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

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday, after the two leaders or their designees have been recognized under the standing order, the Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes.

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

ORDER FOR ADJOURNMENT FROM WEDNESDAY TO 10 A.M. ON THURSDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Wednesday, it stand in adjournament until the hour of 10 o'clock a.m. on Thursday, July 25, 1974.

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

Mr. ROBERT C. BYRD. Mr. President, that order is subject to change, of course.

UNANIMOUS-CONSENT AGREEMENT ON S. 821

Mr. ROBERT C. BYRD. I ask unanimous consent that at the hour of 11:30 a.m. on Thursday, the Senate turn to the consideration of S. 821.

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

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. I ask unanimous consent that the order for the quorum call be rescinded.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at the hour of 10 a.m. tomorrow.

After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 5 minutes, and in the order stated: Messrs. BARTLETT, CHILES, DOMENICI, HUDDLESTON, and NUNN, after which the Senator from West Virginia (Mr. ROBERT C. BYRD) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 5 minutes each, at the conclusion of which period the Senate will resume its consideration of calendar order No. 838, S. 3164, to eliminate the payment of kickbacks and unearned fees in connection with settlement services.

The pending question at that time will be on the adoption of the amendment by Mr. PROXMIRE, on which there is a 2-hour limitation, with the yeas and nays ordered.

Upon the disposition of the amendment by Mr. PROXMIRE, the Senate will resume the consideration of the unfinished business, S. 707, a bill to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and for other purposes, and rollcall votes may occur on amendments to that bill tomorrow afternoon.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 10 o'clock a.m. tomorrow.

The motion was agreed to; and, at 6:27 p.m., the Senate adjourned until tomorrow, Tuesday, July 23, 1974, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 22, 1974:

FEDERAL AVIATION ADMINISTRATION

James E. Dow, of Virginia, to be Deputy Administrator of the Federal Aviation Administration, vice Kenneth M. Smith, resigned.

HOUSE OF REPRESENTATIVES—*Monday, July 22, 1974*

The House met at 12 o'clock noon.

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

All the paths of the Lord are mercy and truth, unto such as keep His covenant and His testimonies.—Psalms 25:10.

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hid, cleanse the thoughts of our hearts by the inspiration of Thy Holy Spirit. Make us godly for man's sake and manly for God's sake that we may live more fully with Thee and more faithfully for our country amid the demanding duties of these disturbing days.

Bless Thou our land, preserve our freedoms, protect our democracy, and help us produce a greater spirit of unity among us that on a deeper level we may be one people united in the search for life, liberty, and the pursuit of happiness for all.

Grant the spirit of wisdom to all our leaders. Prosper their endeavors that whatever is done may be for truth, righteousness, and Thee and therefore for the good of our Nation and our world: through Jesus Christ our Lord. 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 bills of the House of the following titles:

H.R. 377. An act to authorize the Secretary of the Interior to sell certain rights in the State of Florida;

H.R. 3544. An act for the relief of Robert J. Beas; and

H.R. 7207. An act for the relief of Emmett A. and Agnes J. Rathbun.

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

H.R. 7824. An act to establish a Legal Services Corporation, and for other purposes.

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. 14715. An act to clarify existing authority for employment of White House Office and Executive Residence personnel, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 14715) entitled "An act to clarify existing authority for employment of White House Office and Executive Residence personnel, and for other purposes." requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCGEE, Mr. RANDOLPH, and Mr. FONG to be the conferees on the part of the Senate.

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

S. 2102. An act to guarantee the constitutional right to vote and to provide uniform procedures for absentee voting in Federal elections in the case of citizens who are residing or domiciled outside the United States.

MAJORITY LEADER THOMAS P. O'NEILL COMMENTS ON THE SECOND NIXON RECESSION

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

Mr. O'NEILL Mr. Speaker, like most Americans, I believe in the power of prayer. I also believe in the power of the spoken and written word. I do not begrudge Mr. Nixon his right to pray or to speak, but I do not think that language, taken alone, is a good enough economic policy for the people of the United States.

Yesterday, the Department of Commerce reported that our gross national product has declined for two consecutive quarters. By most definitions this constitutes a recession.

It would be unkind to remind Mr. Nixon that only last January he came before this body and promised there would be no recession in 1974. At that time, many Members of Congress believed him; we thought things could hardly get worse than they then were. However, we underestimated Mr. Nixon, and he obviously overestimated the power of his own words. Today, we find the worst inflation of the postwar period combined with the second recession of the Nixon administration and the greatest wave of strikes since the 1930's. Mr. Nixon's economic Keystone cops have outdone themselves once again.

What has been the administration's response? It has been to dodge the cold, staring truth. Once again we hear about "an upturn in the second half of the year." Once again we see no sign of a policy to achieve it. Mr. Speaker, only 2 days ago, Mr. Rush was quoted as predicting no downturn in the second quarter. If Mr. Nixon's top economic advisers cannot make accurate predictions 2 days in advance, how can we possibly give the slightest credence to their predictions for the next 8 months?

VETERANS' AFFAIRS COMMITTEE INSULTED BY WASHINGTON POST

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

Mr. TEAGUE. Mr. Speaker, over the weekend there was an article in the Washington Post which we consider to be a complete insult to the House Committee on Veterans' Affairs. This article intimated that the House Veterans' Affairs Committee was, to a considerable degree, a one-man committee. It is too bad the gentleman who wrote that article could not have known members like JIM HALEY, who is sitting here in the Chamber, John Saylor, Chuck Teague, and the whole committee.

If there is a committee in this House which works and knows what they are doing, it is the House Committee on Veterans' Affairs.

In the last 7 years, we have increased the budget of the Veterans' Administration about double, from about $7 billion to nearly $15 billion.

Mr. Speaker, the House Committee on Veterans' Affairs has done a great job. They know what they are doing, and I resent the article that was in the Washington Post over the weekend.

AMENDING TOBACCO MARKETING QUOTA PROVISIONS OF THE AGRICULTURAL ADJUSTMENT ACT OF 1938

Mr. STUBBLEFIELD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R 6485), to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill as follows:

H.R. 6485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1938 is amended by inserting after section 319 the following new section:

"SEC. 320. Notwithstanding any other provision of law, any kind of tobacco for which marketing quotas are not in effect that is produced in an area where it has not been traditionally produced and where producers who are engaged in the production of a kind of tobacco traditionally produced in the area have approved marketing quotas under this Act shall be subject to the quota for the kind of tobacco traditionally produced in the area. If marketing quotas are in effect for more than one kind of tobacco in an area, any nonquota tobacco not traditionally produced in the area shall be subject to quotas for the kind of tobacco traditionally produced in the area having the highest price support under the Agricultural Act of 1949."

With the following committee amendments:

Page 1, line 5, after the word "law," insert the following: "beginning with the 1975 crop,".

Page 1, lines 7 and 8, strike out the words "where it has not been traditionally produced and".

Page 2, line 1, strike the period after the word "area" and insert the following: ": *Provided, however,* That this section shall not apply in any case in which the Secretary or his designee finds any such nonquota tobacco is readily and distinguishably different from any kind of tobacco produced under quota, because of seed variety, cultural practices, method of curing and other factors affecting its physical characteristics, as determined through the application of the Federal Standards of Inspection and Identification of quota types and tobacco does not possess any of the distinguishable characteristics of a quota type."

Page 2, line 3, strike out the words "not traditionally".

The committee amendments were agreed to.

Mr. WAMPLER. Mr. Speaker, I rise in support of H.R. 6485. This bill would amend the tobacco program to make it both more effective and more fair.

Several years ago farmers outside the State of Maryland began to raise Maryland U.S. type 32 tobacco. They can do this under existing law because Maryland tobacco growers are not subject to marketing quotas since they voted not to come under the tobacco program.

The uncontrolled growth of Maryland type 32 tobacco in areas where farmers have voted for marketing quota controls threatens the effectiveness of those programs. H.R. 6485 is an answer to both the problem of preserving the present marketing quota program and still allowing the production of Maryland type 32 tobacco in areas where it is readily and distinguishably different from the local tobacco subject to marketing quotas.

This bill has been carefully considered by the committee and the Tobacco Subcommittee, and the U.S. Department of Agiculture supports its enactment.

The amendments to the bill would postpone its implementation until 1975 and would clarify and simplify the Secretary's authority in administering the program.

I urge its adoption.

Mr. BRECKINRIDGE. Mr. Speaker, I rise to urge the support of my colleagues for H.R. 6485, a bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, which I introduced earlier this year, with the cosponsorship of my colleagues, Mr. CARTER, Mr. STUBBLEFIELD, Mr. PERKINS, and Mr. SNYDER for the preservation of the effectiveness of our tobacco programs. H.R. 6485 discourages the production of types of tobacco which are not under the price support and acreage or poundage quota programs from being grown in areas where tobacco farmers have chosen to comply with these programs.

Under the provisions of this measure, nonquota tobacco grown in a given area, would be subject to the same regulations as apply to the controlled tobacco in that area if the nonquota tobacco possesses any of the distinguishable characteristics of quota tobacco traditionally grown there.

The need for this legislation arises from the spread of production of Maryland—type 32—tobacco into areas which traditionally have primarily produced burley tobacco, a quota controlled product. Maryland tobacco, as you may know, is not under controls.

It has been estimated that in 1972 850,000 pounds of Maryland type tobacco produced from Maryland tobacco seed were produced in the burley areas of Kentucky, Tennessee, and Virginia. In 1973, this figure increased to approximately 5 million pounds for these States and is continuing to increase this year at a fast clip from reports I am receiving.

The key problem arises out of the fact that when Maryland type 32 tobacco is grown in an area such as the Kentucky bluegrass, soil and weather conditions give it many of the characteristics of burley, and presumably this problem would continue to intensify over future generations of seed production. There is then, the prospect of significant production of Maryland in the burley belt underselling controlled burley, as well as the possibility that excess burley might be marketed under the pretext that it is Maryland type tobacco.

My bill in no way restricts the production of Maryland tobacco or any other nonquota strain in areas other than those participating in the tobacco price support, acreage or poundage quota program, and additionally and specifically it empowers the Secretary of Agriculture or his designee to exempt from the quota system any nonquota tobacco which is readily and distinguishably different from any kind of tobacco produced under quota because of seed variety, cultural practices, method of curing, and other factors affecting its physical characteristics, as determined through the application of the Federal Standards of Inspection and Identification.

I hope that the Senate will pass this much needed legislation at an early date

so that final enactment can take place in time for the law to be effective for the 1975 crop.

