concern, it would deny people access to suitable housing in locations of their choice and need.

The Associated General Contractors, an organization representing 8,200 construction companies, has expressed strong opposition to this bill, calling it:

> An unrealistic, impractical bill that will compound the land use dilemma, rather than help to solve it.

Let me cite just a sampling of citizen reaction to this proposed legislation. The Honorable Dolph Briscoe, Governor of Texas, wrote me:

> One of my major goals as governor of Texas has been to aid in strengthening the role of the states in the state-federal partnership, and the potential threat posed by one of the major authors of land use legislation—that sanctions would be brought against states which do not conform to federal guidelines on planning—is one of the strongest threats to state government that I can recall.

Charles E. Ball, executive vice president of the Texas Cattle Feeders Association, has written me:

> We agree with the philosophy of preserving our land resources, but it is doubtful that effective land use planning can be done on a national basis. If additional protection of our land resources is needed, it should be done by local citizens and local levels of government, rather than federal agencies.

I quote E. R. Wagoner, executive vice president of the Texas Forestry Association:

> Those who figure a national land use policy continually try to convey the idea that privately owned land is a public resource for which public controls should be developed. This is not the American way. This does not justify bureaucratic direction of land use on a national scale so that owners lose control over the economic use of their properties.

An editorial in the publication Progressive Farmer made the same point:

> Some type of land use planning may be in the best interests of agriculture and all of America. But such a policy should also protect the basic rights of landowners to determine for themselves the best use of their land, so long as such use doesn't constitute a public hazard or nuisance. Moreover, actual planning should be dedicated to the local level—to people who are familiar with land use patterns, capabilities and needs, and who are answerable to local citizens.

A letter from the United Brotherhood of Carpenters and joiners said in part:

> On the surface, a bill to establish national land use policy sounds harmless enough, even beneficial. Unfortunately, what this bill will cause is to mandate the presence of a new, powerful federal bureaucracy with a veto-proof power regarding how land may be used in your state. The result could be economically disastrous for growth, jobs, housing and, frankly, a subtle by-pass of what a given community really desires environmentally.

The National Lumber and Building Material Dealers Association wires its views:

> This legislation will impose a strait jacket of federal land use standards on local zoning and planning officials.

I recognize the need for statements from organizations, but I must say that I am also impressed by the post cards and handwritten letters from individuals who feel moved to protest against this bill.

Mr. J. H. Robinson, of Edna, Tex., has written:

> We do not feel that farmers and ranchers need this land use planning bill. Suggest it would be dangerous to our economy.

H. C. Nelson, a rancher in New Braunfels, Tex., is forthright when he says:

> We already have too much government in our business and daily life.

Murray Watson, a former member of the Senate of Texas who operates a feed store in Mart, Tex., writes:

> This is apparently another attempt by environmental groups to determine in Washington how a landowner who pays state, county, school and other ad valorem taxes must look to the federal bureaucracy to determine how he can use the land.

Frank J. Douthitt, of Henrietta, Tex., called this proposal "an experiment that will devastate the property rights of farmers and ranchers across the country."

Mrs. Ella Edinburgh, of Texas City, wrote:

> This bill is unconstitutional and a threat to freedom and individual liberty. It is not a bill to be passed in a free country.

Mrs. K. M. Simpson, of Runge, Tex., said bluntly:

> The federal government has too much control now.

W. Clarke Moore, of Uvalde, said:

> Dangling of federal funds before state governments is government blackmail.

Mrs. Mary Nan West and Mrs. Mary West Chandler, of Batesville, wrote:

> We look upon federal involvement in the management of our private lands as a serious infringement on our constitutional rights. We feel that, in general, agricultural lands are being properly managed by those who own them. It is an economic fact that we must practice proper management and conservation to survive in our business.

My documentation could extend for hours—letters have poured in from soil and water conservation districts, county judges and commissioners—chambers of commerce, architects, engineers, and other professional people.

There is a single dominant theme to all this citizen reaction. They do not want the Congress to make Federal decisions over local problems. Strip this argument of controversy over methods and expose it for what it really is: This bill would have us tell the people that they do not know enough to handle their own affairs. I say that is the kind of big Government that we do not need. I say we should not seek to dictate to the people. We are here to represent them. That is our function and role. It is also our duty.

My basic argument is well made in a quotation from a famous jurist, Judge Learned Hand, who wrote:

I often wonder whether we do not rest our hopes too much upon constitutions, upon laws and upon courts. These are false hopes. Believe me, they are false hopes. Liberty lies in the hearts of men and women. When it dies there, no constitution, no law, no court can save it. No constitution, no law, no court can even do much to help it. While it lies there it needs no constitution, no law, no courts to save it.

I believe, as Judge Hand did, that we must trust our people. We in the Congress should not feel that we are wiser than the people, that we need to treat them as though they were little children.

And let me add a word of thanks to my distinguished colleague, Congressman UDALL, for calling that quotation of Judge Hand to my attention. Mr. UDALL quoted it to close a recent thoughtful lecture on the American presidency. I suggest to him that the comment is just as applicable to the American Congress.

Let us not forget that we are here for a purpose set forth in the first three words of the preamble of our Constitution, those three words that express the spirit of our Nation in a ringing phrase "We the people." Let us be mindful that we who sit in this House as Representatives are obligated to trust the people.

Mr. DEL CLAWSON. Mr. Speaker, I yield 10 minutes to the gentleman from California (Mr. KETCHUM).

Mr. KETCHUM. Mr. Speaker, I rise today in oppositoin to the rule for H.R. 10294, the Land Use Planning Act of 1974. As a member of the Committee on Interior and Insular Affairs, I have been considering this destructive bill for months. There is absolutely no reason why a bill which is in such deplorable shape should come before this House. When the sponsors of legislation have to send out a "Dear Colleague" letter explaining an entire package of amendments they are offering to their own bill, I think it is clear the legislation is not ready for consideration and should be sent back to committee.

Last February 26, the Committee on Rules recognized this fact, and voted to postpone consideration indefinitely for this bill. I applauded that wise decision. The chairman of the Subcommittee on the Environment then convened 3 days of hearings, perhaps in an attempt to show massive support for his concept of Federal land use policy. What was heard instead was a chorus of witnesses calling for hearings to be held across the country, and for various amendments to H.R. 10294. Still, the subcommittee concluded its hearings, hoping that it had satisfied this House that the objections of the Rules Committee had been met. The truth is that not one word of this disorderly bill was changed. Even worse, a whole new crop of qualifying amendments came sprouting forth—not to be added into the bill by the committee whose proper function this was, but to be debated here on the floor.

I can see no rational explanation why a rule was granted to this bill in May when one was refused in February. No one can stand here and say that it is a better bill now than it was in February. It remains a frightening piece of legislation that brings the Federal Government into the backyards of every American household. Certainly, it is far too important a bill to be written piecemeal on the floor in 2 or 3 days, as its sponsors are attempting to have done.

If the Interior Committee, with its fine staff and a plethora of meetings and markups, could not come forth with a satisfactory bill in over a year, it is downright absurd to think we can write one in 2 days on the floor. I urge my colleagues to vote to defeat the rule for this bill, and send this bill back to the committee. It should never have gotten this far in the first place.

Mr. BOLLING. Mr. Speaker, I yield 3 minutes to the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I rise to speak in support of the rule. Land is our most valuable and important natural resource. There is nobody here that does not doubt for 1 minute that we should begin today to plan for the future of this country. Land use legislation is not a partisan concern. It is not even a bipartisan issue. Instead, it is a national problem which needs a nationally coordinated policy to meet long-term public objectives, and to preserve the high quality of life we enjoy in this country. We all must appreciate and realize that fact.

We had hearings on these bills. During the hearings 130 witnesses came before the committee. I understand that the Secretary of the Interior was one of those who helped write the bill. The legislation was reported out on January 22, after 4 months of intensive debate. We have heard from those who are in favor of the bill; a number of labor, farm and business organizations, environmental groups, citizen groups, all solidly support the legislation; the National Governors Conference, the National Legislative Conference, the National League of Cities, the U.S. Conferences of Mayors, the National Association of Counties, all support the legislation.

I just think we are doing a terrific injustice to the system in which we operate if we defeat a rule of this type. We have had men who have worked diligently for years, who have studied it. This rule provides for us this afternoon the cumulation of all those years of bipartisan efforts.

I strongly support the committee bill, H.R. 10294, and take this time to heartily commend Mr. UDALL, the members of his subcommittee and indeed, all the members of the Interior Committee for their continuous efforts and perseverence in getting this legislation to the House floor for a vote.

Now, are we, going to let all those years of hard work on both sides of the aisle go down to defeat?

Are we going to deprive the American people of an opportunity to have their day in court on this vital issue?

The American people want to be heard on land use planning. In the interests of the future of this country, in the interests of this Nation's vast land resources and the diverse interests of the country's growing population, it behooves us to debate the merits and demerits of the land use proposal before us. We cannot delay any longer, the airing of this crucial, far-reaching, and nationally significant legislation.

So, let us adopt this rule and get on with the debate.

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

Mr. O'NEILL. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. The gentleman farmer from Boston must take a different view than the dirt farmers of Iowa.

Mr. O'NEILL. All I can say is that the testimony in the record shows that farm organizations have appeared in favor of this legislation.

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

Mr. O'NEILL. I yield to the gentleman from Arizona.

Mr. UDALL. Some days we cannot win. I have been taken to task by several speakers because in the hearings certain people were against the legislation. The supplemental people said we should have some hearings and we have held the bill open and they say it is terrible. In the supplemental hearings nobody was there for the bill.

The second thing is that they come in and say we are destroying private property, the bill does not do this and does not do that. They say to put some language in to explain it and when we put in the language they say, "Gee, this is terrible. You are taking all these amendments to the bill," when we are trying to clear up the confusion that the opponents have generated and we are trying to put in language to clear up the bill that they see and we do not see and we are criticized for that.

Mr. O'NEILL. I agree. Let the American people have their day in court. Let us give to those who have appeared as witnesses one way or another the opportunity to debate the issue and see if we can iron out whatever defects exist.

Mr. DEL CLAWSON. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. STEIGER).

Mr. STEIGER of Arizona. Mr. Speaker, my colleagues, I suspect that most of the points which are germane to this situation have already been made. It is true, as the gentleman from Massachusetts, the distinguished majority leader, has pointed out, that there are many groups which are for this bill. Absolutely. I do not think the gentleman wants to play the game of who is for it or who is against it as the basis for our decision, but if we want to play that game, I have here two-plus pages, single spaced, of groups which start off with the National Association of Manufacturers, which all the Members recognize as a special interest group; the Chamber of Commerce; the U.S. Association of Home Builders.

Then, we have such rightwing organizations as the United Brotherhood of

Carpenters, the Gypsum Drywall Contractors International, the Council of Construction Employees.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Arizona. Mr. Speaker, I am glad to yield to the distinguished majority leader.

Mr. O'NEILL. Mr. Speaker, I appreciate the fact that there are those who are opposed to the legislation, but since the time of Socrates, who said that Government is the art of compromise, there has been dissension. This is the opportunity for us to argue the merits and the demerits of the bill if we first get a rule. Then we can work out a compromise.

Mr. STEIGER of Arizona. Mr. Speaker, I thank the gentleman. The gentleman pointed out that from Socrates' time on, there was dissension when it came to legislation, and nobody would be more in accord with that than myself.

However, we have a little shaky situation here. We have the gentleman from Massachusetts invoking the support of groups and myself invoking the opposition to it from some meaningful groups who have really studied it.

What have they studied? The bill the Rules Committee refused February 22 because it was not ready for this body to consider, and on May 15 the Rules Committee decided that the bill had somehow cured itself of whatever was wrong with it on February 22? So, they said it was all right for this House to consider it. Then, we learned by the information of the chief sponsor of the bill, my good friend from Arizona, Mr. UDALL, who is now spending an awful lot of time not only on this bill, but on strip mining, vote mining nationally and a great many environmental problems, that in the midst of this busy schedule he has had time to find reason to offer 21 substantive amendments—21 amendments.

Now, are the people who are opposed to this bill and the people who are supporting it, are they for the bill that the Rules Committee put out on the second go-round, or for the bill that the gentleman from Arizona is going to try to amend with 21 amendments? Indeed, does anybody know what he is supporting in this except a concept?

I would say to my friends, regardless of how they feel about land use planning, the floor of this House—and with all due respect to that great and distinguished Committee on Education and Labor—the floor of this House is no place to write legislation of this kind.

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

Mr. STEIGER of Arizona. Mr. Speaker, I yield to the gentleman from California.

Mr. HOSMER. Mr. Speaker, if the gentleman thinks this land use bill is an atrocity, I would advise the Members to wait until the same committee drags out the coal surface mining bill that was mentioned. By comparison or by any standards, that one will really drive the Members up the wall.

Mr. STEIGER of Arizona. Mr. Speaker, I am sorry that my friend raised that particular spectre, because I would like to concentrate on this one first. However, I thank him for his remarks.

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

Mr. STEIGER of Arizona. Mr. Speaker, I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Speaker, we do not have to wait for what comes in the future. I think we have the same legislative history on the Postal Corporation Act. We were promised that it would be much cheaper and faster. Today, we have a service which cannot deliver the mail as fast as the Pony Express, and promises to get worse before it gets better.

Mr. STEIGER of Arizona. Mr. Speaker, I thank the gentleman for his comments, but if we are going to invoke Federal failure as the reason to vote against this bill, I think we just do not have the time. So, I will tell my friends that we have had a lot of confusion on this bill.

My friend from Arizona, Mr. UDALL, has suggested, and it has been eagerly seized upon by the press, that the Governors' Conference supports this bill. I have a wire here from Governor Hathaway in which he says they do not support the bill. I do not know if Governor Hathaway was the chairman of the Natural Resources Committee of that distinguished Governors' Conference or not. Frankly, I am not much impressed with support of the Governors because the Members know and I know that there is not a single Governor who has read the bill. That includes Governor McCall of Oregon.

The SPEAKER. The time of the gentleman has expired.

Mr. DEL CLAWSON. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. STEIGER of Arizona. Mr. Speaker, I thank the gentleman.

I will simply point out to the Members that the issue before them at this moment is not land use planning. It is not the merits or demerits of the Federal Government in land use planning, as Governor McCall of Oregon said. The issue before us is that we should write this kind of sweeping, tremendously pervasive, very important piece of legislation on the floor of this House, because if we take up the bill's 21 amendments, we have 40 more sitting over here. The confusion is going to be matched only by the lack of awareness of what we are doing.

Mr. Speaker, a vote against this rule is responsible, and besides that, it will let us go home early.

Mr. TAYLOR of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Arizona. Mr. Speaker, I will be happy to yield to the distinguished gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Speaker, the genteman from Arizona is the author of the substitute amendment, and the rule makes it in order that it be considered. Does not the gentleman feel that the substitute contains the same essential idea, if we would vote for it?

Mr. STEIGER of Arizona. Mr. Speaker, I thank the gentleman for pointing that out. I appreciate his pointing that out, and I am willing to sacrifice that magnificent piece of legislation in the interest of time.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Speaker, I hope that we approve this rule so that the House can work its will in regard to land use planning. After the rule is approved, we will be given a choice between the committee bill, H.R. 10294, and the Steiger-Rhodes substitute which is a milder approach to the same problem. We will likely have opportunities to support amendments offering further protection to constitutional property rights and amendments that would strengthen the rights of local units of government in the planning process.

H.R. 10294 has been misunderstood by many people and misrepresented by some. I believe that this is the most misunderstood piece of legislation which has emerged from the House Interior Committee during the 14 years that I have served as a member of the committee. The bill as introduced contained so-called cross-over economic sanctions, meaning that a State which did not establish an acceptable land use plan would be penalized by losing a portion of federal funds for recreation or for highway construction or for airports. These sanctions were removed during committee deliberation and I helped remove them and will oppose any effort to re-establish them. The comparable bill which has passed the Senate did not contain sanctions of any type so it will be impossible for the conferees to reimpose sanction provisions in the legislation unless they are added on the House floor during the debate on this bill. However, the fact that these sanctions were in the bill as it was originally introduced has added to the misunderstanding. Many of the letters which you received in opposition to the land use bill are really directed toward the bill in its original form and not toward the bill which is before us today.

Under the committee bill, most decisions as to the use of land will continue to be made locally. If additional amendments are offered to strengthen the role of local government and are compatible with the basic philosophy of the bill, I intend to support them. But I feel there is a need for long range land use planning and that the Federal Government has a responsibility to provide guidelines and technical assistance and some financial assistance in this field. Proper land use is a national problem. It is a growing problem as the population increases each day and our land becomes more and more crowded.

Members of the House Interior Committee have devoted much time to this legislation during both the 92d and 93d Congresses and I hope the House will approve the rule and let us consider the merits of the proposals as they are presented.

Mr. MARTIN of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to my colleague from North Carolina.

Mr. MARTIN of North Carolina. Mr. Speaker, I thank the gentleman for yielding.

I subscribe to the remarks he has just made. I would also support the rule for H.R. 10294.

Mr. Speaker, I rise in support of H.R. 10294, the Land Use Planning Act of 1974 and in support of this rule whose time has come. I do so as one who has had more than a little to do with this legislation, and as one who has had more than a few words to say about the dangers of grants of authority to elitists in the bureaucracy.

This cautiously drafted piece of legislation should rank as a model of the New Federalism. It grants to the States, and through them to local governments, the wherewithal to exercise authority exclusively residing in the States and their subdivisions, without Federal control or intervention. This is a local government bill strongly supported by the National League of Cities, the National Association of Counties, and the National Association of Regional Councils. It has been local governments, as creatures of the States, which have exercised land use powers in the past, and it is they who will do so under this legislation.

The committee has found the obvious, that local zoning has been uneven, and at crucial times and places nonexistent. We do not imply, malice, vice, or even inefficiency. Rather we find a problem of jurisdiction and a lack of processes for dealing with land use matters of multijurisdictional impact. This we seek to correct by encouraging, admittedly enticing, the States to look at land use as a bigger picture. The United States will furnish the cash. The States will set up the plan and procedures. Local governments in 90 percent of the cases will do the work—the other 10 percent being done by the States.

The goals are to assure that critical land values are protected, but while doing so to have land-use decisions made by the level of government closest to the land, and by officials answerable both to the owners of the land—and their neighbors.

In committee, those concerned about the potential for elevating land-use decisions to the State bureaucratic level added a string of local government amendments. I call your attention to pages 35 through 37 of the report and urge that the comments there on 10 such provisions be read with care. We seek to encourage the States to utilize general purpose local governments for planning, review, and coordination. Participation of local governments is required by section 401 in the Interagency Land Use Policy and Planning Board.

Unamended, H.R. 10294 would be a good bill. It can be made better, and when the bill is read for amendment, I will offer four amendments which will serve to eliminate any misconceptions about the bill. They will make it clear this legislation cannot, even by the wildest stretch of the most suspicious imagination, be seen as expanding any Federal power. When it comes to the imaginations suspicious of potential Federal encroachment, mine takes no back seats, and I can see the need.

The first of the amendments will state in unequivocal terms that no existing State authority will be usurped and that no new authority will be created in the Federal Government.

The second amendment will state, without qualification, that "the allocation of responsibility between the State government and its political subdivisions for the development and implementation of the State land-use planning process shall be determined by State law." No faceless bureaucrat in the bowels of a State capitol will usurp local authorities; the decision will be made, if at all, by the legislature: by elected officials.

The third will "grandfather" grants to State and local governments, so as to keep pending grants from being put into limbo while awaiting establishment or implementation of a planning process.

The fourth of the amendments I will introduce will redefine general purpose local governments to coincide with the definition used by the Bureau of the Census, OMB, and the Office of Revenue Sharing.

Now, if these riders are not sufficient insurance, I will support an amendment deleting section 108(d)(2), thus wiping out the Federal role even in cases of decisionmaking of multi-State importance.

Mr. Speaker, this is the year of exorcism, which has proven to be great "box office." There is a demon here, the demon of a Federal power grab, of the eradication of private property. The rhetoric has been amusing—at least mildly. The demon, however, is not amusing. So, let us don our ecclesiastical vestments and prepare to shock our listeners with a four letter word descriptive of the demon—let us call its name: "sham." Now, the exorcism. One, H.R. 10294 does not expand Federal powers. Second, it does not strip local governments of their powers. If it did, every mayor and county commissioner would be outside demanding the bill be defeated. So would I. But, they are supporting it. The extent of the demon's presence is in determining that States are in fact developing land-use planning processes—processes only, not plans as in a substitute bill to be offered. The demon is thus called out of this bill, leaving only a check writing machine.

Mr. Speaker, it is a good bill, a local government bill, a bill without Federal controls and I urge adoption of this rule and passage of the bill.

Mr. TAYLOR of North Carolina. I thank the gentleman, Mr. Speaker. I would like to state to the gentleman that reference has been made to the Governors of the different States. Those of us in the North Carolina delegation received a telegram and letter from the Governor of North Carolina in strong support of the legislation. Let me quote from the Governor's telegram dated May 23, 1974:

H.R. 10294 while expressly preserving the private citizen's landownership rights, emphasizes federal assistance to states in the development of coordinated land use management policies and programs. It is significant that due to the recently ratified Coastal Area Management and Land Policy Acts, North Carolina is already in compliance with the policy development requirements of the bill and thereby is in a position to gain federal financial support in the implementation of programs which have already been mandated by the State Legislature.

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

Mr. TAYLOR of North Carolina. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Speaker, I got a telegram a few minutes ago from the chairman of the Governors' Conference, Governor Rampton of Utah, in which they reassert the support of the Governors' Conference for the resolution and the bill which was made some time ago, and that is the position of the National Governors' Conference staff.

Obviously some individual Governors do not agree.

With regard to the amendments, I am only going to offer two or three amendments of my own. I understand the amendments number 21. I do not know where this figure comes from. Most of them are amendments that supporters of the bill want to offer to nail down still further and reassure themselves on questions of local government and private property and these other matters.

Mr. Speaker, I do not think the bill needs all of these amendments. I am satisfied pretty much with the way the bill reads now, but I am trying to meet the legitimate fears which have been raised by this campaign of distortion.

Mr. Speaker, that is why these amendments have been offered.

Mr. DEL CLAWSON. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Speaker, I wish to say to my colleagues that this is clearly an issue that is most controversial, but the controversy is over the solution, how it should be done and how it should be dealt with. The controversy is not over whether there is a problem.

Too often the history of the Congress has been one of waiting for action until the crisis is upon us. Let us not do that this time. Tough problems do not disappear when we ignore them. Unfaced, they grow worse; faced, they can lead to solutions.

Whichever form of the bill some of us may prefer, whatever amendments some of us may be ready to support, let us not close our minds until the issues are clearly before us. Let us not act as if by running away the problem will disappear.

We have got to face the bill, we have got to face the problem, we have got to deal with how we go about, as a nation,

handling the problem that everybody admits is existent in the area of land use planning. This subject is rife with misunderstanding and, I feel, whether intentionally or unintentionally, with misstatements.

Let us at least debate the subject. Let us at least know what the bill really says before we ignore the subject. Let us not close our minds until we have had a chance to know what it is that really and ultimately we will be voting for or against.

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

Mr. DELLENBACK. I yield to the gentleman from Texas.

Mr. STEELMAN. Mr. Speaker I wish to commend the gentleman for his statement and associate myself with the gentleman's remarks.

I think the need for land use planning is obviously here, for the reasons which the gentleman has referred to, and I think, especially given the amount of time the Members on both sides have spent in trying to solve these problems, we are in a position to deal with the very legitimate fears with respect to Federal control and private property rights.

We have a bill here that the Members can support if they are genuinely interested in land use planning.

Mr. Speaker, I further commend the gentleman for his statement.

Mr. DELLENBACK. Mr. Speaker, I appreciate the remarks of my colleague. I personally feel that this is good legislation and badly needed. And, I feel strongly that we in Congress owe the country a debate on and ultimately a vote on the merits of this very important issue. I urge adoption of this rule.

Mr. Speaker, I yield 2 minutes to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Speaker, I rise in opposition to this rule today.

I think that the best time to kill a rattlesnake is when you have a hoe in your hand, and that is right now, I will say to the Members of the House.

I urge the Members to vote against this rule. We can amend this bill all we want to, but I think we will find it is just like rubbing vaseline on a cancer when we try to clean this bill up.

It is in too bad a shape, and we are in too much confusion concerning it, and the people of this country do not want it.

Mr. Speaker, I will give the Members five quick questions and answers which will lead them to see that it would be a responsible vote to vote "no" on this rule:

First. Will this bill exert strong Federal controls over the development of urban, suburban and rural lands?

Yes. The criteria set down by the Federal Government for receiving funds are both explicit and detailed and amount to a Federal dictate of what State policy must be. H.R. 10294 defines what the planning process for each state must entail, and what methods are to be used to implement the planning process. These criteria take up 10 pages of the bill (Sec. 103–106).

Second. Does this bill provide for Federal review and veto of substantive State or local decisions concerning land use?

Yes. The Secretary of Interior has the sole discretion to determine the eligibility of a State for a grant and if the Secretary is not satisfied that the criteria outlined in the bill are met, he can veto the grant (Sec 108). One of these conditions is that the Secretary must be satisfied before making grants to the States that "in designating areas of critical environmental concern, the State has not excluded any areas of critical environmental concern which the Secretary has determined to be of more than statewide significance." (Sec. 108(d)(2)). This clearly involves the Federal government in the substantive decisionmaking policies of the State. Moreover, Section 108(a) of the bill brings not only the Interior Department, but every other Federal agency into the approval process of State plans.

Third. Will private property rights be damaged by this bill?

Yes. By forcing the States to define areas of "critical environmental concern, areas suitable for or impacted by key facilities, identification of areas of large scale development," and stating that the State must regulate or control the use of land or activities in such areas (Sec. 105–106) the bill raises the specter of encouraging the State and local governments to utilize its zoning powers in a sweeping classification of lands. This would deny existing or potential uses, or powers of eminent domain without giving just compensation to the owners of private property within these areas. The bill does not provide for any compensation mechanism to aid the States in purchasing the properties it orders protected (in fact it explicitly prohibits the use of Federal funds for such purposes) Sec. 409(e).

Fourth. Will this bill create a "no-growth" atmosphere?

Yes. H.R. 10294 places environmental considerations ahead of all others. The criteria mandated for Federal support mostly relate to preserving the physical environment by protecting ecosystems, maintaining open spaces for public use, and setting aside areas of environmental concern as no-growth pressures. The bill makes little mention of economic use of lands and would, in effect, cripple a great deal of construction and development of energy resources. With the potential for litigation evident throughout the bill and with the addition of two more layers of bureaucracy, delays will be inevitable. H.R. 10294 would place real constraints upon growth, and institute environmental protection programs at the expense of human needs.

Fifth. Will the States be pressured by the Federal Government to take part of the program?

