raise suspicions of our intentions in the Arab world. Consequently, I do not think it would serve a useful purpose to raise the level of reception.

The above is not intended to imply an endorsement of Iraqi policy vis-a-vis the Kurds or to disparage the national aspirations of the Kurdish people. Our position is essentially one of neutrality toward an internal dispute in which we do not feel we should become involved.

While we do not believe it would be in our best interests to change our policy toward the KDP at this time, I would be pleased to arrange a meeting between Mr. Abdul Rahman, Mr. Dizayee, and the appropriate Country Director at a mutually convenient time. Mr. Chafiq Qazzaz of the KDP was received in the Department of State on June 19 and three other Kurdish representatives called at our United Nations delegation on the same day.

Please let me know if you or Chairman Fraser would like an informal briefing on our policy regarding the Iraqi-Kurdish problem.

Cordially,

LINWOOD HOLTON,
Assistant Secretary
for Congressional Relations.

INSECT EXPERT

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. GUDE. Mr. Speaker, the spring, 1974, issue of Maryland magazine carried an interesting article on Dr. Morton Beroza, a research chemist with the U.S. Department of Agriculture Research Center in Beltsville, Md. Dr. Beroza's efforts are centered around the desperate need to develop a wide range of integrated biological pest controls for use as alternatives to highly toxic and persistent chemical pesticides.

We are all aware of the tremendous damage which prolonged use of chemical pesticides has done to our ecosystems. In the lower Potomac River and the Chesapeake Bay areas, for example, there is every reason to believe that the reproductive failure of certain species, notably the osprey, is directly attributable to residues of DDT in the food chain. The pesticide has caused the shells of the osprey eggs to become so very fragile that few young can be hatched, although recent and ongoing efforts by the Interior Department has been making real strides in helping to bring back the osprey.

Dr. Beroza has specialized in one particular aspect of integrated biological controls—the development and testing of various chemical sex attractants, which when used cause the reproductive chain of unwanted pests to break down. Dr. Beroza's present efforts are directed at finding ways to best deal with the devastating gypsy moth problems, and I include in the RECORD a copy of the Maryland article for my colleagues to review:

DR. MORTON BEROZA—INSECT EXPERT

(By Bonnie Joe Ayers)

Dr. Morton Beroza once considered a career in art, but found another job which he feels is equally creative. As a research chemist with the Agricultural Research Center in Beltsville, he has become an authority on the chemical aspects of entomology. Simply stated he and his staff seek means of controlling insect pests with harmless chemicals, particularly insect sex attractants.

Dr. Beroza's research hasn't always held the public interest it does today. The soft-spoken scientist, who uses terminology readily understood by the layman, recalls that "in the 1950's people laughed at the idea of using insect sex attractants, but today they are accepted as an effective tool for pest control." The turning point, the researcher feels, came as a result of the elimination of the dreaded Mediterranean fruit fly in Florida (in which an attractant developed by Dr. Beroza and his team played an important role), and the publication of Rachel Carson's *Silent Spring*, which advocated the use of insect attractants.

Dr. Beroza's current top-priority project is devoted to combatting the destructive gypsy moth which has moved into Maryland from the northeast and threatens to spread across the country. Together with his team of scientists in Beltsville and other laboratories he believes they can prevent its spread if their research is successful. In laboratory trials they have developed an attractant whose effectiveness lies in its ability to simulate the odor of the female moth which normally attracts the male for mating. With the product spread everywhere, males are confused in their search for females, thus curtailing reproduction. The attractant is currently being fieldtested in Massachusetts, Pennsylvania and Canada. First reports are promising.

A notable earlier achievement for Dr. Beroza and his collaborators was the discovery, at Beltsville and in Florida, of *muscalure*, a sex attractant for the housefly. A clear, odorless oil, it takes advantage of the fly's natural tendency to respond to the chemical and lures it to any one of several kinds of traps or bait. *Muscalure*, now available commercially, attracts both the male and the female fly.

Another project of Dr. Beroza's is to aid beneficial insects in parasitizing harmful ones by providing chemicals that will keep the desirable insects where they are needed to counter undesirable ones. "We're just starting to make progress in this effort," he reports.

The main purpose of these and similar projects, according to Dr. Beroza, is "to find alternatives to pesticides, thereby improving environmental quality. We're not looking for a single 'silver bullet' to solve the problem, but we are approaching it from several viewpoints in a harmonious manner. Our objective," he adds, "is to minimize the exposure of people to insecticides."

Although the doctor has been cited for "outstanding research" by government and scientific organizations (he is the author or co-author of over two hundred publications and articles and holds fifteen patents on research development), he quickly acknowledges the role of his co-workers in the various projects.

Despite a heavy work schedule, the Silver Spring resident does find time to pursue other interests. He believes his concern for a clean environment and safe control of insect pests has rubbed off on his children. One of them, a son, operates a local health food store. Dr. Beroza enjoys movies, "playing bridge with my wife and friends, and walking." For him, physical exertion is a "must," and he works out on a fairly regular basis, frequently riding a bicycle.

"I used to have a motorcycle," he admits with a sheepish grin, "but my wife talked me out of that. I do like to draw and paint when time allows," which only proves that those first inclinations toward an art career are not entirely gone.

HOUSE OF REPRESENTATIVES—*Monday, July 15, 1974*

The House met at 12 o'clock noon.

Rev. Leroy Cannady, Refuge Way of the Cross, Church of Christ, Baltimore, Md., offered the following prayer:

Preserve me, O God; for in Thee do I put my trust.—Psalms 16: 1.

Almighty, all wise, and eternal God, it is in Thee that we put our trust and confidence. In these times of distress and perplexity, we are asking Thee for strength and guidance as we take in hands to deal with the pressing problems of today. I pray that Thou will bless the Chief Executive of this country. Bless him with wisdom, health, and strength. Grant that he may lead this Nation in the ways of peace and that his endeavors will be for the welfare of all. Bless the Members of the House of Representatives. Grant them wisdom and understanding as they endeavor to carry on the great work in this conference. May they have the assurance that Thou art with them. Lead them in the path of peace toward the goal that is good for all.

This we pray in Jesus' name. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 8543. An act for the relief of Viorica Anna Ghitescu, Alexander Ghitescu, and Serban George Ghitescu.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 724. An act for the relief of Marcos Rojos Rodriguez; and

S. 1803. An act to authorize the waiver of claims of the United States arising out of erroneous payments of pay and allowances to certain officers and employees of the legislative branch.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 628) entitled "An act to amend chapter 83 of title 5, United States Code, to eliminate the annuity reduction made, in order to provide a surviving spouse with an annuity, during periods when the annuitant is not married," agrees to the conference requested by House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCGEE, Mr. BURDICK, and Mr. FONG to be the conferees on the part of the Senate.

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

H.R. 14920. An act to further the conduct of research, development, and demonstrations in geothermal energy technologies, to establish a Geothermal Energy Coordination and Management Project, to amend the National Science Foundation Act of 1950 to provide for the funding of activities relating to geothermal energy, to amend the National Aeronautics and Space Act of 1958 to provide for the carrying out of research and development in geothermal energy technology, to carry out a program of demonstrations in technologies for the utilization of geothermal resources, and for other purposes.

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

S. 2373. An act to regulate commerce and protect consumers from adulterated food by requiring the establishment of surveillance regulations for the detection and prevention of adulterated food, and for other purposes;

S. 3355. An act to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide appropriations to the Drug Enforcement Administration on a continuing basis;

S. 3669. An act to amend the Atomic Energy Act of 1954, as amended, and the Atomic Weapons Rewards Act of 1955, and for other purposes; and

S. Con. Res. 79. Concurrent resolution expressing the sense of the Congress with respect to the celebration of the 100th anniversary of the birth of Herbert Hoover.

LOUIS A. SISLER SLAIN

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

Mr. ROUSH. Mr. Speaker, over the weekend a friend of mine, Louis A. Sisler, was murdered. It was a heartless, cold-blooded act of violence against one who was a gentle, compassionate human being. It was not an act prompted by vengeance, nor personal hatred, nor for anything Louis Sisler said or did. He did not know and had never met the person or persons who killed him. Instead, it was a blind, wanton act by one who seemingly had to give expression to an inner hatred against whomever happened to be around. The perpetrator of this horrible crime must be apprehended and brought to justice. Surely, one must wonder as to what would motivate one to commit such violence and bring heartache and sorrow to an innocent man's family.

Lou Sisler was a good man. He worked conscientiously and diligently at his work. He served his county well as a circuit court judge. As a congressional aide to Senator HARTKE, he displayed unusual loyalty and effectiveness in his service on behalf of his Senator, his State, and his country.

My constituents join me in extending to Louis Sisler's wife and children our deep sympathy as we share their sorrow.

STRIP MINING—DUKE POWER CO.

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

Mr. HECHLER of West Virginia. Mr. Speaker, this week we are having a great debate on the strip mining of coal. Many Members have expressed fears that we will not be able to mine enough coal to meet the Nation's energy needs. We must mine coal, as well as protect the land and the people of the Nation.

I would suggest that one way to obtain additional coal and energy in this Nation would be if the Duke Power Co., negotiated with the United Mine Workers to enable the Brookside miners at Harlan, Ky., to get back into the mines. Those miners voted, by 111 to 55, 13 months ago to be represented by the United Mine Workers. The Duke Power Co., which is the sixth largest utility in this Nation, a $2.5 billion utility, has sat on its hands and refused to recognize the union the men voted to represent them.

Forty Members of Congress have signed an appeal to Duke Power through its subsidiary to sign a contract with the United Mine Workers of America.

I suggest, Mr. Speaker, if we are really interested in mining coal to solve the energy needs of this Nation, we should not sacrifice the hills to strip mining. We ought to put these Brookside coal miners back to work to mine coal under a UMW contract.

WAGNER-O'DAY ACT AMENDMENTS

Mr. HICKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11143) to redesignate the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped as the Committee for Purchases From the Blind and Other Severely Handicapped, to authorize the appropriation of funds for such committee for fiscal year 1974 and succeeding fiscal years, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

That the Act entitled "An Act to create a Committee on Purchases of Blind-made Products, and for other purposes", approved June 25, 1938 (41 U.S.C. 46–48c) is amended as follows:

(1) Section 1(a) is amended—

(A) by striking out "Committee for Purchase of Products and Services of" in the first sentence thereof and inserting in lieu thereof "Committee for Purchase from";

(B) by striking out "fourteen" in the second sentence thereof and inserting in lieu thereof "fifteen";

(C) by striking out "and other severely handicapped individuals." in paragraph (2) (A) and inserting in lieu thereof a period; and

(D) by redesignating subparagraphs (B) and (C) of paragraph (2) as subparagraphs (C) and (D), respectively, and inserting after subparagraph (A) the following new subparagraph:

"(B) The President shall appoint one member from persons who are not officers or employees of the Government and who are conversant with the problems incident to the employment of other severely handicapped individuals.".

(2) Section 1(d) is amended—

(A) by striking out "paragraphs (2) and (3)" in paragraph (1) and inserting in lieu thereof "paragraphs (2), (3), and (4)"; and

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

"(4) The member first appointed under paragraph (2)(B) of subsection (a) shall be appointed for a term of three years.".

(3) Section 5 is amended—

(A) by inserting after paragraph (4) the following new paragraph:

"(5) The term 'direct labor' includes all work required for preparation, processing, and packing of a commodity, or work directly relating to the performance of a service, but not supervision, administration, inspection, or shipping.";

(B) by striking out paragraph (6); and

(C) by redesignating paragraphs (7), (8), and (9) as paragraphs (6), (7), and (8), respectively.

(4) Section 6 is amended to read as follows:

"SEC. 6. There are authorized to be appropriated to the Commiteee to carry out this Act $240,000 for the fiscal year ending June 30, 1974, and such sums as may be necessary for the succeeding fiscal years.".

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

Mr. GROSS. Mr. Speaker, reserving the right to object, if I understood the amendments as they were read by the Clerk, I believe that they are germane to the bill?

Mr. HICKS. Mr. Speaker, if the gentleman from Iowa will yield, we added two new members to the committee. The Senate had only one submission, so rather than get hung up on that, we agreed to go along on one.

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

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

There was no objection.

The Senate amendments were concurred in.

The title was amended so as to read: "An act to provide the authorization for fiscal year 1975 and succeeding fiscal years for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, and for other purposes."

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 3(b) of rule 27, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule 15.

After all motions to suspend the rules have been entertained and debated and after those motions, to be determined by "nonrecord" votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. 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. 377]

Andrews, N.C.	Green, Pa.	Powell, Ohio
Aspin	Griffiths	Preyer
Badillo	Grover	Robison, N.Y.
Baker	Gubser	Roncalio, Wyo.
Barrett	Gunter	Roncallo, N.Y.
Biaggi	Hanna	Rooney, N.Y.
Blatnik	Hansen, Wash.	Rostenkowski
Brademas	Harrington	Rousselot
Brasco	Hastings	Ruppe
Breaux	Hawkins	Sarbanes
Burke, Calif.	Hébert	Seiberling
Burke, Fla.	Helstoski	Smith, N.Y.
Carey, N.Y.	Hillis	Spence
Chisholm	Johnson, Colo.	Staggers
Clark	Jones, Ala.	Steed
Clay	Jones, Tenn.	Steele
Conyers	Kluczynski	Stephens
Cotter	Kyros	Stokes
Coughlin	Lehman	Sullivan
Culver	Lent	Talcott
Davis, Ga.	Lott	Thompson, N.J.
Davis, S.C.	McSpadden	Tiernan
de la Garza	Madden	Vander Jagt
Dennis	Madigan	Veysey
Diggs	Maraziti	Vigorito
Dorn	Metcalfe	Whitten
Downing	Minshall, Ohio	Wiggins
Dulski	Mitchell, Md.	Wilson,
Fisher	Mitchell, N.Y.	Charles H.,
Ford	Mollohan	Calif.
Fraser	Murphy, Ill.	Wilson,
Frelinghuysen	Murphy, N.Y.	Charles, Tex.
Frenzel	Myers	Wydler
Gettys	Nix	Young, Ga.
Goldwater	O'Neill	Young, S.C.
Grasso	Pepper	Zwach
Gray	Podell	

The SPEAKER. On this rollcall 327 Members have recorded their presence by electronic device, a quorum.

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

SIMPLIFIED PURCHASE PROCEDURES

Mr. HOLIFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14494) to amend the Federal Property and Administrative Services Act of 1949, and other statutes to increase to $10,000 the maximum amount eligible for use of simplified procedures in procurement of property and services by the Government.

The Clerk read as follows:

H.R. 14494

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

SECTION 1. Section 302(c)(3) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252(c)(3)) is amended by striking out "$2,500" and inserting in lieu thereof "$10,000".

SEC. 2. Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), is amended by striking out "$2,500" and inserting in lieu thereof "$10,000".

SEC. 3. The third full unnumbered paragraph under the heading "Office of Architect of the Capitol" contained in the appropriations for the Architect of the Capitol in the Legislative Branch Appropriation Act, 1966 (79 Stat. 276; 41 U.S.C. 6a–1) is amended by striking out "$2,500" and inserting in lieu thereof "$10,000".

SEC. 4. (a) Section 2304(a)(3) of title 10, United States Code, is amended by striking out "$2,500" and inserting in lieu thereof "$10,000".

(b) Section 2304(g) of such title is amended by striking out "$2,500" and inserting in lieu thereof "$10,000".

SEC. 5. Section 9(b) of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831h(b)(3)) is amended by striking out "$500" and inserting in lieu thereof "$10,000".

The SPEAKER. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The gentleman from California (Mr. HOLIFIELD) will be recognized for 20 minutes, and the gentleman from New York (Mr. HORTON) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, the purpose of H.R. 14494 is to achieve more economy and efficiency in the Federal procurement of goods and services by raising to $10,000 the statutory ceiling for the use of such procedures. The present limitation on the use of such procedures is $2,500 for agencies generally, and $500 for the Tennessee Valley Authority. The $2,500 statutory ceiling was established 15 years ago and is out of date.

This is a very simple bill but its enactment will mean large savings in administrative costs through reductions in paperwork, personnel, procurement leadtime, and inventories. Annual savings of up to $100 million could be realized in the Department of Defense alone. In the civil executive agencies, substantial savings also would be realized.

The potential savings are very real; they are not fanciful. Cansider the fact that small purchases account for the great bulk of procurement actions—not for the great bulk of procurement dollars. Specifically, defense purchases under $10,000 cover 98 percent of contract awards but only 11 percent of contract dollars. Statistics for the Tennessee Valley Authority show that procurement awards under $10,000 account for 92 percent of procurement contracts but less than 3.5 percent of contract dollars.

Each day hundreds of Government installations and buying centers make small purchases. These add up to possibly 1.5 million purchase actions a year. If a purchase amounts to more than $2,500, now it must be made by formal advertising unless it comes under some other statutory exception to the advertising requirement. Formal advertising for small purchases requires the same amount of time and paperwork as for large purchases. Bid documents must be prepared, many suppliers contacted, bids solicited and evaluated, and contracts awarded.

Simplified procedures for small purchases cut down the time and the paperwork involved. A small-purchase order can be a 3- or 4-page document rather than a 25- or 30-page document. Solicitations for small purchases can be made by telephone rather than over a period of 15 to 30 days.

Maj. Gen. Robert F. Trimble, Director of Procurement Policy in the U.S. Air Force, testified that on the average 4 man-hours are required for each small purchase at an estimated cost of $20. Under formal advertising, in contrast, 14 man-hours are required at an estimated cost of $120. General Trimble estimated that more than 12 million man-hours a year could be saved—and put to more effective use in the Department of Defense—by raising the small purchase ceiling to $10,000.

The General Accounting Office provided us with a dramatic example of potential savings if a $10,000 ceiling were in effect. During the Vietnam conflict, the Army Materiel Command used simplified small-purchase procedures for high-priority items up to $10,000, relying on the public exigency exemption from advertising provided in the Armed Services Procurement Act. The Army noted the following benefits from the use of these procedures:

Administrative leadtime was reduced by as much as 48 days;

Procurement backlogs were reduced by as much as 45 percent;

Average man-hours required to process these purchases were reduced by as much as 75 percent; and

Paperwork was greatly reduced. In one installation, the volume of paper was reduced by more than 96 percent—the equivalent of a 581-foot stack was reduced to a 22-foot stack.

The Architect of the Capitol strongly supports the bill. He points out that lengthening sessions of Congress make it increasingly necessary for work on legislative buildings to be performed during brief and unpredicable recesses. Such work is slowed by the statutory requirement to procure relatively small amounts of supplies and materials through advertised bidding procedures, which frequently cause a loss of from 1 to 3 months in performance of the work. Procurement of supplies and materials in the open market, as authorized by the proposed bill for purchases not to exceed $10,000, would minimize such delays and interruptions, and assist the Architect of the Capitol in the repair and renovation of buildings on the Capitol grounds.

The Tennessee Valley Authority strongly supports the bill. The Chairman of the TVA Board points out that its enactment would enable the TVA to take advantage of trends in rapidly changing markets, reduce the time between requisition and delivery, make the procurement process more responsive to TVA program needs, and reduce costs in contract award and administration.

H.R. 14494 carries out a recommendation of the Commission on Government Procurement and has the endorsement of all the Government procuring agencies. Under General Services Administration auspices, an interagency task group carefully examined this recommendation and agreed that it should be adopted as an official position of the executive branch. An executive communication requesting enactment of the legislation was transmitted to you, Mr. Speaker by the Director of the Office of Management and Budget on April 15, 1974, and referred to our committee for action. I may note that the Senate passed a companion bill, S. 3311, on June 6, 1974.

The committee in its deliberations assessed the possible effect of this legislation on small business. We were mindful

of the need to insure that small business participation is maintained and that adequate notice of impending purchases is given, so that interested suppliers will have ample opportunities to bid. Our report calls upon the procuring agencies to give special attention to the small business aspect, and the committee intends to monitor the agency actions. Our conclusion is that on balance small business will be benefited by the simplified purchase procedures, and that the benefits of competition can be assured without massive paperwork and administrative costs.

The committee vote in support of the bill was unanimous. I urge the adoption of H.R. 14494.

Mr. Speaker, if the motion to suspend the rules and pass the bill is approved, I will then ask unanimous consent that the Committee on Government Operations be discharged from further consideration of S. 3311, a bill passed by the Senate similar to H.R. 14494, and I will ask for its immediate consideration in the House. The Senate bill contains the same provisions as the House bill. The only differences are in the wording of the title and in the order of the sections. The unanimous consent request, if granted, will clear the measure for action by the President.

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

Mr. HOLIFIELD. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, would the gentleman agree that this quadruples the limitation of the amount from $2,500 to $10,000 and is an example of what inflation has done and is continuing to do in this country?

Mr. HOLIFIELD. I certainly would agree. A great deal of the justification for this is the decline in the purchasing power of the dollar, as the gentleman has said.

I might add in all honesty to the House that we have in fact added in a little more than that, anticipating that the Congress may not get around to this for another few years, and if it does not, then very soon this amount will not be adequate and this bill will not do the work we think it should do.

Mr. GROSS. I thank the gentleman for his response.

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

Mr. HOLIFIELD. I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, I appreciate the gentleman from California yielding.

I know the gentleman's committee has worked on this particular piece of legislation for some time. Could the gentleman tell us as a followup to his own comments about the fact that this bill could well save us anywhere up to $100 million a year? Were there any specifics on exactly how this would be accomplished? I notice in the committee report on page 4 it states that the total savings in Department of Defense under this procedure were up to $100 million.

Does the gentleman have the specifics of how this will be accomplished?

Mr. HOLIFIELD. The testimony before us gave the figures of handling a small purchase, a $2,500 purchase, the time was about 4 hours and the cost was about $20 per hour, which would be $80; but if they go through formal advertising it would take 14 man-hours to process say a $3,000 small purchase order. It still would take more man-hours per purchase. They estimate it would take 14 man-hours at an estimated cost of about $120 per hour.

General Trimble of the Air Force did say 12 million man-hours a year could be saved by making this change.

Mr. ROUSSELOT. In other words, it is primarily the man-hours that would be saved in processing the paperwork is the specific area where the savings would come; is that correct?

Mr. HOLIFIELD. I would say this would also help business, because if 50 or 75 business firms prepare the papers and send in the bids, that costs money, too; but I am just talking about the cost saving to the Government alone. I cannot help but see this is a good bill.

Mr. ROUSSELOT. Does the gentleman's committee plan to follow up to make sure we keep track of whether these kinds of savings are actually incurred and whether the impact is as good as it is prospectively given to us?

Mr. HOLIFIELD. That is part of the duty of our committee to follow up the legislation, in fact.

Mr. ROUSSELOT. I appreciate the gentleman's comments and I know he has told me several times the amount of time and effort he has put on this particular legislation. I wish to compliment him on the effort to hopefully save $100 million a year on this.

Mr. HORTON. Mr. Speaker, I yield myself 5 minutes.

The House will be considering today two very significant pieces of legislation which are here because of the diligence, foresight, and wisdom of the chairman of the Government Operations Committee, the gentleman from California, Mr. CHET HOLIFIELD. Some 8 years ago, Chairman HOLIFIELD started a comprehensive study of Federal procurement, which now accounts for some $60 billion in Federal expenditures a year. Realizing that what was needed was a massive study effort involving not only the Congress, but also the executive agencies and private industry, he proposed a Commission on Government Procurement. He introduced, and I cosponsored, the legislation which established the Commission. He and I were appointed by the Speaker to serve on that Commission, he as Vice Chairman. The Commission worked for 2½ years and involved more than 12,000 people. In December of 1972, the Commission produced a 4-volume report with 149 recommendations for improving Federal procurement. H.R. 15233 embodies the principal recommendation and H.R. 14494 is one of the important recommendations of the Commission.

I am pleased to say the work of the Commission received prompt attention from the administration. Seventy-four task groups were set up under the direction of the Office of Management and Budget. Numerous recommendations which did not require legislation have been put into effect by administrative action. But others do require legislation, such as those we will consider today.

Our Government serves the people; sometimes in ways that involve great constituent appeal, but sometimes through actions which constituents never hear about. Federal procurement is one of the low visibility activities which are nevertheless vitally important to the proper functioning of our Government. It takes a great statesman to put his time and effort into such low visibility activities—but that is what CHET HOLIFIELD is. The Congress and the Nation will sorely miss him when he begins his well-earned retirement at the end of this Congress.

H.R. 14494 is a simple but very significant piece of legislation. By making several small technical changes, we will be able to increase immensely the efficiency of the Federal Government's procurement, save our taxpayers many millions of dollars, and save private business even more time and money by cutting down on governmental redtape.

This bill, in effect, will allow the Federal Government to use simplified procedures in awarding more than 90 percent of the contracts let. These contracts represent less than 10 percent of Federal dollars spent on procurement. In effect, what we are doing is removing a lot of the nuisance and redtape that occurs in small governmental procurements.

Let me stress, this should not decrease the fairness or integrity of our procurement system. Federal agencies and the General Accounting Office have testified that adequate measures exist or can be instituted to prevent any abuses of discretion. Certainly the Government Operations Committee will monitor procurements using simplified procedures to guard against any improprieties.

I would also like to stress that this bill will be of major benefit to private industry and particularly small business. I think it will be easier for American business to contract with the Federal Government since the simplified procedures that are used, in fact, approximate normal commercial practice.

As Chairman HOLIFIELD noted, this bill has the support of the administration, the General Services Administration, the Department of Defense, the Tennessee Valley Authority, the General Accounting Office, and the Architect of the Capitol. It was a recommendation of the Commission on Government Procurement.

I would also like to add that after H.R. 14494 is adopted, the chairman will ask that S. 3311, a similar bill, be passed. The Senate bill, which passed the Senate on June 6, 1974, is identical in wording, but the provisions are in a different order than in H.R. 14494. When S. 3311 is passed by the House, it will be cleared for action by the President.

I ask my colleagues to pass both H.R. 14494 and S. 3311.

Mr. HORTON. Mr. Speaker, I ask that my colleagues support H.R. 14494, which is a simple but a very significant piece of legislation to increase the efficiency of the Federal Government. It will save

substantial sums of money by improving the procurement process.

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

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

Mr. ROUSSELOT. Mr. Speaker, I would like to join my colleague in the compliments which he paid to our colleague from California (Mr. HOLIFIELD), as a result of the amount of diligence he has given to this effort. It has, as the gentleman in the well knows, been a long-range legislative procedure. It is kind of a thankless task. Not many people pay much attention to these so-called little Government contracts that go out because they are considered small dollars in comparison to the other huge contracts.

The amount of time I know the gentleman from California, the chairman of the committee, has spent, and also the gentleman from New York, I think sometimes does not receive the notice because it does not make headlines and does not get a lot of attention in the press. Yet, it is one of those giant tasks that will go a long way to help improve and shore up our purchasing procedures.

Mr. Speaker, I want to join with my colleague from New York and make the additional comment that I congratulate and express appreciation to our colleague from California, because I know he has labored long and hard on this worthwhile legislation.

Mr. HORTON. Mr. Speaker, I do want to thank the gentleman from California for those comments. Most Members of the House, I am sure, are not aware of the fact that this Commission stayed within its budget and still completed its tremendous job of surveying Federal procurement policies and practices.

We have already begun to see some results from the Commission's work. These two pieces of legislation incorporate two of the most important recommendations of the Commission.

Mr. ROUSSELOT. Mr. Speaker, I assume my colleague from New York, is going to continue to serve on this committee, and since my colleague from California will not be back, let me raise the same point with him as I did with Mr. Holifield.

I would like to reemphasize my previous suggestion that we make sure that the Committee on Government Operations, will follow up to make sure that the timely statements about dollar savings that have been promised as a result of this legislation actually do occur. In other words, can the gentleman assure us that there will be some kind of accountability to be sure that this legislation will accomplish those stated savings?

Mr. HORTON. Mr. Speaker, I would like to assure the gentleman of my continuing interest. Because I put 2½ years into this procurement commission study, as long as I am in the Congress and as long as I serve on the Committee on Government Operations, I will be very vitally interested in the whole subject of procurement. But more especially, I will be very much interested in following up on the recommendations we are enacting here today in this legislation, and in making sure that these recommendations are carried out and that the savings expected are achieved.

Mr. ROUSSELOT. I thank the gentleman for yielding to me.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. HOLIFIELD) that the House suspend the rules and pass the bill H.R. 14494.

The question was taken.

Mr. THONE. 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. Pursuant to clause 3 of rule XXVII and the Chair's prior announcement, further proceedings on this motion will be postponed.

Does the gentleman from Nebraska withdraw his point of order?

Mr. THONE. I do, Mr. Speaker.

OFFICE OF FEDERAL PROCUREMENT POLICY

Mr. HOLIFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15233) to establish an Office of Federal Procurement Policy within the Office of Management and Budget, as amended.

The Clerk read as follows:

H.R. 15233

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 "Office of Federal Procurement Policy Act".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that economy, efficiency, and effectiveness in the procurement of property and services by the executive agencies will be improved by establishing an organization to exercise responsibility for procurement policies, regulations, procedures, and forms.

(b) The purpose of this Act is to establish an office in the Office of Management and Budget to provide overall direction of procurement policies, regulations, procedures, and forms for executive agencies.

DEFINITION

SEC. 3. As used in this Act, the term "executive agency" means an executive department, a military department, and an independent establishment within the meaning of sections 101, 102, and 104(1), respectively, of title 5, United States Code, and also a wholly owned Government corporation within the meaning of section 101 of the Government Corporation Control Act (31 U.S.C. 846).

OFFICE OF FEDERAL PROCUREMENT POLICY

SEC. 4. (a) There is established in the Office of Management and Budget an office to be known as the Office of Federal Procurement Policy (hereinafter referred to as the "Office").

(b) There shall be at the head of the Office an Associate Director for Federal Procurement Policy of the Office of Management and Budget (hereinafter referred to as the "Associate Director"), who shall be appointed by the President, by and with the advice and consent of the Senate.

FUNCTIONS

SEC. 5. (a) The Associate Director, under the direction of the Director of the Office of Management and Budget, shall provide overall direction of procurement policy. To the extent he considers appropriate and with due regard to the program activities of the executive agencies, he shall prescribe policies, regulations, procedures, and forms, which shall be in accordance with applicable laws and shall be followed by executive agencies (1) in the procurement of—

(A) property other than real property in being;

(B) services; and

(C) construction, alteration, repair, or maintenance of real property;

and (2) in providing for procurement by recipients of Federal grants or assistance of items specified in clauses (A), (B), and (C) of this subsection, to the extent required for performance of Federal grant or assistance programs. However, in the case of a Federal Grant or provision of Federal assistance to State or a political subdivision, the Associate Director shall not require any action by the grantee or recipient contrary to State or local law. The authority of the Associate Director under this Act shall apply only to procurement payable from appropriated funds.

(b) The functions of the Associate Director shall include—

(1) establishing a system of coordinated, and to the extent feasible, uniform procurement regulations for the executive agencies;

(2) establishing criteria and procedures for an effective and timely method of soliciting the viewpoints of interested parties in the development of procurement policies, regulations, procedures, and forms;

(3) monitoring and revising policies, regulations, procedures, and forms relating to reliance by the Federal Government on private industry and organizations to provide needed property and services;

(4) promoting and conducting research in procurement policies, regulations, procedures and forms;

(5) establishing a system for collecting and developing procurement data; and

(6) recommending programs for recruitment, training, development and performance evaluation of procurement personnel.

(c) In the development of policies, regulations, procedures, and forms to be authorized or prescribed by him, the Associate Director shall consult with the executive agencies affected, including the Small Business Administration and other executive agencies promulgating policies, regulations, procedures, and forms affecting procurement. With the consent of the executive agencies concerned, the Associate Director may designate an executive agency or agencies, establish interagency committees, or otherwise use agency representatives or personnel, to solicit the views and the agreement, so far as possible, of executive agencies affected on significant changes in policies, regulations, procedures, and forms.

(d) The authority of the Associate Director under this Act shall not be construed to—

(1) impair or interfere with the determination by executive agencies of their requirements for, or their use of, specific property, services, or construction, including particular specifications therefor;

(2) interfere with the determination by executive agencies of specific actions in the award or administration of procurement contracts; or

(3) grant or affect authority of Federal agencies to provide procurement or supply support, either directly or indirectly, to Federal grantees or recipients of Federal assistance.

AGENCY COOPERATION

SEC. 6. Upon request of the Associate Director, each executive agency is directed to—

(1) make its services, personnel, and facilities available to the Office to the greatest practicable extent for the performance of functions under this Act; and

(2) except when prohibited by law, fur-

nish to the Associate Director and give him access to all information and records in its possession which the Associate Director may determine to be necessary for the performance of the functions of the Office.

SUBMISSION OF REPORTS AND INFORMATION TO CONGRESS

SEC. 7. The Director of the Office of Management and Budget shall keep the Congress and its duly authorized committees informed of the activities of the Office of Federal Procurement policy, and shall submit a report thereon to Congress annually and at such other times as he deems desirable, together with appropriate legislative recommendations.

EFFECT ON EXISTING LAWS

SEC. 8. The authority of an executive agency under any other law to prescribe policies, regulations, procedures, and forms for procurement is subject to the authority conferred in section 5 of this Act.

EFFECT ON EXISTING REGULATIONS

SEC. 9. Procurement policies, regulations, procedures, or forms in effect as of the date of this Act shall continue in effect, as modified from time to time, until repealed, amended, or superseded by policies, regulations, procedures, or forms promulgated by the Associate Director.

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Such sums shall be available only to carry out the provisions of this Act.

DELEGATION

SEC. 11. The Associate Director, subject to such provisions as he may prescribe for coordination with and approval by himself or other persons, may delegate, and authorize successive redelegation of, any authority under this Act to any official in the Office, or to any executive agency, with the consent of such agency or upon direction of the President.

ANNUAL PAY

SEC. 12. Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"(98) Associate Director of Federal Procurement Policy, Office of Management and Budget.".

ACCESS TO INFORMATION BY COMPTROLLER GENERAL

SEC. 13. The Associate Director and personnel in his Office shall furnish such information as the Comptroller General may require for the discharge of his responsibilities. For this purpose, the Comptroller General or his representatives shall have access to all books, documents, papers, and records of the Office.

AMENDMENTS

SEC. 14. The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) is amended as follows:

(1) Section 201(a)(1) of such Act (40 U.S.C. 481(a)(1)) is amended by inserting "subject to regulations prescribed by the Associate Director of Federal Procurement Policy of the Office of Management and Budget," immediately after "(1)".

(2) Section 201(c) of such Act (40 U.S.C. 481(c)) is amended by inserting "subject to regulations prescribed by the Associate Director of Federal Procurement Policy of the Office of Management and Budget," immediately after "Administrator,".

(3) Section 206(a)(4) of such Act (40 U.S.C. 487(a)(4)) is amended to read as follows: "(4) subject to regulations promulgated by the Associate Director of Federal Procurement Policy of the Office of Management and Budget, to prescribe standardized forms and procedures, except such as the Comptroller General is authorized by law to prescribe, and standard purchase specifications.".

(4) Section 602(c) of such Act 40 U.S.C. 474) is amended in the first sentence thereof by inserting "except as provided by the Office of Federal Procurement Policy Act, and" immediately after "herewith,".

The SPEAKER. Is a second demanded?

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

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

There was no objection.

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

Mr. Speaker, the purpose of H.R. 15233 is to establish in the Office of Management and Budget, OMB, a component to be known as the Office of Federal Procurement Policy, OFPP. It will be headed by an Associate Director for Federal Procurement Policy, appointed by the President by and with the advice and consent of the Senate.

The logic of the OFPP is to create a central mechanism in the executive branch which can give continuing attention to Federal procurement policies and problems on a Government-wide basis. The Federal Government expends approximately $60 billion each year in the procurement of goods, services, and facilities. We all know about the cost overruns, the schedule slippages, and the deficiencies that show up in so many procurements. There is much talk, but little action, in effecting procurement reforms. The Congress has its responsibilities and so does the executive branch. The purpose of this bill is to pin down some responsibilities in the executive branch. And the OFPP will enable the Congress to better discharge its own responsibilities in establishing basic procurement policies by legislation.

We decided, after carefully examining the alternatives, that the new procurement policy unit should be located within the Office of Management and Budget. The OMB has the clout, the management responsibility, the Government-wide perspective, and the detachment from the day-to-day work of the procuring agencies which makes this a sensible arrangement. We may not love the OMB, but we have to recognize its importance and its responsibilities in our scheme of Government. In fact, this Congress has recognized the importance of the OMB by requiring, in Public Law 93–250, that the Director and Deputy Director of OMB be appointed with Senate confirmation. In the bill before us today, we extend the confirmation requirement to a third OMB officer, the Associate Director for Federal Procurement Policy.

The Associate Director, who heads the OFPP, will give overall direction to Federal procurement policies. He will prescribe policies, regulations, procedures, and forms affecting procurement for Government-wide application by executive agencies.

More specifically, the OFPP functions, as outlined in the bill, include the following:

First. Establishing a system of coordinated, and to the extent feasible, uniform procurement regulations for the executive agencies;

Second. Establishing criteria and procedures for an effective and timely method of soliciting the viewpoints of interested parties in the development of procurement policies, regulations, procedures, and forms;

Third. Monitoring and revising policies, regulations, procedures, and forms relating to reliance by the Federal Government on private industry and organizations to provide needed property and services;

Fourth. Promoting and conducting research in procurement policies, regulations, procedures, and forms;

Fifth. Establishing a system for collecting and developing procurement data; and

Sixth. Recommending programs for recruitment, training, development, and performance evaluation of procurement personnel.

The bill makes clear that the Associate Director will not tell executive agencies what or how much to buy, or how to use what they buy. Neither will the Associate Director be able to entertain appeals from, or interfere with specific decisions and actions by, executive agencies in the award or administration of procurement contracts. The legislation contemplates that the Associate Director will deal, for the most part, with procurement policies which involve more than one agency, or which have general application.

The Associate Director is required to consult with executive agencies, including the Small Business Administration, and is authorized to make use of their services, personnel, and facilities to the greatest practicable extent in developing procurement policies, regulations, procedures, and forms. Also, the Congress and its committees are to be kept informed of the OFPP's activities; and the Comptroller General will have access to all its books, documents, and records.

Creation of an Office of Federal Procurement Policy carries out a key recommendation of the Commission on Government Procurement. I had the honor to serve as Vice Chairman of the Commission, and Mr. Horton, the ranking minority member of our committee, also was a member. After 2½ years of extensive and careful study of the whole procurement process, the Commission adopted, as its very first recommendation, the creation of an Office of Federal Procurement Policy.