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

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 14012, LEGISLATIVE BRANCH APPROPRIATIONS, 1975

Mr. CASEY of Texas. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 14012), making appropriations for the legislative branch for the fiscal year ending June 30, 1975, and for other purposes.

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

There was no objection.

CONFERENCE REPORT (H. REPT. NO. 93–1210)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14012) "making appropriations for the Legislative Branch for the fiscal year ending June 30, 1975, 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 amendment numbered 64.

That the House recede from its disagreement to the amendments of the Senate numbered 35, 41, 46, 48, 49, 50, 56, 62, 63, 65, 66, and 67, and agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$80,400"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$611,345"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$349,100"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$48,460,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$5,839,000"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$13,345,000"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,319,000"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$80,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 37, 38, 42, 43, 44, 45, 47, 51, 52, 53, 54, 60, 68, and 69.

BOB CASEY,
FRANK E. EVANS,
EDITH GREEN,
JOHN J. FLYNT, JR.,
EDWARD R. ROYBAL,
LOUIS STOKES,
GEORGE MAHON,
LOUIS C. WYMAN,
ELFORD A. CEDERBERG,
EARL B. RUTH,
LAWRENCE COUGHLIN,
Managers on the Part of the House.

ERNEST F. HOLLINGS,
BIRCH BAYH,
THOMAS F. EAGLETON,
JOHN L. MCCLELLAN,
NORRIS COTTON,
RICHARD S. SCHWEIKER,
MILTON R. YOUNG,
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. 14012) making appropriations for the legislative branch for the fiscal year ending June 30, 1975, 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:

SENATE

Amendments Nos. 1 through 34: Reported in technical disagreement. Inasmuch as these amendments relate solely to the Senate and in accord with long practice, under which each body determines its own housekeeping requirements and the other concurs therein without intervention, the managers on the part of the House will offer motions to recede and concur in the Senate amendments Nos. 1 through 30 and 32 through 34. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate numbered 31 with an amendment to exempt joint committee employees from the increase in the maximum annual rate of compensation proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

HOUSE OF REPRESENTATIVES

Amendment No. 35: Appropriates $12,059,700 for miscellaneous items as proposed by the Senate instead of $12,375,000 as proposed by the House.

JOINT ITEMS

Joint Committee on Reduction of Federal Expenditures

Amendment No. 36: Appropriates $80,400 instead of $80,045 as proposed by the House and $86,100 as proposed by the Senate.

Joint Economic Committee

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $950,000 for salaries and expenses instead of $939,805 as proposed by the House and $894,176 as proposed by the Senate. The distribution of the funds allowed is to be determined by the Joint Economic Committee.

Amendment No. 38: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $135,000 for the Subcommittee on Fiscal Policy to remain available until December 31, 1974 as proposed by the Senate.

Joint Committee on Atomic Energy

Amendment No. 39: Appropriates $611,345 for salaries and expenses instead of $609,855 as proposed by the House and $617,045 as proposed by the Senate.

Joint Committee on Printing

Amendment No. 40: Appropriates $349,100 for salaries and expenses instead of $348,315 as proposed by the House and $354,800 as proposed by the Senate.

Capitol Police

Amendment No. 41: Appropriates $513,360 for general expenses as proposed by the Senate instead of $474,900 as proposed by the House.

Amendments Nos. 42 through 45: Reported in technical disagreement. The managers on the part of the House will offer motions to recede and concur in the amendments of the Senate elevating certain police positions detailed to the Capitol Police Board from the Metropolitan Police of the District of Columbia.

Capitol Guide Service

Amendment No. 46: Appropriates $348,760 for salaries and expenses as proposed by the Senate instead of $347,055 as proposed by the House.

Administrative provision

Amendment No. 47: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing that employees of the Capitol Guide Service be granted longevity compensation increases for each 5 years of service.

Office of Technology Assessment

Amendments Nos. 48 and 49: Appropriate $4,000,000 for salaries and expenses as proposed by the Senate instead of $3,500,000 as proposed by the House and delete the provision that the funds remain available until expended as proposed by the House and stricken by the Senate.

ARCHITECT OF THE CAPITOL

Capitol Buildings and Grounds

Capitol Buildings

Amendment No. 50: Appropriates $4,428,500 for Capitol Buildings as proposed by the Senate instead of $4,344,500 as proposed by the House.

Restoration of West Central Front of Capitol and master plan for future development of the Capitol Grounds and related areas

Amendment No. 51: Reported in disagreement. The managers on the part of the House will offer a motion to further insist on their disagreement to the amendment of the Senate.

Capitol Grounds

Amendment No. 52: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate authorizing the continued availability of the $250,000 appropriation under this head for fiscal year 1974 for traffic signals until June 30, 1975.

Senate Office Buildings

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate ap-

propriating $6,620,800 for the Senate Office Buildings.

Senate Garage

Amendment No. 54: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $103,300 for the Senate Garage.

LIBRARY OF CONGRESS

Salaries and expenses

Amendment No. 55: Appropriates $48,460,000 instead of $48,432,500 as proposed by the House and $48,572,500 as proposed by the Senate.

Amendment No. 56: Provides $2,778,000 for reimbursement to the General Services Administration for rental of space as proposed by the Senate instead of $3,063,000 as proposed by the House.

Copyright Office

Amendment No. 57: Appropriates $5,839,000 for salaries and expenses instead of $5,798,600 as proposed by the House and $5,879,985 as proposed by the Senate.

Congressional Research Service

Amendment No. 58: Appropriates $13,345,000 for salaries and expenses instead of $13,202,400 as proposed by the House and $13,488,100 as proposed by the Senate.

Furniture and furnishings

Amendment No. 59: Appropriates $3,319,000 instead of $3,312,300 as proposed by the House and $3,325,000 as proposed by the Senate.

Administrative provisions

Amendment No. 60: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate authorizing the use of funds available to the Library of Congress to provide additional parking facilities for employees, including transportation, in areas in the District of Columbia outside the limits of the Library of Congress grounds.

GOVERNMENT PRINTING OFFICE

Printing and binding

Amendment No. 61: Appropriates $80,000,000 instead of $88,136,000 as proposed by the House and $75,000,000 as proposed by the Senate.

Office of Superintendent of Documents

Amendments Nos. 62 and 63: Appropriates $36,000,000 of which $222,000 shall be available as a contingency reserve for workload increases not anticipated in the budget estimates as proposed by the Senate instead of $36,078,000, including a reserve of $300,000 as proposed by the House.

Government Printing Office Revolving Fund

Amendment No. 64: Appropriates $12,000,000 as proposed by the House instead of $6,000,000 as proposed by the Senate.

GENERAL ACCOUNTING OFFICE

Amendment No. 65: Appropriates $121,376,000 as proposed by the Senate instead of $121,834,000 as proposed by the House.

COST-ACCOUNTING STANDARDS BOARD

Amendment No. 66: Appropriates $1,628,000 as proposed by the Senate instead of $1,650,000 as proposed by the House.

GENERAL PROVISIONS

Amendment No. 67: Provides that no part of any appropriation contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services, as proposed by the Senate.

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment providing for the payment of compensation to an alien employee of the Senate.

Amendment No. 69: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment providing for an annual accounting of appropriated funds and excess foreign currency used as expense money by Members of Congress and staff traveling abroad on official business to be filed with the Secretary of the Senate and the Clerk of the House of Representatives instead of the publication of reports in the Congressional Record as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1975 recommended by the Committee of Conference, with comparisons to the fiscal year 1974 amount, the 1975 budget estimates, and the House and Senate bills for 1975 follows:

New budget (obligational authority, fiscal year 1974	$661,305,668
Budget estimates of new (obligational) authority (as amended), fiscal year 1975	722,472,385
House bill, fiscal year 1975	603,221,280
Senate bill, fiscal year 1975	718,439,511
Conference agreement	[1] 708,275,650
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1974	+46,969,982
Budget estimates of new (obligational) authority (as amended), fiscal year 1975	−14,196,735
House bill, fiscal year 1975	[1] +105,054,370
Senate bill, fiscal year 1975	−10,163,861

[1] Includes $112,824,480 for Senate items not considered by the House. Conforming to long practice, funds exclusively for operations and activities of the Senate—including two items jurisdictionally under the Architect of the Capitol—are left for decision and insertion by that body.

BOB CASEY,
FRANK E. EVANS,
EDITH GREEN,
JOHN J. FLYNT, Jr.,
EDWARD R. ROYBAL,
LOUIS STOKES,
GEORGE MAHON,
LOUIS C. WYMAN,
ELFORD A. CEDERBERG,
EARL B. RUTH,
LAWRENCE COUGHLIN,
Managers on the Part of the House.

ERNEST F. HOLLINGS,
BIRCH BAYH,
THOMAS F. EAGLETON,
JOHN L. MCCLELLAN,
NORRIS COTTON,
RICHARD S. SCHWEIKER,
MILTON R. YOUNG,
Managers on the Part of the Senate.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 394]

Anderson, Calif.	Gray	Pike
Baker	Griffiths	Podell
Blatnik	Gross	Powell, Ohio
Brasco	Gubser	Railsback
Brown, Calif.	Gunter	Randall
Broyhill, N.C.	Hanley	Rarick
Burke, Calif.	Hansen, Idaho	Regula
Byron	Harsha	Reid
Carey, N.Y.	Hawkins	Robison, N.Y.
Chappell	Hébert	Rooney, N.Y.
Chisholm	Holifield	Rose
Clark	Huber	Rostenkowski
Clay	Jones, N.C.	Roy
Cochran	Jones, Tenn.	Ruppe
Collier	Kastenmeier	Sandman
Cotter	Kuykendall	Staggers
Davis, Ga.	Kyros	Stanton, James V.
de la Garza	Landrum	Steele
Dennis	Luken	Stephens
Diggs	McCloskey	Stokes
Donohue	McCormack	Stuckey
Dorn	McEwen	Symington
Esch	McKinney	Talcott
Fisher	Mills	Thompson, N.J.
Ford	Montgomery	Treen
Fulton	Murphy, Ill.	Vander Jagt
Giaimo	Nichols	Wright
	O'Hara	

The SPEAKER. On this rollcall 352 Members have recorded their presence by electronic device, a quorum.

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

APPOINTMENT OF CONFEREES ON H.R. 6642, SUSPENSION OF DUTIES ON CERTAIN BICYCLE PARTS AND ACCESSORIES

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6642) to suspend the duties of certain bicycle parts and accessories until the close of December 31, 1976, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Oregon? The Chair hears none, and appoints the following conferees: Messrs. MILLS, ULLMAN, BURKE of Massachusetts, SCHNEEBELI, and COLLIER.