Yes. Implicit throughout the bill is the requirement of a dual Federal/State cooperative approach, not a voluntary State involvement. Many States currently are considering land use bills—which in itself is an argument against a Federal bill—and considering the limited funds available to State governments, they will be enticed to jump at the opportunity to obtain "free" money from Washington. Furthermore, the bill instructs the Federal Government as a matter of Federal policy "to use all practical means to encourage and support the establishment by the States of effective land use planning and decisionmaking processes." Sec. 102. Federal advice on these matters will inevitably evolve into Federal dictates. Once the Congress opens the door by conditioning the receipt of Federal dollars upon submission of "adequate" State land use plans, the constitutional responsibility and guarantee to the States that they deal with their own internal affairs will be but a fiction in this most critical area—the use of land. If this bill is passed, there will be massive arm-twisting from the Federal Government.

If your constituents want land use planning, Members of the House, the place to do it is back home in the local county and State governments and not here from the Federal Government and from Federal intervention from Washington, D.C.

Again I urge you to take this opportunity to stop this bill, that is, kill this rattlesnake right now and send it back to the committee by voting down the rule.

Mr. DEL CLAWSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, so much opposition has been expressed to this legislation this afternoon that I was reminded of something I read recently, an article in the constitution of one of the Greek city states that proposed that whenever someone suggested a new law he had to stand before the assembly with a rope around his neck.

Well, despite that risk this afternoon it seems to me when you stop to realize that each week in this country 27,000 new households are being formed—and that is a city the size of Kalamazoo, Mich.—you realize that even if the birth rate in this country were to decline to the minimum replacement level, it would take 75 years before we would stabilize our population growth. When you consider that between now and the year 2,000 that is, in less than 30 years, we are going to have to do as much building in this country as we have done in the last 300 years, I would suggest, ladies and gentlemen, that it would be an utter travesty on the legislative processes of this body to kill this rule without even discussing the important topic of land use planning.

Mr. Speaker, I have before me a document which emanates from downtown that suggests this bill does need some amending, but it says H.R. 10294 now pending before the House would achieve most of the basic objectives of land use legislation sought by the administration, and with the changes they propose the administration would recommend the passage of this committee bill.

I hope Members this afternoon will vote up the rule.

Mr. Speaker, let me also say that in

light of these critical problems and challenges, I do not see how we can defer action a moment longer. This question has been under study in the Interior committee for almost 3 years. A bill to encourage State land-use planning has been marked up and approved by the committee in two separate Congresses. There are numerous amendments pending to still further refine the legislation before us today.

Moreover, the land-use planning process envisioned in H.R. 10294 is not some merely novel idea cooked up by the committee in the seclusion of its hearing room on the third floor of the Longworth Building. Quite to the contrary. More than a dozen States already have comprehensive land-use programs—some of them much more stringent and far-reaching than the proposal before us today. A dozen other States have enacted coastal zone management laws, wetland protection acts, or development control programs that parallel many of the concerns expressed in H.R. 10294.

So let us not pretend that the issue needs further study; it has been studied long enough. Let us not pretend that the bill needs further perfection and refinement; there will be ample opportunity for that under the open rule providing for consideration of both the committee bill and the substitute. This legislation deserves to be considered and considered today, not buried under a deluge of flimsy pretexts.

Mr. Speaker, I recognize, of course, that many of my colleagues have very legitimate disagreements with some parts of the bill. I share those concerns, particularly as they relate to the rights of property owners. But let me suggest that the time to air such concerns is during the 5-minute rule. Let the House work its will during the amendment process, and if the bill is still unsatisfactory, vote against it on final passage, rather than before we have even had opportunity to consider it.

The legislation pending before us, for example, has aroused very legitimate concerns about the rights of property owners guaranteed by the fifth amendment. Unfortunately, neither the committee bill nor the substitute address this important question in a meaningful way or provide assurances that legitimate property rights will be protected in the implementation of State land-use plans.

Boiler plate language such as the committee bill's disclaimer that nothing in the act shall diminish or enhance constitutionally protected property rights has little practical significance because these rights are nowhere codified, but instead reside in a shifting body of widely varying and sometimes inconsistent judicial precedents. Congress cannot directly legislate on this body of case law one way or the other.

However, adoption of either the committee bill or the substitute will necessarily mean significant new efforts to regulate land uses; actions which may test the protections currently afforded property owners by judicial interpretation of the taking clause. In particular, the newly created State land-use bureaucracies may be tempted to employ regulatory powers in areas which go beyond the limits that generally prevail at present.

I believe it is imperative, therefore, that a countervailing perspective be incorporated into the bill and the State land-use planning process. Safeguards are needed to restrain these bureaucratic tendencies and to force State and local land-use agencies to recognize that the achievement of some thoroughly proper land-use objectives, such as preserving scenic areas or providing more open space, will require compensation of landowners to be constitutionally permissible.

The amendment I intend to offer is designed to accomplish this objective by adding a new property protection thrust to four critical segments of the committee bill. It would amend—

First, the findings section—101—to include congressional recognition of the uncertainties and burdens imposed on property owners by the unsettled nature of judicial precedents regarding "taking";

Second, the policy section—102—to include an intent to provide more "explicit guidance" for the resolution of conflicts between property rights and public objectives which may arise in the land-use planning process;

Third, the State planning process section—104—to require that explicit landowner compensation policies be adopted where existing State law and judicial precedents indicate that land-use objectives cannot be pursued by regulatory actions alone; and

Fourth, the implementation section—106—to afford property owners opportunity to contest the adoption of regulatory rather than compensation policies where they believe the former would be inconsistent with existing law and precedent, and to require that the burden of proof be on the State agency to show otherwise.

The purpose of these amendments is to insure, that by encouraging essential land-use planning, the Federal Government will not also be funding wholesale efforts to reform current property law to the detriment of private landowners. I hope that you will give serious consideration to supporting these amendments when they are offered under the 5-minute rule. But first let us approve this rule so that these important issues can be debated.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Speaker, the land in America is taking a beating. Between today and tomorrow at this hour 10,000 acres of choice, irreplaceable land goes down the drain, for freeways, for subdivisions, for parking lots, for strip mining, and for all of the uses that a busy society makes. A year from now 3 million acres are gone, and before the turn of the century an area almost as large as New England.

We hear no-growth talk, and do you know why? Communities get desperate. Local governments get desperate. They and their citizens see overcrowding. They see freeways and condominums and subdivision highrises going up. Taxes soar and schools are overcrowded. But if someone told you that your community that you had to absorb 60,000 people in the next 10 years you would get ready and get busy preparing for it. That is the only way to stop the no growth movement. It is really a frustrated striking out.

What is the response of our friends here today? They say "Let us sweep it all under the rug and not debate it." As my flippant friend from Arizona (Mr. STEIGER) says, "Let us go home early." That is why the Congress is in disrepute in some circles. The question being today is, is the Congress ready and able to decide tough issues, or is it going to duck them?

Mr. Speaker, we have a committee system in this Congress. We labored for 4 years on this legislation, and we passed it in the committee 26 to 11. It has been a bipartisan bill. The name of John Saylor is on it. The name of Wayne Aspinall, who passed a similar bill 2 years ago is also on it. You have seen Representatives RUPPE, MARTIN, STEELMAN, DELLENBACK and some of the finest young Republicans added to our committee stand up on the floor and speak for this legislation today. A similar bill passed the Senate 65 to 21 a year ago. And now we are going to dismiss all of this because it is controversial?

What a spectacle for the United States of America.

One of the things I want to watch when the voting starts in a few minutes—John Mitchell said some time ago:

Don't watch what we say, watch what we do.

I want to watch what the spokesmen of the administration do on this legislation. This was President Nixon's No. 1 environmental priority. The President did a switch on it. But a month ago, Rogers Morton—and that position stands today—wrote me a letter when we asked what his position was on the bill, and he said that the administration believes that we can have land use planning this year, and the position of the administration is for a vote this year.

They say they favor the Steiger substitute. Well, let us vote, and let us amend it, and let us have a vote.

But before we vote, let me tell you a couple of things about this bill. The gentleman from North Carolina (Mr. TAYLOR) supports the bill. The Chairman, the gentleman from Florida, spoke in favor of the rule. You cannot hear the truth about this bill because there is so much noise getting in your way.

For instance, this is a voluntary bill. No State has to take a dime. The States can try it for a year or two and then walk away from it. If your State wants sprawl, it can vote for sprawl and refuse the Federal planning money. There is nothing compulsory in this bill. The institution of private property is in no danger.

The gentleman from Arizona (Mr.

STEIGER) and the chamber of commerce have told us in one of their circulars how we can protect private property.

I will offer an amendment with the gentleman from Ohio, Mr. REGULA, to make sure that we protect those rights exactly the way they told us to do that.

One of the fears about this legislation is that we will ride rough-shod over local government. The gentleman from North Carolina, Mr. MARTIN, is a former chairman of the county commissioners in his home county. He and some of the other defenders of local government have been in on this from the very beginning. I do not think that there is anything that needs any amending, but I will be willing to accept a couple of amendments that will be proposed to further guarantee protection to local governments from infringement of local rights from the State and Federal Governments.

America needs balanced growth, America needs homes, America needs new businesses, construction, sound, orderly development. We need airports, highway corridors, parks, green spaces, golf courses, farming areas and industrial areas. Land use planning simply says let us put the thing in the right place to assure orderly, sensible growth, and not end up by Los Angelizing this whole country.

For those from rural areas: I recognize that among the farmers who love their land there are very real fears that they are not being properly protected. Pass this bill, and we can help those farmers so that the States, as the Governor of Vermont said, will be able to identify the choice agricultural land and find ways to protect it; can head off the speculators who drive up the taxes and prices, so that the man who wants to farm can continue to farm.

We can do this for the farmers, and we bring help to the home builders. The reason homes are not being built is because the home builders cannot do the proper planning. We have a sensible, simple amendment to encourage the States and local governments to simplify all of these procedures which are so frustrating to the builders and the developers who have to go through 19 different agencies and file 20 pounds of forms for a building project. We will have an amendment to encourage the States to simplify these procedures.

The SPEAKER. The time of the gentleman has expired.

Mr. BOLLING. Mr. Speaker, I yield 1 additional minute to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Speaker, I thank the gentleman for yielding me the additional time.

I just want to make two final points.

One is that a good many business organizations support this bill. The National Association of Realtors, and the National Realty Committee, the National Parking Lot Operators support this legislation. The Mortgage Bankers Association, the American Retail Federation, the International Council of Shopping Centers. This is more than the enumerated groups.

Finally, let me give a piece of political advice to my friends on the Democratic side of the aisle: This rule, if it goes down, is going to be listed on almost anybody's list of the 10 or 12 key votes of this session. It is going to be one of the environmental votes of the decade, as far as that is concerned. You can talk all you want to about this matter, but when we cannot even debate such a bill or vote on such a major issue as this we have made a serious and foolish decision. Just read the New York Times about what happens when the environmentalists get stirred up, as they did in California, last week. Do not get on some dirty dozen antienvironment list for a purely procedural vote.

If you support the Steiger amendment, then vote for the Steiger amendment, but let us not get caught in the trap of voting down this rule and refusing to consider one of the major pieces of legislation before the country.

Mr. DEL CLAWSON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, I rise in opposition to this rule because, as I think the gentleman from Arizona (Mr. UDALL), has just shown us, we do not not know what is in this bill. He said:

I am going to amend this; I am going to amend that; we are going to have to do this; we are going to have to take care of these people.

He does not, himself, know what is in the bill.

This is my good friend, the gentleman from Arizona, who gave us that wonder called postal reform. Do my colleagues remember that legislation? If you recall that legislation the gentleman from Arizona told us about all of those things that the great postal reform was going to solve. He has done exactly the same thing in this bill. Again it is an absolute disaster. We do not know what is in it. We cannot be sure ourselves what is in the bill. He tries to stand here today—my good friend, the gentleman from Arizona, who I know is anxious to be President—with his gift to the environmentalists, to help him become President. And I can understand that political move, but can the American people live with this legislative nightmare?

He tells us the Governors are for this. They do not know what is in this bill. How could the Governors be aware of these new amendments? They just met last week.

Have they seen all of the gentleman's amendments and approved them all? Have they approved all of the gentleman's some 20 odd amendments?

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

Mr. ROUSSELOT. Yes, I will be glad to yield.

Did they approve all of the amendments the gentleman is going to offer today?

Mr. UDALL. I thank the gentleman for yielding.

We got in the office today, from the Governors and the mayors and the county officials who are on the firing line, a packet saying yes on all of the amendments relating to protection of local government.

Mr. ROUSSELOT. Kindly answer my question. Are they aware of these amendments?

Mr. UDALL. The local and State government amendments, yes.

Mr. ROUSSELOT. Why did the gentleman not include it in the committee when they were writing the bill? That is where the bill is supposed to be written.

Mr. UDALL. Will the gentleman yield further?

Mr. ROUSSELOT. I do not yield any further. The gentleman has had plenty of time to tell us how bad the bill is.

Mr. Speaker, I continue to oppose H.R. 10294, the Land Use Planning Act of 1974. There are three major reasons why I believe this legislation must be defeated:

First. By fostering the creation of State land-use planning agencies charged with carrying out a comprehensive land-use planning process within each State, it would open the door to the progressive undermining and eroding of some of the most fundamental constitutional rights.

The fifth amendment provides:

No person shall be . . . deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use, without just compensation.

The 14th amendment further provides:

Nor shall any State deprive any person of life, liberty, or property, without due process of law;

Reassuring words in the committee report to the effect that land-use planning activities conducted under the bill would be in the nature of regulation rather than taking of land are of little comfort when considered in light of the declaration of policy contained in section 102 of the bill. That section refers to a land-use planning process assuring—

Informed consideration, in advance, of the environmental, social, and economic implications of major decisions as to the use of the Nation's land.

I would point out at this time that privately owned land does not belong to the Nation or State until it has been condemned in accordance with law and just compensation has been paid for it.

Second. The definition of the term "areas of critical environmental concern" contained in section 412 of the bill is so broad that it could conceivably include almost all land in the entire country, and such lands could therefore be subjected to the extremely stringent controls provided in section 105. For example, "areas with high seismic or volcanic activity" could include the entire State of California, and any areas not so included could be covered under "such additional areas as are determined to be of critical environmental concern."

Third. The proposed act would interfere with the exercise by States of their own governmental responsibilities. A $100 million fund would be provided each year for the purpose of coercing States to establish land use planning programs. As the committee report states:

(I)t seemed to most of those urging passage of the legislation that strong incentives were required to get the States started as were

sanctions to prevent them from stopping once they get started.

I believe that the application of such a "carrot-and-stick" approach distorts the normal political process within the States and that this form of manipulation of States by the Federal Government is completely unjustified.

In conclusion, I should like to make clear that none of the interferences with the rights of citizens which this bill threatens to undertake can be justified by "revised lifestyles," "energy and other shortages," or "changes in concepts of what constitutes an acceptable standard of life," which the committee alleges have occurred. Constitutional rights were established for good times and bad, and we must be especially vigilant during times of alleged crises and emergencies that they not be infringed.

Mr. DEL CLAWSON. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. CAMP).

(Mr. CAMP asked and was given permission to revise and extend his remarks.)

Mr. CAMP. Mr. Speaker, this is just a little piece of permissive legislation that just affects about 50 States. As a member of the Committee on Interior and Insular Affairs, which had jurisdiction over this bill, I have had an opportunity to sit through hours of hearings on the Land Use Planning Act.

Mr. Speaker, I was very hopeful that the February 26 decision of the Rules Committee to deny a rule to the Land Use Planning Act heralded a new resistance in the House of Representatives to broadly written legislation giving more power to Washington at the expense of State and local authority. The rationale—that much more work and discussion was needed before such a far-reaching proposal should be presented on the floor—was, to my mind, sound, and I was deeply disturbed that the Rules Committee in May reversed its previous action for no apparent reason.

As many of my able colleagues have pointed out, nothing happened between February and May to warrant this reversal other than a 3-day series of subcommittee hearings in which the overwhelming majority of witnesses expressed opposition to H.R. 10294. Not one word in the bill was changed.

As a member of the Committee on Interior and Insular Affairs which has jurisdiction over this bill, I have had the opportunity to sit through hours of hearings on the Land Use Planning Act. The testimony has convinced me that H.R. 10294 is nothing less than the first step on the road toward Government control over private property.

Proponents assure us that H.R. 10294 would have no effect on property rights, Mr. Chairman. I question if a western Oklahoma landowner would agree. Under the terms of this bill, future development of his lands could be prohibited, thus effectively and significantly lowering his property values. H.R. 10294, however, makes no provision for compensation for lowered market values caused by a land use plan.

The bill's supporters contend that it simply provides Federal financial assistance to encourage the States to set up their own land use standards. They tell us the bill does not require anything of the States. However, once a budget-pressed State accepts the first Federal dollar—and a portion of $800 million would be hard to resist—that State is then obligated to implement a land use plan following the stringent standards set forth in H.R. 10294. The bill contains line after line of specific requirements and places such a heavy emphasis on environmental considerations that our basic needs for economic development, energy, food and housing could be threatened.

Mr. Speaker, I understand that the bill's proponents plan to offer a comprehensive series of amendments designed clean up H.R. 10294 if the rule is accepted. I say, let us defeat the rule now and send this bill back to committee. The floor is not the place to write landmark legislation which could affect every property owner in the United States.

I doubt if any of us in this Chamber today can predict what will happen in future years if this legislation is accepted. At the worst, I believe it would play havoc with the Constitution's property guarantee and render the words private property meaningless in the United States. I urge your vote against this rule.

Mr. BOLLING. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BURTON).

Mr. BURTON. Mr. Speaker, I rise in support of the legislation and in support of the rule. There has been a good deal of to-do about very little here. This is a very, very modest proposal. All of us on the committee are fully aware of that. There has been a great deal of escalation of rhetoric with reference to the gentleman from Arizona and the Interior Committee's bill. It is a very modest bill. It is much more modest than that which was passed by the Senate overwhelmingly. All of us know that. Let us vote for the rule so we can hear the section-by-section discussion.

Mr. Speaker, I yield back the remainder of my time.

Mr. DEL CLAWSON. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. WYMAN).

Mr. WYMAN. Mr. Speaker, I thank the gentleman from California for yielding.

The question here is who is the we that the gentleman from Arizona (Mr. UDALL) is talking about. The we he is talking about is the Federal Government.

The Federal Government ought not to be doing this. To say that this is an anti-environmentalist vote is to grossly distort the issue before the House. Most everyone is for land-use control and land-use reform, but this should be done by the State legislatures and by the State representatives. It should not be done by the Federal Government, or another "carrot-and-stick" approach to be literally controlled and managed by thousands more Federal bureaucrats.

For us operating in a fiscal crisis to stand here today and vote $800 million to set up another bureaucracy in a "big-daddy" Federal agency in order to control land-use reform in the States would be a seriously wrong thing to do. We should kill this bill and do it decisively on the rule.

Mr. MONTGOMERY. Mr. Speaker, it is very seldom indeed that I ever rise to oppose a rule because of my basic belief that legislation should be considered on its merits and the House should be given an opportunity for a full and open debate on each bill reported out of committee. However, once in a long while we are presented with a bill that is entirely lacking in merit. Such is the case with the Land Use Planning Act of 1974. I would warn my colleagues that if the Land Use Planning Act is passed it will open a Pandora's box that we will never be able to close.

Mr. Speaker, contrary to what the supporters of this measure would have you to believe, the Land Use Planning Act would seriously compromise, if not jeopardize, the property rights of private landowners. This is a consequence which I am sure the American people never want to face and I feel very strongly that it is a consequence we should not attempt to legislate.

Mr. Speaker, the very fact that it took an extreme amount of pressure and arm bending to even secure a rule by a one-vote margin says to me that the Land Use Planning Act should not even be on the floor for House consideration. Another disturbing feature of the legislation is that it smacks highly of politics—Presidential politics. I am very concerned that the biggest supporters of this bill in the House and Senate are both in the process of running for President although for the life of me I cannot understand why anyone would want to be associated with a piece of legislation of this nature.

Mr. Speaker, I strongly urge my colleagues to vote against the rule thereby signing the death knell for the Land Use Planning Act, which it so richly deserves.

Mr. HAMMERSCHMIDT. Mr. Speaker, I am aware of the long legislative history of the Land Use Planning Act, which now seeks to bring the living habits of man more in conformity with his diminishing natural habitat, the land. Since 1971, bills on the subject of implementing a comprehensive land use planning act have been referred to the House Interior Committee, specifically the Subcommittee on the Environment, and I commend this body for their thorough study of such legislation.

However, at contention is the concept of nationwide land use planning. In reporting H.R. 10294 for full House consideration, the Interior Committee in its report stated that, undeniably, the Land Use Planning Act is path-breaking legislation in some respects. It is for the "path-breaking" nature of the act that I urge that the rule for consideration of the legislation be defeated.

Earlier versions of this legislation contained strong sanctions whereby States failing to live up to the requirements of the Land Use Planning Act would see their Federal assistance programs cut in varying degrees. In 1972, the executive branch recommended sanctions to insure a State's ocmpliance with a land use

policy act. The three funds subject to be withheld would be, under this earlier proposal: those funds allocated under the Airport and Airways Development Act; Federal-aid highway funds exclusive of planning and research; funds from Land and Water Conservation Act of 1965, as amended.

Although the version of the bill under consideration today does not carry with it the principle of sanctions contained in earlier versions, it is my view that the rule for consideration of this measure should not be adopted. I oppose the concept of federally administered comprehensive land use planning processes and question the need for it. The tendency of the executive branch to impound Federal funds for one reason or another is clearly apparent. The Federal-aid highway funds, one of three programs singled out for attack in the 1972 executive branch recommendations on sanctions, are allocated to the States primarily from the highway trust fund, which is compiled from highway user taxes. Legislation governing the utilization of such Federal funds for highway purposes incorporates comprehensive procedures for public review and hearings when controversy arises, as well as provisions requiring compliance with the National Environmental Policy Act. In general, standard zoning ordinances and building codes have been enacted to enforce restrictions on the use of land as local governmental entities feel are advisable, and in my judgment that is where it should remain.

Despite the removal of sanctions from H.R. 10294, it remains my position that enactment of the Land Use Planning Act would be a step in the wrong direction and would have a truly momentous impact on the freedom of action of State and local governments, and on individual liberties, including the basic right to own and use property. While it is widely claimed that the act would simply serve to encourage and assist the individual States to shoulder their responsibility for land use planning, title I of the bill continues line after line requirements that the States must meet before the Secretary of Interior can judge that their plans are "adequate." The purpose of the act is to authorize the Secretary, pursuant to guidelines issued by the Council on Environmental Quality, to make grants to assist the States to develop and implement comprehensive land use planning processes.

This Council on Environmental Quality last year issued a report entitled "The Use of Land." In its report, the task force established by the Council included several recommendations relating to property rights. In view of the fact that the Council will be issuing guidelines to the Secretary for promulgation of the act if it is enacted, it is somewhat alarming to note that their report recommended an end to the landowner's traditionally presumed right to develop his property regardless of environmental and social costs, a right presently restricted by local zoning laws. The report goes on to state that landowners should be required to bear the restrictions without compensation by the Government. By rejecting an amendment in this regard during formal committee consideration, the House Interior Committee has implied endorsement of the latter recommendation by the Council. An amendment was proposed, and rejected, that would have authorized "any person having a legal interest in land, of which estate has prohibited and restricted the full use and enjoyment thereof," to petition a court to determine whether the prohibition diminishes the value of property and "if it is so determined, full and adequate compensation of the amount of loss shall be awarded therefor." At this late date and following hearings and a full committee consideration process, we are now asked to evaluate a package of amendments which the bill's sponsors have determined at the last are needed to "clarify the intent" of their legislation.

In my judgment, the highly significant issue of this act—fifth amendment private property "taking clause" guarantees—have been left without adequate safeguards in H.R. 10294. While suggestions were made that the bill contain new authority to provide for compensation in case of what has been characterized as "inverse condemnation," it was the determination of the committee that adoption of such a provision could well defeat the purposes of the Land Use Planning Act. However, I have strong reservations that this legislation may well challenge 5th and 14th amendment guarantees of the Constitution.

Not only do I question that the act, as it is presently written, could be effectively implemented within the bounds of the Constitution, but I fear that it would invite litigation to the extent where, once again, congressional intent would be left to the broad interpretation of the courts.

Under the principles on which our Nation was established, the marketplace and the economic interests of private land ownership dictated the highest and best use of land. This measure would take a step in the direction diametrically away from our free enterprise system and the concept of individual liberties. Under existing conditions whereby zoning ordinances may prohibit one certain use of land, the owner can at least utilize the land in another manner so as to attempt to justify his investment.

Not only does H.R. 10294 undermine our valuable tradition and consequently stifles private ownership, but also it affords environmental consideration a dominant position in the land use decisonmaking process. Our physical environment must be properly balanced with our needs for economic development, for greater resource recovery to meet our energy demands, for supplying raw materials in what has become an economy of shortages, for providing food for our people as well as for housing the population.

The legislation to be considered under House Resolution 1110 tells the States in specific detail which areas must be designated as "areas of critical environmental concern."

In the definition of critical areas, included are renewable resource lands and significant agricultural and grazing lands, and forest lands. Such a definition includes the vast majority of my congressional district, and I therefore share and endorse the apprehensions of my constituents with regard to H.R. 10294.

Despite the great amount of apprehension of citizens throughout the Nation toward H.R. 10294, the Interior Committee has strongly resisted the justified clamor for regional hearings before a final bill is brought to the floor. The bill could work to encourage State and local governments to utilize its zoning powers in a sweeping classification of lands. This would deny existing or potential uses, or powers of eminent domain without giving just compensation to the owners of private property within these areas.

I seriously question the wisdom of deliberating the bill today, and it is therefore my hope that the rule will not be adopted. We already have a proliferation of complex and overlapping Federal laws and functions affecting the use of land. I have already mentioned the Federal-Aid Highway Act, which includes provisions highly germane to the use of land. Another, also under the jurisdiction of the Public Works Committee, is the Federal Water Pollution Control Act.

In addition to these two we have the Clean Air Act, and Coastal Zone Management Act, and Land Use Planning Authority assigned to the Department of Housing and Urban Development and authority for the Environmental Protection Agency under the very broad and sweeping authority of the National Environmental Policy Act. Now we are asked to adopt a rule for consideration of a bill to create yet another land-use oriented bureaucracy: an Interagency Land Use Policy and Planning Board.

The Water Pollution Control Act, specifically in section 208, outlines land use criteria. It calls for a regulatory program to be developed to regulate the location, modification, and construction of any facility that may have discharges. In addition to pollution control planners, we also have on the Federal level flood control planners, site planners, and land use planners under other authority, and even the watershed program. Although for the most part these operate under Federal authority, the structure of each such program calls for a significant level of State and local input. This, coupled with State and local authority in such matters as zoning, constitute a broad array of comprehensive regulatory plans which govern how land is used.