When study groups of the Commission examined the procurement laws on the statute books, they found no less than 4,000 statutory provisions which bear upon Federal procurement in one way or another. They found agencies with complicated and conflicting regulations, needless differences, and redundancies of language. They decided that the executive branch needed some unifying element to bring order out of chaos in procurement regulations.

This legislation can be enormously helpful to small business, and the Small Business Administration favors its enactment. The Comptroller General believes very strongly that an OFPP will be an innovative instrument in improving the Federal procurement process. The bill is endorsed by numerous business as-

sociations and by labor organizations representing Government employees. The American Bar Association and the Federal Bar Association also support the bill.

I should point out that among the witnesses from the various organizations which came before the subcommittee there were some differences regarding the composition, size, locus, and functions of the OFPP, but there was general agreement that such an office should be established.

The administration supports the objectives of the bill, but proposed a year ago that we defer consideration of it while new organizational arrangements were devised by administrative action or executive order. A year has gone by. Not much has been done on the executive side, and the administration now favors creation of an OFPP by statute, along the lines provided in the bill.

The OFPP, in any case, should have a legislative charter to give it a firm authorization, a clear mandate, and more public visibility. We expect that the person who heads this office and his deputies will be responsive to the Congress, providing information and appearing before congressional committees when requested. The Comptroller General also, as I pointed out, will have access to the books and records of the OFPP.

The concept of the Procurement Commission was that the OFPP would be small in size and staffed by highly experienced and talented persons in procurement and related disciplines. The committee concurs in this concept, recognizing that the optimum size and composition of the office will have to be determined by experience. A group of 20 professionals, with supporting staff and services, would seem to be a reasonable estimate for the next few years.

The Senate passed a companion measure (S. 2510) on March 1, 1974, providing for an Office of Federal Procurement Policy.

I urge the adoption of H.R. 15233.

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

Mr. HOLIFIELD. I yield to the gentleman from Iowa.

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

I believe this bill has a great deal of merit. I trust, however, that it will result in a much greater accomplishment than did the mechanism for a common purchasing catalog in the Defense Department that was to be one of the virtues of the establishment of the Defense Department many years ago, as the gentleman will remember.

Mr. HOLIFIELD. Mr. Speaker, I well remember that. Our committee was engaged in studying this whole policy of cataloging, and we spent many weeks studying the problem from the standpoint of the civilian agencies. We were interested not only in the Defense Department, but also the civilian agencies.

We did come to the conclusion that a uniform Federal catalog would be better for all the agencies to use. We encountered a great deal of trouble and foot dragging in the beginning, and I might say we probably never would have achieved the creation of a uniform Federal catalog if it had not been for the advent of the computers.

The computers have made it possible to screen the different items and to keep track of the ones that become obsolete and weed them out. By the use of the computers we can also give them new identification numbers, screen the new items that go into the procurement catalogs, and screen them both as to the reasonableness of the item itself and, in particular, so that we may see that we do not have a duplication in inventory of identical articles.

We found, for instance, one case where there were 167 different identifications given to a ballbearing, and that ballbearing sold for 10 cents if it went into a lawnmower; it sold for $1.60 if it went into a dental chair. Yet it was exactly the same item, and they were carrying 167 different inventory identifications.

So that with the advent of the computers those things can be found, and they can be eliminated. I know that the cataloging is working much better than it did in the first few years, mostly, as I say, due to the advent of the computers, and I think this saves us a lot of money.

Mr. GROSS. I am glad to hear the gentleman from California say that because I recall a number of years ago, I believe it was during the Korean war, when for instance, ammunition would be ordered in the Pentagon although we had tons of it surplus to the needs of one branch of the military, but no one bothered to communicate so more ammunition was ordered instead of drawing down on the surplus already on hand.

Mr. HOLIFIELD. The gentleman from Iowa is exactly right. But now they can put this all on a computer and find out how much of a specified type of ammunition is on hand in the Government inventory, regardless of where it is, they can find this out today and not make those kinds of mistakes. And I hope that they do do that.

Mr. GROSS. I thank the gentleman.

Mr. HORTON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, H.R. 15233, with amendments, would establish for the first time an office able to bring some order out of the confusion which is now so characteristic of our Federal procurement system. It would create an office to work together with the Congress in resolving major procurement policy issues. With Federal procurement in fiscal year 1974 amounting to more than $60 billion, we need an Office of Federal Procurement Policy.

I want to emphasize to my colleagues that the OFPP, as this proposed office has come to be known, will not be actually making procurements or telling agencies what to procure. Nor will it serve as an appeals unit for agency procurement actions.

Rather, it will serve as a focal point within the executive branch for developing Government-wide policies for procurement by executive agencies and Federal grantees, resolve needless conflicts in procurement policies and regulations, and take those actions necessary to assure the procurement system works well, such as promoting programs to improve the procurement workforce and providing appropriate input from contractors and other interested parties in procurement policymaking. We also expect the OFPP to develop the needed information so that appropriate policies can be developed for such difficult questions as setting equitable profit objectives in negotiated contracts, determining appropriate cost principles for contractors, and determining policies on when to "make or buy" goods and services.

There are three matters with regard to this bill which deserve special mention:

The first is that this bill does not authorize, nor does it disallow, grantees to purchase through the General Services Administration supply system. The bill is neutral on this issue. This is an organizational bill. Again, I repeat, this bill does not deal one way or the other with the issue of grantee purchases from GSA.

The second matter involves the authority of the OFPP to prescribe regulations governing procurements by recipients of Federal assistance. Federal agencies now make such regulations, and as the Commission on Government Procurement pointed out, they "are often inconsistent even for similar programs or projects." Procurement by these recipients now amounts to approximately $15 billion a year.

The OFPP is granted this authority to encourage prudent purchasing competition among suppliers, and other measures which work to provide the fullest return for each Federal dollar. We also expect the OFPP to act as a brake on agencies which seek excessive control over grantee procurement, and to remove inconsistencies among regulations applicable to grantees. This authority is not in contradiction to the principle of local control, rather it gives us a handle to control current regulations which have gotten out of hand.

The third matter involves responsiveness to Congress. I offered an amendment in subcommittee which removed language prohibiting officers or employees of the OFPP from refusing to testify or submit information to the Congress. As the committee report states, this amendment was accepted "in the belief that piecemeal statutory prohibition against executive privilege do not dispose of the basic issues and carry the implication that agencies without such statutory prohibitions may withhold information from the Congress and refuse to give testimony." I expect, as does the committee, that the OFPP will be fully responsive to the Congress.

This bill has been under consideration for some time. It was the principal recommendation of the Commission on Government Procurement. It can be portrayed aptly as the keystone of all proposals of the Commission which would establish an effective and viable Federal procurement system. Once the OFPP is in existence, we will have a responsible office for Federal procurement policy. If it does its job, it will give the necessary coherence and direction to future Federal procurement policy. Everyone will gain if we can bring this about.

We have worked with the administra-

tion and the major procurement agencies in preparing this bill, and it now has their support. I urge my colleagues to vote for H.R. 15233 with the committee's amendments.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. HOLIFIELD) that the House suspend the rules and pass the bill H.R. 15233, as amended.

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

A motion to reconsider was laid on the table.

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations be discharged from further consideration of a similar Senate bill (S. 2510) to create an Office of Federal Procurement Policy within the Executive Office of the President, and for other purposes, for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

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

The Clerk read the Senate bill, as follows:

S. 2510

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 "Office of Federal Procurement Policy Act of 1973".

DECLARATION OF POLICY

SEC. 2. It is declared to be the policy of Congress to promote economy, efficiency, and effectiveness in the procurement of goods, services, and facilities by and for the executive branch of the Federal Government by—

(1) establishing policies, procedures, and practices which will require the Government to acquire goods, services, and facilities of the requisite quality and within the time needed at the lowest reasonable cost, utilizing competitive procurement methods to the maxium extent practicable;

(2) improving the quality, efficiency, economy, and performance of Government procurement organizations and personnel;

(3) avoiding or eliminating unnecessary overlapping or duplication of procurement and related activities;

(4) avoiding or eliminating unnecessary or redundant requirements placed on contractor and Federal procurement officials;

(5) identifying gaps, omissions, or inconsistencies in procurement laws, regulations, and directives and in other laws, regulations, and directives, relating to or affecting procurement;

(6) achieving greater uniformity and simplicity, whenever appropriate, in procurement procedures;

(7) coordinating procurement policies and programs of the several departments and agencies;

(8) conforming procurement policies and programs, whenever appropriate, to other established Government policies and programs;

(9) minimizing possible disruptive effects of Government procurement on particular industries, areas, or occupations;

(10) improving understanding of Government procurement laws and policies within the Government and by organizations and individuals doing business with the Government;

(11) promoting fair dealing and equitable relationships among the parties in Government contracting; and

(12) otherwise promoting economy, efficiency, and effectiveness in Government procurement organizations and operations.

FINDINGS AND PURPOSE

SEC. 3. (a) The Congress finds that economy, efficiency, and effectiveness in the procurement of property and services by the executive agencies will be improved by establishing an agency to exercise responsibility for and direction over procurement policies and regulations.

(b) The purpose of this Act is to establish an Office of Federal Procurement Policy to provide overall leadership and direction, through a small, highly qualified and competent staff, for the development of procurement policies and regulations for executive agencies in accordance with applicable laws.

DEFINITIONS

SEC. 4. (a) As used in this Act—

(1) the term "executive agency" means an executive department as defined in section 101 of title 5, United States Code, an independent establishment as defined by section 104 of title 5, United States Code (except that it shall not include the General Accounting Office), a military department as defined by section 102 of title 5, United States Code, a wholly owned Government corporation, and, subject to the provisions of subsection (b) of this section, the District of Columbia;

(2) the term "Office" means Office of Federal Procurement Policy;

(3) the term "Administrator" means the Administrator of the Office of Federal Procurement Policy; and

(4) the term "Federal assistance" means the provision of money, services, or property to a State, political subdivision, or person for the purpose of supporting, stimualting, strengthening, subsidizing, or otherwise promoting non-Federal activities benefiting a State, political subdivision, third party, or the public generally.

(b) The Council of the District of Columbia, established by section 401(a) of the District of Columbia Self-Government and Governmental Reorganization Act, is authorized, on or after the date its legislative powers under such Act become effective, to pass an act making the provisions of this Act inapplicable to the Government of the District of Columbia.

OFFICE OF FEDERAL PROCUREMENT POLICY

SEC. 5. (a) There is established within the Executive Office of the President an agency to be known as the Office of Federal Procurement Policy. Functions exercised by the Office shall be subject to such policies and directives as the President shall deem necessary to effectuate the provisions of this Act.

(b) There shall be at the head of the Office an Administrator of the Office of Federal Procurement Policy, who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) There shall be in the Office a Deputy Administrator of the Office of Federal Procurement Policy who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Administrator shall perform such functions as the Administrator shall designate and shall be Acting Administrator during the absence or disability of the Administrator and, unless the President shall designate another officer of the Government, in the event of a vacancy in the Office.

AUTHORITY AND FUNCTIONS

SEC. 6. (a) The Administrator shall provide overall guidance and direction of procurement policy, and to the extent he considers appropriate and with due regard to the program activities of the executive agencies, shall prescribe policies and regulations, in accordance with applicable laws and, subject to section 8(c), which shall be followed by executive agencies (1) in the procurement of—

(A) property, other than real property in being;

(B) services, including research and development; and

(C) construction, alteration, repair, or maintenance of real property;

and (2) in providing for or in connection with procurement of items specified in (A), (B), and (C) above, to the extent required for performance of Federal assistance programs.

(b) Nothing in subsection (a)(2) shall be construed—

(1) to grant the Administrator authority to authorize procurement or supply support, either directly or indirectly, to any recipient of Federal assistance; or

(2) to authorize any procurement contrary to State and local laws, in the case of programs to provide assistance to States and political subdivisions.

(c) The functions of the Administrator shall include—

(1) monitoring and revising as necessary policies and regulations concerning the role of the Federal Government and its reliance on the private sector in providing goods and services required to meet public needs;

(2) monitoring and revising as necessary policies and regulations to protect the interests and integrity of the public and private sectors in the procurement of goods and services;

(3) establishing a system of Government-wide coordinated and, to the extent feasible, uniform procurement regulations;

(4) overseeing and promoting programs of the Civil Service Commission and executive agencies to upgrade the quality of Federal procurement through improved programs for personnel recruitment, training, career development, and performance evaluation;

(5) sponsoring research in procurement policies, regulations, procedures, and forms;

(6) guiding and directing the development of a system for collecting and disseminating Government-wide procurement data to meet the informational needs of the Congress, the executive branch, and the private sector;

(7) establishing criteria and procedures for an effective and timely method of soliciting the viewpoints of interested parties in the development of procurement policies, regulations, procedures, and forms; and

(8) consulting, in developing policies and regulations to be authorized or prescribed by him, with the executive agencies affected and, to the extent feasible, requesting one or more executive agencies (including the Small Business Administration on small business matters), to establish interagency committees, or otherwise use agency representatives or personnel, to solicit the views and the agreement so far as possible, of agencies affected on significant changes in policies and regulations.

(d) The authority of the Administrator under this Act shall not be construed to impair or interfere with—

(1) the determination by executive agencies of their need to procure, or their use of, property, services, or construction;

(2) the decisions by executive agencies to procure individual property, services, or construction, including the particular specifications therefor;

(3) the procedures and forms used by executive agencies, except to such extent as may be necessary to insure effective implementation of policies and regulations authorized or prescribed by the Administrator; or

(4) procurement policies and regulations by or for a military department when payable from nonappropriated funds: *Provided,* That the Administrator undertake a study of such policies and regulations. The results of the study, together with recommendations for administrative or statutory changes, shall be reported to the Committee on Gov-

ernment Operations of the Senate and the Committee on Government Operations of the House of Representatives at the earliest practicable date, but in no event later than two years after the date of enactment of this Act.

ADMINISTRATIVE POWERS

SEC. 7. (a) The Administrator is authorized, in carrying out this Act, to—

(1) appoint advisory committees composed of private citizens and officials of the Federal, State, and local governments, and to pay such members (other than those regularly employed by the Federal Government) while attending meetings of such committees or otherwise serving at the request of the Administrator, compensation (including traveltime) at rates not in excess of the maximum rate of pay for GS–18 as provided in the General Schedule under section 5332 of title 5, United States Code, and while such members are so serving away from their homes or regular places of business, to pay such members travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently;

(2) accept voluntary and uncompensated services, notwithstanding section 665(b) of title 31, United States Code;

(3) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including traveltime) at rates not in excess of the maximum rate of pay for grade GS–18 as provided in section 5332 of title 5, United States Code, and while such experts and consultants are so serving away from their homes or regular place of business, to pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently; and

(4) adopt an official seal, which shall be judicially noticed.

(b) Upon request of the Administrator, each executive agency is directed to—

(1) make its services, personnel, and facilities available to the greatest practical extent for the performance of functions under this Act; and

(2) except when prohibited by law, furnish and allow access to all information and records in its possession which the Administrator may determine to be necessary for the performance of the functions of the Office.

(c) The Office, in connection with the exercise of the authority granted pursuant to this Act, shall be considered an independent Federal regulatory agency for the purpose of sections 3502 and 3512 of title 44, United States Code.

RESPONSIVENESS TO CONGRESS

SEC. 8. (a) The Administrator shall keep the Congress and its duly authorized committees fully and currently informed of its activities, including consideration of proposed changes in procurement policies and regulations, and shall submit a report to Congress annually, and at such other times as may be necessary for this purpose, with recommendations for amendment or repeal of existing laws or adoption of new laws when appropriate.

(b) Neither the Administrator, the Deputy Administrator, nor employees of the Office may refuse to testify before or submit information to Congress or any duly authorized committee thereof.

(c)(1) The Administrator shall transmit to the Congress a special message with respect to each major policy or regulation which is prescribed by him under section 6(a). In order to provide an opportunity for consultation, the Administrator shall send to the Congress not less than thirty days prior to transmittal of such proposed major policy or regulation notice thereof, including a statement of the purpose and substance of such proposal. Such policy or regulation shall become effective upon the expiration of the first period of sixty calendar days of continuous session of the Congress after the date of its submission, or on such later date as the Office may prescribe, unless between the date of transmittal and the end of the sixty-day period, either House passes a resolution stating in substance that that House does not favor the policy or regulation.

(2) For the purpose of paragraph (1) of this subsection—

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

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

(3) The provisions of sections 910 through 913 of title 5, United States Code, shall apply to the procedures applicable in the consideration of such a resolution.

EFFECT ON EXISTING LAWS

SEC. 9. Authority under any other law permitting an executive agency to prescribe policies, regulations, procedures, and forms for procurement is subject to the authority conferred in this Act.

EFFECT ON EXISTING REGULATIONS

SEC. 10. Procurement policies, regulations, procedures, or forms in effect on the date of enactment of this Act shall continue in effect, as modified from time to time, until superseded by policies, regulations, procedures, or forms promulgated by the Administrator.

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. There are authorized to be appropriated to carry out the provisions of this Act—

(1) not to exceed $4,000,000 for the first fiscal year after enactment of this Act, of which not to exceed $150,000 shall be available for the purpose of sponsoring research in accordance with section 6(c)(5); and

(2) such sums as may be necessary for each of the four fiscal years thereafter subject to the reviews specified in section 8(a).

Any subsequent legislation to authorize appropriations to carry out the purposes of this Act shall be referred in the Senate to the Committee on Government Operations.

DELEGATION

SEC. 12. (a) The Administrator may delegate any authority, function, or power under this Act, other than his basic authority to provide overall guidance and direction of Federal procurement policy and to prescribe policies and regulations to carry out that policy, to any other executive agency with the consent of such agency or at the direction of the President.

(b) The Administrator may make and authorize such delegations within the Office as he determines to be necessary to carry out the provisions of this Act.

ANNUAL PAY

SEC. 13. Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"(60) Administrator of the Office of Federal Procurement Policy.".

ACCESS TO INFORMATION

SEC. 14. (a) The Administrator and employees of the Office shall furnish such information as the Comptroller General may require for the discharge of his responsibilities, and for this purpose, the Comptroller General or his representatives shall have access to all books, documents, papers, and records of the Office.

(b) The Administrator shall, by regulation, require that formal meetings for the purpose of promulgating procurement policies and regulations, as designated by him for the purpose of this subsection, shall be open to the public and that public notice of each such meeting shall be given not less than ten days prior thereto.

REPEALS AND AMENDMENTS

SEC. 15. (a) Section 201(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(c)) is amended by inserting "subject to regulations prescribed by the Administrator of the Office of Federal Procurement Policy," after the comma following "Administrator".

(b) Section 602(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474) is amended in the first sentence thereof by inserting "except as provided by the Office of Federal Procurement Policy Act, and" immediately after "herewith".

MOTION OFFERED BY MR. HOLIFIELD

Mr. HOLIFIELD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HOLIFIELD moves to strike out all after the enacting clause of S. 2510 and insert in lieu thereof the provisions of H.R. 15233, as passed.

The motion was agreed to.

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

The title was amended so as to read: "A bill to establish an Office of Federal Procurement Policy within the Office of Management and Budget."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 15233) was laid on the table.

TO PROVIDE ADDITIONAL COPIES OF HEARINGS AND FINAL REPORT OF JUDICIARY COMMITTEE ON IMPEACHMENT INQUIRY

Mr. HAYS. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the concurrent resolution (H. Con. Res. 559) to provide additional copies of hearings and the final report of the Judiciary Committee on the impeachment inquiry, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Page 1, following line 8, add a new section 3 to read as follows:

"SEC. 3. The Superintendent of Documents shall make additional copies available for purchase by the general public at no less than cost."

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. HAYS. Mr. Speaker, the Senate added an amendment saying:

The Superintendent of Documents shall make additional copies available for purchase by the general public at no less than cost.

This is already part of the law, I can tell the Members that, as the chairman of the Joint Committee on Printing. The Senate put the amendment in anyway. I do not know why the Senate added the

amendment. I have no idea. But apparently it was the only way it could go through the Senate, so they added the amendment to the legislation which passed the House unanimously. I would like to get this matter concluded and accept the Senate amendment, which is simply a duplication of the existing law.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. MAZZOLI. 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. 378]

Andrews, N.C.	Gubser	Podell
Aspin	Gunter	Powell, Ohio
Badillo	Hanna	Preyer
Baker	Hansen, Wash.	Reid
Beard	Harrington	Robison, N.Y.
Biaggi	Harsha	Roncallo, Wyo.
Blatnik	Hastings	Roncallo, N.Y.
Brademas	Hébert	Rooney, N.Y.
Brasco	Helstoski	Rostenkowski
Breaux	Howard	Satterfield
Burke, Fla.	Johnson, Colo.	Schroeder
Carey, N.Y.	Jones, Ala.	Spence
Chisholm	Jones, Tenn.	Stanton,
Clark	Kluczynski	James V.
Clay	Leggett	Steed
Conyers	Lehman	Steele
Corman	Lent	Stokes
Cotter	Lott	Sullivan
Davis, Ga.	McSpadden	Symington
Davis, S.C.	Madden	Talcott
de la Garza	Madigan	Tiernan
Diggs	Maraziti	Treen
Dorn	Martin, Nebr.	Vander Jagt
Downing	Mathis, Ga.	Veysey
Dulski	Metcalfe	Vigorito
Frelinghuysen	Mollohan	Waldie
Frenzel	Montgomery	Wilson,
Frey	Moorhead, Pa.	Charles H.,
Gettys	Mosher	Calif.
Gibbons	Murphy, Ill.	Wilson,
Grasso	Murphy, N.Y.	Charles, Tex.
Gray	Myers	Wydler
Green, Pa.	Nix	Young, Ga.
Griffiths	O'Neill	Young, S.C.
Grover	Pepper	Zwach

The SPEAKER. On this rollcall 333 Members have recorded their presence by electronic device, a quorum.

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

TO PROVIDE ADDITIONAL COPIES OF HEARINGS AND FINAL REPORT OF JUDICIARY COMMITTEE ON IMPEACHMENT INQUIRY

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

Mr. Speaker, House Concurrent Resolution 559, presently before the House, is brief. Permit me to read it:

That there shall be printed for use of the Committee on the Judiciary twenty thousand additional copies of all parts of its hearings concerning the impeachment inquiry, pursuant to H. Res. 803.

SEC. 2. There shall be printed for the use of the House Committee on the Judiciary fifty thousand additional copies of its final report to the House.

The Senate added an amendment, section 3, which reads as follows:

SEC. 3. The Superintendent of Documents shall make additional copies available for purchase by the general public at no less than cost.

Mr. Speaker, on last Wednesday, this issue was before the House. The gentleman from Pennsylvania (Mr. DENT) at that time attacked the resolution on the grounds that it had never been considered by the Committee on House Administration. He also raised serious questions about the contents of the subject matter that is proposed to be printed.

The gentleman from New Jersey (Mr. SANDMAN), a member of the Judiciary Committee, questioned both the content and the necessity for printing.

Mr. Speaker and Members of the House, the estimated cost of this printing is almost $1 million—$989,094.72 to be exact. I am opposed to the resolution for the reason there is no clear understanding of what is to be printed. There is no direction as to allocation or distribution of this huge mass of printed matter, and there is no necessity for loading this on the backs of the taxpayers.

The facts of the matter are that the committee can print, as a committee report, 1,000 copies of each of the proposals to be printed. That ought to be sufficient for every Member of Congress, both Senate and House.

If additional copies are to be printed beyond the 1,000, speaking in terms of the 20,000 copies of all parts of the hearings and the 50,000 copies of the final report of the committee, let those be printed and sold to the public rather than add $1 million to the cost of these hearings, which have already cost us many, many millions of dollars.

Mr. Speaker, I submit that this resolution ought to be defeated, and the taxpayers saved this expenditure at a time when every possible saving should be made in the interest of halting inflation.

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

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. GUYER. Mr. Speaker, we have heard some rumors that there is already a substantial number of copies printed without the vote today, is this true?

Mr. GROSS. I have no certain knowledge of it although there are reports to that effect.

Mr. GUYER. Does any Member in the Chamber know?

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

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Speaker, under the rules, any committee can get a thousand copies. I believe the committee got the thousand copies, and the reason was that this thing was considered by polling the committee, because they wanted to do what they call in the trade, ride the jacket, before the type is destroyed. If they come back later and get a simple majority vote of the House, it will cost a considerable amount of money more than the $900,000 total.

I consented, as chairman of the Committee on House Administration, to let the gentleman from Indiana (Mr. BRADEMAS), who unfortunately could not be here, the chairman of the committee, call the committee and proceed in that fashion. That is why it happened the way it did.

Mr. GROSS. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. DICKINSON), a member of the Committee on House Administration.

Mr. DICKINSON. Mr. Speaker, as has been pointed out, this matter came up last week in an unusual manner. I suppose that perhaps something good will come from this. It might be that we will learn from this to adhere to the rules of the House and not to proceed in an irregular manner, such as by polling committees by telephone.

I admit error in this. I received a telephone call last week late in the afternoon asking if I had an objection as ranking minority member of the Committee on House Administration—and as such I am an ex officio, member on all of the subcommittees. I said I did not know what was involved or what the urgency was, but that if nobody objected on the minority side, I had no particular objection. However, I did not know what was involved.

As a result of this and as a result of no hearings being had, I did not know that there was $1 million worth of printing involved. I did not know what the urgency was at that time.

After learning what is involved and after talking to members of the Committee on the Judiciary, who tell me that there is no need for these publications, that there are 1,000 copies available, and after looking at what had happened in the past, for instance, the printing of the Presidential transcript cost $12 or $13 a copy, when the public could buy them at the newsstand, for $1.75 a copy, I think we are being foolish in authorizing $1 million expenditure.

We have authorized $1.5 million for the Committee on the Judiciary on which to operate. I think it is an excessive expenditure of money.

I do not think this is needed. It serves no useful purpose.

Mr. Speaker, I urge my colleagues, the Members of this House, to vote against it.

Mr. HAYS. Mr. Speaker, I will yield to the chairman of the Committee on the Judiciary if he wants to be heard on this. If he has any cogent reasons why he needs these copies. I would like him to tell the House, and I will yield whatever time he needs, 5 minutes, or whatever time the gentleman needs.

The SPEAKER pro tempore (Mr. MCFALL). The gentleman from New Jersey is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, I merely want to advise the Members that the material that has been released so far, over which there is all this controversy, is material which has been presented to the Committee on the Judiciary, ultimately for the benefit of the people of the United States.

They have been anxious to know what we have developed. What we have presented is a very, very important matter that is going to be before the committee

soon and before the House. The American people are concerned as to whether this has really been seriously debated and just what we are or are not doing.

All of these documents are intended to be supplied to Members of Congress, to public libraries, to institutions of learning, and so forth.

We are sure that this matter is of such interest and historical importance, that the public has a right to know and will know what the Congress of the United States has done in this very important controversy.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield.

Mr. RODINO. I yield to the gentleman from Alabama.

Mr. DICKINSON. I think the point, as far as I am concerned, is why should copies be made available free? Why should they not be printed and sold at whatever the cost to print is, rather than printing them with $1 million of the taxpayers' money and providing them free to taxpayers across the country?

Mr. RODINO. Mr. Speaker, the libraries have over the years been the recipients of many of the public documents which have been printed, and I do not see any reason why we should at this juncture begin to take a different tack concerning a matter that is so tremendously important.

Is the gentleman going to suggest to me that the public does not have a right to know, and that we should withhold from the people of the United States, from the libraries, and from others, all of the matters that have been presented before this committee?

Mr. DICKINSON. Mr. Speaker, if the gentleman will yield further, I will put it this way:

Is the gentleman seriously advocating that as a result of our printing only 1,000 copies, we are denying the people the right to know? If we are so concerned about the public having the right to know, why do we not hold open hearings?

Mr. ANNUNZIO. Mr. Speaker, will the distinguished chairman of the committee yield?

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

Mr. ANNUNZIO. Mr. Speaker, I appreciate the distinguished chairman's yielding.

I will do the best I can in order to set the record straight.

On July 10, almost a week ago, the House by unanimous consent agreed to this concurrent resolution providing for additional copies of Judiciary Committee documents relating to the impeachment inquiry, and then the Senate added section 3 to it. This is the reason that the concurrent resolution came back to us.

Mr. Speaker, all section 3 says is that—

> The Superintendent of Documents shall make additional copies available for purchase by the general public at no less than cost.

These additional copies are in addition to the copies that the chairman of the Committee on the Judiciary requested.

I wish to congratulate the other body for this section, because all of us know that this is already public law, so that actually they did not add anything to this resolution.

I would also like to point out, as a member of the Committee on House Administration. I knew that, in the course of the impeachment inquiry, the Committee on the Judiciary has issued a series of publications describing the constitutional and procedural bases of the impeachment process in the United States. The demand for copies of these publications has been enormous.

For example, in response to continued requests for a concise and simplified explanation of the impeachment inquiry undertaken by the Judiciary Committee, Chairman PETER W. RODINO, Jr., instructed the impeachment inquiry staff to prepare such a document. The House committee print entitled "The Impeachment Inquiry: What It Means" was first published in March. The demand was so great that the supply of 10,000 copies was exhausted in about 3 weeks. During the latter part of March the print was revised slightly and another 30,000 copies were printed.

This is an indication of the demand for information being received by the Judiciary Committee regarding this historic proceeding. The demand for the evidentiary material and the final reports of the committee will surely be greater. The action called for by the concurrent resolution will, in my opinion, provide sufficient copies of the committee hearings and report for distribution to the Members of the House who may be called upon to consider the awesome responsibility of a vote on impeachment, and the American people, who will be the ultimate judge of the wisdom and propriety of the action of the House.

Mr. Speaker, I for one want to congratulate the chairman of the Committee on the Judiciary for making this request, and I want to urge my colleagues to vote for this concurrent resolution, as we did on July 10, because, as the chairman of the committee said, it involves the public's right to know. I for one do not want to deny the public that right.

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

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

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

I believe the gentleman is well aware of my own position as far as the right of public knowledge is concerned. We have printed a number of these documents, and I am reminded of the recent action wherein the Presidential transcripts were printed at prices of around $12.95 per copy, and then 2 weeks later the document came out through private enterprise as a paperback available to the public for about $2.

What is wrong with that?

Mr. RODINO. Mr. Speaker, I wish to remind the gentleman this is the House of Representatives, and we retain the right to screen our own documents.

I might point out further that all of the presentations that have been made are included in these documents. The so-called presentation by the President's counsel is in here, so that in this way the public knows; the public knows it all.

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

Mr. RODINO. I yield to the gentleman from New Jersey.

Mr. MARAZITI. Mr. Speaker, I thank the chairman of the committee for yielding.

I rise in support of the position taken by the chairman of the Judiciary Committee. I realize that a considerable amount of money is involved here, but, as has been said, we have compiled a record and the record is voluminous. I believe the public should have all the information, and I believe they should have the correct information.

Therefore, Mr. Speaker, I urge the support of the Members of this concurrent resolution.

Mr. GROSS. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. FLOWERS).

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

Mr. Speaker, it is with a great deal of reluctance that I say anything concerning this matter. The chairman of my committee has already spoken, and the chairman of the Committee on House Administration has spoken, and I have the highest respect for both of these gentlemen.

I do not want what I have to say here to be interpreted in any way as an announcement of any further statement or position I might have to make on any other matter which may come up on the matter of the impeachment inquiry. It is not meant for that purpose.

However, I cannot for the life of me see why the people of the United States of America ought to purchase 20,000 additional copies of this voluminous material in order to distribute them to libraries, which are supported largely by the people of the United States through the action of Congress and in other ways.

Furthermore, I doubt seriously there is any need for 20,000 additional copies of the report for deserving public depositories and institutions. Primarily, I just cannot see why we need to spend another million dollars in this way. I did not support going public with this material at this time in committee because it was my judgment that we ought to wait until we had actually concluded our inquiry and made a recommendation to the House.

But I am not basing my statement here on a lost vote on the position I took in the committee, it is simply my feeling, and I urge that my colleagues consider it from this standpoint, that we have already made this material public. One thousand copies of the evidentiary material have already been printed and released and at the time the committee report is completed 1,000 copies of it will be made public. I believe that this certainly should be sufficient to satisfy the needs of all of the Members of the House, and ultimately the Senate. Any additional copies required or desired by the public at this time should be printed and

distributed at cost to those desiring them in the usual manner. We simply do not need to print an additional 20,000 copies of this material plus 50,000 copies of the report, and in so doing spend another million dollars of the taxpayers' money at this time.

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

Mr. FLOWERS. I yield to the gentleman from Maine.

Mr. COHEN. Mr. Speaker, I too wish to raise an objection to spending this additional million dollars, and I wish to thank the gentleman from Alabama for his statement.

I would like to point out also that initially we went through the process of appropriating $1 million to conduct this investigation, and we have gone well over that, and it would seem to me that we are going far beyond what we should do when we have this request to appropriate another million dollars for the publication of these documents.

I also happen to agree with the statement of the gentleman from California (Mr. KETCHUM) that it costs us $12.50 to publish the printed transcript, and it cost $1.95 or $2.95 a copy for it to be published by the New York Times.

I think the taxpayers would be well served by voting down this request.

Mr. FLOWERS. Mr. Speaker, let us strike a blow for private enterprise by defeating this resolution.

Mr. GROSS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the gentleman from Illinois (Mr. ANNUNZIO), spoke of the consideration of this resolution on last Wednesday. The Members should remember that that resolution was called up last Wednesday out of thin air. There was no previous notice to the House that the resolution would be considered. The resolution was never considered by the Committee on House Administration, either by the full committee or in a subcommittee. I say again that it was called up out of thin air, for no Member had any prior notice of it.

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

Mr. GROSS. Of course I yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Speaker, I agree with the gentleman that this was called up out of thin air, but also it passed on July 10 by unanimous consent.

Mr. GROSS. Yes, sure it was.

Mr. ANNUNZIO. I asked at that time if there were any objection, and if not, then let us accept it and go home. It was 6:30 at that time, and no one objected to it.

Mr. GROSS. And for letting it go through at that time by unanimous consent, I apologize to the House. It never should have gone through on that basis.

Mr. ANNUNZIO. As a Member of the House, I accept your apology, but I cannot forgive the Senate for having added section 3 to the resolution, which simply restates existing law. As far as I am concerned it was a lousy trick on the part of the Senate.

Mr. GROSS. I presume that the gentleman from Illinois, because of what he calls the lousy amendment attached by the Senate, is prepared to vote against it, is that right?

Is the gentleman from Illinois prepared to vote against the resolution today because the gentleman condemns the other body, as the gentleman has, for adding the amendment?

Mr. ANNUNZIO. I am prepared to vote for the resolution but, as I said in my remarks, section 3 was not necessary because it is already the law.

Mr. GROSS. Mr. Speaker, if I felt as the gentleman from Illinois does, I would vote against the resolution as presented today under suspension of the rules; I would not tolerate that kind of action from the other body. I certainly would not want to go along with it.

The SPEAKER. The time of the gentleman has expired.

Mr. GROSS. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, it is asked that we print 20,000 additional copies of all parts of the hearings which are already in print, and 50,000 additional copies of the final report of the committee.

If we are, as the chairman of the committee, Mr. RODINO, said, going to inform all of the people of this country, 212 million of them, it is going to take many, many times 50,000 additional copies, as the gentleman well knows. Let us stop this here today with 1,000 additional copies of each report that the committee can print without further authorization and let the rest be paid for by the public if they are interested enough to buy them.

The SPEAKER. The time of the gentleman has expired.

Mr. HAYS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, ever since I have been in Congress, I have been a member of the Committee on House Administration except for one brief period of 5 months. There has always been a rule of comity that when the House wanted to print a document and voted to print it, the Senate went along, and vice versa. This is the first time I have known the Senate to use the common parlance, to mess up a House resolution. All I can tell the Members is that from now on in the rest of this Congress whenever any printing resolution comes over from the Senate, every Member of the House can watch the thermometer. From now on—July, August, September, October, November, and December—the day I schedule any printing resolution for the Senate, the thermometer will read 60 degrees below zero in Washington, D.C. I will teach them a thing or two.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. Mr. Speaker, I just want to make several points with respect to this resolution; 1,000 automatic copies made available to the committee is clearly inadequate for the job that is ahead of us, and I think that ought to be understood by every Member here. There are 535 Members of the Congress. If we are talking about making two sets available to each Congressman and to each Senator, we have already gone beyond the 1,000 automatic allowance. There is then no provision for other copies that must be available for the press, nothing about other copies that must be available for people working with respect to this impeachment inquiry, and nothing about copies that must be made available to institutions which serve large numbers of people and ought to have this material on file.

So, whatever the issue, it ought to be clearly recognized by everyone here that there must in any event be another printing. What is proposed here is an effort to try and anticipate the savings that can be derived from one printing run, so that we do not have to come back again at a later time, and perhaps come back again at yet another time after that. These materials contain what was presented to the committee both by our staff and by Mr. St. Clair on behalf of the President. There are includued the transcripts that were prepared from the tapes. There will have to be published copies of our testimony of witnesses.

As I understand it, there is going to be an effort to insure that copies of this material were made available first of all, as they need to be, within the Congress in order that each Member may do his work. This is not one of those issues that comes before the House about which a Member may feel that it is not necessary to look at the committee material. This is one of those issues which requires Members to review the committee material carefully.

Second of all, I understand there is going to be an effort to make copies available in places, for example libraries and schools, where many, many people can have access to them and have an opportunity to review the matters that have come before the committee.

Finally, in terms of practicality, I point out to the Members that there must indeed be another printing. The automatic number is not sufficient, and I do not think anyone can reasonably contend that it is sufficient. I think what is being proposed here is therefore a wise course of action.

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

Mr. SARBANES. I yield to the gentleman from New Jersey.

Mr. MARAZITI. I thank the gentleman for yielding.

Mr. Speaker, I should just like to take a moment to point out that I am concerned about the discussion I have heard. There have been very valid arguments on both sides, but I should like to make this point. This is not a usual situation where 1,000 copies will suffice. I think we can admit that the circumstances of these proceedings are tremendously unusual.

There is tremendous interest in the information and the facts and the arguments concerned here, so therefore I urge passage of this legislation.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio (Mr. HAYS) that the House suspend the rules and take from the

Speaker's desk the concurrent resolution (H. Con. Res. 559), with a Senate amendment thereto, and concur in the Senate amendment.