APPOINTMENT OF CONFEREES ON H.R. 14715, EMPLOYMENT OF WHITE HOUSE OFFICE AND EXECUTIVE RESIDENCE PERSONNEL

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14715) to clarify existing authority for employment of White House Office and Executive Residence personnel, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none, and appoints the following conferees: Messrs. DULSKI, HENDERSON, UDALL, GROSS, and DERWINSKI.

THE LATE SENATOR WAYNE MORSE

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, it was with a profound sense of shock and personal sadness to learn of the untimely death of Wayne Morris earlier today. What can one say about a man who has contributed so much to his country and for his countrymen. His stature in the Senate during his brilliant career has been matched by few before or since.

His legislative achievements were so many they cannot be counted. But perhaps one single vote speaks of his courage more than any other. It is especially fitting to recall in this day when the horrors and malaise of the Vietnam war still linger. This vote, of course, was his vote in 1964 against the Gulf of Tonkin resolution authorizing then President Johnson to commit American forces to Southeast Asia. Senator Morse was one of only two in the entire Senate to have the foresight and the wisdom to say "No." Such strength of character, willingness to take the unpopular side were a part of Wayne Morse. I did not always agree with him, but I always knew he spoke with sincerity and conviction and who could help but have tremendous respect for those qualities.

He will be deeply missed by all those who knew him well and perhaps as much by those who did not as a man possessed of extraordinary abilities, courage, and compassion. I know that all Americans and particularly those of his beloved home State join me in extending to his wife, Midge, and his daughters our most heartfelt sympathy.

Mr. ULLMAN. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. Mr. Speaker, I yield to my colleague from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Speaker, I want to join with my colleague from Oregon in expressing profound grief and shock at the passing of one of the great men of our times: Senator Wayne Morse.

As a private citizen, a professor of law, a courageous labor mediator, and U.S. Senator, Wayne Morse never lacked the courage of his convictions. His sense of moral right and wrong, his belief in the basic tenets of our democratic system, and his understanding of his fellow men never failed him.

Certainly, he was one of the most controversial men of our times. But history will also record him as one of the outstanding figures in this Nation's public life. His contributions to the events, the thoughts, and the feelings of this era were deep and sure. His accomplishments in his 24 years in the Senate are a proud and eloquent testimony to his vision.

I campaigned with Senator Morse for a period of many years. In 1956, when he first ran for office as a Democrat, we stumped the State together and I came to know him well. Although we did not always agree, he never hesitated to let anyone know where he stood on an issue. In his public utterances, he had more courage than anyone I know, and this is best remembered in his opposition to the Gulf of Tonkin resolution. Yet in his personal life he displayed gentleness, and a deep sense of calm and warmth.

Throughout his life, both public and private, Wayne Morse had a deep longing to make things grow better than before, and one way he fostered that longing was his abiding passion for raising purebred livestock. It was his way of getting away from the pressures and frustrations of public life. Yet he brought to it the same intensity and sense of mission he exercised in carrying out his duties in the Senate.

Mr. Speaker, his death is a great blow to this Nation. He wanted badly to return to the Senate and to serve the State he knew so well. For those of us who were close to him there is much sorrow, and I want to extend to Mildred and their three lovely daughters my sincere sympathy.

Wayne Morse made a great imprint on the U.S. Senate, on this country, and on our history. That imprint will endure, and will serve as a living memorial to a great man.

Mr. WYATT. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Oregon (Mr. WYATT).

Mr. WYATT. Mr. Speaker, I appreciate the gentlewoman yielding to me. On this side of the aisle, I would like to say I have had a long and at times close relationship to Senator Morse. He was the dean of the law school during my entire attendance at the Law School of the University of Oregon.

In addition to the towering presence felt so obviously by those around him, Wayne had a gentle and kind nature not so obvious. We have frequently differed, but he was my friend. I feel deeply a sense of personal loss with his passing. Certainly, Senator Morse made a great impact on this country. Mrs. Wyatt and I extend our heartfelt condolences to Mrs. Morse and his daughters.

Mr. DELLENBACK. Mr. Speaker, Wayne Morse has been a significant force in the creative history of Oregon for more than three decades. He will be missed, and he rightfully should be missed, by both admirers and detractors.

He and I were by no means always in agreement. But I invariably listened to his opinions and judgments with respect and interest, and invariably I learned from what I heard.

He died as he lived—in the midst of a fight for something in which he earnestly believed. His fights ranged from the District of Columbia to Oregon, from education to world peace. Our State and our Nation are different because he cared enough to fight those fights, and, certainly on balance, we are all better off because those fights were fought.

The national landscape has lost a promontory. I deeply regret that fact, and extend my deepest sympathy to Mrs. Morse and the family.

Mr. MILLER. Mr. Speaker, it is with regret that I have learned today of the passing of our former congressional colleague, the distinguished Wayne Morse, of Oregon. I know that this Chamber is deeply saddened to hear of his passing and we extend our very deepest sympathy to his family.

Though our political philosophy sometimes differed substantially, I nevertheless respected and admired Senator Morse for his dedication to Oregon, and the Nation, and for his service in the U.S. Congress. He was obviously a man of deep conviction and fortitude and his thoughts on issues which have shaped our Nation's course were sought by people of all political persuasions.

To say that he will be missed is an understatement. His influence on U.S. foreign and domestic affairs will long survive as will his example to all those who respected Wayne Morse for the dedicated public servant he was.

GENERAL LEAVE

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the passing of the late Senator Wayne Morse.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

AMENDING RULES OF HOUSE OF REPRESENTATIVES TO PROVIDE FOR BROADCASTING OF MEETINGS OF COMMITTEES

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1107 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1107

Resolved, That clause 33 of rule XI of the Rules of the House of Representatives is amended as follows:

(1) Paragraph (a) is amended by inserting ", or committee meetings," immediately after "committee hearings".

(2) Paragraph (c) is amended—

(A) by deleting "each meeting of any hearing or hearings covered," and inserting in lieu thereof "each meeting (whether of a hearing or otherwise) covered,";

(B) by deleting "at the hearing" and inserting in lieu thereof "at the hearing or other meeting"; and

(C) by deleting "the objects and purposes of the hearing or the activities of committee members in connection with that hearing" and inserting in lieu there of "the objects and purposes of the hearing or other meeting or the activities of committee members in connection with that hearing or meeting".

(3) Paragraph (d) is amended by inserting "and meetings" immediately after "committee hearings".

(4) Paragraph (e) is amended by inserting "or meeting" immediately after the word "hearing" wherever such word occurs therein.

(5) Subparagraphs (1), (3), (5), (6), (7), (8), and (9) of paragraph (f) are each amended by inserting "or meeting" immediately after the word "hearing" wherever such word occurs therein.

POINT OF ORDER

Mr. MARTIN of Nebraska. Mr. Speaker, I make a point of order against consideration of this resolution.

The SPEAKER. The gentleman will state his point of order.

Mr. MARTIN of Nebraska. Mr. Speaker, this resolution was considered by the Rules Committee last Thursday morning. The members of the Rules Committee were notified on Wednesday afternoon. I was notified at approximately 4 o'clock in the afternoon that we would have a

special meeting to consider this resolution which is now being called up for consideration by the House. This is in violation of the rules of procedure for the Committee on Rules and I would like to read this rule to the House, Mr. Speaker. I will read from the rules of the Committee on Rules adopted on Tuesday, March 27, 1973, and amended on Tuesday, September 11, 1973.

Paragraph (b) of the rule which concerns meetings reads as follows:

A minimum 48 hours' notice of regular meetings and hearings of the Committee shall be given to all members except that the Chairman, acting on behalf of the Committee, may schedule a meeting or hearing for the consideration of emergency and/or procedural measures or matters at any time.

The committee members were not given 48 hours' notice. In regard to "the consideration of emergency and/or procedural measures or matters" with less than 48 hours of time, this was not an emergency and it was not a procedural measure. It was a substantive measure. I do not think by any stretch of the imagination House Resolution 1107, a resolution to permit live television and radio coverage of House committees, can be considered as a procedural measure. It is much more than that.

As a consequence I make this point of order that this resolution should not be considered because it was not handled in the Committee on Rules in accordance with the requirement for notification under the rules of the Rules Committee itself, and as a consequence it has been illegally reported from the committee and should not be taken up by the House at this time.

The SPEAKER. Does the gentleman from California desire to be heard on the point of order?

Mr. SISK. Mr. Speaker, I do desire to be heard briefly.

Under the rules of the committee which the gentleman has cited, of course, there is no sense of conflict with the rules of the House and under which, of course, we are operating at the present time.

The reading of the paragraph by my colleague, the gentleman from Nebraska, it seems to me itself would call for an overruling of the point of order because it makes it very clear, as it says, "except that the chairman, . . . may schedule a meeting or hearing for the consideration of emergency and/or procedural measures or matters at any time." It goes on to say:

As much notice as possible will be given to all members when emergency meetings or hearings are called; . . .

Certainly that was the case in this matter, Mr. Speaker. I am sure my colleague, the gentleman from Nebraska, will agree with me that he and I discussed this meeting on Wednesday before it was handled on Thursday.

A further reading of section (i) shows that a Tuesday meeting of the committee may be dispensed with where, in the judgment of the chairman, there is no need therefor, and additional meetings may be called by the chairman, or by written request of a majority of the committee, and so forth.

Mr. Speaker, this meeting was duly called in line with the rules of procedure of the committee and in no sense is there any violation of the rules of the House contained in the rules set forth in the operation of the Committee on Rules.

The SPEAKER. Does the gentleman from Nebraska desire to be heard further on the point of order?

Mr. MARTIN of Nebraska. I do, Mr. Speaker.

I also made a point of order in the Committee on Rules and was overruled by the chairman on the basis that this was a procedural matter. I do not think that House Resolution 1107, as I stated previously, is a procedural matter. I think it is a substantive matter. Therefore, I press my point of order.

The SPEAKER. The Chair is ready to rule.

The gentleman from Nebraska makes a point of order that the report from the Committee on Rules and on House Resolution 1107 is invalid and may not be received by the House on the ground that the meeting at which the measure was authorized was called in violation of the committee's rules of procedure.

The specific point at issue is whether the meeting at which this measure was ordered reported was a valid meeting, that is, whether it was called pursuant to the committee's rule concerning the calling of special meetings.