The major incentive for comprehensive land use planning as proposed in H.R. 10294 is the authorization of $100 million annually for 8 years for land-use planning grants. In a time of inflationary pressures on the economy, especially, it is my judgment that such an expenditure is an unnecessary burden to the taxpayers of America and the authorizing legislation is not in the best interests of the Nation. Regardless of last minute changes to H.R. 10294 supported by its sponsors or of the multitude of floor amendments which will be offered to remove objectionable provisions or add additional protection for property owners' rights, it is apparent to me that the Land Use Planning Act should not be brought before the House.

It is an unwise use of the valuable time of this body. I urge my colleagues to vote down the rule.

Mr. THONE. Mr. Speaker, property rights of Nebraska farmers and ranchers would be eroded by this Federal land use legislation.

Legislation passed by the Senate on June 21, 1973 and reported out by a House Interior and Insular Affairs subcommittee on September 14, 1973 is described by its supporters as a program to give financial aid to States in carrying out their land use policies. In truth, the legislation would result in national land use policies, with nearly all decisions being made on the Federal level.

PAUL FANNIN of Arizona was one of the original sponsors of the bill when it was introduced in the Senate. After it was rewritten in committee, he became one of its leading opponents because "the bill as amended dictates to the States rather than establishing a system of cooperation."

The bill, if it becomes law, could have serious economic effects for Nebraska farmers and ranchers. If land were zoned for agricultural use only and changing conditions made it desirable to convert to industrial or residential use, the change could not necessarily be made just on the county or State level. All actions at local or State levels would have to fall within Federal guidelines, rules and regulations that would amount to dictation.

Each State's "comprehensive land use processes" would be subject to approval not only by the Office of Land Use Policy and Planning Administration which would be created in the Department of Interior by the legislation, but also to comment by the Departments of Agriculture, Commerce, Defense, Health, Education and Welfare, Housing and Urban Development, Transportation and Treasury and by the Atomic Energy Commission, the Federal Power Commission, the Environmental Protection Agency and the Council on Environmental Quality.

The bill would give the Federal Government the power to determine that certain areas were of "critical environmental concern which are of more than statewide significance" and therefore subject to direct Federal control. Nebraska's unique sandhills could come under that definition.

The legislative proposal would also give the Federal Government direct power to control use of private land "adjacent" to Federal lands. The Federal Government owns a third of our land. How much more would be controlled by this proposal?

The version of the bill reported by the House subcommittee is more dangerous than the Senate version. In the Senate version, States can pursue their independent course if willing to pass up the offered Federal money for land use planning. In the House version, any State that does not comply with Federal guidelines by 1976 would lose 7 percent of its funds for highways, airports and land and water conservation funds. The Federal Government would tighten the squeeze on nonconforming States by withholding 14 percent of these funds in 1977 and 21 percent in 1978.

The 5th and 14th amendments to the U.S. Constitution provide that private property not be taken for public use without compensation. The proposed Federal land use legislation raises the question as to how far Government can go in restricting land without compensating the owner. Chief Justice Oliver Wendell Holmes wrote:

> The general rule, at least, is that while property may be regulated to a certain extent, if regulation goes too far it will be recognized as a taking.

The proposed land use legislation defies this Supreme Court ruling. An example will illustrate its viciousness. A man might buy land with a lake on it for the purpose of developing a resort. A State then, proceeding under Federal dictates, might decide the land is an "area of critical environmental concern" and prohibit all development.

Our present emergency efforts to discover and utilize materials to ease our energy and metals shortages would be greatly hindered by the proposed land use legislation. The land use program is surface oriented, and thus would restrict exploration for underground resources whose existence and extent are not now known.

Development of sound land use policies have been neglected in many areas. I favor strengthening local and State land use planning and programs. There is no reason why a Federal bureaucracy should have virtually 100-percent control over a matter that should be handled by a local zoning board.

This great Nation was founded, grew and prospered in the climate of free enterprise and opportunity—where the role of Government took second place. Our modern society is complex and has many problems. Nevertheless, we can solve those problems without endangering the rights of individuals to own property.

The rule must be defeated.

Mr. LUKEN. Mr. Speaker, I rise in strong support of the rule now under consideration. Let us adopt this so that we discuss the bill thoroughly.

Mr. Speaker, I rise to register my strong support of the Land Use Planning Act as reported by our Committee on the Interior. I am opposed to all attempts to weaken this bill. And I am opposed to the attempt to kill it, which is being made here today, through the ploy of a substitute bill.

For far too long a time we Americans have taken for granted an endless supply of land, and clean water and air. This view of our environment as a cheap resource has resulted in rash and unplanned land destruction as well as pollution of our rivers, aircraft noise over our cities, and filth in our air and water. It is time for us now, before it is too late, to take the action necessary to protect our vital environmental resources.

The bill we have before us will do that while providing funds to States on a voluntary basis. Under the bill individual States may elect not to participate. Yet, it is a strong bill providing cities and other political subdivisions with the means of settling land use questions that regularly come before them. Passing this bill today will reduce isolated and chaotic development, replacing it with a land use partnership among State and local governments.

My own State of Ohio has already initiated the development of a State land use policy process and the State government has strongly endorsed this bill. We intend to broaden participation in this process so that Ohioans can be assured that land use policy expresses a balance between economic encouragement and land protection. The passage of this bill today is vital to the development of a responsive State and local government role in the land use planning process of Ohio. And I am certain this is true of all States.

The substitute bill offered today by the gentleman from Arizona (Mr. STEIGER) is hollow and vague. One of its glaring weaknesses is that it does not guarantee local governments to have control over their development. It says nothing about people's property rights even though the gentleman states he is concerned with preserving the rights of property owners.

Mr. Speaker, passing the Steiger bill and killing or weakening the Udall bill would be an irresponsible act on our part which would reinforce and justify the lack of confidence in Congress felt by so many of our people. It comes down to this: if even our land cannot be protected from special interests and speculative vandalism, if the right of our towns and communities to control their own quality of life cannot be preserved, then the Congress deserves the criticism to which it has lately been treated.

Mr. TRAXLER. Mr. Speaker, my position on land use planning is that the land use decisions fundamentally should be made by the people who are directly affected at the local level. There is an urgent need to protect landowners from being forced off their property by decisions in which they had no part. At present, we are seeing exactly this. Farmers are being driven out of business by skyrocketing property taxes, our agricultural land is being consumed by urban sprawl.

I want no Federal Government officials making our land use decisions for us. The Land Use Planning Act as reported by the committee would insure that the land use decisions will be made at the local level. Thus, if a community wished to retain its agricultural base, it could decide to do so. The basic purpose of the act is to authorize Federal grants to the States, so that the States can develop land use planning processes that place the planning responsibility at the city or county level. In Michigan, our State legislature is already considering land use legislation based on the same principles as the Federal bill, so Michigan would be able to obtain Federal grants under this act to finance our State program.

I reiterate, I want no Federal Government officials making our land use decisions for us. If any legislation authorized anything of the kind, I can assure you I would oppose it. The Land Use Planning Act specifically prohibits Federal intervention in land use matters. Section 106 (d) of the act states:

Nothing in this title shall be deemed to permit a Federal agency to intercede in management decisions within the framework of a comprehensive land use planning process.

We also must insist that there will be no infringement of the right to own and use private property. The Land Use Planning Act as reported by the committee also explicitly protects these private property rights in section 106(d), which states:

Nothing in this title shall be deemed to enhance or diminish the rights of owners of property as provided by the Constitution of the United States.

The act does not authorize acquisition of any private property or easements, and it does not authorize any Federal zoning.

In fact, this measure gives local governments more control over Federal decisions than they have ever had before. Section 111(a) requires the actions of the Federal Government to be consistent with the local and State land use plan. Thus, the Federal Government cannot come into our communities with a disruptive, unacceptable project if our land use plan bars that type of development. At present, the Federal Government is not bound by any such restriction.

To reaffirm my strong commitment to land use planning without Federal intervention in local decisions, I support the amendments offered by the sponsors of H.R. 10294 which clarify the intent of the bill not to allow Federal control of State and local land use decisions. The amendments reaffirm the policy that the authority to manage and regulate non-Federal land rests with the States and their political subdivisions and that the Secretary of the Interior will not be authorized to disapprove of any such decisions as a condition of eligibility for grants under this act. Moreover, the amendments would allow the States to give whatever weights they deem appropriate to the various Federal criteria for the planning process.

Likewise, these amendments state that nothing in the act shall be construed to require or encourage States to interfere in purely local land use decisions. And most importantly, the amendments reaffirm in very strong language that property rights receive maximum protection under not only the U.S. Constitution but the constitutions and laws of the States.

I believe that these amendments make very clear that while we are committed to sane land planning, we do not want decisions made at the Federal level.

The alternative to the Land Use Planning Act is the bill proposed by Congressmen RHODES and STEIGER of Arizona. Although their bill also would give Federal aid to the States for land use planning, I cannot support it because it omits the strong local role in land use planning that I believe to be essential. The National Association of Counties summed up the problem as follows:

The Steiger bill does not contain the protections guaranteeing local government involvement in the planning process. The Steiger bill will also open the door for federal control of land use plans because it does not clearly define the respective roles and responsibilities for state and local governments.

Mr. Speaker, this week I received a telegram from Hon. William G. Milliken, Governor of the great State of Michigan. Governor Milliken strongly endorses the land use bill as reported by the committee. Governor Milliken states in his telegram:

I understand the Land Use Planning Act of 1974, H.R. 10294, is to be considered by the House of Representatives this week. I reiterate my strong support for this bill. It has the overwhelming endorsement of the Nation's Governors because it provides the States with the authority and the financial support to do the job.

The time for land use reform is now. In Michigan, our State program is being accelerated with the enactment of the Farm Land and Open Spaces Preservation Act, which I signed into law last week. Passage of a national land use bill will give added impetus to our efforts.

WILLIAM G. MILLIKEN,
Governor of Michigan.

In addition to Governor Milliken, I have received communications from the following organizations supporting the Land Use bill as reported by the committee: The National League of Cities, National Association of Counties, U.S. Conference of Mayors, National Association of Realtors, League of Women Voters, the Interior Department, National Rifle Association, American Institute of Planners, American Institute of Architects, the AFL–CIO, Mortgage Bankers Association, United Auto Workers, and by all major environmental groups.

I believe we need to make our own decisions on land use in our own communities. The Land Use Planning Act is a source of financial support for these local planning efforts, and it has built-in prohibitions against the evils we all oppose, such as Federal intervention and abrogation of property rights. This is a bill that will help us better control the future of our communities, which I believe we all desire.

Mr. RONCALIO of Wyoming. Mr. Speaker, today I will vote for the rule to consider H.R. 10294, the Land Use Planning Act, in the desire to have this legislation, proposed amendments, and alternative bills brought before the House for debate and consideration.

If the rule is adopted, I will follow the sentiment expressed to me by the vast majority of my constituents in Wyoming and vote against H.R. 10294 on a vote on the bill itself. I have expressed this intention in response to hundreds of letters which I have received and wish to note that I will vote "no" on final passage of H.R. 10294.

Mr. CLEVELAND. Mr. Speaker, I rise in opposition to the rule. It is shocking to me that at the 11th hour, after refusing to change the thrust of the bill in committee, the author and chief cosponsors offer amendments dealing with fundamental policy matters. These matters should be deliberated upon in orderly fashion in committee, not on the floor. This is uniquely the case in this instance.

Members who have closely followed debate on this matter are doubtless aware of my reservations concerning this bill, particularly regarding its potential for State encroachment on local home rule authority.

My statement appearing at pages 18612–14 in the RECORD for June 10 amply deal with recent developments in this connection: The Durham refinery controversy, my questionnaire results, the opposition of a former supporter of the bill's concept on the basis of subsequent experience in New Hampshire, and the progress of communities in the State in evolving their own approaches.

But these are matters of substance. We can debate matter of substance, of fundamental policy on the floor. That is the only avenue open to Members not serving on the committees which produce the legislation under consideration. Indeed, I have prepared amendments to both H.R. 10294 and the Rhodes-Steiger substitute on grounds that both are deficient in safeguarding home rule.

This, however, is not the issue before us. We can hardly consider fundamental policy in an orderly fashion when there is such widespread divergence of opinion—not only as to policy—but as to interpretation of the meaning of the measure before us. We are not even talking the same language.

These fundamental differences in interpretation doubtless contributed to the Rules Committee's initial determination to withhold the bill from the floor. The pro forma hearings held subsequently produced no change in the bill or refinements in its understanding.

In preparing my amendments, I have considered the language proposed by the gentleman from Arizona. I find it more cosmetic than corrective, and utterly at variance with the remarks preceding its introduction in the RECORD. We would profit, therefore, from allowing the committee to go back to the drawing boards until it can come up with a measure which—regardless of its thrust—coincides more closely with the claims made as to its impact.

The committee had not done its job. The amendments proposed by the bill's author—21 of them, as recently as last Friday—demonstrate that fact. I, therefore, will depart from my usual practice of supporting a rule regardless of my position on the bill in question and in this instance vote against the rule.

Mr. DORN. Mr. Speaker, this Land Use Policy Act should be sent back to committee for field hearings and for further study. This is a far-reaching bill. It would for the first time put the Federal Government into the business of land use planning. The Congress should be extremely cautious about involving the National Government in an area traditionally under local and State jurisdiction. Every safeguard should be taken to assure private property rights under the Constitution.

My feeling, Mr. Speaker, is that States and localities should continue to have authority over land use, with the very minimum of Federal regulations. With further consideration a means can be developed for the Federal Government to provide assistance to State and local planning, with the bare minimum of Federal involvement in decisionmaking.

Mr. KEMP. Mr. Speaker, under normal circumstances, I favor the granting of a rule to allow consideration of a bill

by the full House. I do this even when I know—or suspect—that I will vote against the bill itself when it is considered for final passage.

Only in the rarest of circumstances will I vote against even granting a rule allowing consideration of a measure. But, this is such a case today.

H.R. 10294, the proposed Land Use Planning Act, which this rule would bring to the floor, is a substantively defective and poorly drafted bill. It is not good legislation.

I question the merits of a bill when one of its principal proponents—its author—as has just happened here a few moments ago—acknowledges in debate that an amendment will even be necessary to the bill to insure protection of private property—a protection guaranteed by our Constitution and a protection which serves as the foundation stone for political and economic freedom.

I question the merits of a bill when even its sponsors imply that they might have to accept as many as 20 amendments to make the bill more workable. Yet, we are told this measure was the product of careful committee deliberation. If so, then why are so many floor amendments necessary?

I question the merits of a bill when it is as vigorously opposed by a balanced, representative cross section of the people whom we represent in these Chambers as has been this bill.

Others—many—have spoken today on the varied and specific problems associated with the bill. I do not intend—nor need—to duplicate their fine contributions to the legislative history on this subject.

Let me, instead, speak for a few moments on what I think is wrong with the measure — conceptually, institutionally, and practically.

INTIMIDATION IS MASKED AS INTERGOVERNMENTAL COOPERATION

The supporters of this bill proclaim that it is not something all that new or radical—that it really is no usurpation by the Federal Government of the powers and prerogatives of the State and local governments—that the exercise of those powers is really left with those State and local governments. If the latter is true, then I would ask, "why the need for the bill at all?"

The simple fact is that this bill really is a masked takeover by the Federal Government, in yet another area where such intervention will foul everything up.

The intimidation factor is significant. Look at how it would function: If you—as a State—do not adopt a plan which we—the Feds—approve according to our—the Federal—standards, then we—the Feds — will not give you — the States—the moneys appropriated under this bill. In the simplest terms, do it the Federal way or suffer a significant economic loss.

This is the traditional stick, disguised as a carrot.

Moreover, the necessity of having a State's plan approved by the Federal Government allows for direct—not indirect—Federal involvement, intervention, and tinkering in local land use decisions.

Lengthy lists of required elements and complicated procedures for designating areas are specified in such a way that once the first Federal dollar is accepted by the State, it must implement a land use plan in accordance with these detailed Federal provisions.

Does any Member of this body—a legislative assemblage that talks more each session about restoring "power to the people," and shifting that power away from the hands of governmental authorities—really want some bureaucracy in far way Washington deciding where a highway ought to go, or a new shopping center, or a new plant, or a new housing development, or a new school, or even a new church?

Is restoring "power to the people" just rhetoric to cover those areas in which such proponents just disagree with particular Government policies? I hope not, and here is a chance to prove it—prove it to the people

WHAT WE ARE SETTING INTO MOTION—A GROWTH IN FEDERAL POWERS

Because it is the first giant step by the Federal Government in this area, the process of enacting this bill and beginning an additional chapter in Federal authority and power provides us with an excellent opportunity to forecast—from the many lessons of prior experience—exactly what is probably going to happen.

First, the bill authorizes—actually directs—the Secretary of the Interior to study the need for a national—I repeat, national—land use policy and to submit legislative recommendations to Congress.

Now, human nature is human nature; that fact is inescapable.

Can anyone really expect that the recommendations to be made by the Secretary will not propose an accretion of power to the Federal Government, specifically to the department he represents?

Has anyone ever studied a question in government and not concluded, "What is needed is to resolve the problem, and I have the answer, and the answer is me"?

Thus, we, by authorizing what appears to be an innocent study, are about to set a course of action into motion which, even if it takes years or decades to run its full course, will be, nonetheless, a Federal course of action.

Additionally, the bill is structured—even though only transparently—in terms of maintaining power at the State and local level. This, too, is an old trick.

When the majority in the Congress feels that public opinion will not presently support a complete Federal takeover, the tactic sometimes deployed is an old one: Couch the initial bill in terms of State and local power, set standards which State and local governments cannot realistically meet, come back several years later with speeches saying it is obvious that we gave the State and local governments those powers but it is also obvious that they have failed to meet the challenge, propose amendments shifting the power to the Federal Government to "get the job done," and then enact them into law. Whole bureaucracies, with thousands of employees consuming taxpayers' dollars, with myriads of regulations, and with countless forms—all then begin to flow. And, more power is taken from the people.

Must we let this procedure continue, so obviously, unabated? Again, no. Here is where we should draw the line.

STATE OF THE ART VERY UNCLEAR

If this bill is enacted, it sets into motion a program based upon the present state of the art in land use planning. And, no one really knows the state of this art.

The changes in it during the past 30 years have been phenomenal, and we can forecast even more substantial changes over the next 30 years.

There is also no unanimity of opinion—no prevailing school of thought—on what would be the best land use policy.

Where does this then leave us?

If one of those schools of thought prevails over the other, it stagnates the intellectual and practical nature of continuing to search for that "best" solution. On the other hand, if one opinion does not prevail over the other, we are left with diversity, and we have that now. So, why enact or search for a national uniform policy?

If we set a certain course of action into motion by law, everyone must act in reliance upon it. It is, after all, the law of the land. Thus, Federal regulations and policies are promulgated on that basis; Federal bureaucrats pursue those goals. State and local governments must acquiesce in them. The private sector—business—must act in accordance with them. Everything goes off, more or less, in the same direction. Then, what happens if—as has often been the case—Congress perceives that, according to new knowledge acquired, major changes in that policy need to be instituted? Several things happen.

The Congress sets about to make amendments in the law. Since everyone knows this, everything grinds to a halt. No real efforts are made. After all, Congress is changing the law.

Of course, Congress works in its infinite wisdom in a very deliberate—often slow—way. Thus, this stagnation is accentuated and the vitality of the effort is, even at that point, already lost.

Congress then enacts new policies, codified as law. This requires everyone else—the Federal officials and bureaus, the State and local governments, the professionals, the private sector—to change their policies accordingly.

Millions of man-hours are rechanneled—at a loss of efficiency. Millions of taxpayers' dollars are rechanneled—at a loss of effectiveness.

And, the thought processes of all must change.

Why continue to do this to our people?

FEDERAL INTERVENTION HERE COULD STAGNATE THE ECONOMY

One of the most important tasks this House could be undertaking these difficult days is devising ways in which to bolster the economy.

The economy needs a restoration of incentives, not an additional burden of red-tape and bureaucracy to be overcome every time a decision needs to be either made or implemented.

Yet, this bill—once it becomes fully operative—could have the very real effect of requiring businesses—and that means jobs and take home pay—to go through laborious, time consuming—years, not months—delays in expansion and relocation.

If a company wants to expand, it will be faced with new federally sanctioned requirements, and the bureaucracies—then made even more burdensome by the expansion of the Federal role required by this bill—will slowly and painstakingly move the paperwork from one desk to another.

If a company wants to relocate—whether intracity, intercity, or interstate—it will have to go through a maze of bureaucracy and make its every action dependent upon the dictates of Government regulation.

The effects of Government regulation on economic productivity ought to be obvious to everyone. Look at the energy shortages; look at the beef freeze. Yet, instead of removing regulations—which are inherent disincentives to production and are antithetical to the jobs and incomes which flow naturally from such production—this bill would impose more and more regulatory control over our economy.

BILL SHOULD NOT BE ENACTED

When one considers these points—the usurpation of power from those governments closest to the people; a general recognition that the state of the art here is uncertain; stagnation of the economy; plus, the way in which all of this operates within the processes in which we make the law of the land—I just think, in summary, that the Congress would be better served to admit that despite the time and effort put in on this legislation to date, that we should acknowledge now—not 10 or 20 years from now—that the Congress is embarking on a misdirected mission.

We should, rather, say to the State and local governments, "Here, take the information we have put together, coupled with the expertise acquired by professional staff members and private fellows who worked on this, and do it yourself. You will be better served—and so will the people—by so doing."

Here, Mr. Speaker, is an area where we should let well enough alone.

Mr. WON PAT. Mr. Speaker, I rise in support of H.R. 10294, the Land-Use Planning Act.

We are all aware that as the United States grew from early colonial days there was always plenty of land for everyone and for every purpose. When the original Eastern colonies became crowded, Americans pushed further and further West until they reached the Pacific Ocean. In the expansion of our country, cities and towns sprang up without any real regard for proper use of the land. As a result, many of our cities today are blights upon the land, and many sections of our once beautiful country have become the ugly products of irresponsible and careless development. In many areas, open spaces, beaches, and forests are turning into jungles of hotels, houses, and office buildings. We have finally reached the point where we must sit down and think about how we can best use the land we have been blessed with.

The members of the House Interior Committee have spent long hours considering legislation for a national land use policy. They realized that it is urgent for the Congress to set up guidelines for land use that will insure the future use of our limited land resources on a rational basis.

Traditionally, land use decisionmaking has been delegated by the States to local governments. Where these decisions have an impact of more than local significance, however, they should be made from a perspective which takes into account the interest of all parties affected. H.R. 10294 would give grants to the States so they can have an input in decisions made by local governments which have significant impacts on other jurisdictions. The American Law Institute estimates that only 10 percent of land use decisions are of more than local concern. The remaining 90 percent of the decisions are left entirely under the control of local governments.

Contrary to the views of some opponents, this bill does not provide for a Federal role in planning or implementing any part of a State program. Apart from administering grants, the Government's role is limited to insuring that Federal land use planning is consistent with State and local land use plans.

H.R. 10294 would provide incentives to the States in the form of Federal financial help and other assistance to draw up comprehensive plans for regulating land use in line with a balanced regard for environmental protection and economic development. Already most of the States have set up tentative mechanisms for making land use planning decisions. They realize that wise use of the land is essential to the quality of life for this and future generations.

It is later than we think for this country to start saving its land resources from rampant misuse. H.R. 10294 is a first step in the direction we must take, on a national level, to plan our land use in a sensible manner. Land is our most precious natural resource, and must be cherished and utilized intelligently in the best interests of all the American people.

The House today has an opportunity to make a historic decision, as the solution to a wide variety of our environmental, social and even economic problems depends ultimately on rational land use planning and regulation by the States. I urge my colleagues to vote for H.R. 10294.

Mr. RARICK. Mr. Speaker, I am opposed to the concept of the legislation before us, the Land-Use Planning Act, and urge our colleagues to defeat the rule.

The bill represents a massive intrusion into the right of private property presently enjoyed by our citizens. Furthermore, the legislation proposes to transfer the prerogative of local and State governments to control the development of their communities to the Federal Government. In fact, the whip advisory indicates quite plainly that this legislation actually redefines "general purpose local government."

This latter aspect of the legislation this rule is designed to bring to the floor seems very strange to me, especially when the major supporters of this measure were also leaders in support of legislation enacted by this Congress in the last session giving the District of Columbia home rule. It appears that these Members would give the District the right to govern its own affairs yet deprive their own communities of the basic right to control their own development through locally controlled zoning requirements.

Proponents of this legislation seldom make mention of the committee report which accompanied this legislation, explaining the proposed law. An examination of this report clearly indicates what this bill is: a blueprint for all land in the United States to be controlled by the Interagency Land Use Policy and Planning Board of the Federal Government. This Board is composed of representatives of 12 Federal agencies, with the Secretary of the Interior acting as chairman.

Proponents of the bill argue that the program will be "voluntary." Indeed it will be, if the States can afford to turn down the Federal seed money and, after 5 years, is willing to do battle against Federal "suasion short of sanctions to persuade a State to take advantage of the provisions of this act." The United Brotherhood of Carpenters and Joiners of America, in their statement in opposition to this legislation, indicated:

> It is the old "carrot and stick" approach that we have all become familiar with in the past. The carrot is $800 million in much needed grants to any state that will draw up a comprehensive Land Use Plan. The stick is that the Secretary of the Interior has the sole discretion to determine the eligibility of a state for a grant. If very stringent environmental guidelines are not met, then virtually every aspect of orderly economic growth on the community level from basic zoning to construction projects of all sizes could be stymied by this bill. Yet NO field hearings on this national issue have been held whatsoever.

Despite the failure of the committee to hold public hearings in the field, the bill at section 104(c) calls for "substantial and meaningful public involvement on a continuing basis and continued participation of local governmental personnel in all significant aspects of the planning process."

Section 304 is entitled "Public Involvement." At page 51 of the report accompanying the bill, we find this comment:

> . . . the Committee once again emphasizes its convicton that the citizens of the nation should be involved on a timely basis not only with land use planning as it pertains to their own privately owned lands but also should have a voice with respect to the public lands in which they hold a common interest.

The private property owner would find the public involvement aspect a formidable handicap in any decision he might make as to the use of his land. Imagine, before erecting a building, cutting a tree, or digging a ditch, the party owning the land and seeking improvement would

have to submit his decision to his friends and neighbors for their approval.

The ultimate in this public involvement confusion would be to have nonland-owning or nonproperty-owning citizens being able to control a property owner in the use of his own property. This is a true collectivist theory that all land belongs to the common heritage of mankind.