The question was taken; and the Speaker being in doubt, the House divided, and there were—ayes 128, noes 69.

Mr. ANNUNZIO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 3 of rule XXVII and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL HUNTING AND FISHING DAY

Mr. EDWARDS of California. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 910) asking the President of the United States to declare the fourth Saturday of September 1974, "National Hunting and Fishing Day", as amended.

The Clerk read as follows:

H.J. RES. 910

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States declare the fourth Saturday of September 1974, as "National Hunting and Fishing Day" to provide that deserved national recognition, to recognize the esthetic, health, and recreational virtues of hunting and fishing, to dramatize the continued need for gun and boat safety, and to rededicate ourselves to the conservation and respectful use of our wildlife and natural resources.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. EDWARDS of California. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Speaker, first, let me express my appreciation to the distinguished gentleman from California (Mr. EDWARDS) and to his Committee on the Judiciary for bringing this bill to the floor. I am pleased to acknowledge the active assistance given to the bill by my good friend, Mr. EDWARDS, and to thank him for being a cosponsor of the measure.

Then let me state this bill has no relation whatever to gun legislation.

Mr. Speaker, it has been my pleasure to sponsor legislation in the House for the past 3 years designating the fourth Saturday of September as National Hunting and Fishing Day. This year I am joined in this endeavor by 109 Members in the House of Representatives. A similar measure is sponsored in the Senate by Senator MCINTYRE and Senator SCOTT.

When this legislation is passed and signed into law, it sets forth a day of national celebration in recognition of the contributions to conservation and outdoor recreation of more than 55 million American hunters and fishermen.

Each year National Hunting and Fishing Day has been an outstanding success in hundreds of programs held at State fairs, schools, military installations, shopping centers, and many other facilities. It is estimated that 14 million people took part in NHF Day celebrations last year.

Hunting and fishing is big business in America. Each year more than 15 million hunting licenses and 24 million fishing licenses are sold. And each year the ranks grow larger. Each year more than $250 million is taken in from the sale of licenses, tags, permits, and stamps. The funds from these sources are used to protect and improve wildlife habitat and fishing areas, thus fish and game populations are managed on a scientific basis. Even endangered species receive benefits from the effort of these dedicated conservationists—the enlightened hunters and fishermen who want to see their natural heritage preserved.

Professional conservationists will tell you that it is the sportsmen who are most responsible for the healthy populations of wildlife now abounding in many States. They will also tell you that the sportsman and his conservation dollars, have made possible a twentyfold increase in the number of deer in the United States; a fivefold increase in the population of elk and antelope; and a tenfold increase in the number of wild turkeys.

These numbers may surprise you as they surprised the millions who learned these facts at National Hunting and Fishing Day programs in 1972 and 1973. But they do not surprise the professional conservationists who work along with hunters and fishermen to make these increases possible. It is not the hunters and fishermen who are wiping out the endangered species in this country. The greatest threat is from loss of habitat and from environmental degradation such as pollution. As human population increases, along with its modern-age technology, the pressure on wild species also increases. Some species are literally squeezed out of existence—not killed off by the hunter.

Mr. Speaker, we must continue our crusade to protect our wildlife and we should increase our efforts to alert the public on environmental problems. The observance of National Hunting and Fishing Day is one of the best ways of helping to achieve this goal. I urge my colleagues to lend their support to this resolution.

Mr. Speaker, I am pleased to submit the names of the 109 cosponsors of National Hunting and Fishing Day in 1974.

LIST OF COSPONSORS

Mr. Edwards of California, Mr. Ullman, Mr. Roberts, Mr. Denholm, Mr. Thomson of Wisconsin, Mr. Jones of North Carolina, Mr. Broyhill of North Carolina, Mr. McDade, Mr. Pepper, Mr. Rarick, Mr. Stubblefield, Mr. Won Pat, Mr. Sebelius, Mr. Abdnor, Mr. Quie, Mr. Forsythe, Mr. Waggonner, Mr. Dent, Mr. Symington, Mrs. Hansen of Washington, Mr. Leggett, Mr. Lott, Mr. Anderson of California, Mr. Brinkley.

Mr. Casey of Texas, Mr. Ford, Mr. Frenzel, Mr. Perkins, Mr. Dan Daniel, Mrs. Grasso, Mr. Nix, Mr. Camp, Mr. Charles H. Wilson of California, Mr. Roe, Mr. Dingell, Mr. Fuqua, Mr. Robinson of Virginia, Mr. Burgener, Mr. Walsh, Mr. Moorhead of California, Mr. Young of Florida, Mr. Cleveland, Mr. Whitehurst, Mr. Mann, Mr. Murphy of New York, Mr. Charles Wilson of Texas, Mr. Davis of South Carolina, Mr. Melcher.

Mr. Hanley, Mr. Wyman, Mr. Eshleman, Mr. Mitchell of New York, Mr. Fisher, Mr. Gibbons, Mr. Donohue, Mr. Bafalis, Mr. Gunter, Mr. Moss, Mr. Flowers, Mr. Eilbert, Mr. Johnson of California, Mr. Williams, Mr. Ruppe, Mr. Roy, Mr. Yatron, Mr. Scherle, Mr. Treen, Mr. Bevill, Mr. Latta, Mr. Minshall of Ohio, Mr. Corman, Mr. Breaux.

Mr. Dorn, Mr. Gaydos, Mr. Chappell, Mr. Whalen, Mr. Fascell, Mr. Fulton, Mr. Milford, Mr. Pike, Mr. Alexander, Mr. Horton, Mr. Lent, Mr. Mizell, Mr. Fish, Mr. Hunt, Mr. Zwach, Mr. Preyer, Mr. Ketchum, Mr. Haley, Mr. Derwinski, Mr. Pickle, Mr. Addabbo, Mr. Nichols, Mr. Price of Illinois, Mr. Stuckey.

Mr. Lehman, Mr. Bauman, Mr. Dickinson, Mr. Frey, Mr. Carney, Mr. Parris, Mr. Downing, Mr. Goodling, Mr. Eckhardt, Mr. Vander Jagt, Mr. Burke of Florida, Mr. Cederberg, Mr. Kemp.

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

Mr. SIKES. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I want to join my friend, the gentleman from Florida, in supporting this legislation, to declare a "National Hunting and Fishing Day."

As an avid sportsman, I feel it is time that hunters and anglers be officially recognized for their economic and environmental contributions to the Nation.

For example, each year millions of dollars are poured into State and local treasuries from the purchase of hunting and fishing licenses. Also, through the purchase of "duck stamps," hunters have contributed over $81,800,000 since 1962. Together with loans approved by Congress totaling $84.9 million, the Migratory Bird Commission, of which I am a member, has authorized the purchase of over 1,752,000 acres of land at a cost of more than $161,700,000. This land is used solely to establish national wildlife refuges and waterfowl production areas. These areas serve as the breeding grounds and resting areas for waterfowl and without them many species would face extinction.

However, the contributions of sportsmen involve much more than financial support. Sportsmen have been leaders in the attempt to conserve our natural resources. They have helped maintain the balance of nature, preventing wildlife overpopulation caused by the elimination of natural predators. This has helped to assure adequate food supplies for existing and future wildlife, resulting in healthier species.

Mr. Speaker, the hunter and the angler respect the outdoors—something from which we all could take example. They, more than any other group, realize the disastrous effects pollution has had on our environment. For example, the Connecticut River, which flows through my district, was once the spawning ground for the Atlantic salmon. Pollution and technology have driven these fish away. Presently, we are trying to bring back the salmon by cleaning up the river, building fish ladders at various dam sites and by establishing fish hatch-

eries. We have been aided in the past by Federal funds, but all the funds in the world won't help maintain the success of this project once the salmon return. It will take the concern and involvement of people to insure that the river is not repolluted sportsmen have shown and continue to show this kind of concern and involvement in attempting to conserve our natural resources.

Therefore, I urge all of my colleagues to support this resolution, requesting that the president declare a "National Hunting and Fishing Day," as official recognition of sportsmen for all that they have done to protect our wildlife and natural resources.

Mr. SIKES. The gentleman is correct. He is a dedicated sportsman and he knows the importance of these efforts.

Mr. CASEY of Texas. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Texas.

Mr. CASEY of Texas. I want to join the gentleman in supporting this important bill. We who are hunters and fishermen add significantly to the economy through small business people, primarily bait dealers and others. Fishermen do not usually worry about the expense of the meals that result from their catch. Most of the fish I have caught cost me 5 to 10 times more than had I gone into the market and purchased them. I know my wild game has cost me more than any prime beef I have purchased. So I think that along with our enjoyment of the outdoors, and the conservation movements we sponsor, we should call attention to the fact that the hunters and fishermen stimulate and contribute no end to the economy of this Nation.

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

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

Mr. KEMP. Mr. Speaker, I appreciate the gentleman yielding. I would like to associate myself with his remarks.

Mr. Speaker, I thank my distinguished friend for yielding and want to associate myself with his remarks. As a cosponsor, I rise in support of House Joint Resolution 910, to declare the fourth Saturday of each September "National Hunting and Fishing Day." In setting aside this date for the appropriate ceremonies and activities, this legislation acknowledges the vital role of our Nation's hunters and fishermen in the conservation and responsible use of our natural resources.

Mr. Speaker, the Erie County Federation of Sportsmen's Clubs has set an outstanding example of commitment to defend our natural resources from waste. I am pleased to list the following individuals as leaders in this effort, and am hopeful their actions will be followed nationwide:

OFFICERS 1974

Edward P. Rutecki, President, 221 Courtland Avenue, Buffalo, N.Y. 837-9617.

Frank J. Martino, First Vice President, 55 Park Avenue, Tonawanda, N.Y. 14150. 692-6941.

John H. Bunz, Second Vice President, 1190 Packhurt Blvd, Tonawanda, N.Y 14150. 832-9514.

Roger P. Lund, Recording Secretary, 35 Park Avenue, Tonowanda, N.Y. 14150. 692-4205.

James R. Coggins, Corresponding Secretary, 58 Sowles Road, Hamburg, N.Y. 14075. 648-0157.

Norman J. Hertz, Treasurer, 112 Fruehauf Avenue, Snyder, N.Y. 14226. 839-1120.

Lawrence Crist, Membership Secretary, 109 Woodward Avenue, Springville, N.Y. 14141. 592-7023.

DIRECTORS, 1974

Lawrence Beach, Springville F&S Club.
George A. Clody, Brushenbrook H&F Club.
Clayton Hopper, Elma Conservation Club.
Daniel Ruszczyk, Allied Sportsmen.
Joe Pionessa, Depew Rod & Gun Club.
Nelson Cronin, Alden Rod & Gun Club.
Warren DeLong, Trout Unlimited.
J. F. P. Martin S.C.O.P.E.
Edward S. Hering, Bison City R&G Club.
Stanley Zuchowski, Lackawanna R&G Club.
Otto Reinhardt, George Washington F&C Club.
William H. Fissler, Brushenbrook H&F Club.
Donald Shoemaker, George Washington F&C Club.
Harold Henzler, Buffalo Audubon Society.

Past president

Alfred Moser, Buffalo Rod & Gun Club.

Because of the dedication of men and women such as these, and other members of Erie County Sportsmen's Clubs, the first National Hunting and Fishing Day, in 1972, involved some four million people in programs emphasizing the sportsman's involvement in the out-of-doors. One year later, the second National Hunting and Fishing Day involved some 14 million people committed to dramatizing the need for conservation and gun and boat safety. Needless to say, National Hunting and Fishing Day, 1974, promises to continue this outstanding success story.

Our Nation's hunters and fishermen make an annual contribution of over $200 million in license fees to State and local governments to provide funds for fish and wildlife management. I believe their efforts deserve a permanent date of recognition on our calendar. I emphatically urge adoption of House Joint Resolution 910.

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

Mr. SIKES. I yield to the gentleman from Ohio.

Mr. WHALEN. Mr. Speaker, I want to congratulate the gentleman from Florida for the resolution which he is sponsoring.

Mr. Speaker, I am pleased that this afternoon the House is considering House Joint Resolution 910 which asks the President to declare the fourth Saturday of each September "National Hunting and Fishing Day." I have cosponsored an identical resolution.

I have long been aware of the contributions made by the responsible, sports-loving hunters and fishermen in my congressional district. On several occasions I have had the opportunity to meet with them and to congratulate them personally for their conservation efforts.

I think it is most appropriate that national recognition be given in this manner to them and to their fellow sportsmen throughout the country. For generations, they have been alert to their duty to conserve our environment from malicious destruction and to protect the natural habitats so important to wildlife. In addition, they have helped build recreational outlets for sportsmen and non-sportsmen alike and they are responsible for the establishment of State fish and game departments.

It is a tribute to their leadership that the environmental causes they have always espoused are now embraced by many of our citizens.

I would like to single out particularly today the hunters and fishermen in my district who have placed great emphasis on safety and on educating young people about the enjoyment of the outdoors both with respect to sports and to the joys of nature.

Mr. Speaker, I urge the adoption of House Joint Resolution 910.

Mr. WIGGINS. Mr. Speaker, I yield such times as he may consume to the gentleman from Pennsylvania (Mr. JOHNSON).

Mr. JOHNSON of Pennsylvania. Mr. Speaker the passage today of a resolution asking the President to declare the fourth Saturday of each September as "National Hunting and Fishing Day" has a real meaning and significance to the 23d Congressional District of Pennsylvania.

For a long time I have designated the 23d District as the "sportsman's paradise," as it is truly a haven for both the hunter and fisherman.

The 23d District abounds in trout streams, which both the Pennsylvania State government and the Federal Government seek to have well stocked with choice specimens. With the building of the various dams on rivers at Blanchard, Curwensville, and Warren, new avenues of fishing pleasure and excitement were opened up.

At the base of the Kinzua Dam at Warren, a new Federal fish hatchery is being constructed which when completed will be one of the finest and most modern in the Nation. The cool waters below the Kinzua Dam now attract many fishermen and some excellent catches are made there.

The hunter also finds many thrills in the 23d District. The largest deer herds in the Nation are here and by reason of a mild winter this past year are in excellent physical condition and already the racks on the bucks are commencing to display a great size.

One of the newer adventures in hunting is provided by ever increasing flocks of wild turkeys, which can be hunted in the fall and in a special season in the early spring.

Hunters come into the 23d District from all over Pennsylvania and the neighboring States. They find excellent housing facilities as the citizens, especially in rural areas, open up their homes to accommodate the large influx of sportsmen. And I use the word sportsmen advisedly, as they are all perfect ladies and gentlemen who observe the game laws and also are skilled in the handling of

firearms, thus causing no one the slightest problem. We welcome these visitors, since they not only enhance the social well-being of the area, but also spend large sums of money on food, ammunition, lodging, gasoline, and shop extensively in the sporting goods stores.

At the end of the deer hunt, cars leave the area with the familiar buck on the fender, or a doe if that is the particular season.

And everyone looks forward to coming back again to the 23d District next year to renew their great hunting and fishing pleasures.

Knowing first hand the sentiments of the citizens of the 23d District toward hunting and fishing and all sports and recreation, it gave me great pleasure that the House passed unanimously House Joint Resolution 910 which resolves that—

The President of the United States shall declare the fourth Saturday of each September as "National Hunting and Fishing Day" to provide that deserved national recognition to recognize the esthetic, health, and recreational virtues of hunting and fishing, to dramatize the continued need for gun and boat safety, and to rededicate ourselves to the conservation and respectful use of our wildlife and natural resources.

Mr. WIGGINS. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. MIZELL.).

Mr. MIZELL. Mr. Speaker, I rise today to urge my colleagues to act favorably on the legislation which I am cosponsoring to establish a "National Hunting and Fishing Day" on the fourth Saturday of September.

As others have pointed out, National Hunting and Fishing Day is very popular with the American people, and it is an especially meaningful day to the millions of hunters and fishermen who have contributed so much to conservation and have helped to improve outdoor recreation in the United States.

The success of National Hunting and Fishing Day since its first observance in 1972 has been overwhelming. I understand that over 14 million Americans all across the land joined in the celebration last year.

Sportsmen are probably one of the oldest group of conservationists in the country. And the revenues raised from the sale of licenses, tags, permits, and stamps—over $250 million per year—greatly aid our conservation efforts.

I think it is proper that we should give our stamp of approval to the conservation efforts of the Nation's sportsmen by making National Hunting and Fishing Day an official national observance. By so doing, we will enhance the crusade to protect the Nation's wildlife and environment and, at the same, time offer thanks to the hunters and fishermen for their untiring efforts in these matters.

Mr. ANDERSON of California. Mr. Speaker, it is indeed a privilege for me to rise again in support of this legislation to declare the fourth Saturday in September "National Hunting and Fishing Day."

I have sponsored legislation for this purpose in the past and am particularly pleased that House Journal Resolution 910 will this year make permanent each year a day of national recognition to the more than 55 million hunters and fishermen for their contributions to promote conservation and outdoor recreation.

For the past 2 years Congress has overwhelmingly passed laws to set aside this day in the early fall to give special recognition to recreational, esthetic, and health benefits of hunting and fishing. Also this day of recognition facilitates an opportunity to rededicate ourselves to the conservation and respectful use of our wildlife and natural resources.

We owe much to these sportsmen and sportswomen who appreciate the great outdoors. Not only does the more than $200 million in hunting and fishing license fees contribute to the conservation and management of fish and wildlife, but these sports enthusiasts have been outstanding leaders in local and national efforts to preserve our endangered species, promote safety rules and regulations, and preserve our natural resources.

The State of California has been especially blessed with an abundance of outstanding hunting and fishing areas, and we are pleased with the fine efforts being made by these sportsmen to promote the use and appreciation of these naturally beautiful areas for ourselves and the following generations.

Mrs. HANSEN of Washington. Mr. Speaker, it is with pleasure that I join with my colleagues in support of House Joint Resolution 910. This resolution calls upon the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day."

As hunting and angling are two of the great outdoor recreational activities enjoyed by literally millions of Americans of all ages across our Nation, it is appropriate that a special day be set aside annually to take note of the importance of these activities.

These sports contribute to the health and enjoyment of vast numbers of citizens all across our Nation and they create in people a greater respect for the fish and wildlife found in the Nation's waterways and forests.

This will provide an opportunity for all Americans to realize that outdoor sportsmen have been leaders in the promotion of proper respect for private as well as public property and courtesty in the field, the forest, and along streams, rivers, and lakes. Additionally, sportsmen have made major contributions to safety by developing boating and firearm safety programs.

Hunters and fishermen make substantial contributions to State and local government treasuries annually through the purchase of licenses. This income, of course, is used to conserve fish and wildlife and for sound management of game animals and fish.

There is no present national recognition of the valued contributions of the American hunter and angler, so it is appropriate that a special day be set aside each year to dramatize the health and recreational virtues of these outdoor activities.

Mr. BAUMAN. Mr. Speaker, I rise in support of House Joint Resolution 910, which requests the President to declare the fourth Saturday of each September as "National Hunting and Fishing Day." As a cosponsor of an identical joint resolution, I recognize the need for all Americans to have the opportunity to enjoy outdoor recreational activities.

Two outdoor pursuits which provide the individual with the opportunity for exercise, solitude, and an appreciation for the forests and streams of our country are hunting and fishing. The sportsmen that participate in these activities have traditionally led in the effort to protect and preserve our natural resources, have promoted essential boating and firearm safety programs, and are influential supporters of wildlife conservation and management programs. The income that is obtained through the sale of hunting and fishing licenses is utilized to expand and improve outdoor recreational opportunities.

My district with its rich forest lands, the Chesapeake Bay, and many free-flowing streams and rivers affords the opportunity for citizens of Maryland and other States to pursue the sports of hunting and fishing. The setting aside of a special day as "National Hunting and Fishing Day" will allow all Americans to rededicate ourselves to the continued preservation and proper use of our wildlife and other natural resources.

Mr. WIGGINS. Mr. Speaker, I support the legislation. I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. EDWARDS) that the House suspend the rules and pass the joint resolution (H.J. Res. 910), as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WIGGINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 3, rule XXVII, the Chair will now put the question on each motion, on which further proceedings were postponed, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 14494.
House Concurrent Resolution 559.

SIMPLIFIED PURCHASE PROCEDURES

The SPEAKER. The unfinished business is the question of suspending the rules and passing the bill (H.R. 14494).

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. HOLIFIELD) that the House suspend the rules and pass the bill (H.R. 14494), the question was taken.

Mr. ROUSSELOT. 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 361, nays 0, not voting 73, as follows:

[Roll No. 379]

YEAS—361

Abdnor	Collier	Goodling
Abzug	Collins, Ill.	Gray
Adams	Collins, Tex.	Green, Oreg.
Addabbo	Conable	Gross
Alexander	Conlan	Gude
Anderson, Calif.	Conte	Guyer
	Corman	Haley
Anderson, Ill.	Coughlin	Hamilton
Andrews, N. Dak.	Crane	Hammer-schmidt
	Cronin	
Annunzio	Culver	Hanley
Archer	Daniel, Dan	Hanrahan
Arends	Daniel, Robert W., Jr.	Hansen, Idaho
Armstrong		Hansen, Wash.
Ashbrook	Daniels, Dominick V.	Harsha
Ashley		Hawkins
Aspin	Danielson	Hays
Bafalis	Davis, Wis.	Hébert
Barrett	de la Garza	Hechler, W. Va.
Bauman	Delaney	Heckler, Mass.
Beard	Dellenback	Heinz
Bell	Dellums	Henderson
Bennett	Denholm	Hicks
Bergland	Dennis	Hillis
Bevill	Dent	Hinshaw
Biester	Derwinski	Hogan
Bingham	Devine	Holifield
Blackburn	Dickinson	Holt
Boggs	Diggs	Holtzman
Boland	Dingell	Horton
Bolling	Donohue	Hosmer
Bowen	Downing	Howard
Bray	Drinan	Huber
Breckinridge	Duncan	Hudnut
Brinkley	du Pont	Hungate
Brooks	Eckhardt	Hunt
Broomfield	Edwards, Ala.	Hutchinson
Brotzman	Edwards, Calif.	Ichord
Brown, Calif.	Eilberg	Jarman
Brown, Mich.	Erlenborn	Johnson, Calif.
Brown, Ohio	Esch	Johnson, Pa.
Broyhill, N.C.	Eshleman	Jones, N.C.
Broyhill, Va.	Evans, Colo.	Jones, Okla.
Buchanan	Evins, Tenn.	Jordan
Burgener	Fascell	Karth
Burke, Calif.	Findley	Kastenmeier
Burke, Mass.	Fish	Kazen
Burleson, Tex.	Fisher	Kemp
Burlison, Mo.	Flood	Ketchum
Burton, John	Flowers	King
Burton, Phillip	Flynt	Koch
Butler	Foley	Kuykendall
Byron	Ford	Kyros
Camp	Forsythe	Lagomarsino
Carney, Ohio	Fountain	Landgrebe
Carter	Fraser	Landrum
Casey, Tex.	Frenzel	Latta
Cederberg	Frey	Litton
Chamberlain	Froehlich	Long, La.
Chappell	Fulton	Long, Md.
Clancy	Fuqua	Lujan
Clark	Gaydos	Luken
Clausen, Don H.	Giaimo	McClory
	Gibbons	McCloskey
Clawson, Del	Gilman	McCollister
Cleveland	Ginn	McCormack
Cochran	Goldwater	McDade
Cohen	Gonzalez	McEwen
McFall	Price, Tex.	Steed
McKay	Pritchard	Steelman
McKinney	Quie	Steiger, Ariz.
Macdonald	Quillen	Steiger, Wis.
Mahon	Railsback	Stephens
Mallary	Randall	Stratton
Mann	Rangel	Stubblefield
Maraziti	Rarick	Stuckey
Martin, Nebr.	Regula	Studds
Martin, N.C.	Reid	Symington
Mathias, Calif.	Reuss	Symms
Mathis, Ga.	Rhodes	Taylor, Mo.
Matsunaga	Riegle	Taylor, N.C.
Mayne	Rinaldo	Teague
Mazzoli	Roberts	Thompson, N.J.
Meeds	Robinson, Va.	Thomson, Wis.
Melcher	Rodino	Thone
Mezvinsky	Roe	Thornton
Michel	Rogers	Towell, Nev.
Milford	Rooney, Pa.	Traxler
Miller	Rose	Udall
Mills	Rosenthal	Ullman
Minish	Roush	Van Deerlin
Mink	Rousselot	Vander Jagt
Minshall, Ohio	Roy	Vander Veen
Mitchell, Md.	Roybal	Vanik
Mitchell, N.Y.	Runnels	Waggonner
Mizell	Ruppe	Waldie
Moakley	Ruth	Walsh
Montgomery	Ryan	Wampler
Moorhead, Calif.	St Germain	Ware
	Sarasin	Whalen
Moorhead, Pa.	Sarbanes	White
Morgan	Satterfield	Whitehurst
Mosher	Scherle	Whitten
Moss	Schneebeli	Widnall
Murtha	Schroeder	Wiggins
Natcher	Sebelius	Williams
Nedzi	Seiberling	Wilson, Bob
Nelsen	Shipley	Wilson, Charles, Tex.
Nichols	Shoup	
Obey	Shriver	Winn
O'Brien	Shuster	Wolff
O'Hara	Sikes	Wright
Owens	Sisk	Wyatt
Parris	Skubitz	Wylie
Passman	Slack	Wyman
Patten	Smith, Iowa	Yates
Perkins	Smith, N.Y.	Yatron
Pettis	Snyder	Young, Alaska
Peyser	Staggers	Young, Fla.
Pickle	Stanton, J. William	Young, Ill.
Pike		Young, Tex.
Poage	Stanton, James V.	Zablocki
Powell, Ohio		Zion
Price, Ill.	Stark	

NAYS—0

NOT VOTING—73

Andrews, N.C.	Gunter	Podell
Badillo	Hanna	Preyer
Baker	Harrington	Rees
Biaggi	Hastings	Robison, N.Y.
Blatnik	Helstoski	Roncalio, Wyo.
Brademas	Johnson, Colo.	Roncallo, N.Y.
Brasco	Jones, Ala.	Rooney, N.Y.
Breaux	Jones, Tenn.	Rostenkowski
Burke, Fla.	Kluczynski	Sandman
Carey, N.Y.	Leggett	Spence
Chisholm	Lehman	Steele
Clay	Lent	Stokes
Conyers	Lott	Sullivan
Cotter	McSpadden	Talcott
Davis, Ga.	Madden	Tiernan
Davis, S.C.	Madigan	Treen
Dorn	Metcalfe	Veysey
Dulski	Mollohan	Vigorito
Frelinghuysen	Murphy, Ill.	Wilson, Charles H., Calif.
Gettys	Murphy, N.Y.	
Grasso	Myers	Wydler
Green, Pa.	Nix	Young, Ga.
Griffiths	O'Neill	Young, S.C.
Grover	Patman	Zwach
Gubser	Pepper	

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

The Clerk announced the following pairs:

Mr. Murphy of New York with Mr. Andrews of North Carolina.

Mr. Rostenkowski with Mr. Biaggi.

Mr. Rooney of New York with Mr. Grover.

Mr. Brademas with Mr. Baker.

Mrs. Chisholm with Mr. Leggett.

Mr. Tiernan with Mr. Blatnik.

Mr. Vigorito with Mr. Burke of Florida.

Mr. Charles H. Wilson of California with Mr. Frelinghuysen.

Mr. Brasco with Mr. Hanna.

Mr. Breaux with Mr. Hastings.

Mr. Dulski with Mr. Lent.

Mr. Green of Pennsylvania with Mr. Madden.

Mr. Stokes with Mrs. Griffiths.

Mr. O'Neill with Mr. Preyer.

Mr. Pepper with Mr. Clay.

Mr. Conyers with Mr. Kluczynski.

Mr. Jones of Tennessee with Mr. Robison of New York.

Mr. Badillo with Mr. Metcalfe.

Mr. Mollohan with Mr. Gubser.

Mr. Jones of Alabama with Mr. Lehman.

Mr. Murphy of Illinois with Mr. Roncalio of Wyoming.

Mr. Podell with Mr. Lott.

Mr. Rees with Mr. McSpadden.

Mrs. Sullivan with Mr. Roncallo of New York.

Mr. Young of Georgia with Mr. Helstoski.

Mr. Carey of New York with Mr. Sandman.

Mr. Cotter with Mr. Zwach.

Mrs. Grasso with Mr. Treen.

Mr. Gettys with Mr. Davis of Georgia.

Mr. Nix with Mr. Madden.

Mr. Gunter with Mr. Spence.

Mr. Harrington with Mr. Talcott.

Mr. Patman with Mr. Wydler.

Mr. Dorn with Mr. Young of South Carolina.

Mr. Davis of South Carolina with Mr. Myers.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations be discharged from further consideration of a similar Senate bill (S. 3311) to provide for the use of simplified procedures in the procurement of property and services by the Government where the amount involved does not exceed $10,000, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3311

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

SECTION 1. Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), is amended by striking out "$2,500" and inserting in lieu thereof "$10,000".

SEC. 2. The third full unnumbered paragraph under the heading "Office of Architect of the Capitol" contained in the appropriations for the Architect of the Capitol in the Legislative Branch Appropriation Act, 1966 (79 Stat. 276; 41 U.S.C. 6a–1) is amended by striking out "$2,500" and inserting in lieu thereof "$10,000".

SEC. 3. Section 302(e)(3) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252(c)(3)) is amended by striking out "$2,500" and inserting in lieu thereof "$10,000".

SEC. 4. (a) Section 2304(a)(3) of title 10, United States Code, is amended by striking out "$2,500" and inserting in lieu thereof "$10,000".

(b) Section 2304(g) of such title is amended by striking out "$2,500" and inserting in lieu thereof "$10,000".

SEC. 5. Section 9(b) of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831h(b)(3)) is amended by striking out "$500" and inserting in lieu thereof "$10,000".

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

passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 14494) was laid on the table.

PROVIDING ADDITIONAL COPIES OF JUDICIARY COMMITTEE IMPEACHMENT INQUIRY

The SPEAKER. The unifinished business is the vote on the motion offered by the gentleman from Ohio (Mr. HAYS) to suspend the rules and concur in the Senate amendment to the concurrent resolution (H. Con. Res. 559), on which the yeas and the nays are ordered.

The Clerk read the title of the concurrent resolution.

The vote was taken by electronic device, and there were—yeas 197, nays 169, not voting 68, as follows:

[Roll No. 380]

YEAS—197

Abdnor	Ford	Owens
Abzug	Fountain	Parris
Adams	Fraser	Patten
Addabbo	Frenzel	Perkins
Alexander	Fulton	Peyser
Anderson, Calif.	Gaydos	Pickle
	Giaimo	Pike
Anderson, Ill.	Gibbons	Poage
Andrews, N. Dak.	Gonzalez	Price, Ill.
	Gray	Randall
Annunzio	Green, Oreg.	Rangel
Ashley	Gude	Rees
Aspin	Hamilton	Reid
Barrett	Hanley	Reuss
Bell	Hansen, Wash.	Riegle
Bennett	Hawkins	Rinaldo
Bergland	Hays	Roberts
Biester	Hechler, W. Va.	Rodino
Bingham	Heckler, Mass.	Roe
Boland	Heinz	Rooney, Pa.
Bolling	Henderson	Rose
Bowen	Hicks	Rosenthal
Breckinridge	Holifield	Roush
Brooks	Holtzman	Roybal
Brotzman	Horton	Runnels
Brown, Calif.	Howard	Ruppe
Burke, Calif.	Hungate	Ryan
Burke, Mass.	Johnson, Calif.	St Germain
Burleson, Tex.	Jones, N.C.	Sarbanes
Burlison, Mo.	Jordan	Schroeder
Burton, John	Karth	Seiberling
Burton, Phillip	Kastenmeier	Shipley
Carney, Ohio	Kazen	Sikes
Casey, Tex.	Koch	Sisk
Clark	Kyros	Slack
Clausen, Don H.	Leggett	Smith, Iowa
	Long, Md.	Staggers
Collins, Ill.	Luken	Stanton, James V.
Conte	McClory	
Conyers	McCormack	Stark
Corman	McFall	Steelman
Coughlin	McKay	Steiger, Wis.
Cronin	Macdonald	Stratton
Culver	Mahon	Stubblefield
Daniels, Dominick V.	Mann	Stuckey
	Maraziti	Studds
Danielson	Mathias, Calif.	Symington
Delaney	Matsunaga	Teague
Dellums	Mayne	Thompson, N.J.
Denholm	Mazzoli	Thornton
Dennis	Meeds	Traxler
Dent	Melcher	Udall
Derwinski	Mezvinsky	Ullman
Diggs	Milford	Van Deerlin
Dingell	Mills	Vander Veen
Donohue	Minish	Vanik
Drinan	Mink	Waldie
du Pont	Mitchell, Md.	Whalen
Eckhardt	Mitchell, N.Y.	Wiggins
Edwards, Calif.	Moakley	Wilson, Charles, Tex.
Eilberg	Moorhead, Pa.	
Esch	Morgan	Wolff
Evans, Colo.	Moss	Wright
Evins, Tenn.	Murtha	Yates
Fascell	Natcher	Yatron
Fish	Nedzi	Young, Tex.
Flood	O'Hara	Zablocki
Foley	Obey	

NAYS—169

Archer	Bafalis	Blackburn
Arends	Bauman	Boggs
Armstrong	Beard	Bray
Ashbrook	Bevill	Brinkley
Broomfield	Hanrahan	Quillen
Brown, Mich.	Hansen, Idaho	Railsback
Brown, Ohio	Harsha	Rarick
Broyhill, N.C.	Hastings	Regula
Broyhill, Va.	Hébert	Rhodes
Buchanan	Hillis	Robinson, Va.
Burgener	Hinshaw	Rogers
Butler	Hogan	Rousselot
Byron	Holt	Roy
Camp	Hosmer	Ruth
Carter	Huber	Sandman
Cederberg	Hudnut	Sarasin
Chamberlain	Hunt	Satterfield
Chappell	Hutchinson	Scherle
Clancy	Ichord	Schneebeli
Clawson, Del	Jarman	Sebelius
Cleveland	Johnson, Pa.	Shoup
Cochran	Jones, Okla.	Shriver
Cohen	Kemp	Shuster
Collier	Ketchum	Skubitz
Collins, Tex.	Kuykendall	Smith, N.Y.
Conable	Lagomarsino	Snyder
Conlan	Landgrebe	Stanton, J. William
Crane	Landrum	
Daniel, Dan	Latta	Steed
Daniel, Robert W., Jr.	Litton	Steiger, Ariz.
	Long, La.	Stephens
Davis, Wis.	Lujan	Symms
de la Garza	McCloskey	Taylor, Mo.
Dellenback	McCollister	Taylor, N.C.
Devine	McDade	Thomson, Wis.
Dickinson	McEwen	Thone
Downing	McKinney	Towell, Nev.
Duncan	Mallary	Treen
Edwards, Ala.	Martin, Nebr.	Vander Jagt
Erlenborn	Martin, N.C.	Waggonner
Eshleman	Mathis, Ga.	Walsh
Findley	Michel	Wampler
Fisher	Miller	Ware
Flowers	Minshall, Ohio	White
Flynt	Mizell	Whitehurst
Forsythe	Montgomery	Whitten
Frey	Moorhead, Calif.	Widnall
Froehlich		Williams
Fuqua	Mosher	Wilson, Bob
Gilman	Nelsen	Winn
Ginn	Nichols	Wyatt
Goldwater	O'Brien	Wylie
Goodling	Passman	Wyman
Gross	Pettis	Young, Alaska
Guyer	Powell, Ohio	Young, Fla.
Haley	Price, Tex.	Young, Ill.
Hammer-schmidt	Pritchard	Zion
	Quie	

NOT VOTING—68

Andrews, N.C.	Gunter	Podell
Badillo	Hanna	Preyer
Baker	Harrington	Robison, N.Y.
Biaggi	Helstoski	Roncalio, Wyo.
Blatnik	Johnson, Colo.	Roncallo, N.Y.
Brademas	Jones, Ala.	Rooney, N.Y.
Brasco	Jones, Tenn.	Rostenkowski
Breaux	King	Spence
Burke, Fla.	Kluczynski	Steele
Carey, N.Y.	Lehman	Stokes
Chisholm	Lent	Sullivan
Clay	Lott	Talcott
Cotter	McSpadden	Tiernan
Davis, Ga.	Madden	Veysey
Davis, S.C.	Madigan	Vigorito
Dorn	Metcalfe	Wilson, Charles H., Calif.
Dulski	Mollohan	
Frelinghuysen	Murphy, Ill.	Wydler
Gettys	Murphy, N.Y.	Young, Ga.
Grasso	Myers	Young, S.C.
Green, Pa.	Nix	Zwach
Griffiths	O'Neill	
Grover	Patman	
Gubser	Pepper	

So (two-thirds not having voted in favor thereof), the concurrent resolution was rejected.

The Clerk announced the following pairs:

Mr. Rostenkowski with Mr. Blatnik.

Mr. Murphy of New York with Mrs. Griffiths.

Mr. Kluczynski with Mr. Hanna.

Mr. O'Neill with Mr. Jones of Tennessee.

Mr. Rooney of New York with Mr. Patman.

Mrs. Sullivan with Mr. McSpadden.

Mr. Nix with Mr. Dorn.

Mrs. Chisholm with Mr. Jones of Alabama.

Mr. Green of Pennsylvania with Mr. Murphy of Illinois.

Mr. Clay with Mr. Gettys.

Mr. Tiernan with Mr. Zwach.

Mr. Charles H. Wilson of California with Mr. Young of South Carolina.

Mr. Brademas with Mr. Wydler.

Mr. Biaggi with Mr. Robison of New York.

Mr. Stokes with Mr. Lehman.

Mr. Harrington with Mr. Lent.

Mr. Metcalfe with Mr. Helstoski.

Mr. Podell with Mr. Frelinghuysen.

Mr. Pepper with Mr. King.

Mr. Roncalio of Wyoming with Mr. Burke. of Florida.

Mr. Vigorito with Mr. Roncallo of New York.

Mr. Young of Georgia with Mr. Madden.

Mr. Badillo with Mr. Mollohan.

Mr. Andrews of North Carolina with Mr. Gubser.

Mr. Brasco with Mr. Lott.

Mr. Breaux with Mr. Baker.

Mr. Carey of New York with Mr. Madigan.

Mr. Cotter with Mr. Grover.

Mr. Davis of Georgia with Mr. Myers.