The Chair has examined the provisions of Jefferson's Manual at section 407, which states that "a committee may meet when and where they please, if the House has not ordered time and place for them, but they can only act when together." The committee's report in this instance shows that House Resolution 1107 was ordered reported by a vote of 10 to 3; so it is apparent that the committee acted "together" with a quorum present.

The Chair has referred to the precedent found in volume IV, Hind's Precedents, section 4594, where Speaker Cannon ruled that where it is shown that a majority of a committee has met and acted together to authorize a report, it was not the province of the Chair to heed the allegation that one meeting was not regularly called.

The Chair would also refer to the decision of Speaker pro tempore BOGGS on October 12, 1971—RECORD, page 35824. On that occasion, a point of order in the House that a committee had not complied with its own rule on approving a report was overruled on the ground that it was properly a question for the committee, and not the House, to pass upon.

Now, it is not incumbent upon the Chair to pass upon whether or not this is a procedural matter under the rules of the committee, that is a matter for the committee to determine.

For these reasons, the Chair holds that the report is properly before the House and overrules the point of order.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 1, strike "33" and insert in lieu thereof "34".

The committee amendment was agreed to.

Mr. SISK. Mr. Speaker, prior to yielding, I would like, for the purpose of saving repetition, to indicate that I will be yielding to several Members, and in all cases I will be yielding for debate only.

Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska, (Mr. MARTIN), pending which I yield myself such time as I might consume.

Mr. Speaker, House Resolution 1107 amends the rules of the House of Representatives to provide for broadcasting of meetings, in addition to hearings of House committees, which are open to the public.

House Resolution 1107 is a clarification of the language regarding the right of committees by majority vote to broadcast meetings of House committees.

I might say, Mr. Speaker, that when the House passed the Legislative Reorganization Act of 1970, the intent was to include all open meetings and hearings of committees under clause 34 of rule XI.

If I might add, the report of the committee at that time makes it very clear that we used interchangeably committee meetings, along with any sessions, committee hearings and so on, so that it seems to me it was clear, and as chairman of that particular subcommittee, Mr. Speaker, it certainly was my intent that any committee desiring to do so could, by majority vote, open any session of its proceedings to the public. Unfortunately, however, because of the rulings that we are faced with, it is necessary that we bring this resolution here to clarify this situation about meetings, and of course it will apply to all standing committees of the House of Representatives, if approved.

Mr. Speaker, I urge the adoption of House Resolution 1107.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, the purpose of this resolution, as the gentleman from California has explained, is to permit live radio and TV coverage of meetings.

I would like to read to you one paragraph of rule XI, clause 33, as currently in the rules:

It is the purpose of this clause to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee hearings which are open to the public may be covered, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage.

In other words, the rules of the House—and these were adopted in 1970—permit live coverage of hearings by any House committee if the members of that committee vote affirmatively.

The purpose of this resolution is to add the word "meetings."

It is interesting to note that this resolution or a companion resolution was introduced by Mr. OWENS last February 27, and the resolution which we have before us today, introduced by Mr. OWENS and other Members, was introduced on May 15. Yet, it seems to be apparently an emergency matter because

an emergency meeting of the Committee on Rules was called last Wednesday afternoon for consideration of this matter on Thursday morning.

It is suspect, at least, that it was called up at this time in order to televise and cover by radio live the remaining meetings of the Committee on the Juidiciary on impeachment.

I supported the reorganization of the House and the rules in 1970, and I would support this resolution a week or 10 days from now because I believe that if the Members desire to have coverage, radio and TV coverage of the hearings, that they should be allowed to do so.

But on the basis of the fact that this was called up at this time with the sole purpose, Mr. Speaker, of getting coverage during the remaining few days of the work of the Committee on the Judiciary, I oppose this resolution today.

What are the ground rules that are going to be set by the Committee on the Judiciary as to the coverage? We did not have the chairman of the Committee on the Judiciary or a senior member of that committee or anyone in authority before us in our deliberations in the Committee on Rules who could give us these answers.

Is the time going to be equally divided between the Republicans and the Democrats on the committee? How is it going to be handled? We had no information on that score.

We did receive word that there would be a total of 30 hours on debate. This was last Thursday; perhaps that has been changed by now. That would be 30 hours of consideration by the various members of the Committee on the Judiciary; there would be 10 hours during which each member of the committee would be allotted 15 minutes, and then there would be a second go-around during which 20 hours would be allotted to each one of the 38 members of that committee, and at that time they would each be given 30 minutes.

Mr. Speaker, there are 21 Democrats and 17 Republicans on this committee. There is a total of 45 minutes allocated to each member of the Committee on the Judiciary under this proposal. Four members times 45 minutes amounts to 3 hours—3 hours of additional live coverage allotted to the Democrats on the Committee on the Judiciary over what the Republicans are going to get.

Now, we have an equal time provision. How is that going to be taken care of? What are the ground rules for that?

I believe the Republicans would have a good argument if they were to demand that whatever networks carry these proceedings, the networks would have to give them an additional 3 hours of coverage, in view of what was expressed to us as the manner in which this was going to be handled.

Mr. Speaker, I wish to point out another thing. We were told in the Committee on Rules during our hearings that Mr. Doar, the chief counsel for the majority party on the Committee on the Judiciary, would be present and would undoubtedly speak during the course of this live radio and TV coverage. We were further told that Mr. St. Clair, the President's counsel, would not be allowed to be present.

Now, Mr. Doar has turned out to be the prosecuting attorney in this case; Mr. St. Clair is the defense attorney. Yet we are going to allow the prosecuting attorney to be present and to speak on live coverage, but we will not allow the defense attorney the same privilege. This is completely unfair, and it should not be permitted. Again, this should be explained and the details worked out so that the Members of the House will know how these matters are going to be handled in regard to this coverage.

Mr. Speaker, let me turn to one other rule. This is rule XI, clause 33, of the Rules of the House of Representatives, and it is found at the top of page 401. I quote as follows from the rule:

> If the television or radio coverage of the hearing is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

Mr. Speaker, I assume that the networks, including both radio and TV, are aware of this rule. At least they should be.

How are we going to police this? Are they going to have commercial sponsors for these 30 nours of coverage of the meetings of the Committee on the Judiciary? Are they going to put this on as a public service?

Or are they going to slip in some commercial advertisements every now and then whenever they choose to do so?

The SPEAKER. The time of the gentleman has again expired.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield myself 2 additional minutes.

Or when they have a network break for the local station to identify itself, is that local station going to come in with some commercial advertising? If they do, Mr. Speaker, this is contrary to the rules of the House. It is right in the rules that were adopted in 1970. I think it is a good rule.

This will have to be presented on a public service basis if the Committee on the Judiciary decides on this radio and TV coverage.

There is one other point that I would like to make, Mr. Speaker:

The present rules provide that committees can have coverage on hearings. The Committee on the Judiciary has just completed hearings. They had witnesses all last week. There were votes taken in the past few weeks in the committee for live coverage of radio and TV of these hearings. The Republican Members as a whole, most of them, supported this coverage, but the Members on this side of the aisle turned it down. It seems again very strange, Mr. Speaker, that this is being called up at this time in view of the previous position of the Democrats on the Committee of the Judiciary.

Mr. Speaker, I oppose the resolution.

Mr. SISK. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, I thank the gentleman from California for yielding me this time. I am happy to support the resolution sponsored by the gentleman from Utah (Mr. OWENS).

Mr. Speaker, I rise in strong support of the amendment to the Rules of the House, and I hope indeed that the House today will give overwhelming support of the right of our committee to have radio and TV coverage of the final debates that will conclude our committee's extensive impeachment inquiry that we have conducted.

It is most unfortunate that our hearings have not been open to the public up to the present time.

The misconceptions and the misunderstandings and the charges of unfairness and the other allegations that have been made regarding these hearings would have been dissipated if it were not for the fact that we have had closed-door hearings throughout the proceedings. The people have not had the opportunity to see and hear our proceedings, and accordingly, have been unable to receive first-hand knowledge of the deliberations that have gone on.

Such live TV coverage which will accompany the closing debates will enable the American people to see and to hear the evidence and the arguments both pro and con.

It is true that the rule that we are about to adopt in the House for the Committee on the Judiciary will provide for 15 minutes of time for debate on the part of each member. We have 21 Democrats and 17 Republicans on this committee.

I wish we had more Republicans. But, on the basis of our existing political ratio, each Member is being treated fairly and equally.

Also, of course, when we finish the debate with respect to the proposed articles of impeachment will have opportunities for offering amendments and further discussion at that time. It is my hope that we can get a rule adopted, or an amendment to the rules in the committee, which would require continuous live coverage.

Of course, we will be bound by the Rules of the House which would prevent any sponsorship or interruption for commercial advertising and that sort of thing.

Certainly, I think that this is an opportunity for us to open the doors of our proceedings to let the American people in; to give them a complete understanding, and to afford them a fair interpretation of this entire proceeding

I am hopeful that the rule will be adopted.

Let me just add this: that at the beginning of the impeachment inquiry our committee adopted rules by a unanimous voice vote, that our hearings would be open to live TV. Unfortunately, the decision was later made to close the doors.

As the gentleman from California (Mr. SISK) has indicated, we did not contemplate when we inserted the word "hearings" we intended to exclude "meetings." And while our debates will be made at a "meeting," at the same time it should be pointed out that there will be a full discussion of the evidence which our committee has received as well as the

legal and constitutional propositions relating to our inquiry.

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

Mr. McCLORY. I yield to the gentleman from California if he is going to ask a question.

Mr. KETCHUM. Yes. I thank the gentleman for yielding.

I asked him to yield for the purpose of asking a question. I admire his stand, and I am for open meetings, but if we are going to be so fair and equitable about this—and I am totally in agreement that we should be—does that mean that the Committee on the Judiciary will recall Mr. St. Clair so that the world can hear his argument?

Mr. McCLORY. We will have before our committee our Republican counsel, Mr. Sam Garrison, who is certainly a strong partisan and an able advocate of our Republican interests. We have been listening to him this morning making an excellent presentation challenging the impeachment case that Mr. Doar has endeavored to make. I am confident, with Mr. Garrison there to answer questions, we will have ample opportunity to have the other side presented, plus the fact that we will have the Republican Members there to present a full and fair discussion of all positions advanced by Republicans.

Mr. Speaker, according to the main architect of the Legislative Reorganization Act of 1970—the gentleman from Florida (Mr. SISK)—it was the legislative intent of the drafting committee to allow media coverage of both committee hearings and meetings, though only the word "hearings" is used in the act. However, the Parliamentarian has insisted upon a very strict construction of this provision of the House rules, and has ruled that only hearings may be broadcast under the present rules. Accordingly, House Resolution 1107 is required so that committee meetings may be covered by the broadcast media as well.