It must be understood that any decision in regard to classifying or zoning land is similar to placing a covenant or restriction which runs with the land. If the land use classification is for a productive purpose, the value of the land would be enhanced, but if the decision of the land planners is to seriously restrict a parcel of land or prohibit its use for the most competitive purpose, then the land has a serious defect, its value depreciates in reality, and there has been a "taking." The owner of such private property would suffer financial damage just as severely as if a property had been taken from him by expropriation proceedings.

This leads us, Mr. Speaker, into what is one of the major concerns with this legislation, the possibility that it advocates a "no-growth" policy. At page 43 of the report, we find the following interesting passage that gives some indication of the basic dangers of this legislation:

In summary, the Committee has no objection to identification of the Land Use Planning Act as environmental legislation, and in fact believes it to be an accurate characterization. But every effort has been made to take a balanced approach to the concept of land use planning and to recognize that we are considering the *use of land* for various purposes that must be achieved, and are not proposing a no-growth policy. *Individual States may well decide that there shall be no growth or development in certain areas as a part of its comprehensive land use process, but this bill does not contemplate adoption of such a National policy.* (Emphasis added.)

What this means, Mr. Speaker, is that, while the bill as reported does not itself advocate a "no-growth" policy, the report clearly indicates that the committee encourages the States to take such a position in drafting their overall land use planning policy, a policy that must be approved by the Secretary of the Interior or the Federal Government will move into "suasions," as discussed in section 110 of the bill and on page 48 of the committee report.

Finally, Mr. Speaker, the Members should be aware of the extent to which this bill intends for the Federal Government to go in dictating what Americans can and cannot do with their private lands and buildings. Page 45 of the committee report indicates the intent of the committee in this regard:

PART B—COMPREHENSIVE LAND-USE PLANNING PROCESS

The four sections in this part of title I provide for the development of a comprehensive land use planning process *and the subsequent administration and implementation of the process.* (Emphasis added) These sections also set forth certain requirements as to use and development in accordance with the comprehensive land use planning process. *Where the term "development" is used in this latter sense it means, in the context of the American Law Institute Model Code, the dividing of land into two or more parcels, the carrying out of any building or mining operation, or the making of any material change in the use or appearance of any structure or land. Development includes, but is not limited to erection, construction, redevelopment, alteration or repair. When appropriate to the context, development refers to the act of developing or to the result of development.* (Emphasis added)

Thus, Mr. Speaker, it is clear from this passage that, though the bill and its proponents speak of land use processes, in reality the legislation deals with land use decisions. In fact, the bill itself provides for this in section 108 by giving the Federal Government the right to review and veto substantive State or local decisions concerning land use that the Secretary of the Interior feels do not meet the criteria outlined in the bill.

Mr. Speaker, the bill strikes at the very heart of our system by limiting the right of private property and limiting the right of the American people to control the development of their communities through their local governments. It should not be brought to the floor and I urge our colleagues to vote against the rule.

Mr. FUQUA. Mr. Speaker, there have been only a handful of bills which have caused me greater consternation than this one. The stated goals of the legislation are commendable and they must be achieved if we are to provide an environment in which our citizens can enjoy a decent quality of life. Lack of foresight and the absence of adequate funds with which to do prudent land use planning, have plagued hundreds of metropolitan and rural areas and millions of our citizens.

The legislation is explicit that land use planning is ultimately a matter for State and local control and that the Federal Government should not interfere in the substantive decisionmaking process of how land should be utilized in particular areas of the country. The strength of the American fiber derives from the ownership of private property and keeping the remedies in land use matters in close proximity to the local citizens. I am talking about the local tax assessor, the local zoning board, the local courts adjudicating common law nuisance suits, quiet title suits brought in the local court on State law theories. Because private property plays such an integral role in our society and because of the strongly held beliefs that the citizen could be secure in his property, we must scrutinize this legislation closely and design whatever safeguards necessary to keep land use planning decisions at the local and State level and that we include as many citizens as possible in these decisions.

The sponsors of this legislation have recently, at the eleventh hour, offered some amendments which are touted to meet those objections of certain organizations and citizen groups about the Government in the substantive land use decisions of the local and State governments. Well, I will tell you, I directed a member of my staff to attend a briefing held by the managers of this measure and word was returned to me that the Federal Government would oversee merely the establishment of the procedures for land use planning. The substantive decisionmaking powers would reside, quite properly, in the local and State governments.

Now then, either the bill did not provide adequate safeguards of these widely held beliefs or the proposed amendments are duplicative and so much window dressing.

Frankly, I believe this issue is so obfuscated by rhetoric and legal panaceas that there is no Member of Congress here today who can sort out the flotsam and jetsam of this bill. Likewise, I feel certain that every Member of Congress here today recognizes that land use planning is one of the priority items facing this body and the State legislatures.

Accordingly, I feel compelled to vote against the rule on this measure. If this legislation is as important as the sponsors would have us believe, and I share their views, then we should not be trying to write the legislation on the House floor. When a measure comes before the House to which the sponsors want to add an unbelievable 21 amendments, I feel additional study should be given the problem. I plan to vote in favor of reasonable land use planning legislation. Legislation that will permit local and State governments to avoid the kind of oppressive and debilitating development and crowding which has occurred in too many large metropolitan areas. Legislation that will provide financial assistance to develop a systematized approach to land use planning which includes citizens from all sectors of the local community. Legislation that will, on the other hand, permit a local community to plan for prudent commercial development and industrial use of their area so that they are not forced into economic stagnation surrounded by public and private lands maintained in a natural and pristine state for the enjoyment of those who would come from surrounding areas. My thesis? Simply that we should provide legislation that will make possible the establishment of land use planning procedures which does not, even by implication and economic inducement, direct local or State governments as to land use. If there is a lesson to come out of the debate on this bill the past 2 months, it is that the American people are just about Washingtoned to death.

This issue is especially disconcerting to me because Florida has the beginning of meaningful land use planning devices. While the Florida Legislature is often in the vanguard of citizen-oriented issues, I had hoped the Congress could enact compatible legislation that would enhance, not impede, the efforts of my great State.

It is because this issue is so important that I refuse to be pulled along into a parliamentary vortex of amendments, points of order, substitute bills and easy answers to difficult questions. The prudent device is to defeat the rule under which this patchwork legislation was to be considered. This way we will all have a better understanding of the issues and

how we can remedy the problems discussed today.

Mr. FRENZEL. Mr. Speaker, I rise today in support of H.R. 10294 the Land Use-Planning Act of 1974.

The bill that we have before us today is the product of long negotiations, extensive congressional hearings and many hours of public debate. After 3½ years of work the Interior Committee earlier this year reported a land use bill which is quite different from the original drafted by the administration. That bill, as we all know, was initially rejected by the Rules Committee, and eventually reconsidered after further hearings, to be brought up today.

The bill permits any State which does not have an interest in land use planning to ignore the bill without any penalties whatsoever. The bill makes Federal funds available on an entirely voluntary basis to any State which wants to develop a land use planning process. This is a point which has frequently been missed: The bill provides for funding the development of State land use planning processes or techniques—not for the development of any specific inflexible plan.

The bill requires that any State voluntarily participating in the program, consider certain issues and problem areas, but the State is free to develop its own solutions and procedures. The bill assures that the rights of local governments and of our individual citizens are protected in all phases of the planning process. It further assures that, in cases where land use decisions of greater than local significance are made, the interests of the people of the entire county or region are at least considered.

However, we must also examine what the bill does not do. It does not require any State to participate in the process or impose any sanctions on one which does not. It does not impose any substantive controls over land use planning decisions of either the local or the State government. It does not impose any burdensome Federal criteria or standards on States choosing to utilize Federal funds. It also, contrary to the rumors which we have all heard, does not either undercut the powers of our local governments or in any way threaten the constitutional protection of private property rights. Nevertheless, I will support the Anderson amendment to restate property rights.

Although all of the supporting organizations are of importance, I do not think that we can consider them the prime consideration in today's debate. We are all more concerned about the fates of our individual States and citizens. I have received strong endorsements of this bill from the Governor of Minnesota and from virtually every State agency which would be involved in implementing its provisions. Endorsements have also come from many individual citizens who are concerned about undisciplined and destructive growth patterns.

The State of Minnesota is in a unique position in today's bill. Most of the 50 States, if they decided to take advantage of the Federal funds offered in H.R. 10294, would have to go through a long and intensive period of agency reorganization, and legislation action. Minnesota on the other hand has an impressive lead in this field. Virtually every major requirement for State planning processes cited in the bill has already been met by the State legislature.

The requirement for a land use planning information system was met by an appropriation of $380,000, of which $140,000 is presently being used, from the State legislature in the last session. The section concerning key area impact surveys has been cared for in the Minnesota Critical Inventories Act of 1973. Powerplant siting, and related developments, were delegated to the State Environmental Quality Council in the Powerplant Siting Act of 1973. Likewise the section dealing with land sales and practices has previously been dealt with by the State legislature in the Subdivided Land Act of 1973. On the whole Minnesota has been way ahead of the Nation in this regard and we can be justifiably proud of the leadership which our legislature and State agencies have shown.

The issue which we are discussing today, however, also includes consideration of H.R. 13790, which is being advanced as the "conservative" alternative to the Interior Committee's bill. Recognizing that the committee bill itself has problems, I think that we should review some of the general provisions of the Steiger-Rhodes bill. This bill would authorize Federal review of State and local land use policies, and has no provision for the explicit protection of constitutionally guaranteed property rights. It does not require that a State formulate a specific State land use plan, rather than a process, which is then subject to Federal agency review. It requires local governmental participation but does not offer explicit protection against Federal interference in State land use decisions.

I doubt whether that H.R. 13790 is a more rational alternative than the committee bill. But I have been confused by the stories which are being used to oppose land use regulation and development. Farmers have been told that they will have to receive Federal permission before planting their crops each season. The local officials have been warmed of hordes of Federal inspectors, detectors, and rejectors hounding their every decision.

Despite the objections of naysayers, there is a need in this country to face the issue of land use planning and decision making in this Congress. Across the Nation the failure to enact sound land use planning has required public and private enterprise to delay, litigate and, and cancel the very growth oriented developments which we as a nation need. H.R. 10299 is a gentle incentive to States to do their own planning. It protects local and individuals' rights and should be passed.

Mr. RONCALLO of New York. Mr. Speaker, I rise in strong opposition to the rule and to the bill. Other Members have told you about the sham hearing held by the Subcommittee on the Environment this spring after the Rules Committee voted 9 to 4 not to grant this rule. Nearly all of the witnesses were opposed to the bill and urged field hearings so that the American people could express their views. No field hearings were held, not a word of the bill was changed. Yet here we are debating this rule for consideration of a bill which even its chief sponsor feels is so deficient and so ambiguous that he plans to offer a long series of window-dressing amendments to try and explain what he really meant.

You have also already been warned that the courts might well consider that the bill mandates a "taking" of private property in contravention of the last clause of the fifth amendment of the U.S. Constitution. This clause reads "nor shall private property be taken for public use, without just compensation." No amount of window-dressing, no disclaimers of intent can hide the actual provisions of the bill which do exactly that. The bill lays it right on the line and forbids grant funds from being used to acquire any interest in real property. There is not even a severability clause, so if any part of the bill is held to be unconstitutional on these grounds, the whole bill will be void and all our work here today will be for naught.

There is another, even more insidious violation of the Constitution, which has not heretofore been mentioned. This bill is in direct violation of the "reserve clause" of the 10th amendment, which states:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The regulation of the use of land has traditionally been exclusively exercised by the several States, and indeed there is no explicit or implicit clause in the Constitution delegating such authority to the Federal Government. Thus it is "reserved to the States" under the 10th amendment. No litany of so-called congressional findings can alter this fact. The bill also violates the Constitution by meddling in the internal affairs of the several States by encouraging changes in the relationships between the States and their political subdivisions. Amendments to be offered by the gentleman from Arizona do not substantially alter that fact.

Basically, land is stationary. Any piece of land lies wholly within the bounds of a single State. Environmental considerations within a State are for that State to decide. If certain practices cause harm to the environment in another State, this can be handled through restricting the practice under separate legislation and not through restricting the use itself. The Environmental Protection Act is a possible vehicle for this. Social considerations of the use of land is not within the purview of the Federal Government. If you want to improve the housing situation, the Committee on Banking and Currency, on which I am proud to serve, is considering comprehensive legislation in this field. Why should the Interior Committee get into this picture?

Another reason for the House to reject the rule is the gross confusion and misunderstanding which has grown up around the bill. It has been labeled "environmental" by its proponents, but this is far from the facts. The bill could do as much harm to the environment as it

could do for it. It is, rather, an anti-home-rule centralization of powers bill, and until that point is understood by all concerned, it should not be considered on the floor.

Well-meaning environmental groups have launched massive lobbying efforts to make this legislation seem like apple pie and motherhood, but I fear that they have not read the text. I am sure, at least, that they have not read pages 42–43 of the committee report. When the committee talks to the environment, it is not just referring to ecology. It accepts the definition that the environment is "the aggregate of social and cultural conditions that influence the life of an individual or community."

Under this guise, the planners could wreak havoc with the environment as most people consider the term, especially in our suburban and rural areas. In the name of regional consideration unwarranted urbanization could be forced upon these areas. I am reminded of the infamous Oyster Bay-Rye bridge proposal, which beaten back by the action of local governments and which would have destroyed much of the green space left in my district for so-called "regional benefit." The environment of a community should not be sacrificed by this Congress on the regional alter.

I must agree with the sponsors of this bill that they are not pushing no-growth. It is far worse. There will be no growth in some areas and no environment in others. What this bill does is change who will be making the decisions. What this bill does is insult the citizens of the United States and tell them that they are not competent to choose their elected public officials to make proper land use decisions. As we all well know, elected officials who make the wrong decisions do not remain elected officials for very long. Who will control the bureaucrats making decisions under this bill? Nobody.

First the States are required to secure a veto power over local government decisions, and then the Secretary of the Interior can second-guess the States. Albany and Washington are far from Huntington and Massapequa. The Federal and State planners and paper-shufflers do not have to drive down the street and live each day with the results of their follies. Those States that want to centralize land use decisionmaking can do so, but New York will stick with home rule, thank you, and no Federal Government is going to tell us how to run our State. We are also not about to shell out tax dollars without getting a fair share back just because we will not knuckle under to Federal pressure.

And let me tell you this bill is very costly. The bill appropriates some $832 million outright over the next 8 years and the gentleman from Arizona would add an additional $15 million in one of his amendments. But wait. Administrative expenses at the ridiculously high figure of $10 million per year are only included for the first 3 years. Is anyone so naive as to assume that they will not be back asking for more after that? Even if the $10 million figure is held to, that is another $50 million in the last 5 years of the act. When you add the 25 percent matching share the State taxpayers have to come up with that is over $1 billion—an awful lot to pay for the salaries and office supplies of a bunch of bureaucrats at all levels of government. Not a penny is going for any substantive purpose. If only a fraction of this money were spent instead on actually cleaning up the environment, we would all be much better off.

I urge that the rule be defeated.

Mr. DRINAN. Mr. Speaker, I rise in support of the rule for the consideration of H.R. 10294, the Land Use Planning Act of 1974. A national commitment to rational, coordinated planning of land utilization is long overdue. One hundred years ago, the United States could afford to expand haphazardly, without considering the ramifications of how land was being used. A seemingly inexhaustible supply of cheap land was available on the frontier, natural resources were plentiful, and the problems of urbanization were virtually unknown outside of the Northeast.

Now, in the 1970's, we can no longer ignore the consequences of how we use our land. Rapid urbanization and population growth have put an increasing strain upon our most precious resource. The remaining supply of underdeveloped land is rapidly dwindling. Industrial planners, housing developers, lumberers, environmentalists, highway builders, and countless other groups struggle over every available acre. The disjointed patchwork of local zoning ordinances, building codes, and other statutes regulating land use throughout the Nation do not provide the coordination essential for reconciling the needs of these various competing groups. The Federal Government is in a position to help States and localities establish improved land use policies by providing them with a procedural framework for land use planning and with financial aid for implementing planning programs.

The bill before us (H.R. 10294) offers such assistance without compelling any State to participate or imposing sanctions upon those which choose not to apply for aid. In effect, the Udall bill provides States with an option to correct deficiencies in their present use of land resources through Federal support. Opponents of this legislation have fallaciously asserted that it provides for Federal control over private property. In actuality, the bill sets uniform criteria for the process of State land use planning, but does not stipulate the substance of policies emerging from that process. Moreover, participation in the program of land use planning grants is entirely voluntary. The bill specifies that nothing within it shall be construed to diminish the constitutional rights of property owners. In the words of the committee report:

> In no case does H.R. 10294 permit the Federal Government to control the use of private or State land.

In addition to offering assistance to qualified States which apply for aid, the bill also establishes a mechanism of land use planning for the public lands constituting one-third of our Nation's total acreage. At the present time, these public lands are under the administrative trusteeship of a dozen different Federal agencies. These agencies have individual policies and individual goals which can conflict with one another. The Interagency Land Use Planning Board established by the bill would bring representatives of these agencies together to design and implement a coordinated plan of land use to best serve the American people. States and localities would participate actively in this planning process.

Massachusetts, which has begun working toward comprehensive land use planning through State action, is eagerly awaiting passage of this bill to support its own efforts in this area. The Land Use Task Force of the Governor's Resource Management Policy Council is in the process of drawing up State legislation to provide for a land use planning mechanism which would satisfy the criteria established in H.R. 12094.

On June 6, I received a memorandum from Mr. Tom Atkins, chairman of the Resource Management Policy Council. Mr. Atkins strongly endorsed the bill, asserting that it—

> . . . would provide ample funding for the state to complete its broad planning process in a way which would engage both public and private, state, regional and local sectors.

Massachusetts Gov. Francis W. Sargent testified before Mr. UDALL's subcommittee in support of the Land Use Planning Act and reiterated his support of the bill in a letter to me dated May 22.

This is an essential bill for Massachusetts. I have no doubt that other States desiring to carry out comprehensive land use planning programs would benefit similarly from enactment of this legislation. States which, for various reasons, choose not to implement such a program and apply for aid would in no way suffer for that decision through the provisions of the bill.

Opponents of this bill have charged that it caters solely to the environmental conservationists. Yet H.R. 10294 has been endorsed by such growth-minded organizations as the AFL–CIO and the Mortgage Bankers Association. Opponents have claimed that the bill promotes Federal power at the expense of States and localities. Yet the National Governors Conference, National Association of Counties, and National League of Cities all favor this legislation. H.R. 10294, drawn up in final form after 3 years of extensive hearings on this complex topic, has been carefully constructed to provide optional Federal assistance in land use planning without diminishing the rights and powers of governmental agencies at any level or private property owners. There is no justification for postponing consideration of this measure any longer. America has waited long enough for efficiently planned land use.

Mr. MAHON. Mr. Speaker, I want to record my opposition to the pending rule on the land use planning bill. I am against the rule, and I am against the bill.

I have been working with a number of like-minded Members of the House over a period of weeks to block passage of the land use bill. I regard this legislation as unsound and unacceptable. The rule should be decisively defeated.

Obviously, in today's modern and complex society, appropriate control over land use is needed; but this is not the function of the Federal Government. This problem can best be addressed by individual citizens and by local and State units of government.

The use of land is one of the most important factors in determining what kind of nation we shall have. The history of our Nation demonstrates this.

Today we are confronted with runaway inflation and a skyrocketing Federal debt. It makes no sense to start a new and unsound Federal program at a cost of $800 million.

Mr. KOCH. Mr. Speaker, from the debate, it appears that the House will fail to adopt the rule for land use legislation, thereby preventing the bill from reaching the floor for a vote.

I support the stronger bill sponsored by the gentleman from Arizona (Mr. UDALL). But even the weaker bill of Messrs. STEIGER and RHODES, which is in order under the rule, would make major improvements in an area which badly needs coordination.

Wise State land use planning programs are important to the future of our country. Urban sprawl, highways displacing thousands of people, and misplaced jetports are testimony to the failure of many purely local zoning restrictions.

This bill should be enacted into law; but in any event it would be unconscionable to deny the bill a rule. Hearings and markup sessions on land use legislation have gone on in the Congress for 3 years. Over 200 major national organizations have taken positions on the issue. A large number of organizations in every State have expressed their strong support for this legislation.

It is my hope that this Chamber will follow the wise lead of the Senate, which has already passed a land use bill. I hope that we will, at the very least, pass the rule that would permit us to discuss, debate, and then vote. Otherwise, my fellow colleagues, we will be failing in our duties as responsible legislators.

Mr. FRASER. Mr. Speaker, I rise in support of the rule for consideration of H.R. 10294, the National Land Use Planning Act.

Earlier this year, the administration called this bill its "number one environmental proposal for the last 2 years" and "one of the most important proposals to be considered during this Congress."

I heartily concur.

This bill would provide essential direction and funding to States in land-use planning of more than local concern. Federal grants would be available to those States that choose to develop a process for decisionmaking on land use when that use has an impact beyond a local jurisdiction. There would be no penalty for States that prefer to ignore the land use planning issue.

Three years of congressional deliberation have established the need for this kind of legislation. A similar bill has passed the Senate twice, most recently in June 1973.

The American Law Institute has estimated that only one-tenth of all land-use decisions have a regional or statewide impact. Though relatively small in number, these decisions are of the utmost importance in rational development of our land. There is urgent need for States to assume responsibility for decisions that cannot be dealt with adequately on the local level.

Some States, like my own, have adopted comprehensive land use policies. Others would be encouraged to do so by this legislation.

The Minnesota Legislature in its last session passed several land-use statutes, among them a Critical Areas Act, a Subdivided Lands Act, a Power Plant Siting Act, and an act establishing a Commission on Minnesota's Future. The State legislature appropriated $380,000 to the State Planning Agency for development of land use planning policy. The additional funding under this bill would provide the impetus needed to get an effective State land-use program underway.

My colleagues from Arizona (Mr. RHODES and Mr. STEIGER), have proposed a substitute bill in order to avert alleged deprivation of private property rights under the committee bill and to prevent Federal control of State land-use policy.

The issue of private property rights is a red herring. We have always had some form of land-use control. Nuisance-restriction decisions by the courts, zoning ordinances and building codes are all forms of land-use control. What is new about the bill before us is that it would encourage States to develop means for decisionmaking on land use with a regional or statewide impact, such as location of powerplants, airports and highways. Constitutional lawyers and lawyers within the Department of Justice have given the committee full assurance that private property rights as provided in the Constitution of the United States are fully protected under the committee bill.

The issue of Federal interference in State matters is equally spurious. The committee bill specifically prohibits Federal interference at State decisions on the use of land. Furthermore, the committee bill limits the Federal role to one of evaluation and review of the land use planning process; whereas the Rhodes-Steiger substitute does not.

Land-use planning, in those States that availed themselves of the provisions of the committee bill, would be more responsive than it now is to local needs and wishes and less subject to pressure from special-interest groups that might want to exploit land in ways inimical to the public good. I urge Members to approve the rule and pass this important and needed legislation.

At this point in the RECORD I include the texts of letters from Gov. Wendell R. Anderson of Minnesota and from Mr. Charles K. Dayton, counsel for the Sierra Club in Minneapolis, in support of the bill:

MAY 23, 1974.

HON. DONALD M. FRASER,
U.S. Representative,
Washington, D.C.

DEAR CONGRESSMAN FRASER: I have been informed that the House Rules Committee acted favorably on the National Land Use Act (HR 10295) last week and that it will be considered on the House floor on Tuesday, May 28. I urge you to actively support the passage of this legislation.

I can think of few issues of greater importance to the domestic welfare of the nation than the development of a rational process for deciding the use of our land. In the past, we have attempted to solve land use problems in a piecemeal manner by passing legislation which addressed single environmental objectives such as clean air, clean water or selected natural resource areas. This approach has not been successful and our problems have continued to worsen in both urban and rural America. Land use decisions cannot be based solely on clean air or clean water or economics or any other single factor. We have lacked the overall policy direction that is necessary to put thousands of daily land use decisions into a meaningful perspective.

In 1973, the Minnesota Legislature enacted a package of bills to help the state regulate the use of its precious resources and fulfill the requirements of S. 268 and HR 10294. Included were the Environmental Quality Council Act, Critical Areas Act, Subdivided Lands Act, Power Plant Siting Act, Wild, Scenic and Recreational Rivers Act, and an Act creating a Commission on Minnesota's Future, to develop alterative growth strategies. The Legislature also appropriated $380,000 to the State Planning Agency for the development of a land use planning program which will provide the overall policy setting within which these other programs may function in an integrated way.

While this is an important beginning, we need the additional funding that would become available through passage of federal land use legislation. These funds will be used to accelerate the inventory and assessment of the social, economic and natural resource opportunities of the state and to develop broad policies which will provide direction for land use decisions at all levels of government. In addition to these funds, the federal legislation is necessary to provide a national perspective for the planning process. The plans which will be developed by the states must consider the national interest and recognize that the people of each state are dependent on the resources of other states and are affected by decisions concerning the use of those resources.

The passage of HR 10294 is a crucial step in assuring that the direction of future growth is economically stable, socially acceptable and environmentally sound. This measure and its counterpart in the Senate have been adequately debated during the past two years and have received support from a broad range of interests. Current attempts to delay the measure through additional hearings, or to weaken its provisions by amendment or substitute bills, are untimely and are for the most part, based on false interpretations of the content of the act.

I ask your support in passing HR 10294 in the form that was recommended by the House Rules Committee.

With warmest personal regards.

Sincerely,

WENDELL R. ANDERSON.

MAY 24, 1974.

HON. DONALD FRASER,
Longworth Office Building,
Washington, D.C.

DEAR REPRESENTATIVE FRASER: H.R. 10294, which will provide some direction and funding to the states in the area of land use planning, is essential to the progress of the state of Minnesota on this critical subject. It has been said that all environmental problems are, in the last analysis, land use problems. Our state cannot begin to deal effectively with land use planning on a comprehensive basis unless a strong federal bill, providing funding for land use planning activities on the state level, is enacted. We therefore urge your strong support for this legislation as a

prelude to action by the Minnesota legislature which will enable this state to join the leaders in this field.

Land use planning has been attacked as causing a deprivation of individual rights and a loss of control over land use decisions by local units of government. Land use planning is going on all the time, in the form of local zoning decisions which are influenced by many more considerations than proper and best use of land. The problem arises in large measure simply because of a lack of adequate expertise to deal with the problems. There is no danger of loss of local control over those decisions which are traditionally matters of local concern. However, we must begin to view larger developments in a regional or state-wide context. We regard the legislation as an important step and hope you will be able to support it.

Yours very truly,

CHARLES K. DAYTON,
Counsel for the Sierra Club.