Mr. Dulski with Mr. Spence.

Mr. Gunter with Mr. Steele.

Mr. Davis of South Carolina with Mr. Talcott.

The result of the vote was announced as above recorded:

ECONOMIC SUMMIT

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

Mr. BURGENER. Mr. Speaker, I have today written the President urging dramatic action on the issue of inflation through the convening of an "economic summit." The text of the letter is self-explanatory and I draw it to the attention of the Members. I include the letter at this point in the RECORD:

DEAR MR. PRESIDENT: I request of you with all the urgency I possess, to call the first of what will of necessity be a series of "summit conferences" on the economy of our nation. This might take the form of a White House Conference, a special task force, or some other appropriate vehicle.

It must include the leadership of both parties in the Congress and their economic experts, it must include the Executive Branch with all the resources at its command, it may well demand nationally recognized business and labor leaders and perhaps a consortium of economists and monetary and fiscal professionals.

While I hesitate to use the word "crisis"—I can think of no other word that adequately describes our current economic situation. And most seasoned observers would not identify this as a "short-term crisis" but indeed one that has been building for many, many years, and one which will take many years of sacrifice, planning, and execution, to arrive at a stable and lasting solution.

As a member of the Subcommittee on International Finance of the House Committee on Banking and Currency, I had the privilege of hearing testimony from Secretary of the Treasury William Simon on July 10, the eve of his departure for the Middle East. The entire Subcommittee, acting in bipartisan fashion, as befits our overseas efforts, wished Secretary Simon godspeed and a successful journey as he travels to the Middle East to discuss world monetary problems, the exorbitant price of oil, and other matters of extreme urgency.

Secretary Simon's testimony highlighted the fact that inflation runs rampant on a worldwide scale. The economies of Western Europe and Japan are in serious jeopardy because of horrendous increases in oil prices. Food is in demand on a worldwide scale as never before. Shortages of almost every description seem to be the result of worldwide

increased demand coupled with an obviously exhaustible supply of many materials.

Steeply climbing prices of everything can, if unchecked, lead only to reduced standards of living, to economic instability or chaos, followed by political instability or chaos.

I believe the United States of America is still the strongest nation of the world and has a leadership role in the world economy it cannot and should not escape. If we but have the will to come to grips with our economic problems to make the profit and loss system work better for our people to bring our own inflation under control, this nation can be the economic anchor and example setter for the entire world.

This nation has the basic moral fibre and the capacity for innovation to accomplish our economic regeneration without neglecting the needs of the aged, the ill, the poor, or the handicapped.

I am informed that many of our trading partners are beginning to take stern measures to put their own economic house in order. Can we do any less? There appears to be a growing concern that we are drifting in an economic sense. If such a feeling persists and grows, it can feed on itself and destroy the confidence of our people in the government's ability to control itself. This nation is strong—its constitution and its institutions durable, if it will but act.

The convening of an "economic summit" could well be the start of a new initiative designed to bring our economic house into order. It will not be easy and it will not be quick. But such a summit could mark the beginning of a commitment to the goal which we all share.

We have the capacity to act. We must have the will.

Sincerely,

CLAIR W. BURGENER,
Member of Congress.

PROPOSED AMENDMENTS TO THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1974

The SPEAKER pro tempore (Mr. MCFALL). Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 10 minutes.

Mr. HOSMER. Mr. Speaker, I am causing to be printed in the CONGRESSIONAL RECORD a fourth series of amendments which I shall offer to H.R. 11500, the Surface Mining Control and Reclamation Act of 1974. Pursuant to rule XXIII, clause 6, of the Rules of the House of Representatives a Member causing any amendment to be printed shall be given 5 minutes to explain such amendment. This action becomes necessary because of the serious and sincere concern many Members of the House have expressed over the language of H.R. 11500 as reported by the Committee on Interior and Insular Affairs. Hopefully, the proponents of H.R. 11500 will not resort to the parliamentary tactic of closing debate upon pending amendments to H.R. 11500 but will permit the House to work its will throughout the amending process.

Why are many Members of the House so concerned over the possible passage of H.R. 11500 in its present form? Because the proponents of the bill have ignored a basic fact of life affecting the national interest and general welfare of the people of this Nation, that America needs every pound of coal our mines can produce to meet the expanding energy requirements of this country.

Domestic oil and gas will soon be able to supply less than 40 percent of our national energy needs. This Nation will have to import more oil and gas and endure the political and financial consequences inherent in that choice, or it must exploit its enormous coal reserves. By mining only 50 percent of our estimated 3 trillion tons of coal we could supply this Nation's growing energy appetite for hundreds of years.

Only about 5 percent of the total U.S. coal resources are estimated to be available through strip mining. But strip or surface mining accounts for about one-half of the 600 million tons of annual U.S. coal production. Surface mining is the fastest and cheapest short range solution to the energy problem. Strip or surface mines can be brought into production relatively fast, require little manpower comparatively, and yield up to 90 percent of their deposits compared to less than 50 percent from underground coal mines. While strip mining is efficient and inexpensive comparatively, it also adversely affects the environment if not conducted in an efficient and responsible manner.

But H.R. 11500 is an environmental overreaction. It presupposes the protection of the environment as our paramount national interest. It is in essence a detailed Federal regulatory measure and merely pays lipservice to the concept of State regulation and enforcement. It unwisely and unnecessarily discriminates against energy values in a single-minded focus upon environmental values.

Mr. Speaker, included in this fourth series of amendments to H.R. 11500 is an amendment in the nature of a substitute for the Committee bill. This amendment in the nature of a substitute is H.R. 12898, the Surface Coal Mining Reclamation Act of 1974.

H.R. 12898, is a measure that fairly and squarely addresses the strip mining issue by providing that an essential and integral part of the surface mining process is the prompt and certain restoration of mined land to a decent and environmentally acceptable condition. H.R. 12898 imposes stringent environmental standards and requires mined lands to be reclaimed and restored. H.R. 12898 prohibits the surface mining of land which cannot be reclaimed in accordance with strong environmental and reclamation performance standards. H.R. 12898 does not impose unreasonable and unnecessary restrictions on surface coal mining. H.R. 12898 is a statement of a Federal law which provides the coal industry with a clear understanding of what it can and what it cannot do. H.R. 12898 is a reasonable legislative compromise which respects and reinforces both the energy and environmental ethic in the United States, and should be enacted into law. H.R. 12898 is the last amendment and is numbered No. 175. Hopefully, Mr. Speaker, "the last shall be first" and this House will have passed a bill to regulate surface coal mining that will permit this Nation to continue on the road to progress, and in a spirit of "live and let live" and not a zealous effort to champion one value of our society and general welfare over some other equally important value.

The fourth series of amendments to H.R. 11500 are as follows:

IV. FOURTH SERIES OF AMENDMENTS TO H.R. 11500

151. Page 142, line 25. Strike out subsection "(d)" and insert a subsection "(d)" to read as follows:

"(d) surface and underground coal mining operations presently contribute significantly to the Nation's energy requirements and it is, therefore, essential to the national interest to insure the existence of an expanding and economically healthy underground coal mining industry;"

152. Page 146, line 6. After the word "slopes" insert "(which for the purposes of this Act, a steep slope, is defined as a slope in excess of the angle of repose)".

153. Page 146, line 18. After the word "slopes" insert "(which for the purposes of this Act, a steep slope, is defined as a slope in excess of the angle of repose)".

154. Page 163, line 16. Strike out "systems; or" and insert "systems, if it is determined that these values are more important to the national interest than the production of coal; or".

155. Page 163, line 21. Strike out "areas; or" and insert "areas, if it is determined that these values are more important to the national interest than the production of coal; or".

156. Page 165, line 10. After the word "determines" insert ", after giving full consideration to the national interest and the need for energy sources,".

157. Page 166, line 17. Strike out "coal." and insert "coal, and (iv) the overall national interest".

158. Page 167, line 2. Strike out "Act." and insert "Act, unless such provisions are shown to be contrary to the national interest".

159. Page 172, line 1. Strike out lines 1 and 2 and renumber the subsequent subparagraphs.

160. Page 172, line 19. After the word "issued" insert "for lands in any State in which there has been such a violation".

161. Page 175, lines 11 and 12. Strike out "registered".

162. Page 179, line 3. Strike out lines 3 and 4.

163. Page 179, line 5. Strike out lines 5 and 6, and insert in lieu thereof "The analyses of information required under subparagraph (16) of this subsection relating to chemical properties, sulphur content and acid or other toxic properties, shall be conducted by".

164. Page 181, line 17. Strike out lines 17 and 18.

165. Page 184, line 14. Strike out lines 14 and 15 and insert "standards of this Act".

166. Page 192, line 9. Strike out lines 9 and 10.

167. Page 195, line 9. After the word "steep-slope" insert "(which for the purposes of this Act, a steep-slope, is defined as a slope in excess of the angle of repose)".

168. Page 195, line 14. After the word "slope" insert "(which for the purposes of this Act, a steep-slope, is defined as a slope in excess of the angle of repose)".

169. Page 196, line 16. Strike out "two" and insert "five".

170. Page 196, line 17. Strike out lines 17, 18, 19, 20 and 21.

171. Page 197, line 17. Strike out "registered" and insert "professional".

172. Page 199, line 10. Strike out lines 10 and 11.

173. Page 205, line 9. Strike out lines 9, 10, 11, 12, 13, 14 and 15, and insert "may be inspected".

174. Page 253, line 3. Strike out line 3

and all of "Sec. 405" and renumber the subsequent sections.

175. Page 1, line 3. Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Surface Coal Mining Reclamation Act of 1974".

TABLE OF CONTENTS

TITLE I—FINDINGS AND PURPOSES

FINDINGS

SEC. 101. The Congress finds that—

(a) the extraction of coal by underground and surface mining from the earth is a significant and essential activity which contributes to the economic, social, and material well-being of the Nation;

(b) there are surface and underground coal mining operations on public and private lands in the Nation which adversely affect the environment by destroying or diminishing the availability of land for commercial, industrial, recreational, agricultural, historic, and forestry purposes, by causing erosion and landslides; by contributing to floods and the pollution of water, land, and air; by destroying public and private property; by creating hazards to life and property; and by precluding postmining land uses common to the area of mining;

(c) surface and underground coal mining operations presently contribute significantly to the Nation's energy requirements, and substantial quantities of the Nation's coal reserves lie close to the surface, and can only be recovered by surface mining methods, and therefore, it is essential to the national interest to insure the existence of an expanding and economically healthy coal mining industry;

(d) surface and underground coal mining operations affect interstate commerce, contribute to the economic well-being, security, and general welfare of the Nation and should be conducted in an environmentally sound manner;

(e) the initial and principal continuing responsibility for developing and enforcing environmental regulations for surface and underground coal mining operations should rest with the States; and

(f) the cooperative effort established by this Act is necessary to prevent or mitigate adverse environmental effects of present and future surface coal mining operations.

PURPOSES

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

(a) encourage a nationwide effort to regulate surface coal mining operations to prevent or substantially reduce their adverse environmental effects, to stimulate and encourage the development of new, environmentally sound surface coal mining and reclamation techniques, and to assist the States in carrying out programs for those purposes;

(b) assure that the rights of surface landowners and other persons with a legal interest in the land or appurtenances thereto are protected from the adverse impacts of surface coal mining operations pursuant to the provisions of this Act;

(c) assure that surface coal mining operations are not conducted where reclamation as required by this Act is not feasible;

(d) assure that the coal supply essential to the Nation's energy requirements, and to its economic and social well-being is provided in accordance with the policy of Mining and Minerals Policy Act of 1970; and

(e) assure that appropriate procedures are provided for public participation in the develoment, revision, and enforcement of regulations, standards, mining and reclamation plans, or programs established by the Secretary or any State pursuant to the provisions of this Act.

TITLE II—CONTROL OF ENVIRONMENTAL IMPACTS OF SURFACE COAL MINING OPERATIONS

INTERIM REGULATORY PROCEDURE

SEC. 201. (a) On and after ninety days from the date of enactment of this Act, no person shall open or develop any new or previously mined or abandoned site for surface coal mining operations on lands on which such operations are regulated by a State regulatory authority unless such person has obtained a permit from such regulatory authority. All such permits shall contain terms requiring compliance with the interim surface coal mining and reclamation performance standards specified in subsection (c) of this section. The regulatory authority shall act upon all applications for such permit within thirty days from the receipt thereof.

(b) Within sixty days from the date of enactment of this Act, the State regulatory authority shall review and amend all existing permits in order to incorporate in them the interim surface coal mining and reclamation performance standards of subsection (c) of this section. On or before one hundred and twenty days from the date of issuance of such amended permit, all surface coal mining operations existing at the date of enactment of this Act on lands on which such operations are regulated by a State regulatory authority shall comply with the interim surface coal mining and reclamation performance standards in subsection (c) of this section with respect to lands from which the overburden has not been removed.

(c) Pending approval and implementation of a State program in accordance with section 203 of this Act, or preparation and implementation of a Federal program in accordance with section 204 of this Act, the following interim surface coal mining and reclamation performance standards shall be applicable to surface coal mining operations on lands on which such operations are regulated by a State regulatory authority, as specified in subsections (a) and (b) of this section:

(1) with respect to surface coal mining operations on steep slopes, no spoil, debris, or abandoned or discarded mine equipment may be placed on the natural or other downslope below the bench or cut created to expose the coal seam except that spoil from the cut necessary to obtain access to the coal seam may be placed on a limited or specified area of the downslope: *Provided,* That the spoil is shaped and graded in such a way so as to prevent slides, and minimize erosion, and water pollution, and is revegetated in accordance with paragraph (3) below: *Provided further, however,* That the regulatory authority may permit limited or temporary placement of spoil on a specified area of the downslope on steep slopes in conjunction with surface coal mining operations which will create a plateau with all highwalls eliminated, if such placement is consistent with the approved postmining land use of the mine site;

(2) with respect to all surface coal mining operations backfill, compact (where advisable to insure stability or to prevent leaching of toxic materials), and grade in order to restore the approximate original contour of the land with all high walls, spoil piles, and depressions eliminated, unless depressions are consistent with the approved postmining land use of the mine site;

(3) the provisions of paragraphs (1) and (2) of this subsection shall not apply to surface coal mining operations where the permittee demonstrates that the overburden, giving due consideration to volumetric expansion, is insufficient to restore the approximate original contour, in which case the permittee, at a minimum, shall backfill, grade, and compact (where advisable) in order to cover all acid-forming and other toxic materials, to achieve an angle of repose based upon soil and climate characteristics for the area of land to be affected, and to facilitate a land use consistent with that approved for the postmining land use of the mine site;

(4) the regulatory authority may grant exceptions to paragraphs (1) and (2) if the regulatory authority finds that one or more variations from the requirements set forth in paragraphs (1) and (2) will result in the land having an equal or better economic or public use and that such use is likely to be achieved within a reasonable time and is consistent with surrounding land uses and with local, State, and Federal law;

(5) with respect to all surface coal mining operations, permanently establish, on regraded and all other lands affected, a stable and self-regenerative vegetative cover, where cover existed prior to mining and which, were advisable, shall consist of native vegetation;

(6) with respect to all surface coal mining operations, remove the topsoil in a separate layer, replace it simultaneously on a backfill area or segregate it in a separate pile from the subsoil, and if the topsoil is not replaced in a time short enough to avoid deterioration of topsoil, maintain a successful cover by quick growing vegetation or by other means so that the topsoil is protected from wind and water erosion, contamination from any acid or toxic material, and is in a usable condition for sustaining vegetation when replaced during reclamation, except if the topsoil is not capable of sustaining vegetation, or if another material from the min-

ing cycle can be shown to be more suitable for vegetation requirements, then the operator shall so remove, segregate, and protect that material which is best able to support vegetation, unless the permittee demonstrates that another method of soil conservation would be at least equally effective for revegetation purposes;

(7) with respect to surface disposal of coal mine wastes, coal processing wastes, or other wastes in areas other than the mine workings or excavations, stabilize all waste piles in designated areas, through compaction, layering with incombustible and impervious materials, and grading followed by vegetation of the finished surface to prevent, to the extent practicable, air and surface or ground water pollution, and to assure compatibility with natural surroundings in order that the site can and will be stabilized and revegetated according to the provisions of this Act;

(8) with respect to the use of impoundments for the disposal of coal processing wastes or other liquid or solid wastes, incorporate sound engineering practices for the design and construction of water retention facilities which will not endanger the health or safety of the public in the event of failure, that construction will be so designed to achieve necessary stability with an adequate margin of safety to protect against failure, that leachate will not pollute surface or ground water, and that no fines, slimes and other unsuitable coal processing wastes are used as the principal material in the construction of water impoundments, water retention facilities, dams, or settling ponds;

(9) prevent to the extent practicable adverse effects to the quantity and quality of water in surface and ground water systems both during and after surface coal mining and reclamation; and

(10) minimize offsite damages that may result from surface coal mining operations and institute immediate efforts to correct such conditions.

(d) (1) Upon petition by the permittee or the applicant for a permit, and after public notice and opportunity for comment by interested parties, the regulatory authority may modify the application of the interim surface coal mining and reclamation performance standards set forth in paragraphs (1), (2), (3), and (4) of subsection (c) of this section, if the permittee demonstrates to the satisfaction of the regulatory authority that—

(A) he has not been able to obtain the equipment necessary to comply with such standards;

(B) the surface coal mining operations will be conducted so as to meet all other standards specified in subsection (c) of this section and will result in a stable surface configuration in accordance with a surface coal mining and reclamation plan approved by the regulatory authority; and

(C) such modification will not cause hazards to the health and safety of the public or significant imminent environmental harm to the land, air, or water resources which cannot reasonably be considered reclaimable.

(2) Any such modification will be reviewed periodically by the regulatory authority and shall cease to be effective upon implementation of a State program pursuant to section 203 of this Act or a Federal program pursuant to section 204 of this Act.

(e) The Secretary shall issue regulations to be effective one hundred and eighty days from the date of enactment of this Act in accordance with the procedures of section 202, establishing an interim Federal surface coal mining evaluation and enforcement program. Such program shall remain in effect in each State in which there are surface coal mining operations regulated by a State regulatory authority until the State program has been approved and implemented pursuant to section 203 of this Act or until a Federal program has been prepared and implemented pursuant to section 204 of this Act. The interim Federal surface coal mining evaluation and enforcement program shall—

(1) include inspections of surface coal mining operations on a random basis (but at least one inspection for every site every three months), without advance notice to the mine operator, for the purpose of evaluating State administration of, and ascertaining compliance with, the interim surface coal mining and reclamation performance standards of subsection (c) above. The Secretary shall cause any necessary enforcement action to be implemented in accordance with section 217 with respect to violations identified at the inspections;

(2) provide that the State regulatory agency file with the Secretary copies of inspection reports made;

(3) provide that upon receipt of State inspection reports indicating that any surface coal mining operation has been found in violation of the standards of subsection (c) of this section, during not less than two consecutive State inspections or upon receipt by the Secretary of information which would give rise to reasonable belief that such standards are being violated by any surface coal mining operation, the Secretary shall order the immediate inspection of such operation by Federal inspectors and necessary enforcement actions, if any, to be implemented in accordance with the provisions of section 217. The inspector shall contact the informant prior to the inspection and shall allow the informant to accompany him on the inspection; and

(4) provide that moneys authorized pursuant to this Act shall be available to the Secretary prior to the approval of a State program pursuant to section 203 of this Act to reimburse the States for conducting those inspections in which the standards in subsection (c) above, are enforced and for the administration of this section.

PERMANENT REGULATORY PROCEDURE

SEC. 202. Not later than the end of the one-hundred-and-eighty-day period immediately following the date of enactment of this Act, the Secretary shall promulgate and publish in the Federal Register regulations covering a permanent regulatory procedure for surface coal mining and reclamation operations setting permanent surface coal mining and reclamation performance standards based on the provisions of sections 213 and 214, and establishing procedures and requirements for preparation, submission and approval of State programs, and the development and implementation of Federal programs under this title. Such regulations shall not be promulgated and published by the Secretary until he has—

(a) published proposed regulations in the Federal Register and afforded interested persons and State and local governments a period of not less than forty-five days after such publication to submit written comments thereon;

(b) consulted with and considered the recommendations of the Administrator of the Environmental Protection Agency with respect to those regulations promulgated under this section which relate to air or water quality standards promulgated under the authority of the Federal Water Pollution Control Act (33 U.S.C. 1151–1175) and the Clean Air Act, as amended (42 U.S.C. 1857); and

(c) held at least one public hearing on the proposed regulations.

The date, time, and place of any hearing held on the proposed regulations shall be set out in the publication of the proposed regulations. The Secretary shall consider all comments and relevant data presented at such hearing before final promulgation and publication of the regulations.

STATE PROGRAMS

SEC. 203. (a) Each State in which surface coal mining operations are or may be conducted, and which proposes to assume State regulatory authority under this Act, shall submit to the Secretary, by the end of the twenty-four month period beginning on the date of enactment of this Act, a State program which demonstrates that such State has the capability of carrying out the provisions of this Act and meeting its purposes through—

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

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

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

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

(5) establishment of a process for the designation of lands unsuitable for surface coal mining operations in accordance with section 205; and

(6) establishment, for the purpose of avoiding duplication, of a process for coordinating the review and issuance of permits for surface coal mining and reclamation operations with any other Federal or State permit process applicable to the proposed operations.

(b) The Secretary shall not approve any State program submitted under this section until he has—

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

(2) consulted with and considered the recommendations of the Administrator of the Environmental Protection Agency with respect to those aspects of a State program which relate to air or water quality standards promulgated under the authority of the Federal Water Pollution Control Act (33 U.S.C. 1151–1175) and the Clean Air Act, as amended (42 U.S.C. 1857);

(3) held at least one public hearing on the State program within the State; and

(4) found that the State has the legal authority and qualified personnel necessary for the enforcement of the surface coal mining and reclamation performance standards. The Secretary shall approve or disapprove a State program, in whole or in part, within six full calendar months after the date such State program is submitted to him.

(c) If the Secretary disapproves any proposed State program, in whole or in part, he shall notify the State in writing of his decision and set forth in detail the reasons therefor. The State shall have sixty days in which to resubmit a revised State program, or portion thereof.

(d) For the purposes of this section and section 204, the inability of a State to take any action to prepare, submit or enforce a State program, or any portion thereof, because the action is enjoined by the issuance of an injunction by any court of competent jurisdiction shall not result in a loss of eligibility for financial assistance under title III of this Act or in the imposition of a Federal program. Regulation of the surface coal mining operations covered or to be covered by the State program subject to the injunction shall be conducted by the State until such time as the injunction terminates or for one year, whichever is shorter, at which time the requirements of this section and section 204 shall again be fully applicable.

(e) If State compliance with this section requires an act of the State legislature, the Secretary may extend the period for submission of a State program up to an additional twelve months.

FEDERAL PROGRAMS

SEC. 204. (a) The Secretary shall prepare, promulgate, and implement a Federal program for the regulation of surface coal mining operations in any State which fails to—

(1) submit a State program covering surface coal mining and reclamation operations by the end of the twenty-four-month period beginning on the date of enactment of this Act;

(2) resubmit an acceptable State program, or portion thereof, within sixty days of disapproval of a proposed State program, in whole or in part: *Provided*, That the Secretary shall not implement a Federal program prior to the expiration of the initial period allowed for submission of a State program as provided for in clause (1) of this subsection; or

(3) adequately implement, enforce, or maintain a State program approved pursuant to section 203.

(b) Prior to implementation of a Federal program pursuant to section 204(a), the Secretary shall consult with and publicly disclose the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having expertise pertinent thereto and shall hold at least one public hearing within the State for which the Federal program is to be implemented.

(c) Whenever a Federal program is promulgated for a State pursuant to this Act, any statutes or regulations of such State which are in effect to regulate surface coal mining operations subject to this Act shall, insofar as they are inconsistent or interfere with the purposes and the requirements of this Act and the Federal program, be preempted and superseded by the Federal program.

DESIGNATING AREAS UNSUITABLE FOR SURFACE COAL MINING OPERATIONS

SEC. 205. (a) To be eligible to assume primary regulatory authority pursuant to section 203, each State shall establish a planning process enabling objective decisions to be made based upon public hearings and component and scientifically sound data and information as to which, if any, areas or types of areas of a State (except Federal lands) cannot be reclaimed with existing techniques to satisfy applicable standards and requirements of law. The State agency will not issue permits for surface coal mining of such areas unless it determines, with respect to any such permit, that the technology is available to satisfy applicable performance standards.

(b) The Secretary, and, in the case of national forest lands, the Secretary of Agriculture, shall conduct a review of the Federal lands and determine, pursuant to the standards set forth in subsection (a) of this section, areas or types of areas on Federal lands which cannot be reclaimed with existing techniques to satisfy applicable standards and requirements of law. Permits for surface coal mining will not be issued to mine such areas unless it is determined, with respect to any such permit, that the technology is available to satisfy applicable performance standards.

(c) In no event is an area to be designated unsuitable for surface coal mining operations on which surface coal mining operations are being conducted on the date of enactment of this Act, or under a permit issued pursuant to this Act, or where substantial legal and financial commitments in such operations are in existence prior to the date of enactment of this Act. Designation of an area as unsuitable for mining shall not prevent mineral exploration of the area so designated.

EFFECT ON STATE LAW

SEC. 206. Any provision of State law or regulation in effect upon the date of enactment of this Act, or which may become effective thereafter, and provides more stringent regulations of surface coal mining and reclamation operations than the provisions of this Act, or any regulation issued pursuant thereto, shall not be construed to be inconsistent with this Act.

PERMITS

SEC. 207. (a) Except as provided in subsection (c) of this section, on and after six months from the date on which a State program is approved by the Secretary, pursuant to section 203 of this Act, or the Secretary, pursuant to section 203 of this Act, or the Secretary has promulgated a Federal program for a State not having a State program, pursuant to section 204, no person shall engage in surface coal mining operations unless such person has obtained a permit in full compliance with this Act from the appropriate regulatory authority.

(b) All permits issued pursuant to the requirements of this Act shall be issued for a term not to exceed five years and shall be nontransferable: *Provided*, That a successor in interest to a permit holder who applies for a new permit within thirty days of succeeding to such interest and who is able to obtain the bond coverage of the original permit holder may continue surface coal mining and reclamation operations until such successor's application is granted or denied.

(c) Any person engaged in surface coal mining operations pursuant to a permit issued under section 201 and awaiting administrative action on his application for a permit from the appropriate regulatory authority in accordance with this section may continue to operate for a four-month period beyond the time specified in subsection (a) of this section if the appropriate regulatory authority has not acted on his application.

PERMIT APPLICATION REQUIREMENTS: INFORMATION, AND MINING AND RECLAMATION PLANS

SEC. 208. (a) Each application for a permit pursuant to a State or Federal program under this Act shall be submitted in a manner satisfactory to the regulatory authority and shall contain:

(1) the names and addresses of the permit applicants (if the applicant is a subsidiary corporation, the name and address of the parent corporation shall be included); every legal owner of the property (surface and mineral) to be mined; the holders of any lease-hold or other equitable interest in the property; any purchase of the property under a real estate contract; the operator if he is a person different from the applicant; and, if any of these are business entities other than a single proprietor, the names and addresses of principals, officers, and resident agent;

(2) the names and addresses of every officer, partner, director, or person performing a function similar to a director, of the applicant, together with the name and address of any person or group owning, of record or beneficially, 10 per centum or more of any class of stock of the applicant and a list of all names under which the applicant, partner, or principal shareholder previously operated a surface coal mining operation within the United States or its territories and possessions;

(3) a description of the type and method of surface coal mining operation that exists or is proposed;

(4) evidence of the applicant's legal right to enter and commence surface coal mining operation on the area affected;

(5) the names and addresses of the owners of record of all surface and subsurface areas abutting on the permit area;

(6) a statement of any current or previous surface coal mining permits in the United States held by the applicant and the permit identification;

(7) a statement of whether the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant, has held a Federal or State surface coal mining permit which subsequent to 1960 has been suspended or revoked or has had a surface coal mining performance bond or similar security deposited in lieu of bond forfeited and a brief explanation of the facts involved in each case;

(8) such maps and topographical information, including the location of all underground mines in the areas, as the regulatory authority may require, which shall be in sufficient detail to clearly indicate the nature and extent of the overburden to be disturbed, the coal to be mined, and the drainage of the area to be affected;

(9) a copy of the applicant's advertisement of the ownership, location, and boundaries of the proposed site of the surface coal mining and reclamation operation (such advertisement shall be placed in a newspaper of general circulation in the locality of the proposed site at least once a week for four successive weeks and may be submitted to the regulatory authority after the application is filed);

(10) a schedule listing any and all violations of this Act and any law, rule, or regulation of the United States or of any department or agency in the United States pertaining to air, or water environmental protection incurred by the applicant in connection with any surface coal mining operation during the one-year period prior to the date of application. The schedule shall also indicate the final resolution of any such notice of violation.

(b) Each application for a permit shall be required to submit to the regulatory authority, as part of the permit application, a surface coal mining and reclamation plan which shall contain:

(1) the engineering techniques proposed to be used in the surface coal mining and reclamation operation and a description of the major equipment; a plan for the control of surface water drainage and of water accumulation; a plan where appropriate for backfilling, soil stabilization, and compacting, grading, and appropriate revegetation (where vegetation existed prior to mining); an estimate of the cost per acre of the reclamation, including statements as to how the permittee plans to comply with each of the applicable surface coal mining and reclamation per-

formance standards established under this Act;

(2) the consideration which has been given to developing the surface coal mining and reclamation plan in a manner consistent with local physical, environment, and climatological conditions and curernt surface coal mining and reclamation technologies;

(3) the consideration which has been given to insuring the maximum practicable recovery of the coal;

(4) a detailed estimated timetable for the accomplishment of each major step in the surface coal mining and reclamation plan;

(5) the consideration which has been given to making the surface coal mining and reclamation operation consistent with applicable State and local land use programs;

(6) a description, if any, of the hydrologic consequences of the surface coal mining and reclamation operation, both on and off the mine site, with respect to the hydrologic regime, quantity and quality of water in surface and ground water systems, including the dissolved and suspended solids under seasonal flow conditions, and the collection of sufficient data for the mine site and surrounding area so that an assessment can be made of the probable cumulative impacts of all anticipated surface coal mining in the area upon the hydrology of the area and particularly upon water availability;

(7) a statement of the results of test borings or core samplings from the land to be affected, including where appropriate, the surface elevation and logs of the drill holes so that the strike and dip of the coal seams may be determined; the nature and depth of the various strata of overburden; the location of subsurface water, if encountered, and its quality; the thickness of the coal seam found; an analysis of the chemical properties of such coal to determine the sulfur content and the content of other potentially acid or toxic forming substances of the overburden and the stratum lying immediately underneath the coal to be mined; and

(8) proprietary information, which if made available to the public would result in competitive injury to the applicant, may be designated confidential and, if accepted by the regulatory authority shall be subject to the provisions of section 1905 of title 18, United States Code. Appropriate protective orders against unauthorized disclosure or use by third parties may be issued with respect to such information, and violations of such orders shall be subject to penalties set forth in section 219 of this Act.

(c) Each applicant for a surface coal mining and reclamation permit shall file a copy of his application for public inspection with an appropriate official, approved by the regulatory authority, in the locality where the mining is proposed to occur, except for that information pertaining to the coal seam itself.

(d) A valid permit issued pursuant to this Act shall carry with it a right of successive renewals provided that the permittee has complied with such permit. Prior to approving the renewal of any permit, the regulatory authority shall review the permit and the surface coal mining and reclamation operation and may require such new conditions and requirements as are necessary or prescribed by changing circumstances. A permittee wishing to obtain renewal of a permit shall make application for such renewal withing one year prior to the expiration of the permit. The application for renewal shall contain:

(1) a listing of any claim settlements or judgments against the applicant arising out of, or in connection with, surface coal mining operations under said permit;

(2) written assurance by the person issuing the performance bond in effect for said operation that the bond continues and will continue in full force and effect for any extension requested in such application for renewal as well as any additional bond the regulatory authority may require pursuant to section 210 of this Act;

(3) revised, additional, or updated information required under this section.

Prior to the approval of any extension of the permit, the regulatory authority shall notify all parties who participated in the public review and hearings on the original or previous permit, as well as providing notice to the appropriate public authorities, and taking such other steps as required in section 209 of this Act.

PERMIT APPROVAL OR DENIAL PROCEDURES

SEC. 209. (a) The regulatory authority shall notify the applicant for a surface coal mining and reclamation permit within a period of time established by law or regulation, not to exceed ninety days, that the application has been approved or disapproved. If approved, the permit shall be issued after the performance bond or deposit and public liability insurance policy required by section 210 of this Act has been filed. If the application is disapproved, specific reasons therefor must be set forth in the notification. Within thirty days after the applicant is notified that the permit or any portion thereof has been denied, the applicant may request a hearing on the reasons for said disapproval unless a hearing has already been held under section 209(f). Such hearing shall be held in the locality of the proposed surface coal mining operation as soon as practicable after receipt of the request for a hearing and after appropriate notice and publication of the date, time, and location of such hearing. Within sixty days after the hearing the regulatory authority shall issue and furnish the applicant and any other parties to the hearing the written decision of the regulatory authority granting or denying the permit in whole or in part and stating the reasons therefor.

(b) Within ten days after the granting of a permit, the regulatory authority shall notify the State and the local official who has the duty of collecting real estate taxes in the local political subdivision in which the area of land to be affected is located that a permit has been issued and shall describe the location of the land.

(c) Prior to the issuance of a permit, the regulatory authority may require the applicant to alter his proposed surface coal mining and reclamation plan with respect to the methods, sequence, timing of specific operations in the plan, or the deletion of specific operations or areas from all or part of the plan in order to assure that the surface coal mining and reclamation objectives of this Act are met.

(d) No permit will be issued unless the regulatory authority finds that:

(1) all applicable requirements of this Act and the State or Federal program have been satisfied;

(2) the applicant can demonstrate that reclamation as required by this Act and the appropriate State or Federal program under this Act can be accomplished under the surface coal mining and reclamation plan contained in the permit application;

(3) the land to be affected does not lie within three hundred feet from any occupied dwelling, unless the owner thereof waives this requirement, nor within three hundred feet of any public building, school, church, community, or institutional building, or cemetery; or the land to be affected does not lie within one hundred feet of the outside right-of-way line of any public road, except that the regulatory authority may permit such roads to be relocated, if the interests of the public and the landowners affected thereby will be protected;

(4) no lake, river, stream, creek, or watercourse may be moved, interrupted, or destroyed during the surface coal mining or reclamation process except that lakes, rivers, streams, creeks, or watercourses may be relocated where consistent with the approved mining and reclamation plan; and no surface coal mining or reclamation activities will be conducted within one hundred feet of any lake, river, stream, or creek, except where permitted by the approved mining and reclamation plan;

(5) surface coal mining operations will not take place on any area of land within one thousand feet of parks or places listed in the National Register of Historic Sites, unless screening or other measures approved by the regulatory authority are used or if the mining of the area will not adversely affect or reduce the usage of the park or place; and

(6) the application on its face is complete, accurate, and contains no false information.

(e) The regulatory authority shall not issue any new surface coal mining permit or renew or revise any existing surface coal mining permit if it finds that the applicant has failed and continues to fail to comply with any of the provisions of this Act applicable to any State, Federal, or Federal lands program, or if the applicant fails to submit proof that violations described in subsection (a)(10) of section 208 have been corrected or are in the process of being corrected to the satisfaction of the regulatory authority, department, or agency which has jurisdiction over such violation.

(f) Any person having an interest which is or may be adversely affected by the proposed surface coal mining and reclamation operation or any Federal, State, or local governmental agency having responsibilities affected by the proposed operation shall have the right to file written objections to any permit application and request a public hearing thereon within thirty days after the last publication of the advertisement pursuant to section 208(a)(9). If written objections are filed and a hearing requested, the regulatory authority shall hold a public hearing in the locality of the proposed surface coal mining and reclamation operation as soon as practicable from the date of receipt of such objections and after appropriate notice and publication of the date, time, and location of such hearing. Within sixty days after the hearing the regulatory authority shall issue and furnish the parties to the hearing the written decision of the regulatory authority granting or denying the permit in whole or in part and stating the reasons therefor.

POSTING OF BOND OR DEPOSIT: INSURANCE

SEC. 210. (a) After a surface coal mining and reclamation permit applications have been approved but before such a permit is issued, the applicant shall file with regulatory authority, on a form prescribed and furnished by the regulatory authority, a bond for performance payable, as appropriate, to the United States or the State, under an approved State program, and conditioned that the applicant shall faithfully perform all the applicable requirements under this Act. The bond shall cover that area of land within the permit area upon which the applicant will initiate and conduct surface coal mining and reclamation operations within the initial year of the permit term. As succeeding increments of surface coal mining and reclamation operations are to be initiated and conducted within the permit area, the permittee shall file annually with the regulatory authority an additional bond or bonds to cover such increments in accordance with this section. The amount of the bond required for each bonded area shall depend upon the reclamation requirements of the approved permit and shall be determined by the regulatory authority. The amount of the bond shall be sufficient to assure the completion of the reclamation plan if the work had to be performed by a third

party in the event of forfeiture; in no case shall the bond be less than $10,000.

(b) The bond shall be executed by the applicant and a corporate surety approved by the regulatory authority, except that the applicant may elect to deposit cash, negotiable bonds of the United States Government or such State, or negotiable certificates of deposit of any bank organized under the laws of any State or the United States. The cash deposit or market value of such securities shall be equal to or greater than the amount of the bond required for the bonded area.

(c) The amount of the bond or deposit required shall be increased or decreased by the regulatory authority from time to time as affected land acreages are changed or where the cost of future reclamation increases or decreases.

(d) After a surface coal mining and reclamation permit application has been approved but before such permit is issued, the applicant for a permit shall be required to submit to the regulatory authority a certificate issued by an insurance company authorized to do business in the United States certifying that the applicant has a public liability insurance policy in force for the surface coal mining and reclamation operation for which such permit is sought, or evidence that the applicant has satisfied State or Federal self-insurance requirements. Such policy shall provide for both on- and off-site personal injury and property damage protection in an amount adequate to compensate any persons injured or damaged as a result of surface coal mining and reclamation operations and entitled to compensation under the applicable provisions of Federal or State law, but in any event shall not be less than $100,000, or for such higher amounts as the regulatory authority deems necessary in light of potential risk and magnitude of possible off-site damages. Such policy shall be for the term of the permit and any renewal, including the length of any and all reclamation operations required by this Act.