Mr. Speaker, with respect to the question of media coverage of the deliberations of the Judiciary Committee, I want to report to all my colleagues that I have consulted with the distinguished chairman of the committee, and I am satisfied with the assurances that he has given the minority that there will be equal opportunity in the committee for discussion on both sides of the issue. The debate will certainly not be "rigged" either in favor of or against the President. Rather, I feel confident that the final stage of this investigation will be conducted in the fair, objective, and judicious manner which has characterized it from the beginning.

Furthermore, Mr. Speaker, I want to say to those Members who feel that the President's interest will be poorly served by media coverage of the final stage of this investigation, that I believe that the American people are fully capable of weighing the issues presented in this case. If, as some critics have charged, this inquiry has been a "witchhunt" or "kangaroo court," what better way to reveal this to the American people than by allowing live coverage of the committee meetings by the broadcast media? If, as I believe, the committee proceedings have been eminently fair and impartial, then the American people are entitled to observe this, and take this into account in understanding and assessing the validity of the committee's final judgments on this most important matter.

Mr. Speaker, I want to point out that the minority members of the Committee on the Judiciary have consistently supported the opening up of committee proceedings to full public view. Republican members voted, by the overwhelming majority of 15 to 2, to open the hearings at the time the committee heard testimony from live witnesses—so that the American people could have judged for themselves the credibility of these key figures in the Watergate case.

Finally, Mr. Speaker, I feel that the public's right to be fully informed of the deliberations of the Judiciary Committee with respect to this impeachment inquiry, is overwhelming. Let us realize that it is crucial to the future of this Nation that the American people understand and accept that the Congress has acted responsibly in discharging its constitutional duties in this inquiry, whatever its outcome. Passage of House Resolution 1107 will greatly enhance the people's understanding of our work in this impeachment inquiry.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, last week I introduced a resolution that would provide for the broadcasting and televising of impeachment proceedings in this Chamber, should articles of impeachment be reported to this body. I also made a motion in the Committee on Rules suggesting that we postpone until Tuesday of this week the vote on this question of whether or not to broadcast and televise the hearings in the House Committee on the Judiciary this week. I think that indicates that I am not per se opposed to the idea of broadcasting and televising hearings of either committees or of deliberations in this Chamber, but I rise, nevertheless, reluctantly to oppose this resolution today for the following reasons.

I want to give great credit to the distinguished gentleman from South Carolina (Mr. MANN), a member of the House Committee on the Judiciary, who in an extremely thoughtful and eloquent presentation before the Committee on Rules, I think, led to my coming to this conclusion. He indicated, for example, that he felt that his objections were basically twofold to the resolution: First, he had the feeling—and being a member of the committee, I think he could speak with some authority—that perhaps a majority of the members of the House Committee on the Judiciary had already made up their minds on the question of impeachment, and that, therefore, if broadcast privileges were extended to the committee this week, they would simply, therefore, use the time largely to explicate their views for the benefit of the television audience.

The danger in this is that it would give the American public the impression that this committee was not, therefore, handling the inquiry in the fair, judicious manner that it should on the occasion of its first real exposure to the public view in a deliberative posture.

He went on to suggest that he would not have been opposed to the resolution had it been adopted earlier to permit the televising of the entire proceedings, and I join him in that feeling that if we had permitted television of the investigative phase of these hearings, tedious and boring as that may have been in some instances, the public would have had the well-rounded, full view of these proceedings that it should have in coming to its own conclusion; because, mark you well, this is very much a political process upon which we have embarked.

I think it is important, therefore, that in giving a televised or broadcast view of these proceedings to the American public we have some responsibility to make sure that they get the kind of well-rounded and fair exposure to the entire proceedings that they should have.

By cueing in as we are now doing, by simply cueing in on what amounts to the final leg of this journey, the final leg of the inquiry, I am very much afraid—and I think there is some real danger—that the public will get the mistaken impression—and in some cases I think it would be a mistaken impression—that committee members were of one mind or another on the impeachment question from the very beginning. If they felt that, it could serve to undermine the very integrity of these historic and very important proceedings.

So not out of distrust for the media, not out of a desire to close off from public view what certainly must be the most important and historic debate of any House committee in the last century, but because mistakenly a decision was not made earlier to give the American public the total view, the total exposure that they should have to these proceedings, I think that we would better wait now and see what the deliberations of the committee are.

Let me say in conclusion that the gentleman from South Carolina made a very effective argument also on this score, that he wished and he thought and he believed that in the final few days of this very critical hearing if the committee without the benefit of television and klieg lights and radio broadcast facilities could sit around that 38-man table and, much as a jury, argue among themselves and in the free give and take of discussion comment among themselves on the facts and how the law should be applied on those questions, something that they have not had an opportunity to do up until this time, that this would be important to a final decision on the issue involved in this impeachment inquiry.

But if we put them within the structure of the electronic box, it is going to become not a free and open discussion but pretty much a formal and stilted discussion or debate where Members are going to seize the opportunity to give their foreordained conclusions on what

the decision of the committee should be and so to that extent rob the committee of this final opportunity to judiciously and in this juror-like atmosphere within the sanctity of the committee room make this very important decision.

These are reasons and I think very substantial reasons why, unopposed as I am to using television and broadcast media to educate and inform the people, I think this is the wrong resolution in the wrong place and at the wrong time.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, surely the gentleman realizes that the media are going to be there, the press is going to be there, and there is not going to be anything that will be kept secret. The only difference is, that are we going to get the information to the American public only through the written media unless we adopt this resolution.

Mr. ANDERSON of Illinois. I think the gentleman from Illinois realizes there is a very real distinction as far as the written and the television and radio broadcast media are concerned. Most of the people get their information through the television and most of the people reach their conclusions on what they see through the television tube. On this important question I will not argue with the gentleman at this time as to whether there is a difference between the written media, the printed media and television and radio. There is a difference and everyone knows that.

Mr. SISK. Mr. Speaker, I yield 5 minutes to the gentleman from Utah (Mr. OWENS).

Mr. OWENS. Mr. Speaker, Wednesday the Judiciary Committee will begin at least 4 days of historic debate on whether articles of impeachment should be issued against President Richard Nixon. This debate, capped by the committee voting, will mark the final segment of our committee's impeachment inquiry.

For the past 12 weeks committee members have received and reviewed the evidence and testimony which our staff, under the capable direction of Chairman RODINO and John Doar, special counsel, has compiled. We have arrived at an important juncture in the proceedings. The debate this week provides the opportunity for the 38 members of the committee to present the views and opinions they have developed after reviewing over 45 volumes of evidence and numerous other documents, and to debate the relevance of these different pieces of information.

It is already late to allow increased public scrutiny of this democratic endeavor, through live television coverage.

I rise in support of House Resolution 1107, a resolution I first introduced last February and again in March. My resolution, as Members know, would change the rules of the House to allow live television and radio broadcasting of open committee meetings. When this same resolution was introduced in March, 16 Members joined with me in cosponsoring this resolution, among them Mr. BINGHAM, Mr. BROWN of California, Mr. EDWARDS of California, Mr. HECHLER of West Virginia, Mr. DE LUGO, Mr. LEGGETT, Mr. MITCHELL of Maryland, Mrs. MINK, Mr. STARK, Mr. STUDDS, Mr. VAN DEERLIN, Mr. WALDIE, Mr. WILSON of California, Mr. WOLFF, Mr. WON PAT, and Mr. MOORHEAD of Pennsylvania.

In 1970, under the able leadership of the gentleman from California (Mr. SISK) the Rules Committee made provisions to permit the televising and broadcasting of committee hearings. However, as committee members now realize, they inadvertently failed to extend the same provisions to committee meetings.

It was clearly the intention of Mr. SISK's subcommittee to include meetings as well as hearings in that category. Our colleague from Louisiana (Mr. LONG) has pointed out that the minutes of the subcommittee hearings referred to, reveal that the term "meetings" and "hearings" were used interchangeably. However, in drafting the final rules provision, the term "meeting" was dropped apparently inadvertently. As a result, the chairman of the various committees, including the Judiciary Committee, have interpreted the rules to preclude telecasting and broadcasting of committee meetings. This rule change is now relevant because of the pendency of the impeachment debate and voting in committee and the desire of the Judiciary Committee to authorize electronic media coverage.

The impeachment of a President is a relatively rare occurrence, a point for which, I am confident, we are all grateful. The impeachment of Andrew Johnson a century ago has provided us with only a hazy set of standards to follow. Therefore, the Judiciary Committee is plowing a great deal of new constitutional ground. The actions we take in these historic proceedings will create many precedents and the significance of what we do will endure for many years to come. Committee members are aware that, in part, we are setting standards of conduct for future Presidents. Television coverage will assure the most complete record for history.

Mr. Speaker, we undertook this impeachment inquiry on the premise that public involvement was essential. Such activities could not be completed in secret.

I regret that the Judiciary Committee hearings were not opened previously to television. Though the committee considered it several times, a majority voted to keep most of these proceedings closed, specifically those for the presentation of evidence. The taking of testimony witnesses, pursuant to the provisions of rule 11, were required to be conducted in executive session because of the possibility that the evidence or testimony may have tended to defame, degrade, or incriminate individuals.

The committee has since ordered all of the evidence made public. Some 9,000 pages of materials have been printed and released. The last of the testimony given in hearings by the nine witnesses called by the committee is scheduled to be released today. All of the background information which the committee members will debate and upon which each will base his or her vote has been made public. It is now timely that we should open up debate and the committee vote to complete public examination which electronic coverage will permit.

This is not a partisan issue. There is broad support from both sides of the aisle to permit the public televising of these important hearings. Counsel to the White House has long been in favor of such action. Chairman RODINO has expressed a desire to open the committee meetings. And last Thursday, the second ranking minority member of the Judiciary Committee, Mr. McCLORY, joined with me in the Rules Committee in asking for favorable consideration of this resolution.

I would argue to the Members of the House that this debate has great relevance; indeed, that it is of overriding public importance. Committee members, who for 12 weeks have studied these materials, will be debating the entirety of the issues, defining and refining those which they consider of greatest importance and significance. The public should be allowed to watch and listen to the arguments as they are made; they should be allowed to weigh the evidence while the Judiciary Committee members do.

Televising is the best medium for presenting this diverse compendium of materials and information to the public. Television establishes a direct circuit between the viewer and the participant, avoiding the interposing views of any third party, including newsmen. The Senate Select Committee hearings on Watergate last summer were an unprecedented educational success. The American public studied the witnesses and their testimony and evaluated the importance and truth of each witness and his testimony. Now the public should be allowed to examine the Judiciary Committee and the results of its 9-month inquiry the same way.