Mr. BROWN of California. Mr. Speaker, I rise in support of the rule for the consideration of H.R. 10294, the Land Use Planning Act of 1974. The necessity for land use planning legislation is irrefutable, only the mechanism to accomplish the task is subject to serious question. In this regard H.R. 10294 is not perfect, and like many other Members, I would like to see some changes. Yet the flaws with this legislation are minor obstacles to effective planning, and I have no reservations about voting for the present bill without amendments. This legislation should be enacted because it begins a process that must be begun. And I might add that it will be enacted regardless of what action the House takes because we need this legislation, and the people know it, and they won't let us forget it.

My own experiences with land use decisions really go back to my years as a city councilman and mayor of a small southern California city in the days of rapid growth following World War II. We in the city government found ourselves continually struggling with land use decisions, without the benefit of knowing where the precedents we were establishing would lead us. We needed, but did not have, a regional guide to growth. Instead we had to make major decisions in a vacuum of knowledge. I left city government and went on to the State Legislature before I was elected to Congress, and in both the State and National Government I found the information that I needed to make sound decisions from the broader perspective of those offices to be lacking.

I participated with my colleagues in decisions that had a tremendous impact upon growth patterns and land uses without knowing about the extent of those impacts until long after the decisions were made. There were attempts then to remedy that situation with legislation, and it is ironic to listen to the speeches being made here today on this land use bill and remember that 15 years ago the same speeches were being made in the California State Legislature about regional planning legislation.

In the intervening 15 years the politicians have barely progressed from their rationalizations against any new legislation. What happened in California is that citizen groups organized and conducted campaigns to enact progressive legislation. They were sometimes successful in affecting the legislative process, but when they were not they went to the initiative process to put their legislation directly on the ballot. This is how the California Coastal Zone Management Act became law. In California the special interests now know that they cannot stop progressive legislation in the statehouse. For this reason California has now enacted the most comprehensive energy legislation in the Nation. With the cooperation of a broad spectrum of groups, from electric utilities to environmental groups such as the Sierra Club, California has now enacted the State Energy Resources Conservation and Development Act, which incidentally was vetoed only last year by our lameduck Gov. Ronald Reagan.

My participation in the debates on regional planning and coordination over the years has enabled me to see the progress we are making in our approach to the problems surrounding land use. During this same time I have seen the exponential growth of roads, homes, energy consumption, and other trappings of our industrialized society and the policies governing those items lead to waste and destruction of the limited land resources of our Nation.

The lack of information and the failure to coordinate our actions at all levels of society led me to introduce a comprehensive land use bill in 1970. I believe that that bill is better than the one before us, for more reasons than just pride of authorship, and I hope that some of the elements of my 1970 bill will eventually become law. I will not ask that they be included in the bill before us, but I think we should be considering the establishment of a Federal land trust fund for the purchasing of threatened land, and the use of Federal sanctions against States and localities that refuse to follow the adopted land use plans. A note of explanation always seems necessary when discussing sanctions, and I wish to state that I believe they should only be used to protect the land, and can not be justified to compel the destruction of the land.

Land use planning needs to be done, and the plans need to be followed. State and local governments are doing some of the necessary work, but in many cases the perspective of the governmental officials involved is not broad enough to consider all of the factors involved. It is entirely appropriate for the Federal Government to set guidelines for State and local governments to follow in their planning process. It is also proper to require that any Federal money spent in the future is spent in accordance with those plans. But that is not a part of this bill, which would only provide guidelines and money, on a optional basis, to State governments to begin the planning process. This is in reality, a very modest bill.

It is ridiculous to claim that the use of the land, especially when we are talking about billions of dollars and millions of acres being consumed every year, is not a matter of Federal concern. It is folly to allow the current policies to continue. We must begin to readjust the policies of the past to the needs of the future.

When I remember that this is 1974, and we, in Congress, are still debating whether we should concern ourselves with the future of the Nation's land, I am glad to know that the fate of that land does not entirely rest in the hands of the Congress. There is a vital Federal role in land use, as well as in other national policies. The Federal role must and will be guided by the U.S. Constitution. We cannot pretend that we are not already engaging in land use decisions with the Federal programs already in operation. Federal land use legislation should guarantee that Federal policies, such as those in housing, transportation or agriculture, are not adverse to sound land use policies and plans. The Congress should take this opportunity to exercise the leadership the people expect from us. If we fail, I am confident the people will fill the vacuum left by our inaction. This bill deserves our consideration and support. I urge adoption of the rule and passage of H.R. 10294.

Mr. DEL CLAWSON. Mr. Speaker, I would like to take just 1 minute in closing.

We have had reference made to the young Republicans on this side and I would like to mention two who have spoken against the rule who are the junior members of the committee, the gentleman from Maryland (Mr. BAUMAN) and the gentleman from Idaho (Mr. SYMMS), so apparently there has been some division.

Mr. Speaker I urge again a "No" vote on the rule and I urge that we kill this legislation, otherwise there will be an attempt made to rewrite it on the floor of the House where it ought not to be rewritten.

Mr. BOLLING. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER. The gentleman from Missouri is recognized for 3 minutes.

Mr. BOLLING. Mr. Speaker, I cannot claim to be an expert on this particular bill. I have had an opportunity as a member of the Joint Economic Committee to make some study of the problems the urban societies have. It is very clear to me that the greatest single problem is the problem of achieving land use planning early enough not to go through the two or three periods of chaos such as those we have experienced in the urban areas in the last 10 or 15 years.

Land use planning is the most important single issue that this institution will consider this year. This rule is one of the two or three most important it will consider because this matter has been so intensively lobbied by both sides that the great mass of the American people who do not have a vested interest in one position or another will be very startled if an issue that they know to be of critical importance is put away on a rule. A procedural kill of this bill is to tell the people of this country that no, we will not discuss it on the floor of the House, the only place where legislation can be written; no, we want to postpone it to another time.

I urge that this rule be adopted because otherwise there will be a very strong feeling that it was put away because we, the Members of the House who represent the people of the country will

not face our duty to them to debate it openly and freely.

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

Mr. BOLLING. I yield to the gentleman from Texas.

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

I think the gentleman made a very eloquent and strong statement in favor of the need for land use planning. I have heard a great many comments by my colleagues here on the floor and many support the concept of land use planning but do not want it done by the Federal Government. I do not want it done by the Federal Government, either. The important thing is that under this bill land use planning will not be done by the Federal Government. Under this bill it will be done by the States and local bodies of government because it provides for the States to do their own planning. I have a great deal of faith in the ability and wisdom of the States to do this job. All of us who have such faith in the State and local governments should show them that we have that faith by supporting this legislation, because there is nothing in this to force any State to do planning. We amended the sanctions provision out in the committee, thus leaving it strictly up to the States to decide if they wanted a land use plan. If they choose not to, there is absolutely nothing to force them to.

I have faith in my own State's legislature to make the right decision on this. If they want a land use plan, and I would hope that they would, this bill provides a small grant to help them to do the job. If they choose not to, then that is my State's choice as it will be every State's choice.

I hope the House will adopt this rule and thereby allow an up-or-down vote on this question.

Mr. BOLLING. Mr. Speaker, I urge an aye vote on the rule.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the resolution.

Mr. BOLLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 204, nays 211, not voting 18, as follows:

[Roll No. 289]

YEAS—204

Abzug	Broomfield	Dellums
Adams	Brotzman	Dent
Addabbo	Brown, Calif.	Dingell
Anderson, Calif.	Brown, Mich.	Donohue
Anderson, Ill.	Brown, Ohio	Drinan
Andrews, N.C.	Burke, Calif.	du Pont
Annunzio	Burke, Mass.	Eckhardt
Ashley	Burton	Edwards, Calif.
Aspin	Carney, Ohio	Eilberg
Badillo	Chisholm	Erlenborn
Barrett	Clay	Esch
Bell	Cohen	Evans, Colo.
Bennett	Conte	Fascell
Bergland	Conyers	Findley
Biaggi	Corman	Flood
Biester	Cotter	Foley
Bingham	Coughlin	Ford
Blatnik	Cronin	Fountain
Boggs	Culver	Fraser
Boiling	Daniels, Dominick V.	Frenzel
Brademas	Danielson	Fulton
Brasco	Delaney	Gibbons
Breckinridge	Dellenback	Gilman
Grasso	Mazzoli	Ryan
Gray	Meeds	St Germain
Green, Pa.	Metcalfe	Sarasin
Griffiths	Mezvinsky	Sarbanes
Gude	Minish	Schroeder
Gunter	Mink	Seiberling
Haley	Mitchell, Md.	Sisk
Hamilton	Mitchell, N.Y.	Slack
Hanley	Moakley	Smith, Iowa
Hansen, Idaho	Mollohan	Smith, N.Y.
Hansen, Wash.	Moorhead, Pa.	Stanton, James V.
Harrington	Mosher	Stark
Hawkins	Murphy, N.Y.	Steed
Hays	Murtha	Steelman
Hechler, W. Va.	Natcher	Steiger, Wis.
Heckler, Mass.	Nedzi	Stokes
Heinz	Nix	Stratton
Helstoski	Obey	Studds
Henderson	O'Hara	Sullivan
Hicks	O'Neill	Symington
Holtzman	Owens	Taylor, N.C.
Horton	Patten	Thompson, N.J.
Hosmer	Perkins	Tiernan
Hungate	Pike	Traxler
Jordan	Podell	Udall
Karth	Preyer	Ullman
Kastenmeier	Price, Ill.	Van Deerlin
Koch	Pritchard	Vander Jagt
Kyros	Quie	Vander Veen
Leggett	Rangel	Vanik
Lehman	Rees	Vigorito
Long, La.	Regula	Waldie
Long, Md.	Reuss	Wampler
Lujan	Riegle	Whalen
Luken	Rinaldo	Widnall
McClory	Robison, N.Y.	Wilson, Charles H., Calif.
McCloskey	Rodino	Wolff
McCormack	Roe	Yates
McFall	Rogers	Yatron
McKay	Roncalio, Wyo.	Young, Ga.
Macdonald	Rooney, Pa.	Young, Ill.
Madden	Rosenthal	Zablocki
Mallary	Roush	
Mann	Roy	
Martin, N.C.	Roybal	
Matsunaga	Ruppe	

NAYS—211

Abdnor	Duncan	Litton
Alexander	Edwards, Ala.	Lott
Andrews, N. Dak.	Eshleman	McCollister
Archer	Evins, Tenn.	McDade
Arends	Fisher	McEwen
Armstrong	Flowers	McKinney
Ashbrook	Flynt	McSpadden
Bafalis	Forsythe	Madigan
Baker	Frelinghuysen	Mahon
Bauman	Frey	Maraziti
Beard	Froehlich	Martin, Nebr.
Bevill	Fuqua	Mathias, Calif.
Blackburn	Gaydos	Mathis, Ga.
Bray	Gettys	Mayne
Breaux	Giaimo	Melcher
Brinkley	Ginn	Michel
Brooks	Goldwater	Milford
Broyhill, N.C.	Goodling	Miller
Broyhill, Va.	Green, Oreg.	Mills
Buchanan	Gross	Minshall, Ohio
Burgener	Grover	Mizell
Burke, Fla.	Gubser	Montgomery
Burleson, Tex.	Guyer	Moorhead, Calif.
Burlison, Mo.	Hammer-schmidt	Morgan
Butler	Hanna	Murphy, Ill.
Byron	Hanrahan	Myers
Camp	Harsha	Nelsen
Carter	Hastings	Nichols
Casey, Tex.	Hillis	O'Brien
Cederberg	Hinshaw	Parris
Chamberlain	Hogan	Passman
Chappell	Holifield	Patman
Clancy	Holt	Pettis
Clark	Huber	Peyser
Clausen, Don H.	Hudnut	Pickle
Clawson, Del	Hunt	Poage
Cleveland	Hutchinson	Powell, Ohio
Cochran	Ichord	Price, Tex.
Collier	Jarman	Railsback
Collins, Ill.	Johnson, Calif.	Randall
Collins, Tex.	Johnson, Colo.	Rarick
Conable	Johnson, Pa.	Rhodes
Conlan	Jones, Ala.	Roberts
Crane	Jones, N.C.	Robinson, Va.
Daniel, Dan	Jones, Okla.	Roncallo, N.Y.
Daniel, Robert W., Jr.	Jones, Tenn.	Rose
Davis, Ga.	Kazen	Rostenkowski
Davis, S.C.	Kemp	Rousselot
Davis, Wis.	Ketchum	Runnels
de la Garza	King	Ruth
Denholm	Kluczynski	Satterfield
Dennis	Kuykendall	Scherle
Devine	Lagomarsino	Schneebeli
Dickinson	Landgrebe	Sebelius
Downing	Landrum	Shipley
	Latta	Shoup
	Lent	Shriver
Shuster	Teague	Wilson, Bob
Sikes	Thomson, Wis.	Wilson, Charles, Tex.
Skubitz	Thone	Winn
Snyder	Thornton	Wright
Spence	Towell, Nev.	Wydler
Stanton, J. William	Treen	Wylie
Steele	Veysey	Wyman
Steiger, Ariz.	Waggonner	Young, Alaska
Stephens	Walsh	Young, Fla.
Stubblefield	Ware	Young, S.C.
Stuckey	White	Young, Tex.
Symms	Whitehurst	Zion
Talcott	Whitten	Zwach
Taylor, Mo.	Wiggins	
	Williams	

NOT VOTING—18

Boland	Dulski	Quillen
Bowen	Fish	Reid
Carey, N.Y.	Hébert	Rooney, N.Y.
Derwinski	Howard	Sandman
Diggs	Moss	Staggers
Dorn	Pepper	Wyatt

So the resolution was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Boland for, with Mr. Bowen against.
Mr. Diggs for, with Mr. Staggers against.
Mr. Pepper for, with Mr. Hébert against.

Until further notice:

Mr. Rooney of New York with Mr. Derwinski.
Mr. Reid with Mr. Fish.
Mr. Carey of New York with Mr. Quillen.
Mr. Moss with Mr. Sandman.
Mr. Howard with Mr. Wyatt.
Mr. Dulski with Mr. Dorn.

The result of the vote was announced as above recorded.

The SPEAKER. Without objection, a motion to reconsider was laid on the table.

There was no objection.

GENERAL LEAVE

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution, House Resolution 1110.

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

There was no objection.

PLIGHT OF CATTLE FARMERS

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

Mr. NICHOLS. Mr. Speaker, I take the well of the House to call to the attention of each and every Member of Congress the dire plight of cattle farmers throughout the country. Cattle farmers in Alabama and elsewhere are taking a tremendous beating when they go to market—so much so that many cattlemen are simply holding their cattle back rather than selling them at such disastrously low prices being offered.

Within a year's time the price of cattle has fallen to unbelievably low prices. Steers which were bringing 60 cents in August of last year are finding very few buyers at 31 cents and even less at the Montgomery stockyards. One of my cattleman friends has just called me from Alabama advising that he was offered only 24 cents for a truckload of steers last week and, of course, he brought them home.

This rather gloomy picture of the cattle industry is being repeated in stockyards and cattle markets throughout the country and I have never seen cattlemen more gloomy or more pessimistic and quite frankly they see no light at the end of the tunnel.

My concern is that unless something is done immediately many cattlemen are no longer going to be able to continue and I would like to read to this Congress a copy of a telegram from the Alabama Cattlemen's Association which was sent last week to both President Nixon and Secretary of Agriculture Earl Butz:

Alabama's beef cattle industries on the brink of disaster. Prices for stocker and feeder cattle have dropped approximately 50 percent in the past 6 months. This is the most drastic price decline in history. With costs of production soaring to all time highs Alabama cattlemen stand to lose their life savings if action is not taken immediately. We urge you to immediately reimpose beef import restrictions on all beef coming into the United States in conformity with the meat import act of 1964. Today our country is the only major nation in the world whose borders are open to unrestricted beef imports.

ALABAMA CATTLEMEN'S ASSOCIATION,
FORREST KILLOUGH,
President.
E. H. WILSON,
Executive Vice President.

The real irony, however, in today's cattle market is that these disastrously low prices are jeopardizing the total meat supply of this Nation in the months ahead.

Many years are required to build a herd of cattle and it seems imperative that immediate steps be taken to correct a situation which could only spell much higher prices for the consumer in the years ahead.

At a time when cattle prices are at such a ridiculously low figure the cattle farmer is faced with purchasing fertilizer for his pastures which are priced twice as high as he paid a year ago for the same amount of plant food. The barbed wire which cost him $12 a roll a year ago is now selling for $32 a roll in today's market. The same holds true for baling twine, tractor parts, fuel, fence posts, and in fact everything which today's cattle farmer has to purchase to carry on his farming operation.

I have cosponsored legislation which would establish a $3 billion revolving loan fund to assist financially stricken cattle growers and cattle feeders to be administered by the Farmers Home Administration. This legislation would permit bonafide cattlemen to apply for emergency 5-year loans at interest rates of 5½ percent.

While we feed very few cattle in Alabama our cattlemen are dependent on cattle feeders who purchase their feeder calves from cow and calf operations in Alabama and other grass-producing States.

With high interest rates coupled with the low price of cattle, the feeders are unable this year to borrow funds from normal credit channels. Without needed capital to stock their feedlots the cattle industry will be unable to supply the necessary beef to the American consumer in the immediate years ahead. For this reason I believe such legislation is desirable and is in the interest of the entire Nation.

There is another step, however, which should be taken by the Secretary of Agriculture and that is to reinstate beef import restrictions on all beef coming into the United States from foreign sources. The Meat Import Act of 1964 provides the Secretary with this authority and I am today wiring the Secretary asking that such import restrictions be implemented without delay:

Hon. EARL BUTZ,
Secretary of Agriculture:

Cattle producers in my State cannot continue to produce feeder calves for the feedlots of America at today's disastrously low prices. I fear for the stability of the cattle industry unless immediate steps are taken. I urge that beef import restrictions in accordance with the Meat Import Act of 1964 be implemented on all foreign beef coming into this country. The American cattleman at this crucial period is entitled to first preference in selling American beef in the marketplace. The situation in my State is extremely critical and I urge that this action be taken as expediently as possible.

BILL NICHOLS,
Member of Congress.

Consumers must certainly face shortages in beef coupled with much higher prices later on unless some action is taken to prevent this country from becoming a dumping ground for foreign beef.

I cannot promise cattle growers that these two actions at the Federal level will bring complete relief, however, I am confident that both measures are justified and I urge my colleagues from the districts where cattle are grown and fed as well as my colleagues from city districts who have an equal stake from the consumer standpoint to support both measures.

MESSAGE OF OPTIMISM

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

Mr. DAN DANIEL. Mr. Speaker, this is the time of year when those of our generation stand before those of the next and hopefully offer some words which will be helpful in easing the transition from student to productive citizen.

Many of those who graduate this year from our service academies have already chosen their career fields and for them the question of what to do after graduation is therefore settled. On the other hand, this year's assemblage of young officers enters a climate unknown to its predecessors, and therefore with some elements of uncertainty. Our Nation is not engaged in battle anywhere in the world. We are relying on volunteers to meet our manpower needs. A period of negotiation has replaced confrontation in our traffic with other nations.

On June 5, the Honorable Howard H. Callaway, Secretary of the Army, spoke to the graduating class at the U.S. Military Academy, and his words are commended to my colleagues. It is a message of optimism, tempered with a recognition of realities, and it sets forth in basic language, plain and unembroidered, the mission of those who will play a large part in our Nation's future.

At about the same time a copy of this statement was obtained, I also received a recap on comparative enlistment data for the U.S. Army for the months of May 1973 and 1974. Again, the message is one of optimism, and we should all hope the experience can be sustained.

Secretary Callaway's statement and the recap are offered for insertion in the RECORD, and I commend them to your study.

ADDRESS BY THE HONORABLE HOWARD H. CALLAWAY, JUNE 5, 1974

Gentlemen of the Class of 1974, Gentlemen of the Corps, distinguished guests, proud parents, ladies and gentlemen:

What an exciting day this is. I sense a feeling of pride and challenge. I'm delighted to be a part of it.

This is not only a great day for those of you who are graduating today; it's also a great day for the Army. For the Army is welcoming over eight hundred of our country's finest young men into the ranks of its professional officers. You have proven yourselves. You have met standards of excellence that are recognized the world over.

You are entering the service of your country at a challenging time. Nine days from today, the Army will celebrate its 199th birthday, and begin its 200th year. So you enter the Army just in time for its bicentennial celebration. Your first years of service will contain moments of pageantry and ceremony, celebrating the role that the Army has played in developing our land and protecting our freedom. These will be proud moments. Enjoy them.

But more important, you enter the Army at a time when the Nation is moving from a postwar period to a new era of genuine hope for a generation of peace throughout the world. This hope for peace is made possible partly by a strategic nuclear balance that would make nuclear war clearly unprofitable to any side. But as we have seen, nuclear restraint alone does not guarantee peace. True peace requires that our nonnuclear forces also strike a balance, to make it equally unprofitable for any country to engage in conventional war. And this requires conventional strength.

So the Army's mission today is not just to defend the Nation against direct attack. Today's Army is the key to the Free World's conventional forces that provide the balance upon which our hopes for peace are founded.

No longer can the Army accomplish this monumental task with a small cadre which will provide the leadership for a larger Army. No longer can we wait for the arsenal of democracy to stir, as it becomes awakened to the challenge. We don't have time for that. We must now be able to respond in days or weeks, not in months or years.

As a nation, we have elected to accomplish these difficult, subtle tasks—tasks that are immense and global in scope—without conscription, without a draft. We have elected to meet these challenges by asking young men and women to serve their country, freely and without compulsion. We have chosen to express the will and determination of our country and the convictions of its people through the voluntary service of large numbers of its young citizens. This clearly adds a new dimension to our challenge.

I think you will agree that this is a sufficient challenge—even for the Class of 1974. Simply stated, the challenge is to have a well-trained, well-equipped, disciplined, ready volunteer Army, large enough to fulfill our global commitments in such a manner as to deter military aggression.

There are still many in America who feel that we cannot accomplish this global mission with a volunteer Army. I disagree. I disagree because I believe in the young men and women of America today. I believe they want peace, and realize we cannot have peace without strength. They are no different from other generations of young Americans who have always been willing to serve their country. All that is necessary for the success of today's Army is leadership worthy of those who join. I am convinced that you and your fellow officers from ROTC and OCS will provide this leadership.

Yes, I really mean that. I am counting on you as second lieutenants to provide the leadership to make the volunteer Army work.

Most of you, after leave and further training, will serve your initial tour with units. That means that sometime early next year you will begin to have an impact on the units that we depend on to accomplish the mission—and you will have a direct influence on the young men and women who volunteer for service in the Army.

You will have a chance to take the young man who has never succeeded at anything before in his life and show him that you have faith in him; and you can help him and encourage him to become an outstanding soldier.

And you will also have the chance to take the outstanding young man who has never failed at anything in his life (as a matter of fact he's so good he thinks he should have your job) and be innovative enough to keep him challenged. And this can be your challenge: to make your unit good enough to live up to the legitimate expectations of our best soldiers.

You will need to have the skill to conduct repetitive training—training that has to be done over and over—in a way that's exciting, challenging and meaningful.

You will need to take the young man who was raised in a permissive atmosphere and show him the meaning and value of discipline, especially self-discipline; you will have to make him understand that an Army without discipline is a sham, but a disciplined Army is an inspiration to the Nation.

You will need to take the young man raised with prejudice and show him that in the Army, everyone is judged by the job he does, not by his background.

You will need to insure that the young man who is coming to his unit, perhaps in a foreign country, away from home for the first time, is welcomed and that he knows he is part of a unit that cares about him.

You will need to challenge everyone in your platoon to go as far as his God-given talents will allow. You will need to insure that your soldiers take full advantage of the educational opportunities available in the Army, to help them realize their potential. This will not only help them while they're in the Army, but will be of benefit to themselves and to the country when they return to civilian life—whether that's in two years or twenty.

You will need to inspire change in the attitudes of people, both those serving above you and below you, who still feel that the Army is made up of numbers rather than of people. You will need to show by caring immensely for your men, and by showing that every individual is important to you—as a person. This does not mean coddling. It does not mean being soft or easy. It means that we treat each soldier with dignity and respect.

You will need to show by your example of integrity that there's no room in the Army for anything else. You will need to show by your own idealism, by your openness and candor in everything that you do, that the Army is an appropriate place for idealism. There is no place in the Army for anyone—from recruit to general officer—without integrity, and you will be in position to perpetuate these values.

In all your actions as leaders, you will affect the attitude of soldiers toward the Army; and through these soldiers you can collectively have an impact on the country as a whole. If the experiences of our soldiers are good ones—if they sense that what they are doing is important and worthwhile—their attitude will help our efforts to attract and retain top-notch people in the Army. When a soldier goes on leave or completes his hitch, the story he tells to his parents and his friends will be very credible. If he goes home with a story of challenge, of opportunity, of discipline, and of service, we can expect America to be proud of him, and of the Army and what it's doing. And if the American people feel that way about their Army, we will have all the support and encouragement we need.

I don't expect that your job will be easy, but I am sure that it can be done. As a matter of fact, if it were easy, the Army wouldn't need you. But the Army does need you, with your training and background, because it has a difficult job to do.

Today's recruits, still going through basic training, have idealism and a desire to be challenged. The young soldiers assigned to units, who are no longer recruits, still expect to be challenged and stimulated. The noncommissioned officers who are the mainstays of any unit will look to you for leadership, for courage, for concern. The people are there, in the units. They are qualified, well-motivated people who can do everything expected of them. It's up to you to inspire them, and to make the Army worthy of our Nation's expectations.

As you leave West Point today, you join a select company of graduates that stretches back to the beginning of the last century. This company numbers among its members many of the greatest leaders our country has known. Leaders from each succeeding class and each generation have made their mark by building on the achievements of their predecessors. It is the continuity of achievement, the cumulation of service, that has enabled the Army to meet each new challenge.

I am confident that you can keep pace with this company, and that the eight hundred of you can have an enormous impact on the Army. With the challenges facing you today, you can make the greatest contribution by building on the work of those who have gone before, and by drawing strength and wisdom from their example.

If I may, I'd like to paraphrase a thought that goes back almost two thousand years: by standing on the shoulders of giants, you can see father than the giants themselves.

There have been giants before you, giants among the soldiers and leaders who have served in the past. They tower above the rest, and can lift you to see terrain even beyond their farthest vision. But you have to earn the right to that vision by dedication, by devotion, by desire, by integrity.

I challenge you now to stand on the shoulders of the tallest giants that have walked before you. None of them ever joined the Army at a time of greater opportunity or challenge.

If you accept this challenge, I believe we can have the finest Army our Nation has ever known. I really mean that. I sincerely believe that with your leadership we can have the best Army we've ever had. And I believe this is a challenge worthy of you.

I urge you to accept it!