RELEASE OF PERFORMANCE BONDS OR DEPOSITS

SEC. 211. (a) The permittee may file a request with the regulatory authority for the release of all or part of the performance bond or deposit. Within thirty days after any application for bond or deposit release has been filed with the regulatory authority, the permittee shall submit a copy of an advertisement placed at least once a week for three consecutive weeks in a newspaper of general circulation in the locality of the surface coal mining operation. Such advertisement shall be considered part of any bond release application and shall contain a notification of the location of the land affected, the number of acres, the permit number and the date approved, the amount of the bond filed and the portion sought to be released, and the type of reclamation work performed. In addition, as part of any bond release application, the permittee shall submit copies of letters which have been sent to adjoining property owners, and local governmental bodies, planning agencies, sewage and water treatment authorities, water companies, and all other public utility companies whose facilities cross or may be sufficiently close to the concerned area to be affected thereby in the locality in which the surface coal mining and reclamation activities took place, notifying them of intent to seek release of the bond.

(b) The regulatory authority may release in whole or in part said bond or deposit if the authority is satisfied that reclamation covered by the bond or deposit or portion thereof has been accomplished as required by this Act: *Provided, however,* That—

(1) no bond shall be fully released until all reclamation requirements of this Act are fully met, and

(2) an inspection and evaluation of the affected surface coal mining and reclamation operation is made by the regulatory authority or its authorized representative prior to the release of all or any portion of the bond.

(c) If the regulatory authority disapproves the application for release of the bond or portion thereof, the authority shall notify the permittee, in writing, stating the reasons for disapproval and recommending actions necessary to secure said release. The permittee shall be afforded an opportunity for a public hearing in accordance with the procedures specified in section 209(a), unless a hearing has already been held under subsection (d) of this section.

(d) Any person having an interest which is or may be adversely affected by the proposed release of the bond or any Federal, State, or local governmental agency having responsibilities affected by the proposed release shall have the right to file written objections to the proposed release of the bond and request a public hearing thereon to the regulatory authority within thirty days after the last notice has been given in accordance with subsection (a) of this section. If written objections are filed and a hearing requested, the regulatory authority shall inform all the interested parties, of the time and place of the hearing, which shall be held in the locality of the affected surface coal mining operation as soon as practicable after receipt of the request for such hearing. The date, time, and location of such public hearing shall be advertised by the regulatory authority in a newspaper of general circulation in the locality once a week for three consecutive weeks.

REVISION AND REVIEW OF PERMITS

SEC. 212. (a) During the term of the permit the permittee may submit an application, together with a revised surface coal mining and reclamation plan, to the regulatory authority for a revision of the permit.

(b) An application for a revision of a permit shall not be approved unless the regulatory authority finds that reclamation as required by this Act and the State or Federal program can be accomplished under the revised surface coal mining and reclamation plan. The revision shall be approved or disapproved within a period of time established by the State or Federal program, but such period shall not exceed ninety days. The regulatory authority shall establish guidelines for a determination of the scale or extent of a revision request for which all permit application information requirements and procedures, including notice and hearings, shall apply: *Provided,* That any revision which proposes a substantial change in the intended future use of the land or significant alterations in the mining and reclamation plan shall, at a minimum, be subject to the notice and hearing requirements of section 209 of this Act.

(c) Any extensions to the area covered by the permit except incidental boundary revisions shall be made by application for another permit.

(d) The regulatory authority may require reasonable revision or modification of the permit provisions during the term of such permit: *Provided,* That such revision or modification shall be subject to notice and hearing requirements established by the State or Federal program.

(e) Permits issued pursuant to an approved State program shall be valid but reviewable under a Federal program. Following promulgation of a Federal program, the Secretary shall review such permits to determine if the requirements of this Act are being carried out. If the Secretary determines that any permit has been granted contrary to the requirements of this Act, he shall so advise the permittee and provide him a reasonable opportunity for submission of a new application and reasonable time to conform ongoing surface coal mining and reclamation operations to the requirements of the Federal program.

(f) If a State submits a proposed State program to the Secretary after a Federal program has been promulgated and implemented, and if the Secretary approves the State program, the Federal program shall cease to be effective thirty days after such approval. Permits issued pursuant to the Federal program shall be valid but reviewable under the approved State program. The State regulatory authority may review such permits to determine if the requirements of the approved State program are being carried out. If the State regulatory authority determines that any permit has been granted contrary to the requirements of the approved State program, it shall so advise the permittee and provide a reasonable opportunity for submission of a new application and reasonable time to conform ongoing surface coal mining and reclamation operations to the requirements of the approved State program.

SURFACE COAL MINING AND RECLAMATION PERFORMANCE STANDARDS

SEC. 213. (a) Any permit issued under any approved State or Federal program pursuant to this Act to conduct surface coal mining operations shall require that such surface coal mining operations will meet all applicable surface coal mining and reclamation performance standards of this Act.

(b) The following general surface coal mining and reclamation performance standards shall be applicable to all surface coal mining and reclamation operations and shall require the permittee to—

(1) conduct surface coal mining operations so as to maximize the utilization and conservation of the coal being mined so that reaffecting the land in the future through surface coal mining operations can be minimized;

(2) restore the land affected to a condition capable of supporting the uses which it was capable of supporting prior to any mining, or an equal or better economic or public use suitable to the locality;

(3) minimize to the extent practicable, any temporary environmental damage so that it will affect only the permit area;

(4) limit the excavation area from which coal has been removed at any one time during mining by combining the process of reclamation with the process of mining to keep reclamation operations current, and completing such reclamation in any separate distinguishable portion of the mined area as soon as feasible, but not later than the time specified in a reclamation schedule which shall be attached to the permit;

(5) remove the topsoil from the land in a separate layer, replace it simultaneously on a backfill area or segregate it, and if the topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, maintain a successful cover by quick growing plant or other means thereafter so that the topsoil is protected from wind and water erosion, and contamination from any acid or toxic material, and is in a usable condition for sustaining vegetation, except if the topsoil is not capable of sustaining vegetation or if another material from the mining cycle can be shown to be more suitable for vegetation requirements, then the permittee shall so remove, segregate, and protect that material which is best able to support vegetation, unless the permittee demonstrates in the reclamation plan that another method of soil conservation would be at least equally effective for revegetation purposes;

(6) stabilize and protect all surface areas affected by the surface coal mining and reclamation operation to control as effectively as possible erosion and attendant air and water pollution;

(7) provide that all debris, acid, highly mineralized toxic materials, or materials constituting a fire hazard are treated or disposed of in a manner designed to prevent contamination of ground or surface waters and sustained combustion;

(8) backfill, compact (where advisable to provide stability or to prevent leaching of toxic materials), and grade in order to restore the approximate original contour of the land with all highwalls, spoil piles and depressions eliminated (unless small depressions are needed in order to retain moisture to assist revegetation or as otherwise authorized pursuant to paragraph (9) of this subsection): *Provided, however,* That in surface coal mining operations where the permittee demonstrates that the overburden, giving due consideration to volumetric expansion, is insufficient to restore the approximate original contour, the permittee, at a minimum, shall backfill, grade, and compact (where advisable) in order to cover all acid-forming and other toxic materials, to achieve an angle of repose based upon soil and climate characteristics of the area of land to be affected and to facilitate a land use consistent with that approved for the post mining land use of the mine site;

(9) construct, if authorized in the approved surface coal mining and reclamation plan and permit, permanent impoundments of water on mining sites as part of reclamation activities only when it is adequately demonstrated that—

(A) the size of the impoundment is adequate for its intended purposes;

(B) the impoundment dam construction will be so designed to achieve necessary stability with an adequate margin of safety;

(C) the quality of impounded water will be suitable on a permanent basis for its intended use and that degradation of water quality in the receiving stream as a result of discharges from the impoundment will be minimized;

(D) the level of water will be reasonably stable;

(E) final grading will provide adequate safety and access for proposed water users; and

(F) diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses will be minimized;

(10) refrain from the construction of roads or other access ways up a stream bed or drainage channel or in such proximity to such bed or channel so as to result in serious adverse effects on the normal flow of water;

(11) replace the topsoil or the other more suitable material from the mining cycle which has been segregated and protected;

(12) establish on the regraded areas and all other lands affected a stable and self-regenerating vegetative cover (including agricultural crops if opproved by the regulatory authority), where cover (including agrimining, which where advisable, shall be comprised of native vegetation;

(13) assume the responsibility for successful revegetation for a period of five full years after the completion of reclamation (as determined by the regulatory authority) in order to provide a stable and self-regenerating vegetative cover suitable to the area, except in those areas or regions of the country where the annual average precipitation is twenty-six inches or less, then the permittee's assumption of responsibility and liability will extend for a period of ten full years after the completion of reclamation: *Provided,* That unless prior thereto, the operator can demonstrate to the satisfaction of the regulatory authority that such a vegetative cover has been established for at least three full growing seasons;

(14) minimize the disturbances to the hydrologic balance at the mine site and in associated offsite areas and to the quality and quantity of water in surface and ground water systems both during and after surface coal mining and reclamation operations by—

(A) avoiding acid or other toxic mine drainage to the extent practicable by preventing, retaining, or treating drainage to reduce mineral content which adversely affects downstream water uses when it is released to water courses;

(B) casing, sealing, or otherwise managing boreholes, shafts, and wells in a manner designed to prevent acid or other toxic drainage to ground and surface waters;

(C) conducting surface coal mining operations so as to minimize to the extent practicable the adverse effects of water runoff from the permit area;

(D) if required, removing and disposing of siltation structures and retained silt from drainways in an environmentally safe manner;

(E) restoring to the maximum extent practicable recharge capacity of the aquifer at the minesite to permining conditions; and

(F) relocating surface and ground water in a manner consistent with the permittee's approved surface coal mining and reclamation plan.

(15) minimize offsite damages that may result from surface coal mining operations and institute immediate efforts to correct such conditions;

(16) with respect to the use of impoundments for disposal of mine wastes or other liquid or solid wastes, incorporate sound engineering practices for the design and construction of water retention facilities which will not endanger the health and safety of the public in the event of failure, construct such facilities to achieve necessary stability with an adequate margin of safety to protect against failure, prevent leachate from polluting surface or ground water and prohibit fines, slimes, and other unsuitable coal processing wastes from being used as the principal material in the construction of water impoundments, water retention facilities, dams, or settling ponds;

(17) with respect to surface disposal of mine wastes, coal processing wastes, and other wastes in areas other than the mine workings or excavations, stabilize all waste piles in designated areas through construction in compacted layers with incombustible and impervious materials, and provide that the final contour of the waste pile will be compatible with natural surroundings and that the site can and will be stabilized and revegetated according to the provisions of this Act;

(18) with respect to the use of explosives—

(A) provide advance written notice to local governments and advance notice to residents who would be affected by the use of such explosives by publication in a newspaper of general circulation in the locality of the proposed site at least once a week for four successive weeks of the planned blasting schedules and the posting of such schedules at the entrances to the permit area, and maintain for a period of at least three years a log of the magnitudes and times of blasts;

(B) limit the type of explosives and detonating equipment, the size, the timing and frequency of blasts based upon the physical conditions of the site so as to prevent (i) injury to persons, (ii) damage to public and private property outside the permit area, and (iii) adverse impacts on any underground mine, and

(C) refrain from blasting in specific areas where the safety of the public or private property or natural formations of more than local interest are endangered;

(19) refrain from surface coal mining within five hundred feet of active underground mine workings in order to prevent breakthroughs;

(20) construct access roads, haulroads, or haulageways with appropriate limits applied to grade, width, surface materials, spacing, and size of culverts in order to control drainage and prevent erosion outside the permit area, and upon the completion of mining either reclaim such roads by regrading and revegetation or provide for their maintenance so as to control erosion and siltation of streams and adjacent lands; and

(21) fill auger holes to a depth of not less than three times the diameter with an impervious and noncombustible material.

(c) The following mining and reclamation performance standards shall be applicable to steep-slope surface coal mining and shall be in addition to those general performance standards required by this section: *Provided, however,* That the provisions of this subsection (c) shall not apply to those situations in which an operator is mining on flat or gently rolling terrain, on which an occasional steep-slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area:

(1) No spoil, debris, soil, waste materials, or abandoned or disabled mine equipment may be placed on the natural or other downslope below the bench or cut created to expose the coal seam except that, where necessary, spoil from the cut necessary to obtain access to the coal seam may be placed on a limited or specified area of the downslope, provided that the spoil is shaped and graded in such a way so as to prevent slides and minimize erosion and water pollution and that the other requirements of subsection (b) can still be met.

(2) For tne purpose of this subsection, the term "steepslope" is any slope above twenty degrees or such other slope as the regulatory authority may determine to be necessary based upon soil, climate, and other characteristics of a region or State.

(d)(1) In cases where an industrial commercial, agricultural, residential, recreational, or public facility development is proposed for postmining use of the affected land the regulatory authority may grant appropriate exceptions to the requirements for regrading, backfilling, and spoil placement as set forth in subsection 213(b)(8) and in subsection 213(c)(1) of this Act, if the regulatory authority determines:

(A) after consultation with the appropriate land use planning agencies, if any, the proposed development is deemed to constitute an equal or better economic or public use of the affected land, as compared with the premining use;

(B) the equal or better economic or public use can be most effectively obtained only if one or more exceptions to the requirements for regarding, backfilling, and spoil placement as set forth in subsection 213(b)(8) and subsection 213(c)(1) of this Act are granted;

(2) With respect to subsection 213(b)(12) and subsection 213(b)(13) of this Act, where postmining land use development is in compliance with all the requirements of this subsection and where the regulatory authority has found that an exception to the revegetation standards is necessary to achieve the postmining land use development, the regulatory authority may grant an appropriate exception.

(3) All exceptions granted under the provisions of this subsection will be reviewed periodically by the regulatory authority to assure compliance with the terms of the approved schedule and reclamation plan.

(e) The Secretary may develop, promulgate, and revise, as may be appropriate, improved surface coal mining and reclamation performance standards for the protection of the environment and public health and safety. Such development and revision of improved surface coal mining and reclamation performance standards shall be based upon the latest available scientific data, the technical feasibility of the standards, and experience gained under this and other environmental protection statutes. The performance standards of subsections (b) and (c) of this section shall be applicable until superseded in whole or in part by improved surface coal mining and reclamation

performance standards promulgated by the Secretary. No improved surface coal mining and reclamation performance standards promulgated under this subsection shall reduce the protection afforded the environment and the health and safety of the public below that provided by the performance standards contained in subsections (b) and (c) of this section. Improved surface coal mining and reclamation performance standards shall not be promulgated by the Secretary until he has followed the procedures specified in subsections (a), (b), and (c) of section 202 of this Act.

MINING AND RECLAMATION PERFORMANCE STANDARDS FOR SURFACE OPERATIONS INCIDENT TO UNDERGROUND COAL MINING

SEC. 214. (a) In order to regulate the adverse effects of surface operations incident to underground coal mining, the Secretary shall, in accordance with the procedures established under section 202 of this Act, promulgate rules and regulations embodying the requirements specified in subsection (c) of this section which shall be applicable to surface operations incident to underground coal mining.

(b) The performance standards specified in subsection (c) of this section shall be applicable to all such operations until superseded in whole or in part by improved performance standards promulgated by the Secretary in accordance with subsection (e) of section 213 of this Act.

(c) Any approved State or Federal program pursuant to this Act and relating to surface operations incident to underground coal mining shall require the underground coal mine operator to—

(1) seal all portals, entryways, drifts, shafts, or other openings between the surface and underground mineworkings when no longer needed for the conduct of the underground coal mining operation;

(2) with respect to surface disposal of mine wastes, coal processing wastes, and other wastes in areas other than mineworkings or excavations, stabilize all waste piles created by the current operations in designated areas through construction in compacted layers with incombustible and impervious materials, and provide that the final contour of the waste pile will be compatible with natural surroundings and that the site is stabilized and revegetated according to the provisions of this section;

(3) with respect to the use of impoundments for disposal of mine wastes or other liquid and solid wastes incorporate sound engineering practices for the design and construction of water retention facilities which will not endanger the health and safety of the public in the event of failure, construct such facilities to achieve necessary stability with an adequate margin of safety to protect against failure, prevent leachate from polluting surface or ground water, and prohibit fines, slimes and other unsuitable coal processing wastes from being used as the principal material in the construction of water impoundments, water retention facilities, dams, or settling ponds;

(4) establish on regarded areas and all other lands affected, a stable and self-regenerating vegetative cover, where cover existed prior to mining, which, where advisable, shall be comprised of native vegetation;

(5) minimize off-site damages resulting from surface operations incident to underground coal mining; and

(6) prevent to the extent practicable the discharge of waterborne pollutants both during and after mining.

(d) All operators of underground coal mines, both during and after mining, shall have abatement and remedial programs to prevent the discharge of waterborne pollutants to the extent practical and to eliminate fire hazards and other conditions which constitute a hazard to public health and safety.

JUDICIAL REVIEW

SEC. 215. (a) (1) Any action of the Secretary to approve or disapprove a State program pursuant to section 203 of this Act or to prepare and promulgate a Federal program pursuant to section 204 of this Act shall be subject to judicial review only by the appropriate United States Court of Appeals upon the filing in such court within thirty days from the date of such action of a petition by any person who participated in the administrative proceedings related thereto and who is aggrieved by the action praying that the action be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the other parties, the Secretary, and the Attorney General and thereupon the Secretary shall certify and the Attorney General shall file in such court the record upon which the action complained of was issued, as provided in section 2112 of title 28, United States Code.

(2) Any promulgation of regulations by the Secretary pursuant to sections 213, 214, and 221 of this Act shall be subject to judicial review only by the appropriate United States Court of Appeals in accordance with the procedures set forth in subsection (1) of this section.

(3) All other orders or decisions issued by the Secretary pursuant to this Act shall be subject to judicial review only in the United States District Court for the locality in which the surface coal mining operation is located. Such review shall be in accordance with the Federal Rules of Civil Procedure. In the case of a proceeding to review an order or decision issued by the Secretary under section 219(b) of this Act, the court shall have jurisdiction to enter an order requiring payment of any civil penalty assessment enforced by its judgment.

(b) The court shall hear such petition or complaint on the evidence presented and on the record made before the Secretary. The court may affirm, vacate, or modify any order or decision or may remand the proceedings to the Secretary for such further action as it may direct.

(c) In the case of a proceeding to review any order or decision issued by the Secretary under this Act, the court may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceeding if—

(1) all parties to the proceeding have been notified and given an opportunity to be heard on a request for temporary relief;

(2) there is a substantial likelihood that the person requesting such relief will prevail on the merits of the final determination of the proceeding; and

(3) such relief will not present imminent danger to the public health and safety or cause significant imminent environmental harm to the land, air, or water resources which cannot reasonably be considered reclaimable within the scope of the bonded reclamation plan.

(d) The commencement of a proceeding under this section shall not, unless specifically ordered by the court, operate as a stay of the order or decision of the Secretary.

INSPECTIONS AND MONITORING

SEC. 216. (a) The Secretary shall cause to be made such inspections of any surface coal mining and reclamation operations as are necessary to evaluate the administration of approved State programs, or to develop or enforce any Federal program, and for such purposes authorized representatives of the Secretary shall have a right of entry to, upon, or through any surface coal mining and reclamation operations.

(b) For the purpose of developing or assisting in the development, administration, and enforcement of any approved State or Federal program under this Act or in the administration and enforcement of any permit under this Act, or determining whether any person is in violation of any requirement of any such State or Federal program or any other requirement of this Act, the regulatory authority shall—

(1) require any permittee to (A) establish and maintain appropriate records, (B) make monthly reports to the regulatory authority, (C) install, use, and maintain any necessary monitoring equipment or methods, (D) evaluate results in accordance with such methods, at such locations, intervals, and in such manner as the regulatory authority shall prescribe, and (E) provide such other information relative to surface coal mining and reclamation operations as the regulatory authority deems reasonable and necessary;

(2) for those surface coal mining and reclamation operations which remove or disturb strata that serve as aquifers which significantly insure the hydrologic balance or water use either on or off the mining site, specify those—

(A) monitoring sites to record the quantity and quality of surface drainage above and below the minesite as well as in the potential zone of influence;

(B) monitoring sites to record level, amount, and samples of ground water and aquifers potentially affected by the mining and also directly below the lowermost (deepest) coal seam to be mined;

(C) records of well logs and borehole data to be maintained; and

(D) monitoring sites to record precipitation.

The monitoring, data collection, and analysis required by this section shall be conducted according to standards and procedures set forth by the regulatory authority in order to assure their reliability and validity; and

(3) the authoized representatives of the regulatory authority, without advance notice and upon presentation of appropriate credentials (A) shall have the right of entry to, upon, or through any surface coal mining and reclamation operations or any premises in which any records required to be maintained under paragraph (1) of this subsection are located; and (B) may at reasonable times, and without delay, have access to and copy any records, inspect any monitoring equipment or method of operation required under this Act.

(c) The inspections by the regulatory authority shall (1) occur on an irregular basis averaging not less than one inspection per month for the surface coal mining and reclamation operations for coal covered by each permit; (2) occur without prior notice to the permittee or his agents or employees; and (3) include the filing of inspection reports adequate to enforce the requirements of and to carry out the terms and purposes of this Act. The regulatory authority shall make copies of such inspection reports freely available to the public at a central location in the pertinent geographic area of mining. The Secretary or the regulatory authority shall establish a system of continual rotation of inspectors so that the same inspector does not consistently visit the same operations.

(d) Each permittee shall conspicuously maintain at the entrances to the surface coal mining and reclamation operation a clearly visible sign which sets forth the name, business address, and phone number of the permittee and the permit number of the surface coal mining and reclamation operation.

(e) Each authorized representative of the regulatory authority, upon detection of each violation of any requirement of a State or Federal program pursuant to this Act, shall

forthwith inform the permittee in writing, and shall report in writing any such violation to the regulatory authority.

FEDERAL ENFORCEMENT

SEC. 217. (a)(1) Whenever, on the basis of any information available, including receipt of information from any person, the Secretary has reason to believe that any person is in violation of any requirement of this Act or any permit condition required by this Act, the Secretary shall notify the State regulatory authority, if one exists, in the State in which such violation exists. If no such State authority exists or the State regulatory authority fails within ten days after notification to take appropriate action to cause said violation to be corrected or to show good cause for such failure and transmit notification of its action to the Secretary, the Secretary shall immediately order Federal inspection of the surface coal mining operation at which the alleged violation is occurring unless the information available to the Secretary is a result of a previous Federal inspection of such surface coal mining operation. When the Federal inspection results from information provided to the Secretary by any person, the Secretary shall notify such person when the Federal inspection is proposed to be carried out and such person shall be allowed to accompany the inspector during the inspection.

(2) When, on the basis of any Federal inspection, the Secretary or his authorized representative determines that any permittee is in violation of any requirement of this Act or any permit condition required by this Act, which violation also creates an imminent danger to the health or safety of the public, or is causing, or can reasonably be expected to cause significant imminent environmental harm to land, air, or water resources, which cannot reasonably be considered reclaimable within the scope of the bonded reclamation plan, the Secretary or his authorized representative shall immediately order a cessation of surface coal mining and reclamation operations or the portion thereof relevant to the violation. Such cessation order shall remain in effect until the Secretary or his authorized representative determines that the violation has been abated.

(3) When, on the basis of a Federal inspection which is carried out during the enforcement of a Federal program or a Federal lands program, or during Federal enforcement of a State program in accordance with subsection (b) of this section, the Secretary or his authorized representative determines that any permittee is in violation of any requirement of this Act or any permit condition required by this Act, but such violation does not create an imminent danger to the health or safety of the public, or cause or can be reasonably expected to cause significant imminent environmental harm to land, air, or water resources which cannot reasonably be considered reclaimable within the scope of the bonded reclamation plan, the Secretary or his authorized representative shall issue a notice to the permittee or his agent fixing a reasonable time for the abatement of the violation. If, upon the expiration of the period of time as originally fixed or subsequently extended, the Secretary or his authorized representative finds that the violation has not been abated, he shall immediately order a cessation of surface coal mining and reclamation operations or the portion thereof relevant to the violation. Such cessation order shall remain in effect until the Secretary or his authorized representative determines that the violation has been abated.

(4) When, on the basis of a Federal inspection which is carried out during the enforcement of a Federal program, or a Federal lands program, or during Federal enforcement of a State program in accordance with subsection (b) of this section, the Secretary or his authorized representative determines that a pattern of violations of any requirements of this Act or any permit conditions required by this Act exists or has existed, and if the Secretary or his authorized representative also finds that such violations are caused by the unwarranted failure of the permittee to comply with any requirements of this Act or any permit conditions, or that such violations are willfully caused by the permittee, the Secretary or his authorized representative shall forthwith issue an order to the permittee to show cause why the permit should not be suspended or revoked.

(5) Notices and orders issued pursuant to this section shall set forth with reasonable specificity the nature of the violation and the remedial action required, the period of time established for abatement, and, where appropriate, a reasonable description of the portion of the surface coal mining and reclamation operation to which a cessation order applies. Each notice or other order issued under this section shall be given promptly to the permittee or his agent by the Secretary or his authorized representative who issues such notice or order, and all such notices and orders shall be in writing and shall be signed by such authorized representative. Any notice or order issued pursuant to this section may be modified, vacated, or terminated by the Secretary or his authorized representative. A copy of any such order or notice shall be sent to the State regulatory authority in the State in which the violation occurs.

(b) Whenever the Secretary finds that violations of an approved State program appear to result from a failure of the State to enforce such program effectively, he shall so notify the State. If the Secretary finds that such failure extends beyond thirty days after such notice, he shall give public notice of such finding. During the period beginning with such public notice and ending when such State satisfies the Secretary that it will enforce this Act, the Secretary shall enforce any permit condition required under this Act, shall issue new or revised permits in accordance with the requirements of this Act, and may issue such notices and orders as are necessary for compliance therewith.

(c) The Secretary may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the surface coal mining and reclamation operation is located or in which the permittee thereof has his principal office, whenever such permittee or his agent (A) violates or fails or refuses to comply with any order or decision issued by the Secretary under this Act, or (B) interferes with, hinders, or delays the Secretary or his authorized representative in carrying out the provisions of this Act, or (C) refuses to admit such authorized representative to the mine, or (D) refuses to permit inspection of the mine by such authorized representative, or (E) refuses to furnish any information or report requested by the Secretary in furtherance of the provisions of this Act, or (F) refuses to permit access to, and copying of, such records as the Secretary determines necessary in carrying out the provisions of this Act. Such court shall have jurisdiction to provide such relief as may be appropriate. Temporary restraining orders shall be issued in accordance with Rule 65 of the Federal Rules of Civil Procedure, as amended. Except as otherwise provided herein, any relief granted by the court to enforce an order under clause (A) of this subsection shall continue in effect until the completion or final termination of all proceedings for review of such order under this title, unless, prior thereto, the district court granting such relief sets it aside or modifies it.

REVIEW BY THE SECRETARY

SEC. 218. (a)(1) A notice or order issued to a permittee pursuant to the provisions of subparagraph (a) (2) and (3) of section 217 of this title, or to any person having an interest which is or may be adversely affected by such notice or order or by any modification, vacation, or termination of such notice or order, may apply to the Secretary for review of the notice or order within thirty days of receipt thereof or within thirty days of its modification, vacation, or termination. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing, at the request of the applicant or person having an interest which is or may be adversely affected, to enable the applicant and such person to present information relating to the issuance and continuance of such notice or order or the modification, vacation, or termination thereof. The filing of an application for review under this subsection shall not operate as a stay of any order or notice.

(2) The permittee and other interested persons shall be given written notice of the time and place of the hearing at least five days prior thereto. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

(b) Upon receiving the report of such investigation, the Secretary shall make findings of fact, and shall issue a written decision, incorporating therein an order vacating, affirming, modifying or terminating the notice or order, or the modification, vacation, or termination of such notice or order complained of and incorporate his finding therein.

(c) Pending completion of the investigation required by this section, the applicant may file with the Secretary a written request that the Secretary grant temporary relief from any notice or order issued under section 217(a)(3) of this title together with a detailed statement giving reasons for granting such relief. The Secretary may grant such relief, with or without a hearing, under such conditions as he may prescribe, if—

(1) the applicant shows that there is substantial likelihood that the findings of the Secretary will be favorable to him; and

(2) such relief will not present imminent danger to the health or safety of the public or cause significant imminent environmental harm to the land, air, or water resources which cannot reasonably be considered reclaimable within the scope of the bonded reclamation plan.

(d) Following the issuance of an order to show cause as to why a permit should not be suspended or revoked pursuant to section 217(a)(4), the Secretary shall hold a public hearing after giving written notice of the time, place, and date thereof. Any such hearing shall be of record and shall be subject to section 554 of title V of the United States Code. Within sixty days following the public hearing, the Secretary shall issue and furnish to the permittee and all other parties to the hearing a written decision, and the reasons therefor, concerning suspension or revocation of the permit. If the Secretary revokes the permit, the permittee shall immediately cease surface coal mining operations on the permit area and shall complete reclamation within a period specified by the Secretary, or the Secretary shall declare as forfeited the performance bonds of the operation.

(e) In view of the urgent need for prompt decision of matters submitted to the Secretary under this section, action shall be taken as promptly as practicable, consistent with adequate consideration of the issues involved.

PENALTIES

SEC. 219. (a) In the enforcement of a Federal program or Federal lands program, or during Federal enforcement of a State program pursuant to section 217(b) of this Act, any permittee who violates any permit condition or who violates any other provision of this title, may be assessed a civil penalty by the Secretary, except that if such violation leads to the issuance of a cessation order under section 217(a)(3), the civil penalty shall be assessed. Such penalty shall not exceed $10,000. Each day of a continuing violation may be deemed a separate offense. In determining the amount of the penalty, consideration shall be given to the permittee's history of previous violations at the particular surface coal mining operation; the appropriateness of such penalty to the size of the business of the permittee charged; the seriousness of the violation, including any irreparable harm to the environment and any hazard to the health or safety of the public; whether the permittee was negligent; and the demonstrated good faith of the permittee charged in attempting to achieve rapid compliance after notification of the violation.

(b) A civil penalty shall be assessed by the Secretary only after the person charged with a violation described under subsection (a) of this section has been given an opportunity for a public hearing. Where such a public hearing has been held, the Secretary shall make findings of fact, and shall issue a written decision as to the occurrence of the violation and the amount of the penalty which is warranted, incorporating, when appropriate, an order therein requiring that the penalty be paid. Where appropriate, the Secretary shall consolidate such hearings with other proceedings under section 218 of this Act. Any hearing under this section shall be of record and shall be subject to section 554 of title 5 of the United States Code. Where the person charged with such a violation fails to avail himself of the opportunity for a public hearing, a civil penalty shall be assessed by the Secretary after the Secretary has determined that a violation did occur, and the amount of the penalty which is warranted, and has issued an order requiring that the penalty be paid.

(c) If no complaint, as provided in section 215 of this Act, is filed within thirty days from the date of the final order or decision issued by the Secretary under subsection (b) of this section, such order and decision shall be conclusive.

(d) Interest at the rate of 6 per centum per annum shall be charged against a person on any unpaid civil penalty assessed against him pursuant to the final order of the Secretary, said interest to be computed from the thirty-first day after issuance of such final assessment order.

(e) Civil penalties owed under this Act, either pursuant to subsection (c) of this section or pursuant to an enforcement order entered under section 215 of this Act, may be recovered in a civil action brought by the Attorney General at the request of the Secretary in any appropriate district court of the United States.

(f) Any person who willfully and knowingly violates a condition of a permit issued pursuant to a Federal program or a Federal lands program or fails or refuses to comply with any order issued under section 217(a) of this Act, or any order incorporated in a final decision issued by the Secretary under this Act, except an order incorporated in a decision issued under subsection (b) of this section or section 305 of this Act, shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than one year, or both.

(g) Whenever a corporate permittee violates a condition of a permit issued to a Federal program or a Federal lands program or fails or refuses to comply with any order issued under section 217(a) of this Act, or any order incorporated in a final decision issued by the Secretary under this Act except an order incorporated in a decision issued under subsection (b) of this section or section 305 of this Act, any director, officer, or agent of such corporation who willfully and knowingly authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the same civil penalties, fines, and imprisonment that may be imposed upon a person under subsections (a) and (f) of this section.

(h) Whoever knowingly makes any false statement, representation, or certification, or knowingly fails to make any statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to a Federal program or a Federal lands program or any order or decision issued by the Secretary under this Act shall, upon conviction be punished by a fine of not more than $10,000, or by imprisonment for not more than one year, or both.

(i) As a condition of approval of any State program submitted pursuant to section 203 of this Act, the civil and criminal penalty provisions thereof shall, at a minimum, incorporate penalties no less stringent than those set forth in this section, and shall contain the same or similar procedural requirements relating thereto.

ESTABLISHMENT OF RIGHT TO BRING CITIZENS SUITS

SEC. 220. (a) Except as provided in subsection (c) of this section any person having an interest which is or may be adversely affected by actions of the Secretary or the regulatory authority may commence a civil action on his own behalf in an appropriate United States district court—

(1) against any person (including (A) the United States, and (B) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any regulation, order, or permit issued under this Act;

(2) against the Secretary where there is alleged a failure of the Secretary of State regulatory authority to perform any act or duty under this Act which is not discretionary.

The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to remedy such violation or failure and to apply any appropriate civil penalties or injunctive relief under this Act.

(b) No action may be commenced—

(1) under subsection (a)(1) of this section—

(A) prior to sixty days after the plaintiff has given notice of the alleged violation (i) to the Secretary, (ii) to the State in which the alleged violation occurs, and (iii) to any alleged violator of the regulation, order, or permit, or provision of this Act;

(B) if the Secretary or State has commenced and is diligently prosecuting administrative or judicial action to require compliance with the regulation, permit, order, or provision of this Act, but in any such action in a court of the United States any person described in subsection (a) may intervene as a matter of right;

(2) under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice of such action to the regulatory authority. Notice under this subsection shall be given in such manner as the Secretary shall prescribe by regulation.

(c) The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, except against the United States or any Federal officer or agency, whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(d) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of this Act or to seek any other relief (including relief against the Secretary or a State agency).

(c) The Secretary, if not a party in any action under this section, may intervene as a matter of right.

FEDERAL LANDS

SEC. 221. (a)(1) After the date of enactment of this Act all new surface coal mining permits, leaves, or contracts issued with respect to surface coal mining operations on Federal lands shall incorporate therein the interim surface coal mining and reclamation performance standards of subsection (c) of the section 201 of this Act.

(a)(2) Within sixty days from the date of enactment of this Act, the Secretary shall review and amend all existing surface coal mining permits, leases, or contracts in order to incorporate therein the interim surface coal mining and reclamation performance standards of subsection (c) of section 201 of this Act. On or before one hundred and twenty days from the date of issuance of such amended permit, lease, or contract, all surface coal mining operations existing at the date of enactment of this Act on Federal lands shall comply with the interim surface coal mining and reclamation performance standards with respect to lands from which the overburden has not been removed.

(b) The Secretary, in consultation with the heads of other Federal land managing departments and agencies, shall promulgate and implement a Federal lands program which shall be applicable to all surface coal mining and reclamation operations taking place on any Federal land. The Federal lands program shall incorporate all surface coal mining reclamation requirements of this Act and shall take into consideration the diverse physical, climatological, and other unique characteristics of the Federal lands in question.

(c) Within eighteen months after the date of enactment of this Act, all surface coal mining reclamation requirements of this Act through the Federal lands program shall be incorporated by reference or otherwise in any Federal mineral lease, permit, or contract issued by the Secretary which may involve surface coal mining and reclamation operations or surface operations incident to underground coal mines. Incorporation of such requirements shall not, however, limit in any way the authority of the Secretary to subsequently issue new regulations, revise the Federal lands program to deal with changing conditions or changed technology, and to require the lease, permit, or contract holder to conform any surface coal mining and reclamation operations to the requirements of this Act and the regulations issued pursuant to this Act. With respect to national forest lands, the Secretary shall include in permits, leases, and contracts those conditions and requirements deemed necessary by the Secretary of Agriculture. The Secretary of Agriculture shall administer the provisions of such surface coal mining leases, permits, or contracts relating to reclamation and surface use, and is authorized to enforce such provisions.

The Secretary, or in the case of lands within national forests the Secretary of Agriculture, may enter into agreements with a State or with a number of States to provide for a joint Federal-State program covering a permit or permits for surface coal mining and reclamation operations on land areas which

contain lands within any State and Federal lands which are interspersed or checkerboarded and which should, for conservation and administrative purposes, be regulated as a single-management unit. To implement a joint Federal-State program the Secretary, or in the case of lands within national forests the Secretary of Agriculture, may enter into agreements with the States, may delegate authority to the States, or may accept a delegation of authority from the States for the purpose of avoiding duality of administration of a single permit for surface coal mining and reclamation operations. Such agreements shall incorporate all of the requirements of this Act, and shall not preclude Federal inspection or enforcement of the provisions of this Act as provided in sections 216 and 217.

(d) Except as specifically provided in subsection (c), this section shall not be construed as authorizing the Secretary or the Secretary of Agriculture to delegate to the States any authority or jurisdiction to regulate or administer surface coal mining and reclamation operations or other activities taking place on the Federal lands.

(e) This section shall not be construed as authorizing the Secretary to delegate to the States any authority or jurisdiction to regulate or administer surface coal mining and reclamation operations or other activities taking place on Indian lands or to delegate to the States trustee responsibilities toward Indians and Indian lands.

TITLE III—GENERAL PROVISIONS AND ADMINISTRATION

AUTHORITY OF THE SECRETARY

SEC. 301. (a) In carrying out his responsibilities under this Act the Secretary shall:

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

(2) maintain a continuing study of surface coal mining and reclamation operations in the United States;

(3) assist the States in the development of State programs for surface coal mining and reclamation operations which meet the requirements of this Act;

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

(5) conduct hearings, administer oaths, issue subpenas, and compel the attendance of witnesses and production of written or printed materials as necessary to carry out his duties under this Act.

(b) For the purpose of carrying out his responsibilities under this Act, including the enforcement thereof, the Secretary may by agreement utilize with or without reimbursement the services, personnel, and facilities of any Federal agency.