Rather than creating a political circus, as some have alleged, I believe that the television cameras will keep the participants serious and alert. The television eye is a critical, perceptive device which has the ability to reveal pomposity, ill preparation, and a weak case. Indeed, had there been television 100 years ago, I think the impeachment of Andrew Johnson would have died in the House.

The public's right to know is not just empty rhetoric. The country is divided emotionally and intellectually on this issue like on no other. Never before has it been so important for the people of this country to be aware of complex facts and to be able to evaluate the truth for themselves. It is hard to imagine an issue which demands public participation more than does this one. It is imperative that the public now have the opportunity to listen and to evaluate the evidence which the Judiciary Committee has received so that, in the end, the country will have confidence in its findings, and so that hopefully, when this

proceeding is over, the country might avoid 20 years of bitterness and division.

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

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

Mr. SEIBERLING. In response to the gentleman from Illinois (Mr. ANDERSON), it seems to me a couple of points ought to be added. No. 1, the gentleman from Illinois said that he would oppose televised hearings now because the committee's evidentiary proceedings were not televised.

The country would have been asleep long ago if those had been televised and they would have been just as confused as otherwise, and more, because the evidentiary material would have been visible only to the members and not to the television audience.

The SPEAKER. The time of the gentleman has expired.

Mr. SISK. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. SEIBERLING. If the gentleman will yield further, the other point we should have in mind is that it is entirely possible, in fact, likely, that the television media will not be allowed to operate floodlights during the debate but will be permitted to use only the ambient light in the room. This will avoid putting an extra strain on the committee, and also avoid a circus atmosphere. It seems to me it can be done with dignity and still meet the objective of enlightening the public.

Mr. HUNGATE. Mr. Speaker, will the chairman yield?

Mr. OWENS. I yield to the gentleman from Missouri.

Mr. HUNGATE. On the vote to keep the proceedings from television, I think every committee member on the other side of the aisle joined with us because of the rule of the House to protect third parties and innocent individuals from testimony that may be derogatory, defamatory, and incriminatory. There was good reason for that. We have gone through this and as far as the committee arguments, I think it is the public's business and we should let the public in. I urge support of this resolution.

Mr. SISK. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Committee on Rules, the gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Speaker, a great deal has been said about the Committee on Rules meeting on this clarification in the House rule as to televising a "meeting or hearing." There is nothing complicated about this, because the Congress has passed legislation pertaining to House committees on television and radio broadcasting.

This is merely a clarification as to a technical dispute between "hearings" and "meetings." If the House votes today to interpret the law so that it means both hearings and meetings, then it is up to the Judiciary Committee to determine whether or not the impeachment hearings are to be televised.

Mr. Speaker, I received a telephone call this morning from a lady living in one of the high-rise apartments out in my district. She read in the newspaper about the proposed televising of the impeachment hearing, and she said, "My gracious, I do hope we can hear that over the radio or watch that over the television, because we have no money anymore to pay a dollar for the New York Times, or 75 cents for the Chicago Tribune, or 45 cents for the local papers, and we very seldom have a chance to read the printed press.

Mr. Speaker, just think of the millions of people who might be able to know what is going on in this Congress if we do have this great historical event publicized.

Mr. Speaker, one of the great daily newspapers of the Nation, in yesterday's Sunday edition, the New York Times, printed a brilliant editorial endorsing the pending resolution commending the Rules Committee for acting favorably on House committee permission to televise the pending impeachment hearings.

The first paragraph of the editorial reads as follows:

> The Rules Committee has wisely recommended to the House of Representatives that the Judiciary Committee's final debate on impeachment be broadcast by radio and television. We strongly endorse that view, and hope that that decision will be followed by opening the House debate, and the Senate trial if it occurs, to full coverage by the electronic media.

I will not read a paragraph or two in between, but will come down here and read the last closing statement:

> While we would not favor broadcasting of ordinary sessions of Congress, the impeachment issue is of such monumental gravity and such unique character that it seems to us to warrant extraordinary means to bring it to the public.

Mr. Speaker, the entire editorial follows:

[From the New York Times, July 21, 1974]

IMPEACHMENT BROADCAST

The Rules Committee has wisely recommended to the House of Representatives that the Judiciary Committee's final debate on impeachment be broadcast by radio and television. We strongly endorse that view, and hope that that decision will be followed by opening the House debate, and the Senate trial if it occurs, to full coverage by the electronic media.

The objections to opening the proceedings to television and radio have centered on the legitimate concern that members of Congress would be tempted to grandstand for their constituents and that the President in some way would be deprived of due process.

The due process argument is of greater import, but the analogy to ordinary criminal process on which it rests is fallacious. In the ordinary criminal trial, the public interest is deemed to be best served by erecting stringent requirements of fairness for an individual who is pitted against the forces of the state and fighting for his liberty or for his life. In an impeachment proceeding, the issues are different, the stakes are different, the public interest is different and the balance of forces is more equal. What is at stake is not the accused's life or his liberty but his right to continue to exercise public functions which the people have entrusted to him. The issue is his abuse of the people's trust and his fitness to continue to serve them. In making his defense, as has been amply demonstrated, the President is not without resources. Ultimately, the fairness of the process rests on the fact that a President's accusers, and his jurors if it comes to that, are seasoned public servants who must answer to history for the judgments they make in his case.

Moreover, the public's interest in this impeachment process reaches beyond Mr. Nixon's fate, for embedded in the contest over his guilt or innocence is a struggle over the nature and the extent of the constitutional limits of the authority of American Presidents. It thus necessarily involves a fundamental debate about the character of the American democracy, and Americans will have to live with the outcome of that debate for generations to come. It is imperative that they comprehend as fully as possible the arguments and the issues involved in its resolution.

In that context, the limited amount of Congressional grandstanding which may occur seems a small price for Americans to pay for a full understanding of this process. And it does not strike us as naive to believe that most members of the House and the Senate are responsible enough to conduct themselves with discipline and sophisticated enough not to be undone by the presence of cameras and the microphones. While we would not favor broadcasting of ordinary sessions of Congress, the impeachment issue is of such monumental gravity and such unique character that it seems to us to warrant extraordinary means to bring it to the public.

Mr. MARTIN of Nebraska. Mr. Speaker, I would like to ask the distinguished chairman of the Judiciary Committee a question.

In view of the fact that the rules of the House prohibit commercial sponsorship of live radio and TV coverage of hearings—and I assume the gentleman from New Jersey has been in contact and spoken with the members of the radio and TV media—what understanding has the gentleman reached with them in regard to this provision?

Mr. RODINO. Mr. Speaker, if the gentlemen will yield, I have reached no understanding with them since the House has not yet acted. I do know that in anticipation of an affirmation vote on the part of the House and the Committee, the TV networks and their representatives have inquired as to whether or not we would permit live coverage.

I have always told them that there was a prohibition on televising meetings because of the rules of the House. I have therefore reached no understanding since I was not in a position to speak.

Mr. MARTIN of Nebraska. Mr. Speaker, if it is a violation of the rules of the House, would it be the inclination of the gentleman to discontinue immediately the coverage by the networks?

Mr. RODINO. If there was any violation of the rules of the House that the gentleman would be aware of, I am sure he would bring it to our attention. Every member of the Committee certainly prides himself on following the rules of the House. There will be no violation of the rules.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 5 minutes to the distinguished minority leader, the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Speaker, I would be much happier with this resolution if it had come at the beginning of the deliberations of the Judiciary Committee instead of at this particular time.

I am at a loss to know why it was not felt to be of public interest to televise the hearings at the time that there were witnesses, at the time when counsel for the President was speaking, at the time when counsel for the committee were summing up the cases.

However, be that as it may, I think there is still a lot to be said for the public's right to know about the remainder of the procedure under the Committee on the Judiciary's very difficult and very solemn job of determining whether or not the President of the United States has committed an impeachable offense.

For that purpose, I would like to ask the distinguished chairman of the committee if he may be in a position to answer some questions relative to the probable procedure in his committee in the event that this resolution is adopted.

Particularly, will it be the purpose of the Committee on the Judiciary to require that networks which cover the proceedings provide continuous live coverage during the time that the committee is in session? Of course, if the matter is to be made public, we want it to be made public just as it occurs in the Committee on the Judiciary. We recognize that there are more Democrats than there are Republicans so the total time will not be equal. Nevertheless so that the public may get a full view of the matter as it is presented by the very distinguished and learned members of the Committee on the Judiciary, all the proceedings, from beginning to end, should be televised.

Can the chairman answer my question as to whether or not it will be his purpose to insure live coverage of all the proceedings?

Mr. RODINO. That, certainly, is the intention of the chairman. As the distinguished minority leader does know, the committee, of course, will have to consider this, if the resolution is adopted and does appropriately come before the committee. It will have to determine whether or not it will, in accordance with the rules of the House, provide for live television coverage.

I would hope that the procedures we would adopt would be such that there would be equal time for each member. I intend, as chairman, to insure that there is equal and fair treatment for each member. A continuous coverage, naturally, I think would insure the kind of full debate that is desirable.

Mr. RHODES. Would the distinguished chairman repeat for the RECORD the words which he said to me a little earlier in private concerning the intention of the chairman insofar as the division of time is concerned among the members?

Mr. RODINO. The Chair intends to propose to the members that there be a certain amount of time allotted to each of the members. That time would be, I hope, uninterrupted, insofar as the chairman can assure, so that members could not encroach upon the time of other members, except in instances, of course, where a member would, of his own volition, yield his time to another member.

Mr. RHODES. It is my understanding that there will be approximately 10 hours of general debate to be divided equally among the members, is that correct?

Mr. RODINO. That is correct.

Mr. RHODES. And after that?

Mr. RODINO. The intention is to allow each member or allot to each member 15 minutes, and that is a little less than 10 hours, 15 minutes for general debate. Then it is hoped that there would be another 20 hours or so for consideration of any proposed articles and for perfecting amendments, et cetera, so that at the end of that time the votes would be occurring under the 5-minute rule.

Mr. RHODES. It is my understanding the 15 minutes would be continuous and uninterrupted unless the member himself desired to yield to some other member?

Mr. RODINO. That is as the Chair intends.

Mr. RHODES. Mr. Speaker, I understand also that after general debate the various articles, if such are read, will be read for amendment under the 5-minute rule?

Mr. RODINO. The gentleman is correct.