COMPARATIVE ENLISTMENT DATA—ARMY

MAY 1974	MAY 1973
Total Accessions: 14,848 (+8039); 103.9% objective.	Total Accessions: 6,819; 71.4% objective.
Prior Service: 1,826 (+1073); 152.2% objective.	Prior Service: 753; 115.8% objective.
Female (NPS): 1,342 (+791); 134.2% objective.	Female (NPS): 551; 61.2% objective.
NPS Males: 11,690 (+6175); 96.6% objective.	NPS Males: 5,515; 68.9% objective.
Combat Arms: 2,163 (+877); 113.6% objective.	Combat Arms: 1,286; 43.4% objective.
Delayed Entry Pool (DEP): 20,886 (+8298); +2,740 mo. change (The DEP for June now consists of 8539 men and 889 women. All the women are high school grads, and in upper-three test categories. 84.1% of men are HSG's and 86% are in upper three test categories)	Delayed Entry Pool (DEP): 12,588; —799 mo. change.
HS Grads (all accessions): 8,766 (+3345).	HS Grads (all accessions): 5,412.
HS Grads (NPS male only): 5,598 (+1490); 119.1% objective.	HS Grads (NPS male only): 4,108; 73.4% objective.
HS Grad Content (May) NPS only: 53.3%; (54.3% for one year; estimated to reach 55-57% by 30 June).	HS Grad Content (May) NPS: 76.8%.
Category IV: 18%.	Category IV: 11.2%.
Black: 26.5%	Black: 25.4%.
True Volunteers, FY-74 totals through 31 May:	True Volunteers, FY-73 totals through 31 May:
Total ---------- 171,133	Total ---------- 140,630
NPS male ---------- 143,406	NPS male ---------- 119,260
NPS female ---------- 13,080	NPS female ---------- 7,947
Prior Service ---------- 14,647	Prior Service ---------- 13,423
Strength: Tentative, end May, 781,800.	
FY 74 Prescribed end strength, 781,600.	
Current estimate, as of 30 June, 779,600 to 783,000; or from 99.7% to 100.2%.	
Discipline: Rates per 1,000, Jan-Feb 74: AWOL, 21.1; Desertion, 5.8.	Discipline: Rates per 1,000, Jan-Feb 73: AWOL, 28.7; Desertion, 8.5.

MOLLENHOFF DISCUSSES PRESIDENTIAL TAPES AND BANKING AND CURRENCY COMMITTEE INVESTIGATION

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

Mr. PATMAN. Mr. Speaker, since the release of the September 15, 1972 transcripts of conversations in the White House, there has been considerable revival of interest in the efforts of the Banking and Currency Committee to conduct an investigation into various matters related to the Watergate case in the fall of 1972.

Clark Mollenhoff, chief of the Washington Bureau of the Des Moines Register and Tribune and who is syndicated nationally, recently combed through the Presidential transcripts and in a column on June 1 detailed some of the issues raised in connection with the Banking and Currency Committee's investigation.

Mr. Speaker, I place in the RECORD a copy of this column as it appeared in the Dallas Morning News on June 1:

QUESTIONS ON FORD'S JUDGMENT

(By Clark Mollenhoff)

WASHINGTON.—Vice President Gerald Ford's recent outspoken defense of President Nixon is raising serious questions about both his political judgment and his competence as a lawyer.

In the minds of a few Republicans as well as a good many Democrats, the defense also raises a question of whether something on Nixon's famous tapes might embarrass Ford for his role in stopping an investigation of Watergate in October, 1972.

It is now apparent from the presidential transcripts that stopping chairman Wright Patman, D-Tex., in his pre-election efforts in 1972 to question Maurice Stans was a top priority project with the President. It was also an essential part of the Watergate coverup in that pre-election period.

Ford, who was then House Republican leader, has admitted calling at least two meetings for the purpose of rallying Republicans against the Patman efforts to obtain authority to subpoena Stans and other witnesses.

GOOD SOLDIER

There is no indication that Ford knew of any White House involvement in the Watergate burglary and bugging. But, there is ample evidence to demonstrate that as "a good soldier" Republican leader, he did things to stop Patman.

Ford was questioned about his role by Sen. Robert Byrd, D-W. Va. In his confirmation Sen. hearings, the vice-president admitted to having meetings with Gary Brown, R-Mich., who has been named by former White House counsel John W. Dean III as the man the White House was depending upon to block Patman's effort to question Stans.

Ford denied any contact with Dean, H. R. (Bob) Haldeman or John D. Ehrlichman on the White House efforts. Ford contended the arguments he had used with Brown and other Republican committee members had concerned Patman's "procedures and the dangers that procedures might lead to a precedent."

"Mr. Patman, the chairman of the Committee on Banking and Currency in the House, was going about the matter in the wrong way," Ford explained. "And, as I recall, statements were made he was going on a fishing expedition."

He explained that "in all honesty" he believed that all of the Republicans on the committee voted against Patman because of their concern over procedures and that they were joined by five Democrats.

Ford expressly denied that he had made any contention that Patman's investigation would "be harmful to the President, harmful to his re-election chances, or harmful to the party."

While Brown has admitted he was the focal point of Republican opposition to Patman's probe, he also has angrily denied he was a knowing part of a White House cover up.

Brown admitted taking the initiative in writing the Justice Department to ask then Atty. Gen. Richard Kleindienst if Patman's hearing might interfere with the prosecution of the original seven Watergate defendants. Brown said he took these actions on his own initiative and not because of a prompting from Dean or White House liaison men William Timmons and Richard Cook.

White House transcripts show that on Sept. 15, 1972, President Nixon, Dean and former White House chief of staff Haldeman were gravely concerned about the Patman probe. They saw serious political problems in having "Stans up there in front of the cameras with Patman asking all these questions."

On Sept. 12, Patman's investigators had distributed a report raising serious questions about $114,000 in Nixon re-election committee funds that had been traced to the bank account of Watergate burglar Bernard Barker.

Patman's investigators had traced a mysterious $89,000 in Texas oil money through the bank account of a Mexico City lawyer to Barker's Miami bank.

The investigators also had traced a $25,000 cash contribution from Minneapolis financier Dwayne Andreas through Stans and into Barker's account in the period prior to the Watergate burglary.

The 80-page staff report set out the facts, raising the possibility of violations of laws that prohibited foreigners and foreign corporations from contributing to an American election campaign.

The report also questioned explanations and denials by Stans that were contradicted by other witnesses who were interviewed.

NOT HELPING NIXON

Patman wanted to call a wide variety of witnesses and to subpoena records of the Finance Committee to Re-elect the President and 10 other banks and business organizations.

White House transcripts show President Nixon and Dean discussed ways of getting Ford to take more of an active interest in Stans' problem. The President suggested that Stans should talk to Ford and Brown and explain his problem and that Ford should talk to William Widnall, Rep. of New Jersey, the ranking Republican member.

In recent weeks, Ford seems again to be playing the "good soldier" to the extent of drawing conclusions that the presidential transcripts prove that President Nixon has not committed any crimes or other impeachable offenses.

Republicans and Democrats are commenting privately that Ford's confusing and contradictory comments are not helpful to Nixon. They contend the comments may be destroying Ford's credibility in the face of a record that has resulted in even some of Nixon's strongest newspaper supporters calling for his resignation.

One Republican commented last week, "At this stage only Richard Nixon can help Richard Nixon. The best thing Jerry Ford can do is keep his mouth shut."

MR. NIXON'S ROLLER COASTER: ON THE UPSWING?

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

Mr. MYERS. Mr. Speaker, in the last several weeks in my visits back to the congressional districts that I represent I have been detecting a change in the political trade winds. I have seen this also reflected in the attitude of the mail I have been receiving as it relates to the President's popularity. A number of politicians in this body and elsewhere who have been trying to accurately interpret the trade winds and trimming their sails accordingly have found some problems back home.

Yesterday in the Washington Post Joseph Alsop's remarks in a column he wrote very accurately and well describe these changing winds and how they are being interpreted and being acted upon. I would like to include this in the RECORD to be used by colleagues.

The article follows:

MR. NIXON'S ROLLER COASTER: ON THE UPSWING?

(By Joseph Alsop)

The fortunes of Richard M. Nixon have had a strong roller-coaster tendency ever since he entered political life. And now, after a long and fearful downward swoop, it suddenly seems possible that the roller coaster may start on an up-grade.

This may hardly seem credible in view of the latest revelation that the Watergate Grand Jury named the President as an "unindicted co-conspirator." Yet the signs are plain to be seen for anyone who knows how to read the signs in the Senate and House of Representatives—which is where the signs matter.

First, there is no longer any likelihood of an authoritative group of Republican leaders going to the White House to tell the President he must resign. A fortnight ago this seemed all but certain to happen at an early date—and with Sen. Barry Goldwater of Arizona leading the deputation at that. But now all that has abruptly changed. Second, it seems much, much less likely that the House Judiciary Committee will recommend the President's impeachment on grounds of criminality by a large bi-partisan majority. Even the Judiciary Committee, although weighted against the President, has become an uncertain factor in the equation. Third, it therefore seems possible that the House as a whole may fail to produce the needed majority for a bill of impeachment.

There are several reasons for this abrupt change in the former outlook. For one thing, the acute revulsion produced by the publication of the White House tape transcripts has had time to die down. For another thing, great numbers of Republican members of the House and Senate have begun to hear a sharply changed song from their constituents.

The sharp change was caused by the open talk of the need for the President's resignation by leading Republicans on Capitol Hill. House Minority Leader John Rhodes of Arizona, for instance, was one of those who mentioned the dire word. Abruptly, his mail shifted from three to one anti-Nixon to eight to one pro-Nixon, with a lot of it vituperatively anti-Rhodes. And when he got home for the Memorial Day recess, Rep. Rhodes found a hornet's nest in his own district.

The plain fact is that all over the country, the remaining Nixon loyalists have suddenly become vocal, angry, even vengeful. Nixon loyalists also constitute from 30 to 60 per cent of the voters who elected every single Republican member of the House and Senate. You can see how simply mathematics would therefore cause a strong, if reluctant Republican consolidation behind the President.

This would count for nothing, to be sure, if it were not for the way the situation has developed within the Judiciary Committee.

With regard to the money from the milk cooperatives, one House member has aptly remarked, "Everyone seems to have a lot of milk on his bib." On balance, the unpleasant ITT matter has also gone well for the President.

In consequence, Watergate and its ramifications are all that really matters, in the opinion of everyone best qualified to judge both the Judiciary Committee and the House itself. As to the Watergate evidence thus far put before the Judiciary Committee, "it's all so damned ambiguous."

This characterization was offered by one of the Judiciary Committee's most doubtful Republicans. Rep. Thomas Railsback of Illinois. If Rep. Railsback is deeply uncertain after the whole Watergate story has been told the committee, it can be seen why a strong bi-partisan majority against the President must be counted as less likely. Nor is this all.

The "ambiguity" and the other factors have led the Judiciary Committee's Republicans to close ranks on a most vital matter. They have voted unanimously to insist that witnesses be called on Watergate and its ramifications, so that they can be closely cross-questioned by the President's lawyer, James D. St. Clair. The President's chief accuser, John W. Dean III, heads the desired witness list.

Both the Judiciary Committee's chairman, Rep. Peter Rodino of New Jersey, and his special counsel, John Doar, have been strangely but quite openly reluctant to expose the President's chief accuser to the President's lawyer. Yet they can hardly resist the unanimous demand of the Republicans on the committee.

So the committee is likely to hear a lot about several interesting subjects, such as the circumstances of John Dean's plea bargaining. In sum, there may still be some surprises. The odds are still against the President, too; but it is all very different from two weeks ago, when Sen. Goldwater and Rep. Rhodes were actively planning to ask for the President's resignation.

TOWARD HOUSE RECONSIDERATION OF IDA

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 5 minutes.

Mr. WHALEN. Mr. Speaker, this week I have introduced in behalf of myself and 31 of my colleagues legislation to provide for continued participation by the United States in the International Development Association—IDA. In so doing, we have joined our distinguished associate, HENRY GONZALEZ of Texas, and other members of his subcommittee on International Finance, who initiated a similar bill several days ago.

On May 29 the other body, by a 55 to 27 margin, passed S. 2665 which provides four annual installments of $375,000,000 each as the U.S. contribution to IDA's fourth replenishment. Thanks to this overwhelming vote, the House of Representatives now has a second chance to support the most effective multilateral assistance program for the poorest of the developing nations.

Although this body refused U.S. participation last January, I believe, Mr. Speaker, that it did so because of the peculiar climate that grew out of the energy crisis. Threatened by the economic privation inflicted upon the world by a few of the oil producing countries, Members of the House reacted by punishing the poorest of the poor. By defeating H.R. 11354, we thus denied those with an annual per capita income of less than $200 access to their primary source of economic development—the International Development Association.

This action only exacerbated the terrible hardships suffered by those who are resource-poor and without the means to meet the costs of a minimum standard of living. Coming at a time when these countries were confronted with a fourfold rise in the price of petroleum, with an acute shortage of fertilizers necessary for food production, with worldwide drought, and with enormous price increases in basic foodgrains, the House vote in January promised to snuff out the only remaining hope available to the great majority of the earth's population.

The people of the United States and those in other developed countries properly criticized us for this abdication of our global responsibilities.

Since January 23, however, the climate for international concern has been enhanced. The U.N. sixth special session has met and examined both the short- and long-term implications of our planet's increasing interdependence. From these discussions, we all have learned that the only way to deal with planetwide crises is through cooperative actions. Mr. Speaker, this is the essence of security in our times.

For these reasons, I urge all of my colleagues to join with us in supporting the commitment made last September in Nairobi, Kenya, to continue IDA's funding. It is a very small investment whose return is the well-being of millions of our most impoverished neighbors and, ultimately, our own.

Joining me in this effort are the following Members:

John B. Anderson (Ill.).
Herman Badillo (N.Y.).
Edward G. Biester, Jr. (Pa.).
Richard Bolling (Mo.).
George E. Brown, Jr. (Calif.).
Yvonne Brathwaite Burke (Calif.).
John Conyers, Jr. (Mich.).
Don Edwards (Calif.).
Marvin L. Esch (Mich.).
Edwin B. Forsythe (N.J.).
Lee H. Hamilton (Ind.).
Michael Harrington (Mass.).
Frank Horton (N.Y.).
Barbara Jordan (Tex.).
Robert W. Kastenmeier (Wis.).
William Lehman (Fla.).
Spark Matsunaga (Hawaii).
Paul N. McCloskey, Jr. (Calif.).
Lloyd Meeds (Wash.).
Ralph H. Metcalfe (Ill.).
Patsy T. Mink (Hawaii).
Joe Moakley (Mass.).
William S. Moorhead (Pa).
Charles A. Mosher (Ohio).
John E. Moss (Calif.).
Howard W. Robison (N.Y.).
Peter W. Rodino, Jr., (N.J.).
Benjamin S. Rosenthal (N.Y.).
Patricia Schroeder (Colo.).
Henry P. Smith III (N.Y.).
Louis Stokes (Ohio).

THE ARKANSAS PRIMARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 10 minutes.

Mr. ALEXANDER. Mr. Speaker, in the days since the Arkansas Democratic primary on May 28 many of our colleagues have asked me questions concerning the election in which our junior Senator J. WILLIAM FULBRIGHT lost his bid for renomination to Gov. Dale Bumpers and in which our former colleague David Pryor won his campaign for the Democratic nomination for Governor.

Today I would like to make a part of the CONGRESSIONAL RECORD two editorials from the Arkansas Gazette. This material will be, I believe, useful to our colleagues in assessing the meaning of these primary elections.

The text of the editorials follow:

[From the Arkansas Gazette, May 30, 1974]

THE FALL OF FULBRIGHT

Senator J. W. Fulbright's stunning defeat in the Arkansas Democratic primary lends itself to all kinds of commentary but it is all incidental to what the country has sustained in the fall of one of the giants of the 20th century Congress.

Much has been said already about the popularity of Fulbright's conqueror, whose triumph is unquestioned, and much has been said, much less provably, about various national auguries seen in the Arkansas election. The overriding significance, however, once you think of it, lies simply in the impending departure of Fulbright of Arkansas from the Capitol.

Senator Fulbright made his mark in the Congress early and for the better part of the last two decades, while he has served as chairman of Foreign Relations, no man in the Congress has spoken so eloquently and effectively for the cause of peace and against the abuse of Presidential power. Instead he has been the supreme advocate and exemplar of the legislative place in government under the original Constitutional design.

Inevitably, Fulbright's place as peacemaker helped lead to his own downfall, for in the Vietnam war, especially, he made, in Arkansas and about the country, a large number of bitter enemies whose obsession was to drive out of the Congress the man who said that one of our national wars was wrong. Thus Fulbright went into any election with hard core hawk opposition which left him even more vulnerable to a popular, personable, sitting governor.

In marking the end of the historic career of J. W. Fulbright, it is good to remember that the peacemakers are blessed and rewarded in the kingdom of heaven, for, God knows, their reward is not given below.

As for the primary campaign itself, what we know now is that Dale Bumpers was precisely correct in concluding that he could easily win Fulbright's place in the Senate if he chose to run. Indeed, we know now that Fulbright was beaten the day Bumpers qualified. The governor made no clearly identifiable issue against Fulbright in the campaign, nor did he have to. The majority of voters liked Dale Bumpers very much and they were prepared to vote for him for any office he wanted. They did not care, actually, if Fulbright is the most famous living Arkansan, or if he does hold the chair of the Senate's most prestigious committee. It was Bumpers, their governor, with whom they identified.

The Fulbright partisans, whose loyalty is

fierce, will feel better about the caprice of an electorate which gave the United States one of its greatest figures and then, as they say, "took him back," for no demonstrably objective reason. What all of us must realize, however, is that politics is sometimes a brutal business and whatever the system's aberrations, it is, as Churchill said, still the best system there is.

Fulbright, for his own part, in his stately and reasoned concession speech Tuesday night, took his own crushing defeat with characteristic perspective. With his vast sense of history, he knows that the governing power of the country springs from the people, and from the several states, and he closed his last campaign thanking the people of the state for the 30 years they had given him in the Senate.

Who could deny his greatness in defeat as well as in victory?

What we know now is that Fulbright could have conducted his campaign from his Senate office in Washington and gotten almost as many votes. The voters' minds were made up. In the narrowly political sense, all the expenditure of effort and money, all the argument and articulation, was a waste. All of us were shouting in a high wind.

The effect of the highly publicised TV confrontation on Issues and Answers was apparently negligible, just as Governor Bumpers said it was. Even the heavy turnout worked against Fulbright, for it brought out casual voters whose main impressions in politics are derived from watching the television.

The campaign itself made virtually no difference at all. Even so, in the end the Fulbright people could not have done differently. As Lieutenant Governor Bob Riley remarked in his own losing race for governor, once events are in motion, there are some things you have to do.

So much for the politics of the election.

What must be faced now reaches far beyond the Arkansas state lines. Whatever one's appraisal of Dale Bumpers and whatever the hopes for his performance, he will go to Washington as a freshman senator, subject to all the familiar limitations and frustrations to which freshmen are heir. Meantime, with Fulbright beaten, we face the probable accession of Senator John Sparkman of Alabama to the chair of Foreign Relations, and, in consequence, a general diminution of the Senate's scrutiny over the President's foreign policy. John Sparkman has known better years but at his peak he was never in Fulbright's league.

What Congress will now be without is the voice of the man who stood sometimes against presidents and sometimes with them, but always in fearless commitment to the course of reason in our national and international affairs.

No one need worry about Bill Fulbright, who will now have the leisure to do things he has wanted to do and who can select at will, we daresay, the lecture chairs of the great universities of the Western world. What we must worry about is the Senate, losing both Fulbright of Arkansas and Ervin of North Carolina in the same season. In the Arkansas primary it is not Fulbright who is the loser; alas, the loser is the Republic.

[From the Arkansas Gazette, May 29, 1974]

DAVID PRYOR AS GOVERNOR

David Pryor's victory in the Democratic gubernatorial primary without the need for a further divisive runoff campaign is reassuring for the future of state government in Arkansas.

To be sure, Mr. Pryor will have Republican opposition in November, but the relatively brief period in which the GOP, through Winthrop Rockefeller, could put up much of a general election fight for statewide office is no longer with us. It is again axiomatic that the Democratic gubernatorial nomination is "tantamount to election."

Pryor's nomination, in any case, is gratifying to all who have watched his career in public life as well as to those who have seen what his talents offer Arkansas only this spring in the forum of the gubernatorial primary.

While his vote-getting strength showed up as expected in Central and South Arkansas—where Pryor has lived and worked most of his life—his appeal proved to be broad enough for him to lead the ticket in about three-fourths of the 75 counties. Those who know Mr. Pryor and his record of service best are those who support him the most.

Although the majority accorded Pryor was earned in our view principally through a positive response to his candidacy, it would be realistic to say that at least some of his support was of a negative nature from those who just could not accept the alternatives, especially the candidacy of former Governor Orval Eugene Faubus. Essentially, Mr. Faubus offered a return to the past—the days of strife, divisiveness and governmental scandal that ran throughout his six terms. His brand of politics can always "sell," as it were, among a hard core of supporters, and indeed they made up the major portion of the 33 per cent vote total that Faubus got. Perhaps the important thing here is that the third candidate—Lieutenant Governor Bob Riley—gathered 16 per cent of the vote starting from a much smaller "natural" constituency. Faubus added very little along the way to his established "base" left over from the earlier years of glory.

David Pryor, on the other hand, offers not only an image of a clean-cut, progressive leader but also much of the substance of one that bodes well for the future of the governor's office. He cut his political teeth as a worker for the governor that Faubus defeated in 1954, and was one of the voices of reason in the state legislature that resisted the Old Guard politics of Faubism with regularity. His legislative experience should stand him in good stead in dealing with the General Assembly as Governor. In his six years as a congressman from the Fourth District, Mr. Pryor made a distinguished mark, especially in his work on behalf of the nation's elderly. As a member of the House Appropriations Committee Pryor gained the invaluable experience of dealing directly with big money decisions, a challenge that will be helpful in service as the state's chief executive.

Arkansas has come a long way since Winthrop Rockefeller succeeded Faubus in office eight years ago, but much remains to be done in many fields—public education, higher education, the prisons, to name just a few. The nomination of Mr. Pryor virtually assures that leadership of high quality will be brought to all of the problems facing Arkansas over the next two years. Voters have placed the governor's office in good and talented hands.

GENERAL ACCOUNTING OFFICE REPORTS ON LOCAL GOVERNMENT USE OF REVENUE SHARING FUNDS FOR HANDICAPPED, CHILDREN, AND ELDERLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, a few days ago, in Seattle, Wash., I had the privilege of participating in a discussion of "Congress and the States" at the annual meeting of the National Conference of Governors.

During the discussion, in response to questions from some of the Governors, I cited the results of a study I had requested the General Accounting Office to make of the extent to which revenue sharing funds had been used by local governments for two groups of persons: handicapped people of all ages and children.

In my reply, I also cited the results of another GAO study requested by our distinguished colleague, the Honorable CLAUDE PEPPER of Florida, who had asked about the use by local units of government of revenue sharing funds to assist the elderly.

Not only as a Member of Congress but as chairman of the House Select Education Subcommittee, which has jurisdiction over a number of programs to aid the handicapped, young children, and the elderly, I am concerned about the extent to which revenue sharing moneys are used for persons in our society who may be accurately described as vulnerable.

The results of these GAO studies with respect to how much local governmental units have been using revenue sharing funds for these three groups is, to say the least, most disquieting.

Here, in brief, is what the Comptroller General of the United States reported, in a letter to me, dated May 30, 1974, which I shall include in the RECORD. I shall also include in the RECORD the Comptroller General's letter to Congressman PEPPER of February 13, 1974.

Mr. Speaker, based on a survey of 250 local governments—selected "primarily on the basis of dollar significance and geographical dispersion" and which "included the 50 cities and 50 counties that received the largest amounts of revenue sharing funds for calendar year 1972" and subject to the limitations on the analysis set forth in the Comptroller General's letter of May 30, 1974—here are the basic findings.

I should, Mr. Speaker, note that, according to the Comptroller General:

The necessary legal and procedural steps were taken by 219 governments to authorize the expenditure of $1.374 billion of these funds.

A total of 18 governments authorized part of their revenue sharing funds in programs or activities for the handicapped.

These authorizations totaled about $4.3 million, or about three-tenths of 1 percent of the $1.374 billion dollars authorized by the 219 governments.

A total of 52 governments authorized part of their revenue sharing funds in children's programs or activities. These authorizations totaled about $15.4 million, or a little more than 1 percent of the $1.374 billion authorized by the 219 governments.

According to the February 13, 1974, letter to Congressman PEPPER from the Comptroller General:

Of the 219 governments, 28 authorized the expenditure of part of their revenue sharing funds in programs or activities specifically and exclusively for the benefit of the elderly.

These authorizations totaled about $2.9

million, or about two-tenths of 1 percent of the total funds authorized for expenditure by the 219 governments.

Now, Mr. Speaker, let me reiterate these findings.

According to the General Accounting Office, local units of government are using of their revenue sharing funds about three-tenths of 1 percent for handicapped persons, a little more than 1 percent for children's programs, and about two-thirds of 1 percent for the benefit of the elderly.

Mr. Speaker, to be as gentle about the point as possible, this record is not impressive and simply supports the apprehensions that many of us in Congress expressed about revenue sharing when it was first launched with extravagant and pretentious claims.

Although the State and Local Fiscal Act of 1972 (P.L. 92-512), which authorized revenue sharing, is aimed at giving State and local governments flexibility in using the funds, the statute also requires them to be spent within specified, but extensive priority areas, including health and social services for the poor or aged.

As I have suggested, Mr. Speaker, the record to date, based on the evidence presented by the General Accounting Office, shows that local units of government are almost totally ignoring the needs of three of the neediest groups in our society, the handicapped, children, and the elderly.

These are not the groups, Mr. Speaker, as we all know, with the greatest political influence at the local, or State, level, and it ought therefore not to be surprising that they see so little of the benefits of revenue sharing.

Now, Mr. Speaker, I fully realize that, in approving revenue sharing, Congress did not intend at all the revenue sharing money should be expended on the handicapped, children, and the elderly.

But surely, Mr. Speaker, we should be able to expect a better record than the one which I have just reported.

Mr. Speaker, I for one find these reports most troubling.

Mr. Speaker, I include at this point in the RECORD the text of the two letters to which I have earlier referred—that of May 30, 1974, to me from the Comptroller General and that of February 13, 1974, to Congressman PEPPER:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., May 30, 1974.

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

DEAR MR. CHAIRMAN: In accordance with your February 19, 1974, request, we have analyzed the data we collected on the disposition of revenue sharing funds by 250 local governments to determine the extent to which the funds were being targeted for handicapped people of all ages and children. A more general description of the uses of revenue sharing funds by these governments and our views on certain accountability aspects of revenue sharing are contained in our report entitled, "Revenue Sharing: Its Use by and Impact on Local Governments" (B-146285, Apr. 25, 1974), which has been provided to your office.