STUDY OF SUBSIDENCE AND UNDERGROUND WASTE DISPOSAL IN COAL MINES

SEC. 302. The Secretary shall conduct a full and complete study and investigation of the practices of backfilling all coal mine wastes and coal processing plant wastes in mine voids or other equally effective disposal methods and the control of subsidence to maximize the stability, value, and use of lands overlying underground coal mines. The Secretary shall report to the Congress the results of such study and investigation no later than the end of the two-year period beginning on the date of enactment of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 303. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

RELATION TO OTHER LAWS

SEC. 304. Nothing in this Act or in any State regulations approved pursuant to it shall be construed to conflict with any of the following Acts or with any rule or regulation promulgated thereunder:

(1) The Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721–740).

(2) The Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801).

(3) The Federal Water Pollution Control Act (33 U.S.C. 1151–1175), the State laws enacted pursuant thereto, or other Federal laws relating to preservation of water quality.

(4) The Clean Air Act, as amended (42 U.S.C. 1857).

(5) The Solid Waste Disposal Act (42 U.S.C. 3251).

(6) The Refuse Act of 1899 (33 U.S.C. 407).

(7) The Fish and Wildlife Coordination Act (16 U.S.C. 661–666c).

EMPLOYEE PROTECTION

SEC. 305. (a) No person shall discharge, or in any other way discriminate against, or cause to be discharged or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(b) Any employee or a representative of employees who believes that he has been discharged or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary for a review of such discharge or alleged discrimination. A copy of the application shall be sent to the person or operator who will be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to the alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation the Secretary shall make findings of fact. If he finds that a violation did occur, he shall issue a decision incorporating therein his findings and an order requiring the party committing the violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no violation, he shall issue such a finding. Orders issued by the Secretary under this subparagraph shall be subject to judicial review in the same manner as other orders and decisions of the Secretary are subject to judicial review under this Act.

(c) Whenever an order is issued under this section, at the request of applicant, a sum equal to the aggregate amount of all costs and expenses (including attorney's fees), to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the persons committing the violation.

GRANTS TO THE STATES

SEC. 306. (a) The Secretary is authorized to make annual grants to any State for the purpose of assisting such State in developing, administering, and enforcing State programs under this Act. Such grants shall not exceed 80 per centum of the program development costs incurred during the year prior to approval by the Secretary, shall not exceed 60 per centum of the total costs incurred during the first year following approval, 45 per centum during the second year following approval, 30 per centum during the third year following approval, and 15 per centum during the fourth year following approval. Not later than the end of the fourth year following approval, the State program shall be fully funded from State sources, and each application for a permit pursuant to an approved State program or a Federal program under the provision of this Act shall provide for payment of fees as determined by the regulatory authority. Such fees shall be based as nearly as possible upon the actual or anticipated costs of reviewing, administering, and enforcing such permit, and shall be payable on a phased basis over the period of the permit.

(b) The Secretary is authorized to cooperate with and provide assistance to any State for the purpose of assisting it in the development, administration, and enforcement of its State programs. Such cooperation and assistance shall include—

(1) technical assistance and training, including provision of necessary curricular and instruction materials, in the development, administration, and enforcement of the State programs; and

(2) assistance in preparing and maintaining a continuing inventory of information on surface coal mining and reclamation operations for each State for the purposes of evaluating the effectiveness of the State programs. Such assistance shall include all Federal departments and agencies making available data relevant to surface coal mining and reclamation operations and to the development, administration, and enforcement of State programs concerning such operations.

PROTECTION OF THE SURFACE OWNER

SEC. 307. (a) In those instances in which the surface owner is not the owner of the mineral estate proposed to be mined by surface coal mining operations, the application for a permit shall include the following:

(1) the written consent of, or a waiver by, the owner or owners of the surface lands involved to enter and commence surface coal mining operations on such land, or, in lieu thereof,

(2) the execution of a bond or undertaking to the United States or the State, whichever is applicable, for the use and benefit of the surface owner or owners of the land, to secure the immediate payment equal to any damages to the surface estate which the surface coal mining operation will cause to the crops or to the tangible improvements of the surface owner as may be determined by the parties involved or as determined and fixed in an action brought against the permittee or upon the bond in a court of competent jurisdiction. This bond is in addition to the performance bond required for reclamation by this Act.

(b) For the purposes of this section, the term "surface coal mining operation" does not include underground mining for coal.

PROTECTION OF GOVERNMENT EMPLOYEES

SEC. 308. Section 1114, title 18, United States Code, is, hereby amended by adding the words "or of the Department of the Interior" after the words "Department of Labor" contained in that section.

SEVERABILITY

SEC. 309. If any provision of this Act or the applicability thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

DEFINITIONS

SEC. 310. For the purposes of this Act—

(1) the term "Secretary" means the Secretary of the Interior, except where otherwise described;

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

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

(4) The term "surface coal mining operations" means—

(A) activities conducted on the surface of lands in connection with a surface coal mine the products of which enter commerce or the operations of which directly or indirectly affect commerce. Such activities include excavation for the purpose of obtaining coal including such common methods as contour, strip, auger, mountaintop removal, box cut, and area mining (but not open pit mining), and in situ distillation or retorting, leaching, or other chemical or physical processing, and the cleaning, concentrating, or other processing or preparation, or loading of coal for interstate commerce at or near the mine site: *Provided, however,* That such activities do not include the extraction of coal incidental to the extraction of other minerals where coal does not exceed 16⅔ per centum of the tonnage of minerals removed for purposes of commercial use or sale; and

(B) the areas upon which such activities occur or where such activities disturb the natural land surface. Such areas shall also include land affected by mineral exploration operations which substantially disturb the natural land surface, and any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, and excavations, workings, impoundments, dams, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, holes or depressions, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities;

(5) the term "surface coal mining and reclamation operations" means surface coal mining operations and all activities necessary and incident to the reclamation of such operations;

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

(7) The term "Federal lands" means any land or interest in land owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof;

(8) The term "State program" means a program established by a State pursuant to title II to regulate surface coal mining and reclamation operations on lands within a State in accordance with the requirements of this Act and regulations issued by the Secretary pursuant to this Act;

(9) The term "Federal program" means a program established by the Secretary to regulate surface coal mining and reclamation operations on lands within any State in accordance with the requirements of this Act;

(10) The term "Federal lands program" means a program established pursuant to title II to regulate surface coal mining and reclamation operations on Federal lands;

(11) The term "mining and reclamation plan" means a plan submitted by an applicant for a permit under a State program, Federal program, or Federal lands program which sets forth a plan for mining and reclamation of the proposed surface coal mining operations pursuant to section 208;

(12) The term "State regulatory authority" means the department or agency in each State which has primary responsibility in that State for administering the State program pursuant to this Act;

(13) The term "regulatory authority" means the State regulatory authority where the State is administering this Act under an approved State program or the Secretary where the Secretary is administering any or all provisions of this Act;

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

(15) The term "permit" means a document issued by the regulatory authority for a surface coal mining site pursuant to a State program, or a Federal lands program, authorizing the permittee to conduct surface coal mining and reclamation operations.

(16) The term "permit applicant" or "applicant" means a person applying for a permit;

(17) The term "permittee" means a person holding a permit;

(18) The term "backfilling to approximate original contour" means that part of the surface coal mining and reclamation process achieved by backfilling and grading of the mined area so that it closely resembles the surface configuration of the land prior to surface coal mining and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls, spoil piles, and depressions eliminated except that water impoundments may be permitted where the regulatory authority determines that they are necessary or desirable for reclamation or public recreation purposes;

(19) The term "operator" means any person engaged in surface coal mining operations;

(20) The term "reclamation" or "reclaim" means the process of land, air, and water treatment that restricts and controls water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other harmful effects resulting from surface coal mining operations, so that the affected areas, including, where appropriate, areas adjacent to the mining site are restored to a stable condition capable of supporting the uses which they were capable of supporting prior to mining or an equal or better economic or public use suitable to the locality;

(21) The term "unwarranted failure to comply" means the failure of a permittee to prevent the occurrence of any violation of his permit or any requirement of this Act due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such permit or the Act due to indifference, lack of diligence, or lack of reasonable care;

(22) "Open pit mining" means surface mining in which (1) the amount of material removed is large in proportion to the surface area disturbed; (2) mining continues in the same area proceeding downward wtih lateral expansion of the pit necessary to maintain slope stability or as necessary to accommodate the orderly expansion of the total mining operation; (3) the operations take place on the same relatively limited site for an extended period of time; (4) there is no practicable method to reclaim the land in the manner required by this Act; and (5) there is no practicable alternative method of mining the mineral or ore involved;

(23) The term "imminent danger to the health or safety of the public" means the existence of any condition or practice, or any violation of a permit or other requirement of this Act in a surface coal mining and reclamation operation, which condition, practice, or violation could reasonably be expected to cause death or serious physical harm to persons outside the permit area before such condition, practice, or violation can be abated.

WALTER P. JONES—AT 80 YEARS OF AGE—A STRONG AND DETERMINED FAITH IN HIS FELLOW MAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MCFALL) is recognized for 5 minutes.

Mr. MCFALL. Mr. Speaker, I rise today to inform my colleagues about a gentleman who has dedicated his entire life toward insuring that the democratic process we exercise here each day remains strong and unencumbered.

One sometimes sees the character of a man through the contrasts in his life. This is a man who has been immensely successful in the tough world of the newspaper business and yet in his free moments spends much time in his garden tending to the delicate and yet durable camellia.

Walter P. Jones, editor of the McClatchy newspapers—the Modesto Bee, the Sacramento Bee, and the Fresno Bee—celebrated his 80th birthday on July 4. Seven decades ago he began his newspaper career as a carrier boy for the old Sacramento Star. Then, in 1912, after completing 3 years of high school, he began working for the Star as a cub reporter. His first beat was the police department, along with other writing assignments including the obituaries and advice to lovelorn under the name of Cynthia Gray.

In 1919, after working for four other newspapers, Jones began his long and distinguished association with the McClatchy papers.

Arriving in his office each day with a beautiful flower in his lapel, kept fresh with a small vial of water pinned to the back of the lapel, Mr. Jones begins his daily task to insure that the public interest is protected, that progress continues to secure our fertile and vital Central Valley from floods, that the public domain continues to be protected from predator interests and that utilities remain mindful of the public interest. No simple task, the progressive philosophy was laid down by the late C. K. McClatchy, and upon his death in 1936, Walter picked up the fight for these ideals.

I have often thought, Mr. Speaker, that one mark of greatness is a man's commitment to do his job in the same exemplary manner day after day, throughout his career, as he did on his first day on the job when he was flushed with enthusiasm and idealism. By virtue of these criteria, Walter Jones is a great newspaperman. Each day, even though he is now 80, he still pays the same careful attention to the small details of stories published in the Bees as he did during his first year as editor. This attention to detail, together with

the papers' publicly oriented philosophy, have helped develop our Central Valley in California into one of the richest and most productive areas in all of the United States. With the Bee help and Walter Jones' stewardship, our valley is nearly flood free. It is developing sufficient water for agricultural purposes. It is solving its pollution problem. Children of migrant farm workers are receiving schooling and medical attention.

Walter Jones, Mr. Speaker, is one of those fortunate people who can look back upon a distinguished career and see that things are different because he was there.

CAPTIVE NATIONS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, July 14–20 marks the annual observance of Captive Nations Week. The fate of these captive nations has been a most disturbing and serious concern for the governments of the West, especially for our Government and people of this Republic. We have done our utmost to keep that issue alive, and have vowed—through a congressional act and Presidential proclamation—to keep that issue before our public by observing Captive Nations Week in the third week of July annually until the freedom of these peoples from Communist totalitarian tyranny is realized.

It is premature to believe that dictatorships and totalitarian governments will soon or easily surrender their power. Neither it is reasonable to believe that the Communist ideological hatred of Western democracies and their economic-political systems is a thing of the past. Having endured alternative periods of "thaw" and "freeze" in our relations with the Soviets, we should look hard at today's cordiality, hopeful that it will last, but maintaining realistic skepticism.

American society may not be perfect, but more than any other nation, we are trying to come to grips with problems and to overcome them within the context of our national experience and in a manner that preserves personal freedom. As we in this country move forward toward perfecting our own freedoms, we must continue to lend our support and encouragement to people around the world who work for the same cause.

The plight of the countries made captive by the Communist empire greatly concerns our freedom-loving Nation. For the past 15 years, our nationwide observances of Captive Nations Week in July have demonstrated the determination with which the American people support the hopes of freedom-loving people everywhere.

For us, this is not an idle exercise. Our Nation is rooted in the hatred of tyranny which drove our forefathers to the lonely shores of the New World. Hundreds of thousands of our citizens today are refugees from European lands submerged beneath the tides of Red oppression. Many millions more have kinfolk in those oppressed lands. All look to America as the bulwark—the last remaining bulwark of liberty.

Each year thousands of persons flee or attempt to flee to the West from the Communist world. At the risk of life and limb, these refugees vote with their feet and they vote for freedom.

It is important to support them. For this reason, I have cosponsored legislation to withhold most-favored-nation tariff treatment from the Soviet Union because it continues to deny its citizens the right to freely emigrate and I shall continue to speak out on this crucial issue of human dignity. Civilized countries must speak out when other countries engage in actions which violate human rights and we must always make certain that we do not support barbarism with our moneys.

Americans believe in independence and self-determination for nations throughout the world, and in my own city of Chicago there are many thousands of citizens who through nativity or ancestry share the vibrant cultures and heritage of liberty of the peoples of Europe who now lie captive under the yoke of communism.

In Chicago on Saturday, July 20, 1974, under the dedicated leadership of Chairman Viktors Viksnins, the Captive Nations Week Observance Committee is coordinating the annual parade and reception, and I am honored to serve this year as the grand parade marshal.

The Captive Nations 16th annual observance in Chicago will feature the parade members of the national groups, wearing their native costumes, joined by city officials, Chicago civic and business leaders, and members of our Armed Forces. A reception will follow the parade at the Latvian Community Center, 4146 North Elston Avenue.

Mr. Speaker, each year our distinguished mayor of Chicago, Hon. Richard J. Daley, proclaims Captive Nations Week for the city of Chicago. At this point in the RECORD I would like to include the mayor's 1974 Captive Nations Week proclamation:

PROCLAMATION

Whereas, in accordance with Congressional enactment, Captive Nations Week will be observed during the period of July 15 through July 20; and

Whereas, under auspices of the Captive Nations Friends Committee the annual parade will be held on State Street, beginning at noon Saturday, on July 20; and

Whereas, many people of nations made captive by the imperialistic policies of Communism are linked by bonds of family relationships to citizens of this community; and

Whereas, it is appropriate for all freedom-loving people to demonstrate to the populations of the captive nations support for their just aspirations for liberty and national independence; and

Whereas, it is commendable in every way that citizens of the United States, in appreciation of their constitutional guarantees of freedom should extend sympathy and hope of liberation to those whose rights have been constricted by Communist aggression:

Now, therefore, I, Richard J. Daley, Mayor of the City of Chicago, do hereby proclaim the period of July 15 through July 20, 1974, to the Captive Nations Week in Chicago and urge general participation in the special events arranged for this time.

FUEL ALLOCATION PROGRAMS SHOULD NOT BE DISMANTLED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. ADAMS) is recognized for 5 minutes.

Mr. ADAMS. Mr. Speaker, I was appalled to read in yesterday's Washington Post that Federal Energy Administrator John C. Sawhill has prepared and presented to six top White House advisers a grand strategy for an "orderly phase-out of both petroleum allocation and price controls."

The FEA Administrator apparently communicated to White House advisers that, and I quote,

It is essential that our strategy promote a stable economic *and political* (Sawhill's own emphasis) environment in which the allocation program will be seen as having served its purpose, and vested interests in its extension will be minimal.

The news reports indicated Sawhill added that he wants to decontrol by February 28, 1975, when the Emergency Fuel Allocation Act is due to expire and that he wants to try to "avoid congressional action to extend the Allocation Act."

The FEA's actions are deceitful and grossly unfair to the American people who have been expecting their Government to protect the public interest in the continuing energy crisis.

When John Sawhill was being considered by the Senate from the position of Administrator of the Federal Energy Administration, he promised to prepare extensive plans for energy conservation and to present those plans to the public in November. Now we find that during these last few months, the FEA has been planning, instead, for an orderly phase-out of the very programs they were supposed to be developing and implementing.

If this is the way the Nixon administration sees its role in assisting the American public in efforts to contend with energy shortages, then the Congress is compelled to fight every plan the FEA may come up with to dismantle energy programs. The Congress must protect American consumers against collusion between the Nixon administration and the oil industry to squeeze the people for all they are worth.

I promise the American people and my colleagues in the Congress that I will work to see that the provisions of the Emergency Petroleum Allocation Act law are fully enforced and, if necessary, extended beyond February 1975. And I urge my colleagues in the Congress to fight against these arbitrary and capricious actions of the present administration and the oil cartel.

EMERGENCY LIVESTOCK LOAN IS VITAL TO THE AMERICAN FOOD SUPPLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POAGE) is recognized for 5 minutes.

Mr. POAGE. Mr. Speaker, the Members of this body recently have received a letter signed by the Speaker and the minority leader citing the gravity of the

world food problem. Attached was a "Declaration on Food and Population," endorsed by prominent citizens from over 100 countries. Among those signers were some 50 of our colleagues.

I point this out because the best of intentions and desires to help feed the hungry not only in this country but elsewhere in the world will be of little avail if we do not have the food to distribute, and there is no way whereby we can produce if we do not maintain a healthy and profitable agriculture.

It is most interesting, incidentally, that many of those Members of Congress who signed the document represent densely populated urban congressional districts. Many of them have often opposed bills designed to help farmers increase their incomes, and consequently their production, because these Members or their constituents honestly feel that anything which helps food producers must hurt food consumers. As I see it, this is a terribly mistaken viewpoint.

All of this I mention as a preface to discussion of pending legislation—a bill to provide a temporary emergency loan program to help financially hard hit farmers and ranchers. It is scheduled to come up on the floor tomorrow. At stake is the ability of livestock producers to produce meat supplies in adequate quantities and at reasonable prices—not so much in the immediate future as in the years to come, because when a producer goes out of business it will take a lot of money, know-how, and time measured in years to replace that flow of food to consumers.

Some of our consumer friends have suggested that, regardless of what we do, about as many cattle will be going to market. They overlook the fact that it is the number of pounds of meat—not the number of animals—that affects and concerns the consumer. If we send 1 million calves to market fed only on grass and weighing about 550 pounds, we have a whole lot less meat than if they had gone into feedlots and finished off at 1,100 pounds.

This legislation therefore is of vital importance to every American and not just to livestock producers. Basically it is not offered as a measure to help individual farmers and ranchers, but rather is a bill to prevent financial chaos not only in the livestock industry but in all agriculture. It directly affects hog and poultry producers as well as cattlemen. However, when the cattle feedlots go under, you have an immediate drop in demand for feed grains, with an inevitable downward trend setting in for all crops.

I fear that these economic forces could spread out and play havoc far beyond the bounds of agriculture. As some of you have heard me say before, low farm prices alone may not create a depression, but every general depression that we have suffered in my memory has been preceded by a collapse in the farm economy. I am not predicting a general depression, but what I am saying is that we are setting the stage for one when we let farm prices fall so low that most producers are actually losing money on their operations over any considerable period of time.

The more serious the plight of livestock producers, the greater will be the impact on feed grain farmers. Livestock feeding today consumes about 5.3 billion bushels of grain a year. If this is not used a serious surplus in grains could develop quickly, and if it does, the depressing economic effect rapidly would spread out not only to small rural communities but to the industrial centers of cities where farm machinery and supplies are manufactured.

The potential benefits of this legislation are overwhelming in comparison with the alternative costs to producers and consumers of livestock. This bill is needed and it is needed as quickly as possible.

You may hear arguments that this bill is not as urgently needed now as it was a few weeks ago, because of the recent improvement in livestock prices.

First, let me say I am happy to confirm that there indeed has been an improvement in prices received by producers.

When we held public hearings last month on this problem—3 full days of hearings at which Government officials, farmers and ranchers and spokesmen for the food chains and the packing industry testified, we learned that choice fed cattle had dropped to $35 a hundredweight in Omaha and losses were running $100 to $150 a head.

The market now is up to about $43, but considering what most of those animals cost when put in the feedlots, and the greatly increased cost of production, that means that most producers are still not breaking even. You simply cannot feed $3 corn and sell $40 beef. In fact, the Department of Agriculture figures that with $3 corn, the break-even point for the efficient cattle feeder is actually $52.38.

However, any strengthening of the market is an encouraging sign. You cannot expect an adequate, stable supply of meats unless there is an incentive for producers. If they do not see any prospects of a profit, those who still have the money to do so will simply put it into such safe and assured investments as 8-percent Government bonds, then sit back and let someone else worry about market prices, droughts, diseases, and coyotes. Also, keep in mind that when any one of these producers goes out of business you have curtailed total supply, and that means not only scarcity for the consumer, but higher prices down the road.

So I repeat, the purpose of this legislation is to help those already in livestock production to remain in business, and to encourage those who may be contemplating entering the business by assuring them that they are not about to enter a dying industry.

Present improved prices will certainly reduce the losses of producers who still have any cattle to sell, but they certainly will not encourage potential producers to enter the business. Who, in his right mind, is going to put 52 cents per pound into a fat steer, on the prospect of selling it at 43 cents?

It should not be forgotten, however, that a great many cattle feeders already have gone broke or are down to their last cent and any unable to get additional money required to tide them through to hoped-for better times.

That brings to mind a great misunderstanding that exists as to this legislation. Many people think it is some kind of giveaway thing. It is not.

There are no grants involved in this bill as approved by the committee. Neither does it provide Federal loans to producers. What it does do is to guarantee 80 percent of the loan negotiated between a borrower and his own lending institution. It does not subsidize interest rates.

It is designed to create credit for those livestock producers who have exhausted their own financial credit and can no longer obtain a loan through private sources. As they are able to reestablish themselves, they will pay off their loans. Only in those cases where they default on their loans will the Federal guarantee apply, and hopefully these instances will be few. Certainly the economy will benefit as these individual borrowers are enabled to continue production, and every American and many people in other parts of the world will benefit as consumers sharing in a greater abundance of food.

Hearings held by the committee produced convincing evidence that lasting relief to producers can come only from restoration of a fair return to these producers in comparison to their cost of production, and that this will be possible only with the establishment of a normal relation between supply and demand. This particular legislation does not deal directly with that problem, but only with the problem of keeping the industry solvent, intact, and operable until an adequate return on investment of time, labor, and capital is assured.

Disregard of the plight to which farmers and ranchers find themselves could result in disaster that would take a long time to overcome, because the pipeline of agricultural production does not lend itself to pushbutton starts and stops as in the assembly of automobiles. The cycle for cattle—from breeding to calf to feedlots and, finally, to slaughter and then to the retail market—is about 3 years. An unwise course now, namely, the abandonment of producers in their hour of severe capital need, could lead to shortages of supply a year or 2 years or more hence. The worse the calamity, the more hesitant will be those contemplating going back into the livestock business, or considering entering it for the first time. If no action is taken, it seems likely that production of cattle, hogs and poultry will fall off so that American consumers may not for a decade enjoy the same stable abundance in supply that prevailed until the current unstable conditions came about.

Again I say to those opposed to this bill on the grounds that livestock prices recently have improved—this is specious reasoning. These improved prices certainly are helping, and if this continues they may enable a lot of producers to be able to obtain a loan without having to fall back on a guaranteed loan program such as provided by this legislation. We hope that is what will happen. But these improved prices have come

too late to help a great many livestock and poultry men.

Incidentally, I think the very fact that we have considered this legislation has had a positive psychological effect on the market—that it has been the major contributing factor in rising prices to producers, and at the same time definitely led to decisions by some of the Nation's largest grocery chain stores to lower meat prices to consumers. If this House should now refuse to do for cattle feeders what it long ago did for meat sellers, I fear that we would again put in motion all of the destructive elements which have so recently dominated the market. You must remember that the Small Business Administration can and does guarantee up to 90 percent of the funds loaned to processors and distributors. Is is unreasonable to ask that we guarantee 80 percent to livestock producers?

I hope the Members of the House will promptly pass this bill. It is essentially similar to one already passed by the other body, but it contains many limitations which are lacking in their bill.

Here are the main features of our committee bill:

PROVISIONS

1. Establishes a temporary (1-year) guaranteed loan program to assist those who are directly and in good faith engaged in livestock production.

COMMENTARY

Confined to actual producers.

PROVISIONS

2. Requires the Secretary of Agriculture to guarantee up to 80 percent of loans which will be made by private lenders. Maximum amount of guaranteed loan to borrower shall not exceed $350,000.

COMMENTARY

This is lower than most other loan guarantees. Small Business Administration can guarantee up to 90 percent.

PROVISIONS

3. Provides that the borrowers must be unable to obtain financing in the absence of the guarantee authorized by the bill.

COMMENTARY

This requirement is similar to those enforced on other FHA borrowers.

PROVISIONS

4. Provides that the Secretary in guaranteeing a loan must find that there is a reasonable probability that the objectives of the Act will be accomplished and that the loan will be repaid.

COMMENTARY

Prevents loans for useless purposes.

PROVISIONS

5. Provides that guaranteed loans must be repayable in not more than three years but may be renewed for not more than two additional years.

COMMENTARY

This provision limits length of government's exposure. Provisions in the bill of the other body authorize loans for a total of 12 years—7 years initially with a 5 year extension.

PROVISIONS

6. Provides that the interest rate under guaranteed loans shall be a rate to be agreed upon by the lender and borrower.

COMMENTARY

There is no interest subsidy authorized in this legislation. Most government guaranteed business loans are at subsidized rates.

PROVISIONS

7. Provides a $2 billion loan authority ceiling under the Act.

COMMENTARY

This is a limitation of total guarantees which could be contracted under the program. There is no limitation in the Senate bill.

In conclusion, Mr. Speaker, I would like to add that the point has been made that livestock prices have soared and then have hit bottom in the last 9 months.

At this point I would like to refer to some comparisons I have compiled regarding industrial commodities and wages. I feel these figures show some startling results when agriculture industry figures are compared with those of industry data, which follows:

	1950	1955	1960	1965	1970	1971	1972	1973	1974
Industrial wages, per hour (nonagricultural)	$1.33	$1.71	$2.09	$2.45	$3.22	$3.43	$3.65	$3.89	$4.17
Chevrolet automobile, average retail price	1,529.00	1,932.00	2,695.00	2,779.00	3,132.00	3,742.00	3,704.00	3,752.00	3,915.00
Men's suits, retail price, (Washington Post, July 15) annually	32.50	55.00	60.00	67.50	75.00	85.00	90.00	127.50	149.50
Fed (slaughter) steers (per hundredweight)	27.88	21.39	24.27	24.33	29.02	32.03	35.49	43.52	42.75
Feeders steers (per hundredweight)	26.67	18.60	22.93	22.50	30.15	32.09	38.89	49.13	36.20
Corn price, per bushel (Chicago price)	1.73	1.43	1.10	1.27	1.44	1.18	1.82	2.75	2.87
Round steak [1]	93.6	90.3	105.5	108.4	130.2	136.1	147.7	174.6	175.6
Hamburger meat [1]	56.6	39.5	5.24	50.8	66.2	68.1	74.4	95.7	97.1

[1] Cents per pound.

VETERANS EDUCATION AND REHABILITATION AMENDMENTS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, On June 27, the New York delegation sent a letter to the Speaker urging his support for the Senate version of the Veterans Education and Rehabilitation Amendments Act, which is now in conference. I am pleased to report to my colleagues that the Speaker has responded indicating his support for the Senate version in agreement with the delegation's position on this important issue.

In its letter to the Speaker, the delegation stressed the importance of the tuition supplement provision in particular—a concept which I coauthored in the House with my distinguished colleague, the gentleman from New York (Mr. WALSH). The delegation cited the need for the tuition supplement provision in terms of reaffirming original intent of Congress in enacting the GI bill for Vietnam era veterans—to provide equal opportunities and assistance for equal service. As the GI program exists now, veterans who reside in high-cost public education States are at a severe disadvantage from vets who live in States with a low-cost system of public education. The tuition supplement provision contained in the Senate bill would serve to restore equity between veterans residing in different States with differing systems of public education, and yet this proivsion remains the major obstacle to House-Senate agreement on the veterans' bill.

The Speaker's letter of support confirms my feeling that any weakening or deletion in conference of the improvements contained in the Senate bill would run contrary to the will of the majority of the Congress. The Senate bill was adopted by the Senate by a vote of 91 to 0, and I am confident that it would receive comparable support in the House were it brought to the floor for a vote. It will not have that opportunity, however, if the Senate amendments are struck down by the House conferees. I urge my colleagues to consider the responsibility we have to those who served throughout the course of our involvement in Vietnam, and to urge the House conferees to recede from their disagreement to the Senate amendments and adopt the provisions of the Senate bill.

For the RECORD, I would like to include a copy of the delegation's letter to the Speaker and the Speaker's response.

CONGRESS OF THE UNITED STATES,
Washington, D.C. June 27, 1974.

Hon. CARL ALBERT,
Speaker of the House, U.S. House of Representatives, Washington, D.C

DEAR MR. SPEAKER: We are writing, on behalf of the New York Delegation, to convey our support for the tuition supplement provision contained in the Senate version of the Veterans Education and Rehabilitation Amendments Act.

The intent of Congress in enacting the GI Bill for Vietnam Era veterans was to provide equal opportunities and assistance for equal service. The present program, however, does not provide an equal opportunity for education to those veterans who reside in high-cost public education states. Last year's Educational Testing Service Report, prepared for the VA, stated that "Current benefits levels, requiring as they do the payment of tuition, fees, books and supplies, and living expenses provide the basis for 'unequal treatment of equals.' To restore equity between veterans residing in different states with differing systems of public education, some form of variable tuition payments to ameliorate the differences in institutional costs would be required."

The tuition supplement provision contained in the Senate-passed bill addresses itself to the basic disparate structure of the current GI Bill. It would serve to restore

equal educational opportunities to every veteran, regardless of the state in which he resides. It is essential if we are to reaffirm Congressional intent to provide equal opportunities for equal service.

On behalf of the New York Delegation, we are requesting that the House recede from its disagreement to the Senate amendments and adopt the provisions of the Senate bill. We greatly appreciate your serious attention to this most urgent request.

Sincerely,

HOWARD W. ROBISON,
JAMES J. DELANEY,

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., July 10, 1974.

Hon. JAMES J. DELANEY,
House of Representatives,
Washington, D.C.

DEAR JIM: I have the letter from you and Howard W. Robison on behalf of the New York Delegation urging the House conferees to accept the Senate version of the Veterans Education and Rehabilitation Amendments Act. I support the position which you have taken and have asked Olin Teague to see what can be done about it.

With warm personal regards, I am

Sincerely,

THE SPEAKER.

VICTORY GARDENS ENJOY GROWING SUPPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I seek permission today to have included in the RECORD three articles which are indicative of a growing awareness, need and desire for a "back-to-the soil movement" on the part of the American people.

Proposals that I have presented to this Congress would help this movement get underway, and as one of the articles points out, I am hoping that Congress will get on my vegetable wagon.

[From the Boston Herald American, July 15, 1974]

REPRESENTATIVE BURKE WOULD REVIVE VICTORY GARDEN

Cong. James A. Burke (D-Milton), has a budding idea to use "underground" methods to weed-out the high costs of vegetables.

And he hopes it will encourage city dwellers to produce—produce!

Burke's idea, which he calls "The Home and Family Garden Tax Credit Amendment," stemmed from actions of rural congressmen who sought big federal handouts for their farmers back home.

Burke is talking about a down-to-earth movement that would eclipse the Victory Gardens of World Wars I and II, drive down the food prices and feed the nation in times of shortage.

The congessman has asked the House Agriculture Committee to enact a bill to distribute free seeds to home gardeners, three packets to a family. He also has persuaded his colleagues on Ways and Means to approve tentatively a seven percent investment tax credit for backyard garden equipment.

It would let gardeners subtract up to $7 on their income tax bills if they spend up to $100 in hoes, rakes, wheelbarrows, spades and other garden equipment.

Burke has been cultivating his idea among the serious gardeners who know their onions in the House of Representatives like Reps. Wayne Hays (D-Ohio), Silvio Conte (R-Pittsfield), and Richard Bolling (D-Mo.).

Rep. Conte gardens at home in Washington. He has onions, three kinds of lettuce, squash, chicory, herbs and four dozen tomato plants.

"I planted the garden originally when I was fighting the big corporate farmers on subsidies," Conte said. "I called it my protest patch."

Burke in his argument before the committee cited the rising food costs as a major factor contributing to the inflationary pressures of millions of American families.

He said world food shortages will no longer allow the luxury of abundant and cheap sources of food in the future.

Burke feels that it is time that Congress took the initiative to encourage the private production of food and that his proposal would encourage potential home owners to invest in tools and equipment used year after year to produce abundant quantities of nutritious vegetables.

The congressman said yesterday he is contacting state, county and local officials to prevail upon them to extend land use for small gardens.

"I'm contacting Massachusetts officials, the MDC, the mayors of Boston, Quincy and Brockton, school officials in those three cities, and officials of Milton, Randolph, Stoughton, Avon, Holbrook, Braintree, Whitman and Abington," he said.

Burke also is spreading the seeds of the idea to officials of corrections for both the state and county, mental hospitals, colleges and universities and housing for the elderly.

"In the department of corrections it would be healthy outdoor work and keep them occupied by producing nutritious food for their own use," Burke said.

"In Boston there are hundreds of small lots, too small to build on. Many open fields could be utilized in West Roxbury, Hyde Park and Dorchester."

Burke said he would like to get youngsters interested in gardening again, as well as the elderly who could putter around in gardens.

Burke has been calling a spade a spade and now he hopes Congress will get on his vegetable wagon.

[From the Boston Herald, July 10, 1974]

DECLINE PREDICTED IN VEGETABLE CROP

WASHINGTON (UPI).—The Agriculture Dept. yesterday forecast a decline of about 1 percent in the availability of major fresh vegetables this summer compared to a year ago, a condition that could mean higher prices in the supermarket.

Although no price forecast was included in the new estimate issued by the department's crop reporting board, under normal circumstances smaller production of volatile crops like vegetables means higher prices for consumers.

The report said farmers are expected to harvest 360,150 acres of 14 major fresh vegetables during July, August and September, down 2 percent from a year ago.

[From the Berkshire Eagle, July 3, 1974]

COUNTRY-FLAVOR POLITICS

One of the better things about the good old days was a federal program, long since abandoned, which allowed U.S. congressmen to distribute free packets of seeds to their constituents. Now Massachusetts Representative James A. Burke of nonrural Milton, wants to revive the program to the tune of $6 million.

This federal project occupied a particularly strategic location before it was chopped down. Its fruit dropped in just about everybody's yard. The congressman received some free publicity and was able to claim credit for actually doing something for his constituents, while the taxpayers—no matter what their financial status—finally got something, however small, in return for their hard-earned dollars.

Now the *Wall Street Journal*, that ever-vigilant guardian against federal boondoggles, sees the seeds of yet another Washington pork barrel in Burke's proposal. The soothsayers of the Street predict that home gardeners will soon demand payment for not growing vegetables on their verandas, just as larger farmers were paid for not growing wheat or hay under the old farm-subsidy programs. *The Boston Globe*, for its part, speculates that with the price of seeds, like the price of everything else, going up faster than Jack's beanstalk, the $6 million price tag for the program is a gross underestimate.

But we rather prefer the viewpoint of our sister publication, *UpCountry* magazine. *UpCountry* cottons to the notice that a city congressman like Mr. Burke is beginning to talk like a Granger appreciating how much better a "real tomato" tastes than the "pulpy" things that are passed off as tomatoes.

After all, at the start of a season when city folk swarm to the country only to destroy, by their very presence, those qualities they came to enjoy, it is kind of heartening to hear of an urban legislator who wants to sow a little country flavor in the metropolitan wasteland.

THE GUARANTEED LIVESTOCK CREDIT BILL SHOULD BE DEFEATED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, tomorrow, the House of Representatives will consider H.R. 15560, the "Emergency Livestock Credit Act of 1974." This legislation would provide $2 billion in loan guarantees to operators of feedlots and agricultural producers. The bill defines livestock to include beef cattle, dairy cattle, swine, sheep, goats, chickens, and turkeys. I do not know why the rabbit, duck, and catfish raisers were omitted from the bill's coverage. Each eligible agricultural producer could receive up to $350,000 in loan guarantees.

The bill is bad economics. Cattle prices are rising. The worst is over. The bill has become an "emergency bill" in search of an emergency—looking for an emergency whose time has passed.

In addition, the prime purpose of the bill appears to be to bail out certain rural area banks and tax loss farmers who have overextended themselves in the cattle and feedlot industries. It is very difficult to determine what percentage of the cattle and feedlot industry is now run by tax loss farmers and tax shelter syndicates. In general, officials at Agriculture and Treasury estimate that one-quarter of present capital investment in cattle production is tax shelter money. It would be unconscionable to bail out these tax shelter farmers through use of these taxpayer-backed guaranteed loans.

Mr. Speaker, new evidence is coming to light on the extent of tax shelter investment in the Nation's cattle industry. This investment has driven up the demand for land, cattle, and feed—and increased the costs for regular farmers. Outside investors have also created enormous cyclical swings in the beef markets which have injured the regular farmers. I would like to enter in the RECORD at

this point portions of a paper by Assistant Professor Joseph C. Meisner of the University of Missouri, Columbia, College of Agriculture. Professor Meisner is one of the Nation's top authorities on agricultural economics and the problems created by tax-loss farming. The full text of the professor's 2-year study will be printed in the near future.

The excerpts follow:

. . . the non-agricultural investor has enstered cattle feeding in exceedingly increased numbers in recent years. A conservative estimate considers their share of the nation's fed beef production as over 16 percent. More significant than the current share of control over the nation's fed beef production is the rate of increase in the control held by the nonagricultural investor.

* * * * *

These nonagricultural investors are rapidly increasing their share of control over the nation's fed beef production in recent years.

* * * * *

The nation's supply of beef is now more concentrated than data on feedlot plant sizes suggest. USDA data show approximately 2,000 feedlots produce over two-thirds of the nation's beef. However, the concentration level is greater when considering that feedlots are grouped into multi-lot firms. Two multi-lot firms supply three percent of the nation's fed beef. One of these firms plans to supply five percent of the nation's fed beef in the future. Seventeen firms supply one-eighth of the nation's beef. In addition to this concentrated level of horizontal integration, vertical integration continues.