Mr. RHODES. And each member would be entitled to 5 minutes of uninterrupted time?

Mr. RODINO. The gentleman is correct. The Chair would enforce that rule so that there would again be fairness accorded.

Mr. SISK. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, as Members know, I have been working for months on my resolution to permit floor debate on the impeachment resolution to broadcast by television and radio in the event the impeachment resolution is approved by the Committee on the Judiciary. My resolution now has almost 100 cosponsors. I anticipate that after the vote today many of my colleagues will join in support of my resolution.

It is clear from the debate today that the time of television for the House has come. Not one Member has spoken in opposition to television. Those who have opposed this resolution have stated their opposition not to television but to the fact that it is unfair to bring broadcasting facilities in for the tail end only of the committee debate. They object only to the fairness of the TV presentation at this time. Thus, if a fair presentation can be arranged, there seems to be no opposition to television.

Mr. Speaker, we have come a long way from the precedents established by Speaker Rayburn against televising either the House or committee proceedings. Mr. Rayburn took the position that inasmuch as the rules of the House made no provisions for television, there was no authority for the use of that medium. The first step overruling Speaker Rayburn's position was taken in the Reorganization Act of 1970 under the leadership of the able gentleman from California (Mr. SISK) when the House approved television, under certain conditions, for committee proceedings if approved by the committee. Pursuant to that authority a number of committees of the House have voted to televise their hearings. Mr. Speaker, it should be pointed out that there was no interference with the normal operation of the committees nor was there any evidence of histrionics or demagoguery by any of the Members. I make this point because some Members have expressed concern that too many Members will become camera conscious. I do not share that view. Certainly, in a debate as historic as the one in prospect relating to impeachment of the President, Members will conduct themselves with seriousness and proper decorum.

It is interesting to note that under House rules which presumably prohibit the use of television for proceedings in the House Chamber, television broadcasting is permitted for the address of Presidents and dignitaries and for the initial proceedings of the House on the first day of each new session. If Speaker Rayburn's precedent still controls, under what authority are such television broadcasts permitted?

It seems to me that the time has come for preparing for televising the debate on the floor. My resolution provides for the appointment of a committee of five to be appointed by the Speaker of which the majority and minority leaders are members. I believe the leadership should be making such preparations, much in the same way as the leadership in the other body is doing for the debates in that Chamber.

In Newsweek magazine today, I noticed an item which read:

IF THE SENATE GOES ON CAMERA

Although the Senate has not made a final decision on whether to permit TV coverage of a Presidential impeachment trial, television ground rules have been drawn up by three top aides selected by Majority Leader Mike Mansfield and Minority Leader Hugh Scott. Banned are: anchor men in control booths, instant analysis and stakeouts of TV reporters in the corridors. Commercials will be allowed but only "in good taste" and during "natural breaks." Procedural debates will not be broadcast. Cameras must be fixed—no random shots of individuals—and the broadcasts will probably be in black and white to avoid the blinding lights of color television.

Mr. Speaker, that is the kind of preparation the House should be making as well and I would hope the leadership would move in that direction.

It is clear that the broadcasting companies are willing to cooperate. Letters that I have received from presidents of broadcasting networks indicate their willingness and desire to provide for broadcasting in keeping with the solemnity of the occasion. From Mr. Elmer W. Lower, president of ABC News, a letter to me dated May 20, 1974, says:

As a fellow citizen, I am in complete accord with your position that the debate on the floor of the House will be an historic event which all Americans should be able to sit in on through the medium of television. As an executive working in that medium, I want to assure you that we have not only

the capability but also the desire to provide the kind of coverage which will reflect the "dignity and solemnity which the occasion requires." I think we can meet the challenge you pose.

I would not want to leave the impression that we can transmit pictures from the House without augmenting existing lighting and without having cameras and camera cables visible on the floor of the House. However, there are "soft" lights and improved cameras which are helping us to become more and more unobtrusive these days.

From Arthur R. Taylor, president of CBS, a letter to me dated May 1, 1974, says:

The historical significance of an impeachment proceeding would certainly, in my judgment, merit live broadcast coverage so that the American people may be fully informed as to the actions taken by their elected representatives. I would go further however and state that I believe the American people ought to be able to see and hear the workings of their elected representatives on the broad spectrum of issues which are debated and resolved by both Houses of Congress on a continuing basis.

In my view the American people can only benefit from the opportunity to see their representatives performing their responsibilities first hand.

As to whether the dignity and the solemnity of an impeachment proceeding, if it were to occur, could be preserved with television coverage I think I can assure you positively on this point. Technology has progressed to the point where a television camera can be unobtrusive and special lighting requirements are minimal. Our bureau chiefs and technical people have volunteered to work closely with the Senate and the House to resolve these technical issues in a manner satisfactory to the Congress should permission be granted to us to achieve equal status with the print press in our coverage of these very important deliberations.

From Hartford N. Gunn, Jr., president of Public Broadcasting Service, a letter to me dated May 3, 1974, says:

The process of impeachment is a most serious matter which goes to the heart of our system of government. Any debate of this magnitude and importance must be fully understood and be completely credible to the American citizen wherever he lives. It must not be an issue that is reported second- or third-hand with the inevitable distortions and misunderstandings that take place through such a process.

The American people throughout the country will want to witness this historic debate. They should be permitted to do so.

Mr. SISK. Mr. Speaker, I yield 3 minutes to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Speaker, first of all, I wish to compliment the gentleman from Utah (Mr. OWENS) for introducing the resolution and for exercising leadership in bringing this important and timely legislation to the House floor.

As I said at the meeting of the Committee on Rules, the gentleman, by his introduction of the pending resolution, is correcting an error which was made in the Legislative Reorganization Act of 1970, and he should be commended for it. Perhaps, he will clean up our House rules and then go to the Senate and clean up its rules also.

Mr. Speaker, as I see it, there are three primary reasons for adopting the resolution today:

First, the pending resolution merely carries out the intent of the Reorganization Act of 1970. As the members of the Committee on Rules, including the gentleman from Nebraska (Mr. MARTIN) and the gentleman from Illinois (Mr. ANDERSON), know, it was because of a clerical error that we are required today to bring this resolution to the floor in order to carry out the full intent of the Reorganization Act of 1970; that is, to open all committee meetings, including business meetings and hearings, to the public and all news media, including television and radio, upon the majority vote of each committee membership. It puzzles me, therefore, that any member of the Rules Committee would oppose the pending resolution.

Second, whatever business we do in this body, be it on the floor or in the committee room, is public business, and the public has the right to know what we do.

The contention has been made that the Judiciary Committee has already decided what it is going to do and telecasting and broadcasting of its proceedings will be prejudicial to the President. If it is going to be prejudicial to the President in an open televised meeting, it can be more so behind closed doors. The public has the right to know whether or not the Committee on the Judiciary has acted with prejudice. Broadcasting and televising its proceedings will give the American people the opportunity to judge this for themselves. So the resolution is good for those who are against impeachment, as well as those who favor it.

Third, there is a question of equitable treatment for all news media. As it is now, only the printed medium is permitted into the committee room. Why should we discriminate against the radio and television media? They have as much a right to cover the news as the printed medium.

By passing this resolution we will be opening the committee meetings—and again I remind my colleagues that it is only by a majority vote of the members of the committee that we would open the meetings—to TV and radio media.

As we all know, more people watch television and more people listen to the radio than people who read the printed news. The pending resolution, therefore, will enable us to get to a greater number of Americans with what we do in committee meetings.

For these reasons, Mr. Speaker, I urge the Members to vote "aye" on this resolution.

The SPEAKER. The time of the gentleman has expired.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 2 additional minutes to the gentleman from Hawaii, and I would ask if the gentleman will yield to me?

Mr. MATSUNAGA. Mr. Speaker, I thank the gentleman from Nebraska for yielding me this additional time, and I am happy to yield to the gentleman from Nebraska.

Mr. MARTIN of Nebraska. Mr. Speaker, in light of the first point that the gentleman from Hawaii has made, and has intimated, that this was only discovered recently that meetings were not covered under the present rules of the House for live radio and TV coverage, I would again like to call attention to the gentleman from Hawaii and the Members of the House that when the gentleman from Utah (Mr. OWENS) first introduced this resolution on February 27 that that gentleman was aware of it, and many others were, last February, that meetings were not included in the rules of the House, and that this resolution has been resting in the Committee on Rules ever since that time, and the Committee on Rules has chosen not to take any action until this particular point.

Mr. Speaker, I just wanted to clear up that point.

Mr. MATSUNAGA. Mr. Speaker, the gentleman from Nebraska was present at the meeting when the Committee on Rules considered this resolution, and he knows that by a reading of the committee report on the Legislative Reorganization Act of 1970, it was the general consensus among all Members, although perhaps not the gentleman from Nebraska, that the Reorganization Act of 1970 did in fact intend to open all meetings to radio and TV coverage, upon a majority vote of the committee members.

The SPEAKER. The time of the gentleman has again expired.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I was 1 of the 10 in the Committee on Rules who supported this resolution and was also for opening up the hearings to the Public when we had witnesses before the committee. I thought the public was interested in hearing the live witnesses and in noting their demeanor on the stand. After so doing, they probably would have been in a better position to judge our actions in the committee.

I do feel we have to be eminently fair. The statements made by the chairman of the committee, the gentleman from New Jersey (Mr. RODINO) that he would give each member uninterrupted—and I want to stress that word—uninterrupted 15 minutes plus his time under the 5 minute rule, that each member would be treated fairly. I believe that this arrangement will give the Members an opportunity to set forth their views on this important matter.

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

Mr. LATTA. I yield to the gentleman from Maryland.

Mr. HOGAN. Mr. Speaker, I rise in support of this resolution to allow the Judiciary Committee's impeachment debate to be broadcast live by television and radio.

For the past several weeks, we have been conducting an extensive investigation into charges of impeachable conduct on the part of President Nixon.

Much of this work has properly been done in executive session, beyond the view of the press and the public. The reasons for such confidentiality in the course of these proceedings have been sound, as are the reasons for making the committee's meetings public at this stage.

The testimony which the committee has taken from several witnesses bears directly on criminal prosecutions now underway in several courts throughout the Nation. To publicize this testimony would have been to run the risk of impinging on the rights of criminal defendants, as well as impeding the prosecution of some of the cases now at trial.

Therefore, the judicious approach in this instance was the one followed by the committee—to keep the hearings and meetings closed for the most part, gathering evidence and hearing testimony in a confidential, rather than sensational way.