The Revenue Sharing Act (Public Law 92-512) provided for distributing approximately $30.2 billion to State and local governments for a 5-year program. The Office of Revenue Sharing, Department of the Treasury, made initial payments under the revenue sharing program in December 1972 and had distributed about $6.6 billion through June 30, 1973, to the 50 States, the District of Columbia, and about 38,000 local governments. Approximately one-third of the funds were distributed to the States and the remaining two-thirds to local governments.

One objective of revenue sharing is to give State and local governments flexibility in using funds. Therefore, the act provides only general guidance on how local governments can use the funds by requiring them to be spent within specified, but quite extensive, priority areas. The areas are: maintenance and operating expenses for public safety, environmental protection, public transportation, health, recreation, libraries, social services for the poor or aged, and financial administration. In addition, a local government may use the funds for any ordinary and necessary capital expenditure.

We selected the 250 governments primarily on the basis of dollar significance and geographical dispersion. Our selection included the 50 cities and 50 counties that received the largest amounts of revenue sharing funds for calendar year 1972. The 250 governments received about $1.658 billion through June 30, 1973, or about 38 percent of the approximately $4.4 billion distributed to all local governments.

Including interest earnings on the revenue sharing funds through June 30, 1973, about $1.688 billion was available for use by the 250 governments. The necessary legal and procedural steps were taken by 219 governments to authorize the expenditure of $1.374 billion of these funds. The remaining 31 governments had not authorized the expenditure of any of the funds. As your office agreed, we analyzed the purposes for which the 219 governments had authorized expenditure of revenue sharing funds.

LIMITATIONS ON ANALYSIS

We did not accumulate specific data on revenue sharing funds authorized for the handicapped or children. We did obtain reasonably specific information, however, on the purposes for which the governments had earmarked revenue sharing funds. Therefore, we believe the data presented in this report indicates fairly the extent that the funds were being targeted toward these two groups. In certain instances the local governments had authorized the funds at a broad program or activity level without identifying the projects or activities to be financed. Some of these authorizations might result in the expenditure of funds for the handicapped or children.

The data we collected on the uses of revenue sharing funds was derived primarily from the governments' financial records. Because of the nature of revenue sharing, the actual effects of the funds may be different from the uses indicated by financial records.

When a government uses revenue sharing to wholly or partially finance a program which would have been financed from its own resources, other uses may be made of its own freed resources. Freed funds may be used for such things as tax reductions, increasing the funding for other programs, and reducing the amount of outstanding debt.

Because of such factors as changing amounts of revenue available to a government from its own sources and changing budgetary priorities, it is exceedingly difficult, and perhaps impossible in some jurisdictions, to identify objectively the actual effects of revenue sharing. Therefore, revenue sharing's effect on the local governments' assistance programs for the handicapped and children could be substantially different from that indicated by the information in this report. Also, this report contains no data on the extent to which such programs are being financed from other sources. Thus, a particular government may have earmarked no revenue sharing funds for the handicapped on children but nonetheless have significant programs in these areas.

PROGRAMS FOR THE HANDICAPPED

A total of 18 governments authorized part of their revenue sharing funds in programs or activities for the handicapped. These authorizations totaled about $4.3 million, or about three-tenths of 1 percent of the $1.374 billion authorized by the 219 governments. Enclosure I, briefly describes the programs for the handicapped that were being financed with revenue sharing funds by the 18 governments. When a program was directed toward handicapped children, we classified it as a program for the handicapped. The more significant programs included:

Suffolk County, New York, authorized $2,104,702 for three programs consisting of $991,235 for transporting physically handicapped children to school, $716,087 for the physical rehabilitation of children with such medical problems as chronic diseases, and $397,380 for physical therapy and recreation for the emotionally disturbed.

Passaic County, New Jersey, appropriated $1,400,419 for assisting mental health programs primarily to maintain patients in State institutions for the mentally disabled.

Fresno County, California, appropriated $225,000 to purchase and remodel a hotel for use as a rehabilitation center for the mentally ill.

Portland, Oregon, appropriated $67,000 for the handicapped. Of this, $45,000 was to renovate recreation buildings, including installing ramps and modifying restrooms. The other $22,000 was for providing ramps at curbs on city streets.

PROGRAMS FOR CHILDREN

A total of 52 governments authorized part of their revenue sharing funds in children's programs or activities. These authorizations totaled about $15.4 million, or a little more than 1 percent of the $1.374 billion authorized by the 219 governments. Enclosure II briefly describes the programs being funded by revenue sharing. The more significant programs included:

Suffolk County, New York, authorized $1,953,456 for three programs consisting of $1,400,356 for payments to foster parents for foster care, $507,099 for juvenile delinquent institutional care, and $46,001 for a youth service program.

Riverside County, California, appropriated $1,226,563 for several projects, including $577,144 for constructing a juvenile detention hall and $546,000 for constructing an office building for the juvenile probation department.

Los Angeles County, California, appropriated $1,062,054 for juvenile probation activities, including $487,621 for capital improvements at juvenile halls and $457,450 for capital improvements at several boys probation camps.

Baltimore, Maryland, authorized $1 million for summer youth activities consisting of $650,000 for a youth employment program directed toward the disadvantaged and $350,000 for a recreation program directed toward inner city children and the handicapped.

We do not plan to distribute this report further unless you agree or publicly announce its contents.

Sincerely yours,

R. F. KIFFER,
Acting Comptroller General of the United States.

ENCLOSURE I

LOCAL GOVERNMENTS WHICH HAD AUTHORIZED REVENUE SHARING FUNDS FOR PROGRAMS FOR THE HANDICAPPED AS, OF JUNE 30, 1973

Government	Amount authorized: Capital outlay	Amount authorized: Operation and maintenance	Nature of expenditure.
Anchorage, Alaska	$38,500		Modification of city buildings for handicapped.
	14,400		Curb cuts for handicapped.
Baton Rouge, La		$22,000	Mental health center.
Burlington, Vt		10,898	Visiting nurse service for chronically ill and disabled.
Fargo, N. Dak	50,000		Mountable curbs for handicapped.
Fremont County, Wyo	10,000		School for retarded children.
Fresno County, Calif	225,000		Mental health building.
Fulton County, Ga		40,000	Mental health.
Jackson County, Mo	67,150		Hearing disability diagnostic center.
		37,731	Recreation program for the handicapped.
		43,746	Mental health.
Jefferson County, Ala	23,750		Improved mental health facilities.
King County, Wash		7,476	Mentally handicapped.
		6,375	Physically handicapped.
Monroe County, N.Y		$21,678	Mental health.
Navajo County, Ariz	$8,000		Mental health facilities.
Passaic County, N.J		1,400,419	Mental health.
Portland, Oreg	22,000		Curbs and ramps for handicapped.
	45,000		Modification of recreation facilities for handicapped.
Prince Georges County, Md		45,564	Mental hospitals.
Toledo, Ohio		50,000	County mental health and retardation board.
Suffolk County, N.Y		991,235	Transportation of handicapped children.
		716,087	Physical rehabilitation of children.
		397,380	Mental health.
Sullivan County, Ind		8,000	Do.
Total	503,800	3,798,589	

Note: After June 30, 1973, funds could be reauthorized for other purposes before expenditure. Some governments authorized revenue sharing funds already received, as well as anticipated receipts. In such cases, the amounts shown above represent a proration of the amounts appropriated, to reflect appropriations of funds received through June 30, 1973.

ENCLOSURE II

LOCAL GOVERNMENTS WHICH HAD AUTHORIZED REVENUE SHARING FUNDS FOR PROGRAMS FOR CHILDREN, AS OF JUNE 30, 1973

Government	Amount authorized: Capital outlay	Amount authorized: Operation and maintenance	Nature of expenditure.
Ada County, Idaho	$700,000		Juvenile home.
Anchorage, Alaska		$22,000	Youth programs—Boys Club and Camp Fire Girls.
Baltimore, Md		350,000	Summer youth recreation.
		650,000	Summer youth employment.
Baton Rouge, La	50,000		Family court detention center.
Butler County, Ohio		4,500	Neighborhood youth bureau.
Charleston County, S.C		147,000	School guards.
Cincinnati, Ohio		25,0000	Playhouse in park.
Clark County, Nev	100,000		Juvenile court services.
Columbia, S.C		50,000	Day care center.
Columbus, Ohio	304,450		Playground renovation.
	250,00		Playground development.
		210,000	Summer youth program.
		72,500	Youth services bureau.
Cuyahoga County, Ohio		212,029	Juvenile court.
Denver, Colo		482,250	Summer youth employment.
El Paso, Tex	100,000		School zone signs and markings.
	90,000		Playground equipment.
Fargo, N. Dak		50,000	Summer youth employment.
Fort Worth, Tex		22,516	Youth services program.
Fresno County, Calif	50,000		Schools (air-conditioning).
	22,413		Juvenile hall.
Fulton County, Ga		694,780	Children's services.
	278,000		Juvenile court, renovate building and satellite centers.
Hartford, Conn	126,996		Improving school buildings, school parking lots, and bleachers.
Isle of Palms, S.C		325	Tot lot equipment.
Jackson County, Mo		68,354	Children's Mercy Hospital.
		27,342	Youth service center.
Jacksonville, Fla	48,092		Playground equipment.
Jefferson County, Ala		240,000	Family court (juveniles).
Jefferson Parish, La		155,971	Juvenile detention home.
Kanawha County, W. Va	4,012		Child shelter.
Kansas City, Mo		295,758	Summer neighborhood youth corps.
		15,987	Youth opportunity program.
		9,992	Youth program, coaches council.
Las Vegas, Nev	110,000		Teen center expansion.
Los Angeles County, Calif	487,621		Juvenile halls.
	457,450		Boys Camp (probation).
	76,888		Juvenile courts building.
		40,095	Youth foundation.
Louisville, Ky	500,000		Youth center for performing arts.
		83,125	School traffic guards.
McLean County, Ill		47,579	Juvenile probation.
Milwaukee County, Wis		642,339	Children's court center, detention.
Milwaukee, Wis		$300,000	School health services.
		155,000	School crossing guards.
		115,000	Child health services.
Monroe County, N.Y		66,997	Youth employment program.
		15,893	School health programs.
	$20,190		Children's detention.
New Orleans, La		2,745	Juvenile court.
Portland, Oreg	22,600		Playground equipment.
	31,500		Wading pools.
Prince Georges County, Md		276,891	School crossing guards.
		74,772	School security.
Pulaski County, Ark		5,000	Children's hospital.
		1,036	Boy Scouts.
Richmond, Va	885,000		Air condition high school.
Riverside County, Calif	624,132		Juvenile halls.
	546,000		Probation (juvenile office).
	31,300		Juvenile court.
	1,502		Youth center.
		23,629	Summer youth program.
Sacramento County, Calif	200,000		Children's receiving home.
		5,250	Summer camp.
St. Louis County, Mo		100,000	Summer youth employment program.
	40,000		Center for boys.
St. Louis, Mo	3,953		Playground equipment.
	1,168		Child guidance equipment.
San Antonio, Tex	6,745	68,255	Youth service project.
	43,525	56,475	School sidewalks.
San Diego, Calif		440,000	Summer youth program.
Santa Clara County, Calif		50,000	Summer youth employment.
Shelby County, Tenn	700,000		Addition to high school.
Silver Bow County, Mont		6,000	Summer (recreation) school program.
Suffolk County, N.Y		1,400,356	Foster care.
		507,099	Juvenile delinquent care.
		46,001	Youth services program.
Tampa, Fla	50,000		Playground equipment.
Toledo, Ohio		100,000	Summer youth employment.
Tulare County, Calif	75,000		Juvenile hall, site development.
Ventura County, Calif		125,000	Summer youth employment.
Wichita, Kans		50,000	Summer neighborhood youth corps
		6,667	Youth development program.
		5,195	Day care center.
		2,176	Summer youth employment.
Total	6,813,537	8,624,879	

Note: After June 30, 1973, funds could be reauthorized for other purposes before expenditure. Some governments authorized revenue sharing funds already received, as well as anticipated receipts. In such cases, the amounts shown above represent a proration of the amounts appropriated, to reflect appropriations of funds received through June 30, 1973.

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., February 13, 1974.

Hon. CLAUDE PEPPER,
House of Representatives.

DEAR MR. PEPPER: Your November 14, 1973, letter requested that we report on the extent to which general revenue sharing funds are being allocated to programs specifically and exclusively designed to benefit the elderly.

As agreed with your office, we analyzed data we had gathered as of June 30, 1973, on the uses of revenue sharing funds by 250 selected local governments. Although we did not specifically accumulate data on funds allocated by the 250 governments exclusively for the benefit of the elderly, we did obtain data on the types of programs or activities being financed wholly or partially with revenue sharing funds. Accordingly, we believe that from this data we can make a reasonably accurate estimate of the extent to which these governments had allocated the funds to programs specifically intended to assist the elderly.

The Revenue Sharing Act (Public Law 92–512) provided for the distribution of approximately $30.2 billion to State and local governments for a 5-year program period. The Office of Revenue Sharing, Department of the Treasury, made initial payments under the Revenue Sharing program in December 1972 and had distributed about $6.6 billion through June 30, 1973, to the 50 States, the District of Columbia, and about 38,000 units of local government. Approximately one-third of the funds were distributed to the

States and the remaining two-thirds to local governments.

One of the objectives of revenue sharing is to provide State and local governments with flexibility in using the funds. Accordingly, the act provides only general guidance as to how local governments can use the funds by requiring them to be spent within a specified, but quite extensive, list of priority areas. The priority areas are: maintenance and operating expenses for public safety, environmental protection, public transportation, health, recreation, libraries, social services for the poor or aged, and financial administration. In addition, a local government may use the funds for any ordinary and necessary capital expenditure.

LOCAL GOVERNMENTS INCLUDED IN ANALYSIS

We selected the 250 governments primarily on the basis of dollar significance and geographical dispersion. The selection included the 50 cities and the 50 counties that received the largest amounts of revenue sharing funds for calendar year 1972. The 250 governments received about $1.658 billion through June 30, 1973, or about 38 percent of the approximate $4.4 billion distributed to all local governments.

FUNDS USED TO ASSIST THE ELDERLY

Including interest earnings on the revenue sharing funds through June 30, 1973, about $1.688 billion was available for use by the 250 governments. The necessary legal and procedural steps were taken by 218 of the governments to authorize the expenditure of $1.374 billion of these funds. The remaining 32 governments did not authorize the expenditure of any of the funds.

Of the 218 governments, 28 authorized the expenditure of part of their revenue sharing funds in programs or activities specifically and exclusively for the benefit of the elderly. These authorizations totaled about $2.9 million, or about two-tenths of 1 percent of the total funds authorized for expenditure by the 218 governments.

Expenditures designated to benefit the elderly ranged from a low of $1,000 appropriated by Brighton, Vermont, for operating and maintaining a senior citizens center to a high of $785,816 appropriated by Pima county, Arizona, for purchasing a nursing home used primarily for care of the indigent elderly. Pima county had obtained the nursing home under a lease-purchase arrangement and used revenue sharing funds to exercise the purchase option.

The other 26 governments were financing a variety of programs for the elderly. The more significant programs included the following:

Jersey City appropriated $400,000 to finance a public transportation discount program for senior citizens.

Sacramento county apropriated $104,254 to finance a project being undertaken by the Sacramento County Legal Aid Society to provide legal services to the elderly.

Jefferson county, Alabama, authorized use of $45,000 in revenue sharing funds received through June 30, 1973, to add an 83-bed wing to the county nursing home for the indigent aged. An additional $150,000 was to be used to acquire equipment for the new wing.

Kansas City earmarked $100,000 for a nutrition program for the elderly that was expected to provide food for 600 persons a day.

Clark County, Nevada, appropriated $125,000 to acquire, a building for use as a senior citizens center. The center will provide hobby, recreational, and social activities. An additional $25,000 was earmarked for renovating the building. This project was being jointly undertaken with Las Vegas, which was participating in the initial capital costs and will be responsible for operating the center.

LIMITATIONS ON DATA

The data on the extent to which the selected governments used revenue sharing funds to assist the elderly was obtained primarily from governments' financial records and therefore represents the direct uses of the funds. Because of the inherent nature of the Revenue Sharing program, the actual results or effects of the funds may be different from the uses indicated by financial records.

When a recipient government uses revenue sharing to wholly or partially finance a program, which was previously financed or which would have been financed from its own resources, other uses may be made of its own freed resources. Freed local funds may be used for such things as tax reductions, increasingly the level of funding for other programs, reducing the amount of outstanding debt, and so forth.

Because of such factors as changing amounts of revenue available to a government from its own sources and changing budgetary priorities, it is exceedingly difficult, and perhaps impossible in some jurisdictions, to objectively identify the actual results or effects or revenue sharing. Accordingly, in considering the information presented in this report, you should be aware that the actual effect the revenue sharing program may have on the local governments' assistance programs for the elderly could be different from that indicated.

* * * * *

We do not plan to make further distribution of this report unless you agree or publicly announce its contents.

We trust the above information is responsive to your needs.

Sincerely yours,

R. F. KELLER,
Comptroller General of the United States.

THE CLEAN AIR ACT CONFERENCE REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 5 minutes.

Mr. REUSS. Mr. Speaker, I have long had serious doubts about the wisdom of Congress amending the Clean Air Act under the guise of an energy crisis. But the bill—H.R. 14368—as reported by the conference committee, now has the added feature of a precedent-setting amendment to the National Environmental Policy Act of 1969.

The conference report provides that no action by EPA under the Clean Air Act shall hereafter be subject to the environmental impact statement requirements of section 102(2)(C) of NEPA. Such a sweeping exemption from NEPA should not be adopted with no debate in this body, and little debate in the other body.

EPA's decisionmaking under the Clean Air Act should be subject to the scrutiny of NEPA, just as any other Federal agency. Many EPA decisions have wide-ranging environmental impacts. I need only remind you of EPA's proposals to impose parking surcharges and to ban autos on a large scale from urban areas, such as its proposal last year to reduce autos in Los Angeles by over 80 percent. Such proposals may be meritorious and necessary to carry out the Clean Air Act, but they deserve the careful analysis that the NEPA process affords. This amendment does away with rational environmental analyses as prescribed by NEPA, before actions are taken under the Clean Air Act.

Last summer the General Accounting Office held that section 102(2)(C) did apply to the Clean Air Act. The courts have not ruled definitively on the issue. Yet we are today seeking to decide the issue by legislation in sweeping fashion.

This action today may open the door to all sorts of exemptions from section 102(2)(C) of NEPA. Every lobby will seek the same treatment. Such a result is not in the public interest.

Thus I cannot support the conference report today.

THE TIME FOR COURAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 10 minutes.

Mr. DENT. Mr. Speaker, recently I read with interest the operations that are going on in the hope of reducing the amount of beef imports coming into this country. It was heartening to me, because after many years I seem to feel there is a favorable turn in our outmoded, antiquated trade policies. Some of our Federal agencies have finally opened their ears to the cries of the anguished businessman, lost in the flood of foreign imports and unfair competition.

Since the passage of the Kennedy round of reciprocal trade agreements, the United States has become the No. 1 dropping-off point for cheap products, made by almost slave-type labor in many countries of the world. The result is that we are now saddled with a depreciated dollar, a foreign product glutted marketplace, foreign takeovers of American industry, and to top it off, the highest rate of unemployment in the history of our country, when measured against the number of workers who are able to live on their own earnings without aid from the Government.

In the last 10 years we discovered that there were something like 68 million pairs of hands reaching into the Treasury of the United States for their entire or part of their entire livelihood.

Now the administration is reduced to sending emissaries to beef-shipping countries, practically begging on their hands and knees, in order that these companies might slow down their shipments of beef to the United States. The reason? They are in reality bankrupting American cattle growers. We fail to realize that we cannot, in this case, have our beef and eat it too.

We sell our feed grains to competing countries at prices below what American cattle growers have to pay. Then we have to buy the beef from our competitors so that they can pay for the grain, at prices which cannot be met by American high-economy cost producers. Beef is just one example of how the administration caters to the agricultural lobby on matters of this kind and thumbs its nose at the industrial segment that is in the same general predicament.

The shoe industry, particularly, finds itself in a very serious competitive bind. Brazil, which is not an especially close friend of the United States, increased its exports of shoes to our country from approximately 12 million pairs in 1972 to nearly 20 million pairs in 1973. Ten years ago, Brazilian shoes were rarely found in American stores. They were limited to those made of alligator hide and could

seldom be found on the American market.

As if the situation is not bad enough, our Government has helped fund an Inter-American Center for the Promotion of Exports, which promotes markets here for South American products. At the heart of this is Secretary Kissinger's promise that in the "new dialog" he had created in the Western Hemisphere, American markets would be more accessible to South American manufactured and agricultural products.

While we are talking about beef and shoes, the problems of the dairy industry should not be overlooked. Dairy producers are now feeling such acute pressure from foreign producers of cheese and milk-based products, that such renowned free-traders as Senator HUMPHREY, McGOVERN, and PROXMIRE are demanding a reversal of the position of the United States on free trade of these particular products. Those of us who have been fighting for protectionism for the industrial segment of our country for the last 20 years or so have been named by these same Senators, and others, as being outright protectionists. Now they want protection for their particular industry. All of a sudden they designate themselves a statesmen. They are further demanding enforcement of a 77-year-old law, the Tariff Act of 1897 that has been completely neglected by all administrations since 1934. This law would require retaliation against penetration of the American market by the levying of commensurate tariffs and duties. Not only does this law apply to agricultural production, but should be applied to all products imported into the United States, which cause unemploymnt and loss of production facilities in this Nation.

This same tactic is employed repeatedly by foreign producers in the form of economic threats when they call for retaliation against American made products, if we attempt in any way to set up barriers to protect our own economy from their particular products, and most of the products sold are only available to them because of the subsidies that the American taxpayers make available for exported products.

The repercussions witnessed in the Russian wheat deal are only symptomatic instances of this type of economic suicide.

These problems, far and away, override the importance of Watergate at this time insofar as the economy in this Nation is concerned. The newspapers meanwhile, with a great flurry and flood of newspaper space and media time, and an inordinate use of such time being given to Watergate, the American people are being strangled economically and choked to death by a dearth of information on the disastrous effects of our ill-fated weaknesses in foreign trade policy.

We can do nothing in Congress to stem the tide of the depreciation of the dollar, the unemployment and, in fact, the very independence of this Nation, unless we can muster the courage to immediately reconsider the provisions of the Tariff Act of 1897. Under this act, the Secretary of Commerce is empowered to set up countervailing tariffs on subsidized foreign goods.

For some reason or other the laws of this Nation do not mean the same thing to all people. This is a law on the books, and yet it has been absolutely considered as inoperative by this and other administrations.

We are the nation that tells itself how well prepared we are for our defense, and we send troops and supplies for the defense of other nations all over the world, and then we cringe when we are threatened by such countries as Venezuela, the Middle Eastern oil countries, and even little Hong Kong when they threatened us with commodity retaliation if we do anything to save our own economy.

We know that the Arabs did not hesitate one minute to blackjack our nation and others into submission on oil prices. We were mugged by the little country of Jamaica just a couple of weeks ago when they tripled the cost of bauxite to American consumers of bauxite, from a little over $3 a ton to pretty near $13 a ton. Every nation is set to increase the cost of every product that this Nation has allowed itself to get into the position of not being able to produce in sufficient quantities for the American needs. And they will continue to do this until we have the courage, that is, the Congress has the courage, to do what every sane thinking man on this floor knows will have to be done some day; some day in the not far distant future we will have to have the same kind of courage that the little nation of Italy had when it stopped all imports coming into that country that competed with any product they made if it cost one job for an Italian worker, or caused any production facilities to reduce its production. We will have to do this, too.

If we closed all the ports in the United States tomorrow, only 42 percent of the people would be able to buy shoes. That is only one instance all along the line. We are doing things that no one can possibly do without a blueprint. No nation can make as many mistakes as this Nation has made in the last 30 years, and more so in the last 10 years.

We have examples at hand where nations have taken advantage of the shortage of materials and minerals in this Nation because we catered with American money and know-how, and went into these countries with Americans setting up production facilities in order to help those nations become independent of other nations for the necessities of life.

We now find ourselves, the one independent Nation, more dependent on foreign countries than any single nation in the world at this moment. The other nations that are more dependent than us are those who do not have the facilities, do not have the manpower, and do not have the financial structure or the marketplace. Some day we will have a reckoning.

SCUTTLING LAND-USE LEGISLATION

The SPEAKER pro tempore (Mr. MCFALL). Under a previous order of the House, the gentleman from New York (Mr. ROBISON), is recognized for 10 minutes.

Mr. ROBISON of New York. Mr. Speaker, I deeply regret the action of the House today in defeating the rule on the Land Use Planning Act of 1974, since I was one who was highly enthusiastic over the potential of that proposal. After almost 10 years of service on the Public Works Appropriations Subcommittee, I needed little convincing that what now, most places in America, generally suffices as a "land-use decisionmaking process" requires considerable improvement. At the same time, I well understood that the concept of this bill, which is so highly subjective, presented many difficulties for those concerned constituents who, at a time when confidence in government is everywhere so low, have conditioned themselves to be wary of any sweeping new Federal initiative.

It was apparent to me that we needed to do far more during our debate on the land-use bill, today, than just adjust our differences and cast our votes. If we were to make a cautious start at enhancing local and State resource planning, we needed to go to some extra lengths to put this legislation in its necessary perspective—one that fairly laid out the content of the bill and also portrayed the evolution of forces and events which have made such a measure so essential.

Of course, today's adverse vote on the rule deprives the House and its constituents of that discussion, and deprives this country of planning tools necessary right now to make the best use of our dwindling national resources. Those people who, for whatever reason, have become fearful of the land-use concept needed to be addressed objectively. They needed to be shown how important proper resource planning is to nation which has 73 percent of its population living in urban areas.

They needed to be shown how the lack of planning has infested whole communities with the smudge and fumes of fossil-fuel plants, and the 24 hour-a-day noise and pollution of interstate highways, the annual threat of devastating floods, or the ear-shattering roar of jet airplanes.

Those families who must live and raise their families in these environments are the unhappy refugees of the patchwork quilt kind of development which has proceeded for so many years. Many of these people were born at a time when the Nation's population was predominantly rural, and the land itself could serve as a barrier to the short-sightedness or insensitivity of public and private developers. Now that Americans have opted for a style of living which creates megapolises, stretching for hundreds of miles, the indiscriminate use of natural resources can affect the comfort and enjoyment of millions.

To my mind, the land-use bill was no more than the effort of a highly mobile, urban citizenry to begin to come to grips with developmental priorities. Just by driving through some of the "new towns" of the eastern megapolis, it should be obvious that even the most elemental choices have been neglected. Rather than considering the social and recreational needs of modern communities, we have too often presumed only economic priorities. Our Nation will live with the results

of that short-sightedness for many years to come; but there is no reason why we must now perpetuate the conditions that led to such an absence of sound land-use planning.