Mr. Speaker, are these the types of producers who deserve to be bailed out by the Federal Treasury? Professor Meisner continues:

Feedlot firms expanded until excess capacity appeared in the industry. This led to the merger with other firms. Larger firms resulted. These had access to a wider money market for both debt and equity capital. Cattle feeding funds were developed, similar to those in the petroleum drilling industry. These funds provided income tax considerations that reduce investment risk for the higher income individual. This reduction in risk of loss, on an after tax basis, encouraged high income investors to enter new public cattle feeding funds on a wide scale. Cattle feeding investments appeared to compete successfully for equity capital from the higher income urban investor. These outside investors entered cattle feeding for tax planning reasons beyond the economic returns expected from cattle feeding.

Mr. Speaker, should the consumers and taxpayers of America be asked to bail out these types of producers?

Professor Meisner describes some of the impacts of tax shelter investors on regular, bona fide farmers:

The larger feedlot firms operating in a region may concentrate to such an extent as to have a monopoly-like effect on prices of inputs. A major feedlot firm requires inputs from several hundred individual providers of calves, forage and grain. The many input-providing firms may face only the one or a few larger feedlot firms in an area. Even if several large feedlot firms exist in an area, their ability to act jointly in setting prices for inputs is suggested by patterns established in other industries.

* * * * *

The farm-ranch sector will have no other outlet for their calves and forage than the large-size feedlot firms. Unfavorable consequences in farm income for the farm-ranch firm can be expected.

Outside capital also creates greater risks for the regular farmer-rancher:

The injection of external capital sources having access to various alternatives with widely ranging levels of risk and return adds another volatile ingredient to an already risky enterprise. The instability of outside capital investment in cattle, because of the widely-ranging alternative investments available to these outside cattle feeders, can be expected to induce greater instability to cattle feeding returns.

Mr. Speaker, during the debate on the Guarantee Credit Act, our colleague, the gentleman from Iowa (Mr. MAYNE), will offer amendments to reduce the size of the guarantee available to any one producer and to prevent guarantees to tax loss farmer syndicates and partnerships. While I believe that the present bill is an economic nightmare and should be defeated, I support the gentleman's amendments. Without these amendments, the bill will simply be a bailout to the largest and wealthiest tax loss investors.

PANAMA CANAL: KISSINGER-TACK FEBRUARY 7, 1974, AGREEMENT ON PRINCIPLES FOR NEW TREATY STRONGLY OPPOSED THROUGHOUT THE NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, on February 7, 1974, in Panama City, Republic of Panama, U.S. Secretary of State, Henry A. Kissinger, and Panamanian Foreign Minister, Juan A. Tack, signed an eight-point agreement on principles to govern the negotiation of a new Panama Canal treaty that would surrender U.S. sovereign control over the U.S.-owned Canal Zone to Panama, and all this without the advance authorization of the Congress. Featured in much of the mass news media as a brilliant diplomatic triumph, that Kissinger-Tach imbroglio has aroused the people of our country to a degree seldom seen, especially among citizens who know the isthmus or recognize the importance of the security of trans-isthmian transit to interoceanic commerce and hemispheric security.

Since February 7, many Members of the Congress have received letters from home strongly protesting what is transpiring as regards the Panama Canal. My mail, in the form of both letters and petitions, has been so encouraging that it has been analyzed through July 4, 1974. The results follow:

Number of citizens concerned about proposed Canal Zone surrender	4,604
Number of letters	1,331
Number of signatures on 229 "mini" petitions	3,273
	4,604
Number of persons accepting proposed surrender of Canal Zone to Panama	9

Geographical distribution of the letter writers and petitioners: 48 of the 50 States, District of Columbia, U.S. Canal Zone, and 3 foreign countries.

Contrary to often published statements that the outcry against surrender is the work of "Zonians," the mail reflects a nationwide, grassroots opposition to the projected Canal Zone giveaway, with only six letters from the Canal Zone, about 20 citing previous canal experience, and the vast majority expressing concern over the continued security of the canal and the protection of the investment that it represents.

It is highly significant that opposition to surrender of the Canal Zone was nonpartisan and even ecumenical in character, with opposition to surrender coming from political organizations of both major parties and from various religious organizations.

The following are typical comments made by the writers:

Many were "first letters ever" letters to any Member of Congress.

Numerous letters made highly critical comments about those who would give away the Canal Zone.

Frequently they indicated political defections from administration canal policy.

Many offered assistance in the endeavor to protect the canal, by both individuals and organizations.

Hundreds indicated that they had written on the canal subject to their Senators and Representatives, the Secretary of State, and the President.

Dozens forwarded press clippings from papers throughout the United States opposing surrender of U.S. sovereignty over the Canal Zone.

Hundreds indicated prayerful support of congressional opposition to surrender.

Many considered the giveaway not only a serious diplomatic blunder but, because of failure to secure the approval of the Congress, an impeachable offense.

Numerous expressions were "Don't give Panama our canal—give them Kissinger instead," which slogan was received in the form of letter and bumper stickers.

Many senior citizens in their 80's, who remember the canal's construction, expressed concern about the future should the canal be given to the control of Panama.

Many reported numerous radio and TV commentaries in various parts of the Nation in support of continued undiluted U.S. sovereign control of the Canal Zone.

One Texan was conducting a fact in protest against surrender.

Many writers criticized the validity of a policy of "buying friendship."

Others feared an eventual Communist takeover of the Panama Canal should the United States surrender its sovereign control over the Canal Zone.

Frequently writers made reference to the Suez Canal situation.

All urged the continuation of the fight to save the canal.

Mr. Speaker, on many occasions, in and and out of the Congress, I have stated that were the people of the United States given an opportunity to vote on the Canal Zone sovereignty question, the result would be overwhelmingly for retention of our undiluted control. My mail since February 7 confirms the accuracy of this view.

On March 15, 1973, in a TV national broadcast on "The Advocates" program on the subject, "Should the United States surrender its sovereign control over the Canal Zone," my distinguished colleague from Illinois (Mr. CRANE), Dr. Donald M. Dozier of the University of California, Santa Barbara, and I had the negative

side. Of the 12,000 votes by those submitted concerning that program, 85 percent supported our position. The more recent results, as shown by my mail, indicate that in spite of the failure of most of the mass news media to present the facts in the canal sovereignty issue forthrightly and objectively, the vote today would be far stronger.

The results clearly show that the sovereign people of the United States are far ahead of their Government, including the Congress, in evaluating the current threat to the Panama Canal. Moreover, they also indicate the importance of prompt action on the 30 identical Canal Zone sovereignty resolutions that were referred to the Committee on Foreign Affairs. If such a resolution is allowed to come to a vote, I feel sure that it will be adopted overwhelmingly.

In order that the Congress may be informed as to the geographical distribution of my correspondents and petitioners regarding the canal issue, February 7–July 4, 1974, the results are shown in the following table:

DISTRIBUTION OF CORRESPONDENCE FAVORING RETENTION OF THE PANAMA CANAL AND MAINTENANCE OF U.S. SOVEREIGNTY IN THE CANAL ZONE

State/areas	Correspondents	Petitioners	Total
Alabama	11	----------	11
Alaska	1	----------	1
Arizona	57	138	195
Arkansas	3	27	30
California	[1] (2)394	1,155	1,549
Colorado	26	----------	26
Connecticut	6	----------	6
Delaware	----------	----------	----------
Florida	[1] (1)82	193	275
Georgia	9	38	47
Hawaii	----------	----------	----------
Idaho	19	----------	19
Illinois	27	216	243
Indiana	32	22	54
Iowa	6	45	51
Kansas	18	11	29
Kentucky	6	57	63
Louisiana	[1] (1)14	12	26
Maine	8	----------	8
Maryland	14	11	25
Massachusetts	12	----------	12
Michigan	13	282	295
Minnesota	16	13	29
Mississippi	8	----------	8
Missouri	[1] 16(1)	92	108
Montana	5	58	63
Nebraska	4	----------	4
Nevada	5	10	15
New Hampshire	6	----------	6
New Jersey	24	79	103
New Mexico	7	14	21
New York	[1] 62(1)	111	173
North Carolina	15	41	56
North Dakota	2	----------	2
Ohio	46	225	271
Oklahoma	9	17	26
Oregon	27	56	83
Pennsylvania:			
District	53	11	64
Nondistrict	63	37	100
Rhode Island	3	----------	3
South Carolina	7	15	22
South Dakota	3	----------	3
Tennessee	14	11	25
Texas	54	35	89
Utah	4	1	5
Vermont	1	----------	1
Virginia	17	----------	17
Washington	47	220	267
West Virginia	6	----------	6
Wisconsin	14	15	29
Wyoming	2	----------	2
District of Columbia	10	5	15
U.S. Canal Zone	6	----------	6
Panama	[1] 2(1)	----------	2
Ecuador	1	----------	1
Mexico	4	----------	4
(No address given)	[1] 10(2)	----------	10
Total (as of July 4, 1974)	[1] 1,331(9)	3,273	4,604

[1] Correspondents opposed shown in parentheses.

CONFERENCE REPORT—ANIMAL HEALTH RESEARCH ACT

Mr. POAGE submitted the following conference report and statement on 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:

CONFERENCE REPORT (H. REPT. No. 93–1193)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, and 7.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22 and agree thereto.

That the House recede from its disagreement to the amendment of the Senate numbered 9 and agree to the same with an amendment, as follows:

Strike out the figure "$15,000,000" and insert in lieu thereof the figure "$12,000,000."

And the Senate agree to the same.

W. R. POAGE,
FRANK A. STUBBLEFIELD,
THOMAS S. FOLEY,
JOHN MELCHER,
GEO. A. GOODLING,
ROBERT B. MATHIAS,
JOHN M. ZWACH,
Managers on the Part of the House.

HERMAN E. TALMADGE,
GEORGE MCGOVERN,
JAMES B. ALLEN,
DICK CLARK,
MILTON R. YOUNG,
ROBERT DOLE,
HENRY BELLMON,
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. 11873) to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate adopted 22 amendments to the House bill. Under the conference committee agreement, the House receded from its disagreement to Senate amendments numbered 1, 2, 3, 4, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22. The Senate receded from its amendments numbered 5, 6, and 7. Senate amendment numbered 9 was further amended by the conferees.

(1) The conferees agreed to Senate amendment numbered 1 to include freshwater fish and shellfish as animals for which research is to be conducted under this bill.

(2) The conferees agreed to Senate amendment numbered 2 authorizing research to minimize loss of livestock and poultry due to transportation and handling.

(3) The conferees agreed to Senate amendments numbered 13, 15, and 16 eliminating local review committees.

(4) The conferees did not agree to Senate amendment numbered 5 and retained the House language authorizing appropriations not to exceed $20 million annually to support continuing research programs at eligible institutions.

(5) The conferees did not agree to Senate amendment numbered 7 and agreed to the House provision authorizing appropriations not to exceed $15 million annually to support research on specific national or regional animal health problems.

(6) The conferees agreed to Senate amendment numbered 9 with an amendment establishing the level of authorized appropriations at not to exceed $12 million annually to support the cost of providing veterinary medical science research facilities.

(7) The conferees agreed to Senate amendment numbered 21 requiring the keeping of records by grant recipients and requiring that the Secretary of Agriculture and the Comptroller General be given access to these records.

(8) The conferees agreed to Senate amendments numbered 3, 4, 8, 10, 11, 12, 14, 17, 18, 19, 20, and 22 which make conforming, clarifying, and technical changes in the House bill.

(9) The conferees did not agree to Senate amendment numbered 6 dealing with the authority for the Secretary to conduct an inventory of all horses in the United States. The conferees determined that the Department of Agriculture has basic authority to conduct inventories of livestock under the Organic Act (7 U.S.C. 2201). In order to carry out the provisions of this bill, inventories of livestock—including, horses—are required and the conferees expect that such inventories will be conducted.

W. R. POAGE,
FRANK A. STUBBLEFIELD,
THOMAS S. FOLEY,
JOHN MELCHER,
GEO. A. GOODLING,
ROBERT B. MATHIAS,
JOHN M. ZWACH,
Managers on the Part of the House.

HERMAN E. TALMADGE,
GEORGE MCGOVERN,
JAMES B. ALLEN,
DICK CLARK,
MILTON R. YOUNG,
ROBERT DOLE,
HENRY BELLMON,
Managers on the Part of the Senate.

CONFERENCE REPORT—ANTI-HIJACKING ACT OF 1974

Mr. STAGGERS submitted the following conference report and statement on the bill (S. 39) to amend the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 93–1194)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 39) to amend the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the Senate bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I—ANTIHIJACKING ACT OF 1974

SEC. 101. This title may be cited as the "Antihijacking Act of 1974".

SEC. 102. Section 101(32) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(32), relating to the definition of the term "special aircraft jurisdiction of the United States", is amended to read as follows:

"(32) The term 'special aircraft jurisdiction of the United States' includes—

"(a) civil aircraft of the United States;

"(b) aircraft of the national defense forces of the United States;

"(c) any other aircraft within the United States;

"(d) any other aircraft outside the United States—

"(i) that has its next scheduled destination or last point of departure in the United States, if that aircraft next actually lands in the United States; or

"(ii) having 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, committed aboard, if that aircraft lands in the United States with the alleged offender still aboard; and

"(e) other aircraft leased without crew to a lessee who has his principal place of business in the United States, or if none, who has his permanent residence in the United States;

while that aircraft is in flight, which is from the moment when all external doors are closed following embarkation until the moment when one such door is opened for disembarkation or in the case of a forced landing, until the competent authorities take over the responsibility for the aircraft and for the persons and property abroad.".

SEC. 103. (a) Paragraph (2) of subsection (i) of section 902 of such Act (49 U.S.C. 1472), relating to the definition of the term "aircraft piracy", is amended by striking out "threat of force or violence and" inserting in lieu thereof "threat of force of violence, or by any other form of intimidation, and".

(b) Section 902 of such Act is further amended by redesignating subsections (n) and (o) as subsections (o) and (p), respectively, and by inserting immediately after subsection (m) the following new subsection:

"AIRCRAFT PIRACY OUTSIDE SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES

"(n)(1) Whoever aboard an aircraft in flight outside the special aircraft jurisdiction of the United States commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, and is afterward found in the United States shall be punished—

"(A) by imprisonment for not less than 20 years; or

"(B) if the death of another person results from the commission or attempted commission of the offense, by death or by imprisonment for life.

"(2) A person commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft when, while aboard an aircraft in flight, he—

"(A) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes, or exercises control of, that aircraft, or attempts to perform any such act; or

"(B) is an accomplice of a person who performs or attempts to perform any such act.

"(3) This subsection shall only be applicable if the place of takeoff or the place of actual landing of the aircraft on board which the offense, as defined in paragraph (2) of this subsection, is committed, is situated outside the territory of the State of registration of that aircraft.

"(4) For purposes of this subsection an aircraft is considered to be in flight from the moment when all the external doors are closed following embarkation until the moment when one such door is opened for disembarkation, or in the case of a forced landing, until the competent authorities take over responsibility for the aircraft and for the persons and property aboard.".

(c) Subsection (o) of such section 902, as so redesignated by subsection (b) of this section, is amended by striking out "subsections (i) through (m)" and inserting in lieu thereof, "subsections (i) through (n)".

SEC. 104. (a) Section 902(i)(1) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(i)(1)) is amended to read as follows:

"(1) Whoever commits or attempts to commit aircraft piracy, as herein defined, shall be punished—

"(A) by imprisonment for not less than 20 years; or

"(B) if the death of another person results from the commission or attempted commission of the offense, by death or by imprisonment for life.".

(b) Section 902(i) of such Act is further amended by adding at the end thereof the following new paragraph:

"(3) An attempt to commit aircraft piracy shall be within the special aircraft jurisdiction of the United States even though the aircraft is not in flight at the time of such attempt if the aircraft would have been within the special aircraft jurisdiction of the United States had the offense of aircraft piracy been completed.".

SEC. 105. Section 903 of the Federal Aviation Act of 1958 (49 U.S.C. 1473), relating to venue and prosecution of offenses, is amended by adding at the end thereof the following new subsection:

"PROCEDURE IN RESPECT OF PENALTY FOR AIRCRAFT PIRACY

"(c)(1) A person shall be subjected to the penalty of death for any offense prohibited by section 902(i) or 902(n) of this Act only if a hearing is held in accordance with this subsection.

"(2) When a defendant is found guilty of or pleads guilty to an offense under section 902(i) or 902(n) of this Act for which one of the sentences provided is death, the judge who presided at the trial or before whom the guilty plea was entered shall conduct a separate sentencing hearing to determine the existence or nonexistence of the factors set forth in paragraphs (6) and (7), for the purpose of determining the sentence to be imposed. The hearing shall not be held if the Government stipulates that none of the aggravating factors set forth in paragraph (7) exists or that one or more of the mitigating factors set forth in paragraph (6) exists. The hearings shall be conducted—

"(A) before the jury which determined the defendant's guilt;

"(B) before a jury impaneled for the purpose of the hearing if—

"(i) the defendant was convicted upon a plea of guilty;

"(ii) the defendant was convicted after a trial before the court sitting without a jury; or

"(iii) the jury which determined the defendant's guilt has been discharged by the court for good cause; or

"(C) before the court alone, upon the motion of the defendant and with the approval of the court and of the Government.

"(3) In the sentencing hearing the court shall disclose to the defendant or his counsel all material contained in any presentence report, if one has been prepared, except such material as the court determines is required to be withheld for the protection of human life or for the protection of the national security. Any presentence information withheld from the defendant shall not be considered in determining the existence or the nonexistence of the factors set forth in paragraph (6) or (7). Any information relevant to any of the mitigating factors set forth in paragraph (6) may be presented by either the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials; but the admissibility of information relevant to any of the aggravating factors set forth in paragraph (7) shall be governed by the rules governing the admission of evidence at criminal trials. The Government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any of the factors set forth in paragraph (6) or (7). The burden of establishing the existence of any of the factors set forth in paragraph (7) is on the Government. The burden of establishing the existence of any of the factors set forth in paragraph (6) is on the defendant.

"(4) The jury or, if there is no jury, the court shall return a special verdict setting forth its findings as to the existence or nonexistence of each of the factors set forth in paragraph (6) and as to the existence or nonexistence of each of the factors set forth in paragraph (7).

"(5) If the jury or, if there is no jury, the court finds by a preponderance of the information that one or more of the factors set forth in paragraph (7) exists and that none of the factors set forth in paragraph (6) exists, the court shall sentence the defendant to death. If the jury or, if there is no jury, the court finds that none of the aggravating factors set forth in paragraph (7) exists, or finds that one or more of the mitigating factors set forth in paragraph (6) exists, the court shall not sentence the defendant to death but shall impose any other sentence provided for the offense for which the defendant was convicted.

"(6) The court shall not impose the sentence of death on the defendant if the jury or, if there is no jury, the court finds by a special verdict as provided in paragraph (4) that at the time of the offense—

"(A) he was under the age of eighteen;

"(B) his capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to prosecution;

"(C) he was under unusual and substantial duress, although not such duress as to constitute a defense to prosecution;

"(D) he was a principal (as defined in section 2(a) of title 18 of the United States Code) in the offense, which was committed by another, but his participation was relatively minor, although not so minor as to constitute a defense to prosecution; or

"(E) he coud not reasonably have foreseen that his conduct in the course of the commission of the offense for which he was convicted would cause, or would create a grave risk of causing death to another person.

"(7) If no factor set forth in paragraph (6) is present, the court shall impose the sentence of death on the defendant if the jury or, if there is no jury, the court finds by a special verdict as provided in paragraph (4) that—

"(A) the death of another person resulted from the commission of the offense but after the defendant had seized or exercised control of the aircraft; or

"(B) the death of another person resulted from the commission or attempted commission of the offense, and—

"(i) the defendant has been convicted of another Federal or State offense (committed either before or at the time of the commission or attempted commission of the offense) for which a sentence of life imprisonment or death was impossible;

"(ii) the defendant has previously been convicted of two or more State or Federal offenses with a penalty of more than one year imprisonment (committed on different occasions before the time of the commission or attempted commission of the offense), involving the infliction of serious bodily injury upon another person;

"(iii) in the commission or attempted commission of the offense, the defendant knowingly created a grave risk of death to another person in addition to the victim of the offense or attempted offense; or

"(iv) the defendant committed or attempted to commit the offense in an especially heinous, cruel, or depraved manner.".

SEC. 106. Title XI of such Act (49 U.S.C. 1501–1513) is amended by adding at the end thereof the following new sections:

"SUSPENSION OF AIR SERVICES

"SEC. 1114. (a) Whenever the President determines that a foreign nation is acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft, or if he determines that a foreign nation permits the use of territory under its jurisdiction as a base of operations or training or as a sanctuary for, or in any way arms, aids, or abets, any terrorist organization which knowingly uses the illegal seizure of aircraft or the threat thereof as an instrument of policy, he may, without notice or hearing and for as long as he determines necessary to assure the security of aircraft against unlawful seizure, suspend (1) the right of any air carrier or foreign air carrier to engage in foreign air transportation, and the right of any person to operate aircraft in foreign air commerce, to and from that foreign nation, and (2) the right of any foreign air carrier to engage in foreign air transportation, and the right of any foreign person to operate aircraft in foreign air commerce, between the United States and any foreign nation which maintains air service between itself and that foreign nation. Notwithstanding section 1102 of this Act, the President's authority to suspend rights under this section shall be deemed to be a condition to any certificate of public convenience and necessity or foreign air carrier or foreign aircraft permit issued by the Civil Aeronautics Board and any air carrier operating certificate or foreign air carrier operating specification issued by the Secretary of Transportation.

"(b) It shall be unlawful for any air carrier or foreign air carrier to engage in foreign air transportation, or for any person to operate aircraft in foreign air commerce, in violation of the suspension of rights by the President under this section.

"SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION

"SEC. 1115. (a) Not later than 30 days after the date of enactment of this section, the Secretary of State shall notify each nation with which the United States has a bilateral air transport agreement or, in the absence of such agreement, each nation whose airline or airlines hold a foreign air carrier permit or permits issued pursuant to section 402 of this Act, of the provisions of subsection (b) of this section.

"(9) In any case where the Secretary of Transportation, after consultation with the competent aeronautical authorities of a foreign nation with which the United States has a bilateral air transport agreement and in accordance with the provisions of that agreement or, in the absence of such agreement, of a nation whose airline or airlines hold a foreign air carrier permit or permits issued pursuant to section 402 of this Act, finds that such nation does not effectively maintain and administer security measures relating to transportation of persons or property or mail in foreign air transportation that are equal to or above the minimum standards which are established pursuant to the Convention on International Civil Aviation, he shall notify that nation of such finding and the steps considered necessary to bring the security measures of that nation to standards at least equal to the minimum standards of such convention. In the event of failure of that nation to take such steps, the Secretary of Transportation, with the approval of the Secretary of State, may withhold, revoke, or impose conditions on the operating authority of the airline or airlines of that nation.".

SEC. 107. The first sentence of section 901 (a)(1) of such Act (49 U.S.C. 1471(a)(1)), relating to civil penalties, is amended by inserting ", or of section 1114," immediately before "of this Act".

SEC. 108. Subsection (a) of section 1007 of such Act (49 U.S.C. 1487), relating to judicial enforcement, is amended by inserting "or, in the case of a violation of section 1114 of this Act, the Attorney General," immediately after "duly authorized agents,".

SEC. 109. (a) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 902. Criminal penalities."

is amended by striking out——

"(n) Investigations by Federal Bureau of Investigation.

"(o) Investigations by Federal Bureau of investigation."

and inserting in lieu thereof—

"(n) Aircraft piracy outside special aircraft jurisdiction of the United States.

"(o) Investigations by Federal Bureau of Investigation.

"(p) Interference with aircraft accident investigation.".

(b) That portion of such table of contents which appears under the side heading

"Sec. 903. Venue and prosecution of offenses."

is amended by adding at the end thereof the following new item:

"(c) Procedure in respect of penalty for aircraft piracy.".

(c) That portion of such table of contents which appears under the center heading "TITLE XI—MISCELLANEOUS" is amended by adding at the end thereof the following new items:

"Sec. 1114. Suspension of air services.

"Sec. 1115. Security standards in foreign air transportation.".

TITLE II—AIR TRANSPORTATION SECURITY ACT OF 1974

SEC. 201. This title may be cited as the "Air Transportation Security Act of 1974".

SEC. 202. Title III of the Federal Aviation Act of 1958 (49 U.S.C. 1341–1355), relating to organization of the Federal Aviation Administration and the powers and duties of the Administrator, is amended by adding at the end thereof the following new sections:

"SCREENING OF PASSENGERS

"PROCEDURES AND FACILITIES

"SEC. 315. (a) The Administrator shall prescribe or continue in effect reasonable regulations requiring that all passengers and all property intended to be carried in the aircraft cabin in air transportation or intrastate air transportation be screened by weapon-detecting procedures or facilities employed or operated by employees or agents of the air carrier, intrastate air carrier, or foreign air carrier prior to boarding the aircafrt for such transportation. One year after the date of enactment of this section of after the effective date of such regulations, whichever is later, the Administrator may alter or amend such regulations, requiring a continuation of such screening only to the extent deemed necessary to assure security against acts of criminal violence and aircraft piracy in air transportation and intrastate air transportation. The Administrator shall submit semiannual reports to the Congress concerning the effectiveness of screening procedures under this subsection and shall advise the Congress of any regulations or amendments thereto to be prescribed pursuant to this subsection at least 30 days in advance of their effective date, unless he determines that an emergency exists which requires that such regulations or amendments take effect in less than 30 days and notifies the Congress of his determination.

"EXEMPTION AUTHORITY

"(b) The Administrator may exempt from the provisions of this section, in whole or in part, air transportation operations, other than those scheduled passenger operations performed by air carriers engaging in interstate, overseas, or foreign air transportation under a certificate of public convenience and necessity issued by the Civil Aeronautics Board under section 401 of this Act or under a foreign air carrier permit issued by the Board under section 402 of this Act.

"AIR TRANSPORTATION SECURITY

"RULES AND REGULATIONS

"SEC. 316. (a)(1) The Administrator of the Federal Aviation Administration shall prescribe such reasonable rules and regulations requiring such practices, methods, and procedures, or governing the design, materials, and construction of aircraft, as he may deem necessary to protect persons and property aboard aircraft operating in air transportation or intrastate air transportation against acts of criminal violence and aircraft piracy.

"(2) In prescribing and amending rules and regulations under paragraph (1) of this subsection, the Administrator shall—

"(A) consult with the Secretary of Transportation, the Attorney General, and such other Federal, State, and local agencies as he may deem appropriate;

"(B) consider whether any proposed rule or regulation is consistent with protection of passengers in air transportation or intrastate air transportation against acts of criminal violence and aircraft piracy and the public interest in the promotion of air transportation and intrastate air transportation;

"(C) to the maximum extent practicable, require uniform procedures for the inspection, detention, and search of persons and property in air transportation and intrastate air transportation to assure their safety and to assure that they will receive courteous and efficient treatment, by air carriers, their agents and employees, and by Federal, State, and local law enforcement personnel engaged in carrying out any air transportation security program established under this section; and

"(D) consider the extent to which any proposed rule or regulation will contribute to carrying out the purposes of this section.

"PERSONNEL

"(b) Regulations prescribed under subsection (a) of this section shall require operators of airports regularly serving air carriers certificated by the Civil Aeronautics Board to establish air transportation security programs providing a law enforcement presence and capability at such airports adequate to insure the safety of persons traveling in air transportation or intrastate air transportation from acts of criminal violence and aircraft piracy. Such regulations shall authorize such airport operators to utilize the services of qualified State, local, and private law enforcement personnel whose services are made available by their employers. In any case in which the Administrator determines, after receipt of notification from an airport operator in such form as the Administrator may prescribe, that qualified State, local, and private law enforcement personnel are not available in sufficient numbers to carry out the provisions of subsection (a) of this section, the Administrator may, by order, authorize such airport operator to utilize, on a reimbursable basis, the services of—

"(1) personnel employed by any other Federal department or agency, with the consent of the head of such department or agency; and

"(2) personnel employed directly by the Administrator;

at the airport concerned in such numbers and for such period of time as the Administrator may deem necessary to supplement such State, local, and private law enforcement personnel. In making the determination referred to in the preceding sentence the Administrator shall take into consideration—

"(A) the number of passengers enplaned at such airport;

"(B) the extent of anticipated risk of criminal violence and aircraft piracy at such airport or to the air carrier aircraft operations at such airport, and

"(C) the availability at such airport of qualified State or local law enforcement personnel.

"TRAINING

"(c) The Administrator may provide training for personnel employed by him to carry out any air transportation security program established under this section and for other personnel, including State, local, and private law enforcement personnel, whose services may be utilized in carrying out any such air transportation security program. The Administrator shall prescribe uniform standards with respect to training provided personnel whose services are utilized to enforce any such air transportation security program, including State, local, and private law enforcement personnel, and uniform standards with respect to minimum qualifications for personnel eligible to receive such training.

"RESEARCH AND DEVELOPMENT; CONFIDENTIAL INFORMATION

"(d)(1) The Administrator shall conduct such research (including behavioral research) and development as he may deem appropriate to develop, modify, test, and evaluate systems, procedures, facilities, and devices to protect persons and property aboard aircraft in air transportation or intrastate air transportation against acts of criminal violence and aircraft piracy.

"(2) Notwithstanding section 552 of title 5, United States Code, relating to freedom of information, the Administrator shall prescribe such regulations as he may deem necessary to prohibit disclosure of any information obtained or developed in the conduct of research and development activities under this subsection if, in the opinion of the Administrator, the disclosure of such information—

"(A) would constitute an unwarranted invasion of personal privacy (including, but not limited to, information contained in any personnel, medical, or similar file);

"(B) would reveal trade secrets or privileged or confidential commercial or financial information obtained from any person; or

"(C) would be detrimental to the safety of persons traveling in air transportation.

Nothing in this subsection shall be construed to authorize the withholding of information from the duly authorized committees of the Congress.

"OVERALL FEDERAL RESPONSIBILITY

"(e)(1) Except as otherwise specifically provided by law, no power, function, or duty of the Administrator of the Federal Aviation Administration under this section shall be assigned or transferred to any other Federal department or agency.

"(2) Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration shall have exclusive responsibility for the direction of any law enforcement activity affecting the safety of persons aboard aircraft in flight involved in the commission of an offense under section 902(i) or 902(n) of this Act. Other Federal departments and agencies shall, upon request by the Administrator, provide such assistance as may be necessary to carry out the purposes of this paragraph.

"(3) For the purposes of this subsection, an aircraft is considered in flight from the moment when all external doors are closed following embarkation until the moment when one such door is opened for disembarkation.

"DEFINITION

"(f) For the purposes of this section, the term 'law enforcement personnel' means individuals—

"(1) authorized to carry and use firearms,

"(2) vested with such police power of arrest as the Administrator deems necessary to carry out this section, and

"(3) identifiable by appropriate indicia of authority.".

SEC. 203. Section 902(1) of the Federal Aviation Act of 1958 is amended to read as follows:

"CARRYING WEAPONS OR EXPLOSIVES ABOARD AIRCRAFT

"(1)(1) Whoever, while aboard, or while attempting to board, any aircraft in, or intended for operation in, air transportation or intrastate air transportation, has on or about his person or his property a concealed deadly or dangerous weapon, which is, or would be, accessible to such person in flight, or any person who has on or about his person, or who has placed, attempted to place, or attempted to have placed aboard such aircraft any bomb, or similar explosive or incendiary device, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(2) Whoever willfully and without regard for the safety of human life, or with reckless disregard for the safety of human life, shall commit an act prohibited by paragraph (1) of this subsection, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"(3) This subsection shall not apply to law enforcement officers of any municipal or State government, or the Federal Government, who are authorized or required within their official capacities to carry arms, or to persons who may be authorized, under regulations issued by the Administrator, to carry deadly or dangerous weapons in air transportation or intrastate air transportation; nor shall it apply to persons transporting weapons contained in baggage which is not accessible to passengers in flight if the presence of such weapons has been declared to the air carrier."

SEC. 204. Section 1111 of the Federal Aviation Act of 1958 (49 U.S.C. 1511), relating to authority to refuse transportation, is amended to read as follows:

"AUTHORITY TO REFUSE TRANSPORTATION

"SEC. 1111. (a) The Administrator shall, by regulation, require any air carrier, intrastate air carrier, or foreign air carrier to refuse to transport—

"(1) any person who does not consent to a search of his person, as prescribed in section 315(a) of this Act, to determine whether he is unlawfully carrying a dangerous weapon, explosive, or other destructive substance, or

"(2) any property of any person who does not consent to a search or inspection of such property to determine whether it unlawfully contains a dangerous weapon, explosive, or other destructive substance.

Subject to reasonable rules and regulations prescribed by the Administrator, any such carrier may also refuse transportation of a passenger of property when, in the opinion of the carrier, such transportation would or might be inimical to safety of flight.

"(b) Any agreement for the carriage of persons or property in air transportation or intrastate air transportation by an air carrier, intrastate air carrier, or foreign air carrier for compensation or hire shall be deemed to include an agreement that such carriage shall be refused when consent to search such persons or inspect such property for the purposes enumerated in subsection (a) of this section is not given.".

SEC. 205. Title XI of the Federal Aviation Act of 1958 (49 U.S.C. 1501–1513) is amended by adding at the end thereof the following new section:

"LIABILITY FOR CERTAIN PROPERTY

"SEC. 1116. The Civil Aeronautics Board shall issue such regulations or orders as may be necessary to require that any air carrier receiving for transportation as baggage any property of a person traveling in air transportation, which property cannot lawfully be carried by such person in the aircraft cabin by reason of any Federal law or regulation, shall assume liability to such person, at a reasonable charge and subject to reasonable terms and conditions, within the amount declared to the air carrier by such person, for the full actual loss or damage to such property caused by such air carrier.".

SEC. 206. Section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301), relating to definitions, is amended by redesignating paragraphs (22) through (36) as paragraphs (24) through (38), respectively, and by inserting immediately after paragraph (21) the following new paragraphs:

"(22) 'Intrastate air carrier' means any citizen of the United States who undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage solely in intrastate air transportation.

"(23) 'Intrastate air transportation' means the carriage of persons or property as a common carrier for compensation or hire, by turbojet-powered aircraft capable of carrying thirty or more persons, wholly within the same State of the United States.".

SEC. 207. (a) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading: "Title III—ORGANIZATION OF AGENCY AND POWERS AND DUTIES OF ADMINISTRATOR" is amended by adding at the end thereof the following new items:

"Sec. 315. Screening of passengers in air transportation.
"(a) Procedures and facilities.
"(b) Exemption authority.
"Sec. 313. Air transportation security.
"(a) Rules and regulations.
"(b) Personnel.
"(c) Training.
"(d) Research and development; confidential information.
"(e) Overall Federal responsibility.
"(f) Definition.

(b) That portion of such table of contents which appears under the side heading, "Sec. 902, Criminal penalties." is amended by striking out—

"(1) Carrying weapons aboard aircraft." and inserting in lieu thereof—

"(1) Carrying weapons or explosives aboard aircraft.".

(c) That portion of such table of contents which appears under the center heading "TITLE XI—MISCELLANEOUS" is amended by adding at the end thereof the following new item:

"Sec. 1116. Liability for certain property.".

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the Senate bill and agree to the same.

HARLEY O. STAGGERS,
JOHN JARMAN,
JOHN D. DINGELL,
DAN KUYKENDALL,
Managers on the Part of the House.

WARREN G. MAGNUSON,
HOWARD W. CANNON,
VANCE HARTKE,
JAMES B. PEARSON,
MARLOW COOK,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 39) to amend the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy, and for other purposes,

submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

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

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House to the text of the bill, with an amendment which is a substitute for both the text of the Senate bill and the House amendment to the text of the Senate bill, and also recede from its disagreement to the amendment to the title.

The differences between the text of the Senate bill, the House amendment thereto, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees and minor drafting and clarifying changes.

Unless otherwise indicated, references to provisions of existing law refer to provisions of the Federal Aviation Act of 1958, and references to the "Hague Convention" refer to the Convention for the Suppression of Unlawful Seizure of Aircraft to which the United States is a party, and which came into effect on October 14, 1971.

TITLE I—ANTIHIJACKING ACT OF 1974

Short title

Senate Bill

The Senate bill provided that title I of this legislation could be cited as the "Antihijacking Act of 1973".

House Amendment

The House amendment provided that title I of this legislation could be cited as the "Antihijacking Act of 1974".

Conference Substitute

The conference substitute is the same as the House amendment.

Special Aircraft Jurisdiction of the United States

Both the Senate bill and the House amendment contained identical provisions, which are included in the conference substitute, amending the definition of the term "special aircraft jurisdiction of the United States" contained in existing law in two major respects.

First, the definition is extended to include the following two categories of aircraft not now covered by existing law:

(1) Any aircraft outside the United States having "an offense" (as defined in the Hague Convention) committed aboard, if the aircraft lands in the United States with the alleged offender still aboard.

(2) Other aircraft leased without crew to a lessee who has his principal place of business in the United States or, if he has no such place of business, he has his permanent residence in the United States.

Second, the definition in existing law is changed with respect to when an aircraft is "in flight." The new definition provides that an aircraft is in flight "from the moment when all external doors are closed following embarkation until the moment when one such door is opened for disemkarkation, or in the case of a forced landing, until the competent authorities take over the responsibility for the aircraft and for the persons and property aboard". Existing law presently provides that an aircraft is in flight "from the moment power is applied for the purpose of take off until the moment when the landing run ends".

The changes discussed above implement provisions contained in Article 3 and Article 4 of the Hague Convention.

Aircraft piracy

Both the Senate bill and the House amendment contained identical provisions, which are included in the conference substitute, expanding the definition of the offense of "aircraft piracy" when committed *within* the special aircraft jurisdiction of the United States. Under existing law the offense includes any seizure or exercise of control of an aircraft in flight by force or violence or threat of force or violence and with wrongful intent. The definition of the offense is now expanded to include seizure or exercise of control of such an aircraft by "any other form of intimidation".

Both the Senate bill and the House amendment also contained provisions amending existing law to add new provisions dealing with aircraft piracy committed *outside* the special aircraft jurisdiction of the United States, which new provisions were identical except for the application of the death penalty discussed later in this joint statement. The identical provisions, which are included in the conference substitute, are as follows:

The new provisions provide that a person aboard an aircraft in flight *outside* the special aircraft jurisdiction of the United States commits "an offense" (as defined in the Hague Convention) when he unlawfully seizes or exercises control of the aircraft by force or threat of force, or by any other form of intimidation, or attempts to perform any such act or is an accomplice of a person who performs or attempts to perform any such act.

The new provisions apply only if the place of takeoff or landing of the aircraft on which the offense is committed is situated outside the State of registration of the aircraft. This excludes coverage of what might be called "domestic" aircraft hijacking.

The new provisions incorporate the definition of the term "in flight" as it is used in the Hague Convention and discussed above under the definition of "special aircraft jurisdiction of the United States".

Existing law is also amended to provide that violations of the new provisions shall be investigated by the Federal Bureau of Investigation.

Hijacking attempts

Senate Bill

No provision.

House Amendment

The House amendment added a new paragraph (3) to section 902(i) of existing law, dealing with the "attempt" to commit aircraft piracy. It provides that such an "attempt" is within the special aircraft jurisdiction of the United States even though the aircraft is not in flight at the time of the attempt if it would have been within such special jurisdiction of the United States had the offense of aircraft piracy been completed.

This amendment extends the jurisdictional limits for "attempted" aircraft hijackings, to encompass attempted aircraft hijackings which do not occur in flight, "if the aircraft would have been within the special aircraft jurisdiction of the United States had the offense of aircraft piracy been completed." This language is intended to proscribe attempted aircraft hijacking, even when the hijacker is rendered incapable of completing the hijacking in flight because he has sustained an injury or for some other reason.

Conference substitute

The conference substitute is the same as the House amendment.

Death penalty

Senate Bill

The Senate bill provided that the penalty for the offense of "aircraft piracy" committed *outside* the special aircraft jurisdiction of the United States would be imprisonment for not less than 20 years or for more than life. The Senate bill did not change the penalty provision contained in section 902(i) of existing law which provides that, in the case of the offense of "aircraft piracy" committed *within* the special aircraft jurisdiction, the death penalty may be imposed upon the recommendation of the jury (or of the court in the case of a trial without a jury) and that, if the death penalty is not imposed, the penalty must be imprisonment for not less than 20 years.

House amendment

The House amendment provided that the penalty for the offense of "aircraft piracy" committed *outside* the special aircraft jurisdiction of the United States would be imprisonment for not less than 20 years, except that, if the death of another person resulted from the commission or attempted commission of the offense, the penalty could be death or imprisonment for life. The House amendment also amended the penalty provision contained in existing law to make the penalty for "aircraft piracy" committed *within* the special aircraft jurisdiction of the United States identical with the penalty which may be imposed for such offense committed *outside* the special aircraft jurisdiction of the United States. In either case, the imposition of the death penalty would be subject to specific procedural requirements set forth in detail below. The procedural provisions are similar to those contained in legislation introduced in both Houses in the present Congress at the recommendation of the Department of Justice (H.R. 6028 and S. 1401). The mandatory imposition of the death penalty under the procedural provisions contained in the House amendment was applicable only with respect to the Federal offense of aircraft piracy.

The procedural provisions referred to above were contained in a new section 903(c) added to existing law by the House amendment and described in detail as follows:

Paragraph (1) of the new section 903(c) provided that no person could receive the death penalty for aircraft piracy unless a hearing was held in accordance with this subsection.

Paragraph (2) provided that when a defendant was found guilty of or pleaded guilty to the offense of aircraft piracy, for which one of the sentences provided was death, the judge who presided at the trial or before whom a guilty plea was entered must conduct a separate sentencing hearing to determine the existence or nonexistence of any of the mitigating or aggravating factors set forth in paragraphs (6) and (7). The hearing could not be held if the Government stipulated that none of the aggravating factors existed or than any one of the mitigating factors existed. The hearing was required to be conducted before the jury which determined the defendant's guilt, a new jury impaneled solely for the purpose of the hearing, or before the court alone upon motion of the defendant and with the approval of the court and the Government.

Paragraph (3) required the court to disclose to the defendant or his counsel all material contained in any presentence report (if any), unless the court determined that any part thereof must be witheld for the protection of the national security or of human life. No withheld material could be considered in determining the existence of any aggravating factor or the nonexistence of any mitigating factor. The burden of establishing the existence of any aggravating factor was placed on the Government and the admissibility of any information relevant thereto was governed by rules of evidence governing the admission of evidence at criminal trials. This limitation would assure that the imposition of the death penalty would rest on evidence of recognized probative value. The burden was placed on the defendant to establish the existence of any

mitigating factor and any information relevant thereto could be admitted without regard to its admissibility under the rules governing admission of evidence at criminal trials. The Government and the defendant must be permitted to rebut any information received at the hearing and must be given fair opportunity to present argument with respect to the adequacy of information received to establish any of the mitigating or aggravating factors.

Paragraph (4) provided for a special verdict by the court or jury setting forth findings as to the existence or nonexistence of each of the mitigating and aggravating factors.

Paragraph (5) provided that if the court or jury found by a preponderance of the information that any one of the aggravating factors existed *and* that none of the mitigating factors existed, the court was required to impose the death penalty. If the findings were that none of the aggravating factors existed *or* that any one of the mitigating factors existed, the death penalty could not be imposed and the court must impose any other sentence provided for aircraft piracy.

Paragraph (6) set forth five mitigating factors. If the court or jury found that any of these factors existed at the time of the offense, the death penalty could not be imposed. The five factors were as follows:

1. The defendant was under eighteen.

2. His capacity to appreciate the wrongfulness of his conduct or to conform it to the requirements of law was significantly impaired, but not enough to constitute a defense.

3. He was under unusual and substantial duress, but not enough to constitute a defense.

4. He was a principal in an offense committed by another, but his participation was relatively minor, although not so minor as to constitute a defense. (Section 2(a) of title 18 of the U.S. Code defines a "principal" as anyone who commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission.)

5. He could not reasonably have foreseen that his conduct in the commission of the offense would cause death to another or create a grave risk of causing death.

Paragraph (7) provided that the death penalty must be imposed if the court or jury found that any one of the aggravating factors set forth in this paragraph existed *and* that no mitigating factor set forth in paragraph (6) existed. The aggravating factors were as follows:

1. The death of another person resulted from the commission of the offense of aircraft piracy, but after the defendant had seized or exercised control of the aircraft.

2. The death of another person resulted from the commission or attempted commission of the offense of aircraft piracy, and—

(*a*) the defendant had been convicted of another Federal or State offense (committed before or at the time of the commission or attempted commission of the offense of aircraft piracy) for which a sentence of death or life imprisonment was imposable;

(*b*) the defendant had been previously convicted of two or more Federal or State offenses with a penalty of more than one year in prison (committed on different occasions before the time of the commission or attempted commission of aircraft piracy), involving the infliction of serious bodily injury on another;

(*c*) in the commission or attempted commission of the offense of aircraft piracy, the defendant knowingly created a grave risk of death to another person in addition to the victim of the offense or attempted offense of aircraft piracy; *or*

(*d*) the defendant committed or attempted to commit the offense of aircraft piracy in an especially heinous, cruel, or depraved manner.

Conference substitute

The conference substitute is the same as the House amendment.

Suspension of air services

With one exception, both the Senate bill and the House amendment contained identical provisions relating to the suspension of air services. The exception dealt with terrorist activities in foreign territory and the Presidential determination required with respect thereto. Under the Senate bill the President would determine whether "a foreign nation is used" for such activities. Under the House amendment the President would determine whether a foreign nation "permits the use of territory under its jurisdiction" for such activities. The conference substitute is the same as the House amendment.

The provisions relating to suspension of air services are contained in a new section 1114 added to existing law by the conference substitute and described below.

Subsection (a) of the new section 1114 provides that, whenever the President determines that a foreign nation is acting in a manner inconsistent with the Hague Convention or, if he determines that a foreign nation permits the use of its territory as a base of operations or training or as a sanctuary for, or in any way arms, aids, or abets, any terrorist organization which knowingly uses the illegal seizure of aircraft or the threat thereof as an instrument of policy, he may—

(1) suspend the right of any air carrier or foreign air carrier to engage in foreign air transportation, and suspend the right of any person to operate aircraft in foreign air commerce, to and from the offending nation; and

(2) suspend the right of any foreign air carrier to engage in foreign air transportation, and the right of any foreign person to operate aircraft in foreign air commerce, between the United States and any foreign nation which continues to maintain air services between itself and the offending nation.

The terms "air carrier", "foreign air carrier", "foreign air transportation", and "foreign air commerce" are defined terms for the purposes of existing law. In the context of these definitions, the President's suspension authority with respect to air services between the United States and the offending nation extends to all types of air services performed for compensation or hire or in furtherance of a business, whether performed by a United States or foreign carrier or person. His authority with respect to air services between the United States and a foreign nation which continues to maintain air services between itself and the offending nation extends to the same type of air services, but only when performed by a foreign carrier or person.

The President may exercise his authority under this subsection without notice or hearing and for as long as he deems necessary to assure the security of aircraft against unlawful seizure. This subsection further provides that, not withstanding section 1102 of existing law, the President's suspension authority shall be deemed to be a condition—

(1) to any certificate of public convenience and necessity issued by the Civil Aeronautics Board and to any permit issued by the Board to any foreign air carrier or foreign aircraft; and

(2) to any operating certificate or specification issued by the Secretary of Transportation to any air carrier or foreign air carrier. The "notwithstanding" clause is necessary because section 1102 of existing law requires the Secretary of Transportation and the Civil Aeronautics Board to exercise their powers and duties consistently with any treaty obligation of the United States and to take into consideration applicable laws of foreign counties in the exercise of such powers and duties. It also prohibits the Board, in exercising its authority with respect to certificates of convenience and necessity, from restricting compliance by any United States air carrier with any obligation, duty, or liability imposed by a foreign country.

Subsection (b) of the new section 1114 makes it unlawful for any air carrier or foreign air carrier to engage in foreign air transportation, or for any person to operate any aircraft in foreign air commerce, in violation of any suspension of rights imposed by the President.

Security standards in foreign air transportation

With one exception, both the Senate bill and the House amendment contained identical provisions relating to security standards in foreign air transportation. The exception dealt with the minimum standards required of foreign air carriers. Under the Senate bill the minimum standards would be those established pursuant to the Convention on International Civil Aviation or, before the adoption of such standards, the specifications and practices set out in appendix A to Resolution A17–10 of the 17th Assembly of the International Civil Aviation Organization. Under the House amendment the minimum standards would be those adopted pursuant to the Convention and no reference was made to the specifications and practices set out in Appendix A to Resolution A17–10. The conference substitute follows the House amendment in this regard. Minimum standards have been established pursuant to the Convention and, therefore, reference to interim standards is unnecessary.

The provisions relating to security standards are contained in a new section 1115 added to existing law by the conference substitute and described below.

The new section 1115 provides for the maintenance of minimum security measures in foreign air transportation. This section requires the Secretary of Transportation to notify a foreign nation whenever, after consultation with the aeronautical authorities of that nation, he finds that such nation does not effectively maintain and administer security measures relating to foreign air transportation equal to or above the minimum standards established pursuant to the Convention on International Civil Aviation. The Secretary is also required to notify such nation of the steps considered necessary to bring its security measures up to the minimum standards. In the event that nation fails to take such steps, the Secretary of Transportation may, with the approval of the Secretary of State, withhold, revoke, or impose conditions on the operating authority of the airlines of that nation.

This section requires the Secretary of State to notify each nation which has a bilateral air transport agreement with the United States, and each nation with airlines which hold a foreign air carrier permit under existing law, of the provisions of this section not later than 30 days after its enactment.

Civil penalties

The Senate bill, the House amendment and the conference substitute contain identical provisions amending section 901(a) of existing law, relating to civil penalties, to provide that any person who violates the provisions of the new section 1114 (relating to suspension of air services) shall be subject to a civil penalty of not to exceed $1,000 per day.

Enforcement by Attorney General

The Senate bill, the House amendment and the conference substitute contain identical provisions amending section 1007(a) of existing law, relating to judicial enforcement, to authorize the Attorney General to apply to the district courts of the United States for the enforcement of the new section 1114, relating to suspension of air services.

TITLE II—AIR TRANSPORTATION SECURITY ACT OF 1974

Short title

Senate Bill

The Senate bill provided that title II of this legislation could be cited as the "Air Transportation Security Act of 1973".

House Amendment

The House amendment provided that such title II could be cited as the "Air Transportation Security Act of 1974".

Conference Substitute

The conference substitute is the same as the House amendment.

Congressional findings

Senate Bill

The Senate bill contained Congressional findings regarding hijacking problems and the need for Federal actions.

House Amendment

No provision.

Conference Substitute

The Congressional findings contained in the Senate bill are omitted from the conference substitute.

Screening of passengers in air transportation procedures and facilities

Senate Bill

The Senate bill required the Administrator of the Federal Aviation Administration to prescribe regulations, as soon as practicable, requiring that all passengers and property in air transportation (including intrastate air transportation) be screened by weapon-detecting devices. Such regulations could be altered or amended one year after their effective date, but only to the extent necessary to assure security against acts of criminal violence and air piracy in air transportation and intrastate air transportation.

The Administrator was required to submit semiannual reports to the Congress concerning the effectiveness of the screening program and to advise the Congress 30 days in advance of any regulation or amendment thereto proposed to be issued under this new authority.

The Senate bill also required the Administrator to acquire and furnish to air carriers and intrastate air carriers weapon-detecting devices for use by such carriers in carrying out the screening program. Such devices would remain the property of the United States. The Senate bill included an authorization for the appropriation of $5.5 million from the Airport and Airway Trust Fund for the acquisition of such devices.

House Amendment

The House amendment was similar to the Senate bill with the following differences:

1. The Administrator was required to prescribe new regulations or continue in effect existing regulations requiring the screening of passengers and property by weapon-detecting procedures or facilities.

2. Such regulations could be altered or amended one year after the enactment of this legislation or one year after the effective date of the regulation, whichever was later.

3. The Administrator was not required to give advance notice of proposed regulations to the Congress, if he determined that an emergency existed which required that the regulations take effect in less than 30 days and he notified the Congress of any such determination.

4. The memorandum of the Administrator, dated March 29, 1973, regarding the use of X-ray systems in airport terminal areas was required to remain in full force and effect, notwithstanding any other provision of law, until modified, terminated, or otherwise set aside by the Administrator after the date of enactment of this legislation.

Conference Substitute

The conference substitute is the same as the House amendment except that the provision regarding the continued effectiveness of the Administrator's memorandum of March 29, 1973, is omitted, and the provision concerning the use or operation of weapon-detecting procedures or facilities is clarified to provide that agents as well as employees of the carriers may use or operate such procedures or facilities.

The House provision continuing in effect the Administrator's memorandum on the use of X-ray systems overruled the United States District Court for the District of Columbia in the case of *Nader* v. *Butterfield*, Civil Action No. 1967–73. Subsequent to the House action the Court issued a consent order thereby vitiating any necessity for the House action on the subject of X-ray detection devices. The Senate had no similar provision and the Managers on the Part of the House agreed to omit any statutory provision at this time in light of the following consent order.

"United States District Court for the District of Columbia (Civil Action No. 1967–73)

"RALPH NADER, ET AL., PLAINTIFFS *v.* ALEXANDER P. BUTTERFIELD, DEFENDANT

"CONSENT ORDER

"The Federal Aviation Administration—without waiving its jurisdictional and other objections as set forth in defendant's pending motion to dismiss or, in the alternative, to vacate and stay—having determined to administratively proceed with (1) a rule-making proceeding to determine whether X-ray devices should be used for inspection of carry-on baggage in connection with airline security programs under 14 C.F.R. § 121.538, and (2) an undertaking to evaluate in good faith what, if any, would be the environmental effects of the use of such devices for this purpose, upon its concluding such course is the best means of expeditiously disposing of this matter in the public interest;

"The Court being advised by the parties that (1) airlines will be permitted to operate X-ray devices to inspect carry-on baggage to comply with FAA security program requirements only if such X-ray devices meet applicable FDA and state radiation safety standards, FDA radiation safety guidelines, and FDA defect notices, and (2) that, pending the conclusion of the aforementioned administrative undertakings, new installations of X-ray devices (*i.e.*, ones for which FAA approval had not been given and firm orders placed prior to the date hereof) shall hereafter be permitted (as a means of compliance with the airline security program requirements) only upon specific approval by FAA of an airline application for such new installation;

"And the parties having agreed, subject to Court approval, that such measures will avoid disruption in the airline security programs, provide measures for the safe operation of X-ray devices, and that the public interest will be served if this Court's order of February 27, 1974 is stayed indefinitely, it is by the Court this 24th day of April, 1974.

"*Ordered*, That the effectiveness of this Court's order of February 27, 1974 and all proceedings herein, including defendant's pending motion under Rule 59, Federal Rules of Civil Procedure, be stayed pending FAA competition of its ongoing administrative proceedings and pending further order of the Court."

Exemption authority

Senate Bill

Under the Senate bill, the Administrator could exempt from the screening program air transportation operations performed pursuant to part 135 of title 14, of the Code of Federal Regulations, which covers operations by air taxis.

House Amendment

Under the House amendment the Administrator could exempt foreign carriers and non-scheduled air transportation operations, as well as air taxis.

Conference Substitute

The conference substitute is the same as the House amendment except that the Administrator may not exempt foreign air carriers. The conferees noted that section 1102 of existing law requires the Administrator to exercise his authority under this legislation consistent with any international obligation of the United States under any treaty, convention, or agreement.

Overall Federal authority

Senate Bill

The Senate bill provided that the responsibility for administering the security program, and security force functions, would be vested exclusively in the Administrator and must not be assigned or transferred to any other agency.

House Amendment

The House amendment was similar to the Senate bill, but contained an additional provision providing that the Administration would have exclusive responsibility for the direction of any law enforcement activity affecting safety of persons aboard aircraft involved in a hijacking and required other Federal agencies to provide necessary assistance as requested by the Administrator.

Conference Substitute

The conference substitute follows the House amendment except that it provides that the Administrator of the Federal Aviation Administration shall have exclusive responsibility for direction of law enforcement activity when an aircraft is "in flight". Under this section an aircraft is deemed to be "in flight" when all external doors are closed following embarkation until one such door is opened for disembarkation. Historically the FAA and the FBI have acted in cooperation and in concert with each other with a high degree of success marred by several instances where there has been some jurisdictional conflict leading to disastrous and near disastrous results. A Memorandum of Understanding between these two agencies attests to their cooperative venture. The conferees expect this cooperation to continue and hopefully to be improved under the new statutory guidelines. Some updating or changes in the Memorandum of Understanding will be required and the agencies concerned are, of course, free to spell out a current Memorandum of Understanding.

The Memorandum is as follows:

"MEMORANDUM OF UNDERSTANDING

"*I. Introduction*:

"The recent increase in the criminal acts of hijacking and sabotage of commercial aircraft has had a significant impact and effect upon U.S. air commerce. The Department of Transportation and the Department of Justice have responsibilities and duties imposed upon them by the Congress with respect to the prevention, control and prosecution of such criminal acts. In addition, the very nature of such criminal acts may and almost always does involve the safety of passengers and crew members. It is imperative, therefore, that the authority and responsibilities of each Department be precisely defined in order that maximum effectiveness is achieved in the prevention, control and prosecution of such criminal acts on the one hand, and the maximum guarantee of the safety of passengers and crew is achieved on the other hand, with the clear acknowledgement of the primary interest in favor of the safety of passengers and crew. To this end the following designation of authority and delegation of responsibilities and duties are agreed upon.

"II. Designation of Authority:

"A. While Aircraft Is in Flight:

"1. When an aircraft is in flight, when it is moving on the take-off runway for the purpose of becoming airborne, and when it is moving on the runway to accomplish a landing, the pilot in command of the aircraft shall be in control.

"2. If a recommendation is to be made by officials of the Department of Transportation and the Department of Justice to the pilot in command for a course of action to be pursued by him, the recommendation of the official of the Department of Transportation shall prevail over that of the official of the Department of Justice in the event of a conflicting disagreement between such officials.

"B. While Aircraft Is Not in Flight:

"1. An aircraft is deemed to be not in flight unless it is actually airborne, or unless it is moving on the take-off runway for the purpose of becoming airborne, or when it is moving on the runway to accomplish a landing.

"2. The designated representative of the Department of Justice will make the decision, where appropriate, to interrupt, or take other positive action with respect to, a hijacking while the aircraft is not in flight.

"III. Information and Cooperation:

"A. The Department of Transportation shall take all possible steps to develop a comprehensive intelligence system. This will include techniques to permit as extensive as possible the monitoring on the ground of conversation and speaking in the cockpit of the aircraft. To achieve this objective, the fullest cooperation of the commercial airlines and their pilots will be solicited.

"B. The Department of Transportation and the Department of Justice agree to cooperate fully with each other in order that each may discharge its responsibilities hereunder. This shall include the full exchange of information and intelligence.

"IV. Delegation of Authority to Officials of the Department of Transportation and the Department of Justice:

"A. The Attorney General hereby delegates to the Federal Bureau of Investigation the authority to discharge the responsibilities hereunder of the Department of Justice.

"Until the Federal Aviation Administrator is otherwise notified in writing by the Director of the Federal Bureau of Investigation, William C. Sullivan, Assistant to the Director, is hereby designated by the Director as the official of the FBI who will act on behalf of the Department of Justice and who will coordinate with the Department of Transportation and its designated responsible officials.

"B. The Secretary of the Department of Transportation hereby delegates to the Federal Aviation Administrator the authority to discharge the responsibilities hereunder of the Department of Transportation.

"Until the Director of the Federal Bureau of Investigation is otherwise notified in writing by the Federal Aviation Administrator, John H. Shaffer, the Administrator of the FAA will coordinate with the Department of Justice and its designated responsible officials.

"Dated at Washington, D.C., this 25th day of September 1970.

"JOHN VOLPE,
"Secretary of Transportation.
"JOHN N. MITCHELL,
"Attorney General."

Air transportation security

Authority of the Administrator

Senate bill

The Senate bill required the Administrator to establish and maintain an air transportation security force sufficient to provide a law enforcement presence and capability at United States airports and adequate to insure safety from criminal violence and air piracy in air transportation (including intrastate air transportation). The Administrator was authorized to designate those members of the security force who would have authority to detain and search persons and property, make arrests, and carry firearms. He could also deputize State and local law enforcement personnel to exercise such authority. The Senate bill authorized the Administrator to provide training for State and local law enforcement personnel made available to carry out the security program and to utilize the air transportation security force established by him to furnish assistance to airport operators and to air carriers to carry out the security program.

The Senate bill authorized an annual appropriation of $35 million for each of two fiscal years to establish and maintain the air transportation security force.

House amendment

The House amendment required the Administrator to prescribe rules and regulations requiring such practices, methods, and procedures or governing the design materials and construction of aircraft, deemed necessary by him to protect persons and property against acts of criminal violence and aircraft piracy in air transportation (including intrastate transportation). In prescribing such regulations, the Administrator was required to consult with appropriate Federal, State, and local authorities and require uniform procedures for the detention and search of persons and property. The regulations would require airport operators to establish security programs providing a law enforcement presence and capability at airports serving CAB-certificated carriers adequate to insure safety of air travelers from criminal violence and aircraft piracy. The airport operators would be authorized to use qualified State, local, and private law enforcement personnel made available by their employers on a cost-reimbursable basis. Whenever the Administrator determined that qualified State, local, and private law enforcement personnel were not available in sufficient numbers, he could authorize an airport operator to use services of Federal personnel, including personnel employed directly by the Administrator for such purpose, on a cost-reimbursable basis and for such period of time as may be necessary to supplement State, local, and private law enforcement personnel.

The House amendment required the Administrator to provide training for personnel employed in the screening program, including State, local, and private law enforcement personnel. He was also required to prescribe uniform standards with respect to the training provided and with respect to minimum qualifications for personnel eligible to receive such training.

The House amendment also required the Administrator to conduct research (including behavioral research) and development appropriate to develop, test, and evaluate systems, procedures, facilities, and devices to protect persons and property against criminal violence and aircraft piracy. Contracts could be entered into without regard to any provision of law requiring advertising, and without regard to the provision of law prohibiting advances of public money. The Administrator was authorized to prescribe regulations prohibiting disclosure of information obtained or developed in the conduct of such research and development, if he determined that disclosure would constitute an unwarranted invasion of personal privacy, would reveal trade secrets, or would be detrimental to the safety of air travelers. However, this could not authorize withholding information from duly authorized congressional committees.

Conference substitute

The conference substitute is the same as the House amendment with the following modifications:

1. The services of State, local, and private law enforcement personnel made available to airport operators to carry out the security program are not required to be on a cost-reimbursable basis.

2. The Administrator is authorized, not required, to provide training for personnel employed in the security program, including State, local, and private law enforcement personnel. He is, however, required to prescribe uniform standards with respect to the training provided and with respect to the minimum qualifications for personnel who receive such training.

3. The provisions of the House amendment permitting research and development contracts without regard to advertising, and without regard to the prohibition against advances of public money, are omitted from the conference substitute.

Courteous Treatment of Passengers

Senate bill

No provision.

House amendment

The House amendment contained provisions requiring that hijacking regulations issued under this legislation include regulations providing assurance of courteous and efficient treatment of travelers.

Conference substitute

The conference substitute requires that the Administrator shall "to the maximum extent practicable require uniform procedures, detention, and search of persons and properties in air transportation and intrastate transportation to assure their safety and to assure that they will receive courteous and efficient treatment".

The routine search of a person is completely foreign to our constitutional protections. We have never legislatively countenanced a police or security officer interruption and search of an individual lawfully conducting himself. Because of the high incidence of aircraft hijacking and the gravity of these offenses, the conferees have reluctantly approved a security system which does allow routine searches of passengers in contradiction to our cherished constitutional freedom. At best such a search is unpleasant. Regrettably, there have been numerous complaints from citizens throughout the country and a number of complaints based on the experiences of members of Congress themselves as to rude and even hostile treatment by police and security employees. Because of this, the conferees agreed to the provision which requires uniform procedures for the inspection, detention and search of persons under conditions which will assure that they receive "courteous and efficient treatment". It is the intent of the conferees that the Secretary shall give extremely careful attention to this provision and any regulations and actions under this provision. The legalization of these searches is a serious inroad into our basic individual right to privacy. Since Congress has determined that this inroad must be made, we should do all within our power to assure that the unpleasant aspect of personal searches be minimized to the fullest degree possible consonant with the insurance of air safety.

It is expected that the Secretary will implement this provision by appropriate regulations which will include provisions for receiving and acting upon complaints of travelers. These regulations should provide for appropriate hearings on complaints by both the air carriers and the Secretary.

Authority to refuse transportation

The Senate bill and the House amendment contained identical provisions, which are included in the conference substitute, amending section 1111 of existing law requiring the Administrator by regulation to require any air carrier, intrastate air carrier or foreign air carrier to refuse to transport any

person who does not consent to a search to determine whether he is unlawfully carrying any dangerous weapon, explosive or other dangerous substance, and to refuse to transport the property of any person who does not consent to a search or inspection of such property to determine whether it contains such weapon, explosive or other destructive substance. Subject to reasonable requirements prescribed by the Administrator, any carrier may also refuse transportation of a person or property when the carrier feels that such transportation might be inimical to safety of flight. Any agreement for the carriage of persons or property in air transportation shall be deemed to include an agreement that such carriage shall be refused when the consent required by this section is not given.

Carrying weapons aboard aircraft

Senate bill

The Senate bill amended section 902(1) of existing law to expand the provision providing misdeameanor penalties for carrying concealed weapons aboard aircraft operated by an air carrier in air transportation. The Senate bill expanded this provision to include offenses commited aboard aircraft operated by foreign air carriers within the United States, to include attempts to carry weapons aboard aircraft, to include aircraft operated in intrastate air transportation, and to include explosives or other destructive substances as well as weapons. It also provided a felony penalty of up to $5,000 fine or five years imprisonment for any such offense committed willfully and without regard, or with reckless disregard, for the safety of human life. In addition to the exemptions contained in existing law for Federal, State, and local law enforcement personnel, and for persons authorized to carry weapons under FAA regulations, the Senate bill also provided an exemption for the transportation of weapons for sporting purposes if the presence of the weapons in luggage or baggage was publicly declared before boarding and was checked as baggage and carried in the cargo hold of the aircraft. Such baggage or luggage could not be opened within the airport confines.

House amendment

No provision.

Conference substitute

The conference substitute is similar to the Senate bill except that the reference to explosive or other destructive substances is replaced with a reference to "any bomb, or similar explosive or incendiary device". The conference substitute also omits the prohibition against opening luggage or baggage within the confines of the airport.

Liability for certain property

Senate bill

No provision.

House amendment

The House amendment required the CAB to issue regulations requiring air carriers to make insurance policies available (for a reasonable charge) conditioned to pay for loss or damage to property of a passenger which he cannot lawfully carry in the passenger compartment and must be transported as baggage.

Conference substitute

The conference substitute is similar to the House amendment except that policies of insurance are not required. The carrier will, under CAB regulations, assume liability for loss or damage to such property within the amount declared by the passenger, for a reasonable charge and subject to reasonable terms and conditions.

Definitions

The Senate bill and the House amendment contained identical provisions, which are included in the conference substitute, amending section 101 of existing law to provide definitions of the terms "Intrastate air carrier" and "Intrastate air transportation." The new definitions are included to insure comprehensive application of the security procedures required by this legislation.

HARLEY O. STAGGERS,
JOHN JARMAN,
JOHN D. DINGELL,
DAN KUYKENDALL,
Managers on the Part of the House.

WARREN G. MAGNUSON,
HOWARD W. CANNON,
VANCE HARTKE,
JAMES B. PEARSON,
MARLOW COOK,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BAKER (at the request of Mr. RHODES), for the remainder of this week, on account of official business to address the Captive Nations Week observance at Taipei, Taiwan, as the guest of the International Anti-Communist League.

To Mr. MYERS (at the request of Mr. RHODES), for today and tomorrow, on account of a death in the family.

To Mr. PEPPER, for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. LAGOMARSINO) to revise and extend his remarks and include extraneous material:)

Mr. HOSMER, for 10 minutes, today.

(The following Members (at the request of Mr. GINN) to revise and extend their remarks and include extraneous matter:)

Mr. FLOOD, for 15 minutes, today.
Mr. FRASER, for 15 minutes, today.
Mr. VANIK, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. BURKE of Massachusetts, for 5 minutes, today.
Mr. WOLFF, for 5 minutes, today.
Mr. POAGE, for 5 minutes, today.
Mr. ADAMS, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. MCFALL, for 5 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. LAGOMARSINO) and to include extraneous material:)

Mr. ANDREWS of North Dakota.
Mr. HANRAHAN.
Mr. FORSYTHE.
Mr. COCHRAN.
Mr. BUCHANAN.
Mr. JOHNSON of Pennsylvania in 10 instances.
Mr. CONABLE.
Mr. ARCHER.
Mr. WYMAN in two instances.
Mr. HOSMER in four instances.
Mr. HUBER.
Mr. COUGHLIN.
Mr. QUIE.
Mr. GILMAN.

(The following Members (at the request of Mr. GINN) and to include extraneous matter:)

Mr. ANNUNZIO in six instances.
Mr. ANDERSON of California in two instances.
Mr. RARICK in three instances.
Mr. GONZALEZ in three instances.
Mr. ANDREWS of North Carolina.
Mrs. SULLIVAN.
Mr. ADDABBO.
Mr. RODINO.
Mr. DENT.
Mr. DINGELL in six instances.
Mr. ROGERS in five instances.
Mr. MOLLOHAN.
Mr. DRINAN in 10 instances.
Mr. VANIK in five instances.
Mr. MACDONALD.
Mr. BURKE of Massachusetts.
Mr. DOMINICK V. DANIELS.
Mr. POAGE.
Mr. PATTEN.
Mr. MOSS.
Mr. DOWNING.

SENATE BILL AND A CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2373. An act to regulate commerce and protect consumers from adulterated food by requiring the establishment of surveillance regulations for the detection and prevention of adulterated food, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. Con. Res. 79. Concurrent resolution expressing the sense of the Congress with respect to the celebration of the one hundredth anniversary of the birth of Herbert Hoover; to the Committee on the Judiciary.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 724. An act for the relief of Marcos Rojos Rodriguez;

S. 1803. An act to authorize the waiver of claims of the United States arising out of erroneous payments of pay and allowances to certain officers and employees of the legislative branch; and

S. 3203. An act to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 8543. An act for the relief of Viorica Anna Ghitescu, Alexander Ghitescu, and Serban George Ghitescu.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that

committee did on July 12, 1974 present to the President, for his approval, a bill of the House of the following title:

H.R. 11385. An act to amend the Public Health Service Act to revise the programs of health services research and to extend the program of assistance for medical libraries.

ADJOURNMENT

Mr. GINN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 32 minutes p.m.) the House adjourned until tomorrow, Tuesday, July 16, 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:

2548. A letter from the Assistant Secretary of the Navy, transmitting a revised report on the proposed realinement of the Naval Air Engineering Center, Philadelphia, Pa., pursuant to section 613 of Public Law 89–568; to the Committee on Armed Services.

2549. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to provide for a program of assistance to State and local library authorities, regional authorities and other public and private agencies and institutions for the support of demonstrations designed to encourage exemplary and innovative developments in the provision of library and information services, such as networking or cooperative arrangements; to the Committee on Education and Labor.

2550. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting copies of Presidential determinations exercising his authority under section 614(a) of the Foreign Assistance Act of 1961, as amended, (1) No. 74–21 to authorize assistance in clearing the Suez Canal, and (2) No. 74–22 to obligate fiscal year 1974 International Narcotics Control funds without regards to the requirements of section 102 of the Foreign Assistance and Related Programs Appropriations Act, 1974; to the Committee on Foreign Affairs.

2551. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a determination by the Acting Secretary of State that it is in the national interest not to transfer to the account established in the Treasury pursuant to section 7(c) and section 9 of the Fishermen's Protective Act of 1967, as amended, funds from the Foreign Assistance Act of 1961 programed for Ecuador and Peru, equal to the amounts paid to the owners of fishing vessels seized by those Governments, pursuant to 22 U.S.C. 1975(b); to the Committee on Merchant Marine and Fisheries.

2552. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements other than treaties entered into by the United States, pursuant to Public Law 92–403; to the Committee on Foreign Affairs.

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. FRELINGHUYSEN: Committee on Foreign Affairs. Report on old problems—new relationships (Rept. No. 93–1195). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRELINGHUYSEN: Committee on Foreign Affairs. Report on Vietnam—changing crucible (Rept. No. 93–1196). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 15901. A bill to make eligible for annuities payable under section 4 of Public Law 92–425 (relating to the Armed Forces survivor benefit plan) persons who became widows during the 18-month period following the effective date of such law; to the Committee on Armed Services.

By Mr. BINGHAM (for himself and Mr. CAREY of New York):

H.R. 15902. A bill to amend the Atomic Energy Act of 1954, as amended, to enable Congress to concur in or disapprove international agreements for cooperation in regard to certain nuclear technology; to the Joint Committee on Atomic Energy.

By Mr. BROOKS:

H.R. 15903. A bill to revise certain provisions of title 5, United States Code, relating to per diem and mileage expenses of Government employees, and for other purposes; to the Committee on Government Operations.

By Mr. HAWKINS:

H.R. 15904. A bill to amend the Economic Opportunity Act of 1964 to provide for demonstration projects to combat rural poverty, to restore community land grants, to promote rural community bilingualism, to revive rural Mexican-American culture, and for other purposes; to the Committee on Education and Labor.

By Mr. MACDONALD:

H.R. 15905. A bill to extend the Emergency Petroleum Allocation Act of 1973 until June 30, 1976, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York (for himself and Mr. CAREY of New York):

H.R. 15906. A bill to establish the National Trust for the Preservation of Historic Ships; to the Committee on Merchant Marine and Fisheries.

By Mr. ROGERS (for himself, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, Mr. HASTINGS, Mr. HEINZ, and Mr. HUDNUT) (by request):

H.R. 15907. A bill to provide for the development of a national health policy and to assist and facilitate the development of necessary health care resources; to the Committee on Interstate and Foreign Commerce.

H.R. 15908. A bill to amend the Public Health Service Act to revise and extend programs of Federal assistance for health resources planning, and development, and to assist the States in relating the costs of health care; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMSON of Wisconsin:

H.R. 15909. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income certain amounts received by members of certain firefighting and rescue units; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON of California (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BROWN of California, Mrs. BURKE of California, Mrs. CHISHOLM, Mr. CONYERS, Mr. EDWARDS of California, Mr. FRASER, Mr. LONG of Maryland, Mr. MOAKLEY, Mr. RIEGLE, Mr. ROSENTHAL, Mr. STARK, Mr. STEELMAN, Mr. STOKES, and Mr. YATES):

H.R. 15910. A bill to amend title 10 of the United States Code in order to prohibit the exclusion, solely on the basis of sex, of women members of the Armed Forces from duty involving combat; to the Committee on Armed Services.

By Mr. HARRINGTON:

H. Res. 1231. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on Intelligence Operations, and for other purposes; to the Committee on Rules.

H. Res. 1232. Resolution to authorize the Committee on Foreign Affairs to conduct an investigation and study of the operations of the Central Intelligence Agency; to the Committee on Rules.

PETITIONS, ETC.

Under clause 1 of rule XXII,

560. The SPEAKER presented a petition of Daniel Haley, Waddington, N.Y., and other democratic members of New York and California State Legislatures, relative to financing campaigns with public funds; to the Committee on House Administration.

SENATE—*Monday, July 15, 1974*

The Senate met at 12 o'clock noon and was called to order by Hon. DICK CLARK, a Senator from the State of Iowa.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

The saints are the sinners who keep on trying.—*Emerson.*

Eternal Father, to whom all hearts are open, and from whom no secrets are hid, in reverent mood and wistful spirit we pause to pray that Thou wouldst make us good enough and great enough for the time in which we serve. As the saints are the sinners who keep on trying, and the miracle of miracles is the sinner transformed by Thy grace into a saint, give us grace to strive for perfection, not in our own strength but in Thy strength. Cover our sins with Thy forgiveness and redeem our mistakes with the corrections of providence. Make us a better people in a better Nation laboring for the coming kingdom over which Thou dost rule with justice and love.

We pray in the Redeemer's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE
PRESIDENT PRO TEMPORE,
Washington, D.C., July 15, 1974.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DICK CLARK, a Senator from the State of Iowa,