That is the decision the House, and its leadership, should have allowed today. Now, however, we will not even discuss the needs of future urban communities—needs which frequently extend beyond county and State boundaries. Nor will we discuss whether it is possible for the Federal Government to enter into a partnership with State and local government for the sole purpose of refining their knowledge of people's needs, and how those needs can best be met with the land resources which remain available.

I have long presumed that, before my retirement at the end of this Congress, I would have the opportunity to vote on legislation which was so obviously important to my family, to my community, and to my country. I am more than sorry that I have not been allowed this opportunity, today.

SOL MARKS: A SUPERB PUBLIC SERVANT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on May 24 of this year, the Federal Government lost one of the finest public servants I have ever had the privilege of working with. On that date, Mr. Sol Marks, District Director of the New York District Office of the Immigration and Naturalization Service, retired after nearly 40 years of distinguished service. I would like to share with my colleagues a brief look at this man's career because it reflects the qualities of loyalty and excellence that characterize government service at its best.

Sol Marks began his career with the Immigration Service as a clerk-typist in New York in 1935. He continued to serve in various clerical positions until 1941, when he was promoted into an Officer Corps position as an Immigrant Inspector. In 1946, Mr. Marks transferred to the Central Office, at that time located in Philadelphia, to serve in an administrative position in the Hearing Review Unit of the Exclusion and Expulsion Section. Shortly thereafter, with the outbreak of World War II, he went on military furlough to serve his country as an agent in the U.S. Army Counterintelligence Corps. After being honorably discharged from the military in 1948. Mr. Marks returned to the Immigration Service and quickly advanced to increasingly responsible administrative positions at both the Central Office and Regional Office levels. While working at the Central Office, now located in Washington, D.C., he continued his education at George Washington University School of Law until 1950, when he was awarded a Bachelor of Laws degree. In 1956, Mr. Marks returned to New York City as Deputy District Director and served in that capacity for 15 years, until he was selected for the position of District Director in 1971. Because of the high proportion of immigrants entering New York City, this position may be the most challenging the Service has to offer. My dealings with Sol Marks in this capacity have impressed me with his extraordinary attention to fairness in dealing with difficult situations within demanding time constraints.

Mr. Marks, who currently resides in Long Beach, Long Island, has been credited with a number of innovations within the Service such as speeding up hearings, involving employees in the district operation, selecting the Immigration Service's first woman criminal investigator, and assigning the first woman Immigration Inspector to ships to inspect passengers in the Port of New York.

I would like to extend my best wishes to Sol Marks for a happy and prosperous retirement. His is the story of a man whose intelligence, determination, and simple concern for the needs of others took him to the highest echelons of the civil service. I can think of no greater cause for satisfaction than to be able to claim as one's own a career as exemplary as Sol Marks'.

TAX DEDUCTION FOR BLOOD DONATIONS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I have introduced legislation, H.R. 700, which would allow a Federal tax deduction as a charitable contribution of $25 for each pint of blood donated to a governmental or charitable organization, with a maximum of $125 for five pints of blood annually.

I first introduced the bill in 1970, and each time I reintroduced it I'm convinced that it is a bill that we desperately need. I say this without any feeling of arrogance because the idea is not mine alone—although the legislation is. The House Ways and Means Committee has taken testimony on the bill on two occasions. Each year we see some panic periods in every part of the country when the blood supply becomes dangerously low, and each year the most modest estimates are that at least 17,000 new cases of virus-caused hepatitis with deaths exceeding 850 from contaminated blood occur.

HEW has recognized the need to eliminate commercial blood collections, but at the moment we continue with 10 to 15 percent of the blood collected coming from commercial sources.

I asked the Department of the Treasury to provide me with the tax revenue loss to the United States in the event H.R. 700 were to be enacted. It is surely modest—estimated at roughly $40 to $50 million per year. The cost to the American public estimated by Dr. Charles Edwards, Assistant Secretary for Health, is $85 million a year from cases of post-transfusion hepatitis. And who can estimate the loss from the deaths due to that same infection?

The public's social conscience must be marshaled to provide the needed number of voluntary donations, and to do this the public must be better educated on the importance of blood in medical treatment and the fact that there is no synthetic substitute.

The Ways and Means Committee is currently in executive session to mark up the tax reform bill. Representative JAMES BURKE, a member of the committee, will be offering H.R. 700 as an amendment to the tax bill. It would be most helpful at this time if citizens everywhere and interested Members of Congress wrote to Ways and Means Committee Chairman WILBUR MILLS urging his committee's favorable action on this measure.

MEMORIAL DAY ADDRESS OF HON. LEW KRAUSE, MAYOR OF COLLINSVILLE, ILL.

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, the Honorable Lew Krause, mayor of Collinsville, Ill., delivered the following address at a Memorial Day ceremony at VFW Post 5691. I would like to include it in the RECORD at this time:

MEMORIAL DAY 1974

Reverend Clergy, Gold Star Mothers, Comrades, Ladies and Gentlemen:

Once again we are met on hallowed ground to pay tribute to departed comrades. Hallowed Ground? Yes, indeed, for this very tangible facility, Post 5691, is hallowed in my estimation, for several reasons; hallowed by the supreme sacrifice of those whose names are engraved on our memorial; hallowed by the hours of time, talent, and treasure of the members of this post and its auxiliary who can point with pride to over a half century of dedication to God and Country; but hallowed most of all by men and women of all walks of life who (a) did not run to Canada, and later beg amnesty, (b) believed that no one had the right to refuse service to his country, and (c) who now can hold their heads high in the real meaning of our slogan, that it's not the price you paid to join, but rather the price you paid to belong.

And I wonder on this day why the Sound of America undergoes such a dramatic change, in this the twentieth century? When we, as the most powerful nation on earth, can put a man on the moon, not once, but several times, but can't put a man on his foot. When we, by use of the most intricate of computers, can solve the most complex of problems in a matter of seconds, but can't learn to live together as citizens.

Now what am I really saying? What I'm saying is that even though this nation of ours has never experienced loss of a war, the sound of America is not marching feet! Even though we possess most of life material wealth by far on this earth, we have been humble to the extent that we have never refused help to a naton in need. Admittedly, our experiences in this light have been less than desirable, but we have had the Christian dedication to offer help.

And I can't help but get personal as I look upon the Memorial, because I knew almost all of these men personally, and almost each in my minds' eye recall a period of my past. I see neighbors, with whom I romped and played in the Columbian School playground as a west end youngster; I see a couple of members of my last high school football team, one, in fact, the team captain; I see members of a Sunday school class of mine, twelve in number, ALL of whom served their country in World War II, and *four* of whom made the supreme sacrifice. Yes, it's almost unbelievable that four of that twelve gave

their lives to their country, quite a casualty rate. I see the name of a great high school athlete, a great amateur boxer, and, yes, a member of my family, and I defy anyone to pause for a moment before this memorial and not be touched inwardly.

And why do I make these references? Because in my considered opinion we have not held the torch of liberty high for these men. The breath of life of our honored dead was gathered here today. They are not heroes by choice, but by chance. Like most of the others of the twelve million of us who wore our Country's uniform in wartime, they went where their country sent them (and it's interesting to note once more that none served in Canada) did the job they were sent to do to the best of their ability, and looked forward to their return home to loved ones just as we who were fortunate to return did.

If God in his infinite wisdom would allow their return but for a few moments, would they be proud of what we have done to their heritage? Would they be proud that we even consider amnesty for the draft dodger? Would they be proud of how really few people gather on occassions such as this throughout the country? Would they be proud of all the retail merchants who are open today, who think more of the jingle of the cash register as the sound of America, than to observe at least a moment of silence in their memory? Would they be proud of the way in which we have allowed our young people to degenerate into a bunch of dope addicts? Would they be proud of the way in which we have handled juvenile delinquency? Would they be proud of the way in which our system of government has regressed, to the point where even the Office of the President is now looked upon with disdain? Would they be proud of the way we have let our inner cities wither and die?

Let us on this day take oath that we shall do better, that their sacrifice was NOT in vain. Let us make it known to those in authority that there be NO amnesty under ANY conditions; Let us make it known this day should be celebrated nationally, and let us participate; Let us make it known to juvenile authorities that if a youngster is big enough to throw a brick through a window, if he's big enough to steal a woman's purse, if he's big enough to take dope, if he's big enough to commit rape, then he's big enough to sit in a court of law and suffer the consequences; Let us make it known that if something is good for communities as a whole, then it's also good for each of us; Let us make it known that if anyone tarnishes the dignity of the Office of our Presidency, then he should have the compassion to remove himself from that office, or legislative bodies should have the backbone to remove him.

These are some of the things I believe we owe those of us who have made the supreme sacrifice to their country, so that we might enjoy the horn of plenty that has been ours lo these many years. If our country is sick, and there are those who believe that it is, let us prescribe the pill that will make it well. For whether we are pleased with this country or not, it's the only one we have, and it behooves us to improve it when and if we can.

And finally, I implore to the memory of those men we honor today; Give us another chance to prove to you that what you did was NOT in vain. Let's change the sound of America.

LITHUANIA STILL SEEKS INDEPENDENCE

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, June 15 marks the 34th anniversary of the forced annexation of Lithuania by the Soviet Union.

As the President prepares to visit the Soviet Union, it is appropriate to consider what has been called détente in light of this continuing offense against national sovereignty and human rights in Lithuania and other Eastern European nations.

The Iron Curtain may well be opening up for the nations of the West, but for the people of Lithuania it stands as solid as ever, repressing every flicker of freedom. While leaders of the United States are now able to amiably exchange toasts with the Kremlin leaders, the people of Lithuania remain the victims of their harsh rule.

I suggest neither that détente is illusory nor that détente is undesirable. I do suggest, however, that as we move toward a modus vivendi with the Soviet Union we must not lose sight of the fact that our past differences were not entirely the result of misunderstanding. We opposed Soviet policies because they seriously constrained human liberty, and that fact has not changed. The Lithuanians and other Eastern European peoples still are not free.

Mr. Speaker, let us join our Lithuanian-American friends in marking this tragic anniversary, and let us never forget that the Soviet Union with which we deal is the same Soviet Union that keeps freedom-loving people in virtual captivity.

GENERAL AVIATION VIEWS

(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, the Airport and Airway Development and Revenue Act of 1970 directs the Secretary of Transportation to determine the costs of the Federal Airport and Airway System, to determine how these costs should be allocated among the various users, and to recommend equitable ways of recovering these costs. The Department of Transportation submitted part I of their airport and airway cost allocation study in September. Part II which will recommend specific changes in the cost recovery method and include proposals for legislative action is presently scheduled for submission. With regard to this latter matter, a constituent of mine, Mr. Millard Harmon from Delmar, N.Y., has written me expressing his concern that those who fly their own light aircraft might be put out of business through the imposition of excessive user charges. At his request I am inserting a letter from Mr. Harmon to Hon. Alexander P. Butterfield, the Administrator of the Federal Aviation Administration, commenting on the impact of these proposals on the field of general aviation:

DELMAR, N.Y., *January 8, 1974.*

Mr. ALEXANDER P. BUTTERFIELD,
Administrator, Federal Aviation Administration, Department of Transportation, Washington, D.C.

DEAR MR. BUTTERFIELD: I appreciated receiving your November 21 letter to fellow airmen outlining your plans for creating increased communication with your constituency in general aviation.

However, I was quite disappointed to find that your "listening sessions" were not identified by way of location nor did you indicate who had been invited. Such oversight may well have been necessitated by your time frame, but in actual fact, this once again provides our federal bureaucracy with a much reduced contact with those of us with a proprietary interest in general aviation. Had you provided locations and those individuals invited to your sessions, it would have been possible for us to have channeled our concerns and interests to you in an appropriate way. Some may interpret your latest action as a time honored bureaucratic ploy to give the appearance of broader communication without this occurring due to the predetermined invitation list and non-identified meeting location.

The problems we face ahead on user costs are substantial, but it further distresses me that you have apparently accepted this philosophy with fewer reservations than should have occurred at this point in its development. Equity would seem to be an important factor in this matter, and there are a number of federal operations that do not comply to this philosophy. When the cost of national parks are completely covered by those citizens visiting the parks, I will be prepared to accept the aviation user fee structure with a great deal more complacency.

Respectfully,

MILLARD HARMON.

POLAND'S FIRST CONSTITUTION

(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, this city and the whole Nation are rapidly gearing up for the celebration of the bicentennial of our own American independence. In less than 2 years from now Americans will commemorate and rejoice in the founding of a nation dedicated to the principle of the sovereignty of the people. Let us not forget, however, that that basic liberal inspiration which prompted the declaration of American independence was also swelling in Poland in those same years and culminated on May 3, 1791, when the Polish people finally succeeded in reforming their public life and formulated their first constitution.

This tremendous rebirth of democracy in Poland, which we observed officially last month, was achieved without the loss of a single drop of blood and asserted the sovereignty of the people of Poland, a phenomenon foreign to other states in eastern Europe at that time. This assertion came at a critical juncture in Polish history. In 1772 the three super powers of eastern Europe, Russia, Prussia, and Austria, had joined in taking away large sections of Polish territory. Facing possible annihilation, all groups in Poland united behind the new Constitution and, with one swift stroke, eliminated the weaknesses and injustice which had been part of the Polish parliamentary and social system up to that time, and which had been an almost open invitation to partition.

So Poland became the guiding light of liberalism in Europe at that time and we in America had shared a similar birth in

democratic ideals with the brave Polish people. Although the proclamation of the Polish Constitution served to unite the Polish people, however, it did not, alas, forestall the third partition of Poland by Russia, Prussia, and Austria, which occurred in 1795.

However, the light of liberalism emanating from Poland remained throughout succeeding decades, even until today, a threat to the absolutism and tyranny of nearby totalitarian states which advance the sovereignty of the state at the expense of the rights of the people.

I am proud to rise today to join with Polish people in this country and in cities and towns around the world, in celebrating the anniversary of the Polish Constitution, and to express our thanks again for the roles played by Polish ideals of freedom, and by Polish leaders like Pulaski and Kosciusko, in helping to bring about the independence of our own country 200 years ago. As we celebrate this new anniversary of the Polish Constitution let us all today look forward to ultimate justice for the Polish people, too, who, to this day, draw inspiration from the commemoration of a pioneering effort in human dignity, the adoption of the first Polish Constitution.

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. HUDNUT) to revise and extend their remarks and include extraneous matter:)

Mr. WHALEN, for 5 minutes, today.

(The following Members (at the request of Mr. VANDER VEEN) to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. VANIK, for 5 minutes, today.

Mr. ALEXANDER, for 10 minutes, today.

Mr. BRADEMAS, for 5 minutes, today.

Mr. REUSS, for 5 minutes, today.

Mr. DENT, for 10 minutes, today.

(The following Members (at the request of Mr. THONE, to revise and extend their remarks, and to include extraneous matter:)

Mr. ROBISON of New York, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HUDNUT) and to include extraneous matter:)

Mr. BELL.

Mr. WYATT.

Mr. BIESTER.

Mr. KUYKENDALL.

Mr. SMITH of New York.

Mr. SHOUP.

Mr. MADIGAN in two instances.

Mr. WYMAN in two instances.

Mr. HOSMER in three instances.

Mr. STEIGER of Wisconsin in two instances.

Mr. CARTER in five instances.

Mr. ARCHER.

Mr. HUNT.

Mr. HUBER.

Mr. DENNIS.

Mr. QUIE.

Mr. VEYSEY in two instances.

Mr. WHALEN.

Mr. WYDLER.

(The following Members (at the request of Mr. VANDER VEEN) and to include extraneous matter:)

Mr. NICHOLS.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. CHARLES WILSON of Texas in three instances.

Mr. EVINS of Tennessee.

Mr. HAMILTON.

Mrs. BOGGS.

Mr. FRASER in five instances.

Mr. WON PAT.

Mr. ROONEY of Pennsylvania.

Mr. MAZZOLI.

Mr. MURTHA in two instances.

Mr. TIERNAN.

Mr. FORD.

Mr. SYMINGTON.

Mr. JAMES V. STANTON.

Mr. BINGHAM in 10 instances.

Mr. WOLFF in three instances.

Mr. FUQUA in five instances.

Mr. JONES of Tennessee.

Mr. GRAY in two instances.

(The following Members (at the request of Mr. TRAXLER), and to include extraneous matter:)

Mr. ANDREWS of North Carolina.

Mr. WON PAT.

ADJOURNMENT

Mr. TRAXLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 12, 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:

2440. A letter from the President of the United States, transmitting a Defense Reorganization Order designed to streamline Army staff operations and realize personnel savings at the headquarters level, pursuant to 10 United States Code 125(a); to the Committee on Armed Services.

2441. A letter from the Deputy Secretary of Defense, transmitting the annual report and audit of the American National Red Cross for the year ended June 30, 1973, pursuant to 36 United States Code 6; to the Committee on Foreign Affairs.

2442. A letter from the Acting Deputy Assistant Secretary of the Interior, transmitting notice of the receipt of a loan application and project proposal from the Nevada Irrigation District of Grass Valley, Calif., pursuant to section 10 of the Small Reclamation Projects Act of 1956 [43 U.S.C. 422j]; to the Committee on Interior and Insular Affairs.

2443. A letter from the Chairman, Federal Power Commission, transmitting a draft of proposed legislation to amend the Federal Power Act and the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

2444. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to extend the Solid Waste Disposal Act, as amended, for 1 year; to the Committee on Interstate and Foreign Commerce.

2445. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to extend the Marine Protection, Research, and Sanctuaries Act for 2 years; to the Committee on Merchant Marine and Fisheries.

2446. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to extend provisions of the Federal Water Pollution Control Act, as amended, for 2 years; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

2447. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness of efforts to identify and eliminate sources of dangerous drugs; to the Committee on Government Operations.

2448. A letter from the Comptroller General of the United States, transmitting a report on a review of selected communicable disease control efforts of the Center for Disease Control, Department of Health, Education, and Welfare; 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. DULSKI: Committee on Post Office and Civil Service. H.R. 14715. A bill to clarify existing authority for employment of White House Office and Executive Residence personnel, and employment of personnel by the President in emergencies involving the national security and defense, and for other purposes; with amendment (Rept. No. 93-1100). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee of Conference. Conference report on H.R. 7130 (Rept. No. 93-1101). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of the rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Carolina (for himself, Mr. BAFALIS, Mr. BAKER, Mr. BENITEZ, Mrs. BOGGS, Mr. BRINKLEY, Mr. BROOMFIELD, Mr. BROWN of California, Mr. BUCHANAN, Mr. BURKE of Massachusetts, Mrs. BURKE of California, Mr. BUTLER, Mr. CARNEY of Ohio, Mr. CLAY, Mr. COHEN, Mr. COUGHLIN, Mr. DELLENBACK, Mr. DENT, Mr. DULSKI, Mr. DUNCAN, Mr. EILBERG, Mr. FASCELL, Mr. FAUNTROY, Mr. FINDLEY, and Mr. FISHER):

H.R. 15307. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the amount of certain cancellations of indebtedness under student loan programs; to the Committee on Ways and Means.

By Mr. ANDREWS of North Carolina (for himself, Mr. FORSYTHE, Mr. FOUNTAIN, Mr. FREY, Mr. GAYDOS, Mrs. GRASSO, Mr. GREEN of Pennsylvania,

Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mrs. HOLT, Mr. HUBER, Mr. JONES of North Carolina, Mr. KEMP, Mr. LEHMAN, Mr. LUKEN, Mr. MCKAY, Mr. MARTIN of North Carolina, Mr. MEEDS, Mrs. MINK, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MURTHA, Mr. PETTIS, and Mr. PICKLE):

H.R. 15308. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the amount of certain cancellations of indebtedness under student loan programs; to the Committee on Ways and Means.

By Mr. ANDREWS of North Carolina (for himself, Mr. PREYER, Mr. ROBINSON of Virginia, Mr. ROSENTHAL, Mr. SARBANES, Mr. SHRIVER, Mr. STUCKEY, Mr. TAYLOR of North Carolina, Mr. THOMPSON of New Jersey, Mr. VEYSEY, Mr. YOUNG of Illinois, Mrs. SCHROEDER, Mr. DOMINICK V DANIELS, and Mr. LAGOMARSINO):

H.R. 15309. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the amount of certain cancellations of indebtedness under student loan programs; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.R. 15310. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit the Secretary of Transportation from imposing certain seatbelt standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CRANE:

H.R. 15311. A bill to provide for increased participation by the United States in the International Development Association, and for other purposes; to the Committee on Banking and Currency.

By Mr. CRANE (for himself, Mr. ABDNOR, Mr. BRAY, Mr. JARMAN, Mr. MADIGAN, Mr. RUNNELS, and Mr. THONE):

H.R., 15312. A bill to amend title XI of the Socal 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. FRENZEL:

H.R. 15313. A bill to amend the Internal Revenue Code of 1954 to provide an exemption from income taxation for condominium housing associations and certain homeowners' associations and to tax the unrelated business income of such organizations; to the Committee on Ways and Means.

By Mr. HANRAHAN:

H.R. 15314. A bill to allow a credit against Federal income taxes or a payment from the United States Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 15315. A bill to amend the Emergency Petroleum Allocation Act of 1973 to authorize and require the President of the United States to allocate plastic feedstocks produced from petrochemical feedstocks, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS:

H.R. 15316. A bill to amend title XI of the Social Security Act to repeal the recently added 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.

H.R. 15317. 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. SHOUP:

H.R. 15318. A bill to amend the provisions of the Social Security Act to consolidate the reporting of wages by employers for income tax withholding and old-age, survivors, and disability insurance purposes, and for other purposes; to the Committee on Ways and Means.

By Mr. STUDDS (for himself, Mrs. BOGGS, Mr. GREEN of Pennsylvania, Mr. HUNT, Mr. LAGOMARSINO, Mr. RONCALIO of Wyoming, Mr. SYMMS, and Mr. WAGGONNER):

H.R. 15319. A bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. WAGGONNER (for himself, Mrs. BOGGS, Mr. BREAUX, Mr. HÉBERT, Mr. LONG of Louisiana, Mr. PASSMAN, Mr. PATMAN, Mr. TREEN, and Mr. CHARLES WILSON of Texas):

H.R. 15320. A bill to recognize direct benefits to the United States from the construction of the Toledo Bend dam and reservoir project and exempt Sabine River Authority, State of Louisiana, and Sabine River Authority of Texas, from further charges for the use, occupancy, and enjoyment of certain lands of the United States within the Sabine National Forest, Tex.; to the Committee on Agriculture.

By Mr. GUNTER (for himself, Mr. TEAGUE, and Mr. FUQUA):

H.R. 15321. A bill to provide for the Administrator of the National Aeronautics and Space Administration to implement a program of incentives for the installation of solar heating and cooling systems in industrial, commercial, or residential structures, and to provide incentives to encourage small business concerns to engage in the development of solar energy and cooling equipment and systems for industrial, commercial, or residential use; to the Committee on Science and Astronautics.

By Mr. POAGE (for himself and Mr. GRAY):

H.R. 15322. A bill designating San Angelo dam and reservoir on the North Concho River as the "O. C. Fisher Dam and Lake"; to the Committee on Public Works.

By Mr. PRICE of Illinois (for himself and Mr. HOSMER):

H.R. 15323. A bill to amend the Atomic Energy Act of 1954, as amended, to revise the method of providing for public remuneration in the event of a nuclear incident and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. ROSENTHAL:

H.R. 15324. A bill to amend title 18 of the United States Code to impose a penalty on removing children from the United States in order to avoid the effects of a lawful custody order; to the Committee on the Judiciary.

By Mr. SMITH of Iowa (for himself, Mr. HUNGATE, Mr. MCCOLLISTER, and Mr. EDWARDS of California):

H.R. 15325. A bill to amend the Clayton Act to preserve and promote competition among persons engaged in the marketing of petroleum products and petrochemicals; to the Committee on the Judiciary.

By Mr. TEAGUE (for himself, Mr. MOSHER, Mr. SYMINGTON, and Mr. ESCH):

H.R. 15326. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development relating to the seventh applications technology satellite, and for other purposes; to the Committee on Science and Astronautics.

By Mr. WHALEN (for himself, Mr. LEHMAN, Mr. MATSUNAGA, Mr. MCCLOSKEY, Mr. METCALFE, Mr. MOSHER, Mr. RODINO, Mr. ROSENTHAL, and Mr. ROBISON of New York):

H.R. 15327. A bill to provide for increased participation by the United States in the International Development Association; to the Committee on Banking and Currency.

By Mr. CHARLES H. WILSON of California:

H.R. 15328. A bill to terminate the Airlines Mutual Aid Agreement; to the Committee on Interstate and Foreign Commerce.

H.R. 15329. A bill to amend part B of title XI of the Social Security Act to provide a more effective administration of professional standards review of health care services, to expand the Professional Standards Review Organization activity to include review of services performed by or in federally operated health care institutions, and to protect the confidentiality of medical records; to the Committee on Ways and Means.

By Mr. ASHBROOK (for himself, Mr. BAUMAN, Mr. HUBER, Mr. ASPIN, Mr. PEPPER, Mr. MURTHA, Mr. JOHNSON of Pennsylvania, Mr. YATRON, Mrs. GRASSO, Mr. DERWINSKI, Mr. DULSKI, Mr. ROBERT W. DANIEL, JR., Mr. ROE, Mr. HUDNUT, Mr. CAREY of New York, Mr. SCHNEEBELI, Mr. THOMPSON of New Jersey, Mr. HASTINGS, Mr. HORTON, Mrs. HOLT, Mr. MILLER, Mr. O'BRIEN, Mr. MYERS, and Mr. EILBERG):

H.J. Res. 1053. Joint resolution to prevent the abandonment of railroad lines; to the Committee on Interstate and Foreign Commerce.

By Mr. CEDERBERG (for himself and Mr. SIKES):

H.J. Res. 1054. Joint resolution designating the premises occupied by the chief of naval operations as the official residence of the Vice President, effective upon the termination of service of the incumbent chief of naval operations; to the Committee on Armed Services.

By Mr. STEELE:

H. Con. Res. 535. Concurrent resolution expressing the sense of the Congress with respect to the imprisonment in the Soviet Union of a Lithuanian seaman who unsuccessfully sought asylum aboard a U.S. Coast Guard ship; to the Committee on Foreign Affairs.

By Mr. THOMPSON of New Jersey:

H. Con. Res. 536. Concurrent resolution for negotiations on the Turkish opium ban; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DU PONT:

H.R. 15330. A bill for the relief of the Knights of Pythias Hall Co. of Wilmington, Del.; to the Committee on the Judiciary.

By Mr. REES:

H.R. 15331. A bill for the relief of Mary P. Cain; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

448. The SPEAKER presented a petition of the City Council, New Rochelle, N.Y., relative to the establishment of a National Law Enforcement Heroes Memorial which was referred to the Committee on House Administration.