After weeks of hearings, however, after listening to summations by committee counsel and by the President's counsel, after arranging a voluminous amount of evidence in manageable form, after reaching certain conclusions on the basis of that evidence, I believe it is incumbent upon the committee and upon the House of Representatives to open the final phase of these committee proceedings to the public.

No issue is of greater import to the American people, either in political or historical terms, than that which the Judiciary Committee has been considering. The impeachment procedure is used so rarely, its potential consequences are of such a serious nature—both for the subject of the inquiry and for the Nation itself—that it is clearly in the national interest to have the crucial final debate of the committee open to the public for its scrutiny and its information.

Our own conduct in this matter will be subject to the people's judgment, just as surely as the President's political fate now lies largely in our hands. Let us open the doors to the public, and let them see us acting responsibly or irresponsibly in their service.

Mr. LATTA. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I have confidence that the American people will be given the facts and all of the facts.

Mr. Speaker, I support this resolution to make possible the live broadcasting of the Judiciary Committee deliberations on the impeachment question, in spite of the obvious partisanship of the timing of this effort to bring direct radio and television coverage of the committee at this time. It is clear that the televising is much more palatable to the majority now that the arguments by the President's counsel and by the counsel to the minority have been completed. So, of course, this resolution came out of the Rules Committee in a rush, even though it was not possible for the committee to get around to it in time for the public to see all the proceedings of those historic deliberations. But that is the way the majority has seen fit to exercise its stewardship of the Congress.

You see, Mr. Speaker, I have confidence in the ultimate good judgment of the American people if they have the opportunity to see all the facts, uninterpreted and unadulterated, straight and unalloyed. I feel sure the citizen has the good sense to spot a phony, to identify a demagog, and to catch the flaws in an argument. I also have confidence that the people of America can pick up the subtlety of an effort to mislead, whether it is undertaken by an administration in power, a majority running the Congress, a minority in the Congress trying to defend itself, the press, or a "demagog in the marketplace."

One of the afflictions of our republic today is the new fashion of so-called interpretive journalism. Interpretive journalism is the new name for an old journalistic style which takes as its premise the assumption that individual citizens are not competent to judge the facts, but must be told what they should conclude from the data presented.

At one time this was called "yellow journalism" and it managed to interpret facts which ultimately led to our entry into the Spanish-American War in 1898.

Live radio and television coverage even at this late date is one way the public can have a chance to assess—without the interposition of interpretation—some of the facts and personalities of the subjects under debate in the Judiciary Committee. It will also give the people a chance to interpret for themselves the flaws and advantages of interpretive journalism, the impeachment process, the Congress and individual Congressmen. The results of direct coverage will let the people decide for themselves without being forced to attempt to understand the facts, events, and personalities only through the interpretation of others.

Mr. LATTA. Mr. Speaker, in closing I should like to say that I hope when this resolution passes—and I think it will—when they start televising these hearings, that the media will so conduct itself that we will not have some reporter telling the Nation what a Member of Congress is saying, whether he is pro-Nixon or anti-Nixon, how he thinks he will vote, to giving an instant interpretation of his remarks.

Mr. SISK. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, I rise in support of the resolution, but I also rise to admonish the Members that they are bound by Public Law 91-510, and they are bound in this way: Committee members and staff are required by statute—since the statute changed the rules—to conduct such hearings where television is used with the decorum traditionally observed by the House in its operations, and in such a way as not to distort the objects and purposes of the hearing or the activities of the committee members in connection with that hearing, or in connection with the general work of the committee of the House. They are also directed by the statute that the lighting in the room not be greater than that which is required as an absolute minimum for technical proficiency, and they are absolutely required to conduct and place the equipment in as unobtrusive a manner as possible.

I mention these because I think these points are extremely important.

A circus is conducted like a circus because of the level of the lights, because of the smell of the sawdust and of the horses, and I urge that this proceeding not be conducted like a circus. I think it is a good thing to let the public see what goes on. I think it is a bad thing to conduct it in any other way physically than the way that we conduct the ordinary process of Congress.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. I thank the gentleman for yielding.

Mr. Speaker, there are things that can be said on both sides of this particular matter. There is something, despite the very cogent arguments of the gentleman from Nebraska and the gentleman from Illinois against this resolution, with which I considerably sympathize, there is something to be said the other way; because televising these hearings might present us with some opportunity to offset some of the selective leaks, and to counter the politically paced and timed release of news and information, which unfortunately have so far characterized the conduct of the Committee on the Judiciary.

I am not at all sure that strictly from the point of view of the President's interest we might not be better off to take to the air and to take to the television circuits. The thing that gives me pause, however, is that there is no court in the land, as far as I know, which has ever permitted television in the courtroom. The press, yes, and we will permit the press and no question about that, but the circus atmosphere of the klieg lights has generally been considered, in all courts in the country, as inconsistent with the judicial process; and here we are, the grand inquest of the Nation, as William Pitt called us, in the most solemn judicial process any of us will ever take part in, and it gives me concern to have to play and posture under the klieg lights, as I am afraid that we may do.

One thing might change my mind. Counsel for the committee, who has now become the very skillful counsel for the prosecution, will be present not to speak but to be there so that we can question him. If the chairman of the committee—and I am afraid he is not on the floor at the moment—would agree, and the majority would agree, that counsel for the President, in this case, in effect, counsel for the defense, could be present under the same circumstances so that he, too, would be available to respond to questions if asked, I might change my mind and take a chance, even though the circus atmosphere does concern me in these proceedings.

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

Mr. DENNIS. I yield to the gentleman from Utah.

Mr. OWENS. Mr. Speaker, I do not pretend to speak for our able chairman, the gentleman from New Jersey, but I understand the chairman did say very conclusively this morning that while, of course, Mr. Doar will be there on the floor to answer questions, Mr. Garrison, who is I assume acting minority chief counsel, will also be present.

Mr. DENNIS. Of course Mr. Garrison will be there, and he is an able man, but I am suggesting that the defense counsel should be there as well as the prosecuting attorney.

Mr. SISK. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, I rise in support of this resolution. For a great many years the other body has allowed the televising and radio coverage of the hearings of its committees. This House has not seen fit to do that until it was provided in the Reorganization Act of 1970 that when a committee by majority vote has a public hearing and by majority votes to have the public present by radio and television as well as press, it may do so, but the word used was "hearings." It did not say "meetings." However, as will be acknowledged by the able gentleman from California (Mr. SISK) who was chairman of the Reorganization Committee, interchangeable all through the hearings on the Reorganization Act of 1970 were the words "meetings" and "hearings" and "sessions." The Committee on Rules was not really aware until the matter arose of the limitation that would be considered by some to deny to the committee when they have a public hearing the right to televise to the public or by radio to broadcast the deliberations of the committee, the meetings of the committee as well as the hearings of the committee.

What is more appropriate than to give that full authority to the respective committees of the House?

Second, maye we should have clarified this authority a long time ago. We did not. But was there ever a time more imperative to begin than now when the committee will be discussing one of the most serious matters to come before a committee or the Congress of the United States? Certainly this matter of giving this right to all the committees is unquestionably in the interest of the public to see and hear events of public concern. Today we have a full press. We do not ordinarily have that here in the House.

There will be press coverage when the Judiciary Committee has these deliberations. When we have the miracle of radio and TV to permit the people back home who cannot sit in the galleries or be in attendance when such deliberations occur, to know what is going on, why is not that in the public interest and why should we deny to the Committee on the Judiciary and other committees the right to permit that kind of knowledge by the public?

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

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

Mr. KETCHUM. I thank the distinguished gentleman from Florida for yielding. Since he is a member of the Committee on Rules, I would ask this question. I am a cosponsor of the resolution which calls for public disclosure right here on the floor during the impeachment proceedings.

Mr. PEPPER. In 1945 I introduced a resolution that proceedings of the House and the Senate as well as proceedings of committees should always be open to the public for radio and press coverage and since TV came in for radio and TV coverage as well as press. Of course, I think the deliberations when this important matter of impeachment comes up before the House should be before the public on radio and TV as well as by the press.

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

Mr. PEPPER. I yield.

Mr. KETCHUM. I appreciate the gentleman yielding further. Will the gentleman then use his utmost influence on the chairman of the Committee on Rules to adhere to that resolution to bring it before the House?

Mr. PEPPER. I am sure the distinguished chairman does not need that urging.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield myself 3 minutes.

The proposal to permit live TV coverage of the remaining days of the work of the Committee on the Judiciary, in my opinion, will create the wrong atmosphere. This is a judicial proceeding, Mr. Speaker, and should not be conducted under the air of live TV coverage and radio. Not a single court in our judicial system in the land allows live radio and TV coverage.

I feel very strongly that that relation and that policy of our courts should be followed as far as these proceedings of the Commmittee on the Judiciary are concerned.

Again, I want to emphasize that every committee of the House, if a majority of that committee wanted live coverage of radio and TV of their hearings, could have done so. This resolution simply provides coverage for meetings; but the Democrats, the gentlemen on the other side of the aisle that are members of the Committee on the Judiciary, when the motion was made in the committee to have live radio and TV coverage in the past weeks have rejected this proposal. It seems very strange and suspect to me that at the last moment that they want to bring this resolution up and get it adopted today, specifically for the purpose of having live coverage on this very, very important judicial matter to come up in the Committee on the Judiciary.

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

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

Mr. SISK. I yield to my colleague, the gentleman from Florida.

Mr. HALEY. Mr. Speaker, today I have heard a great deal about the circus atmosphere. Let me inform my colleagues that in the circus we had organized confusion. Sometimes I think probably we have in the House confusion, period.

Mr. SISK. Mr. Speaker, I thank my colleague for his comments.

Mr. Speaker, if I could very briefly conclude with some remarks regarding the manner in which this matter came before the Rules Committee, I would like to do so. At this time, I particularly want to pay my respects to the distinguished gentleman from Utah (Mr. OWENS), who has been bugging me, so to speak, on this issue for quite a long while. I say this in all seriousness. The gentleman from Utah (Mr. OWENS) has been consistent in his desire to have this matter clarified during the past few months. I, frankly, was somewhat thunderstruck when I found that the Reorganization Act was being interpreted as narrowly as it was, but I do want to say that because of the efforts of the gentleman from Utah and others who were vitally concerned, we are happy today to bring this resolution, offered by the gentleman from Utah, to the floor and to the attention of the Members.

Of course, I would urge support of the resolution.

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

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

Mr. McCLORY. Mr. Speaker, I want to compliment the gentleman for bringing this to the floor. I want to say that the final sessions of our House Judiciary Committee are going to be open meetings anyway. It is going to be reported on television. The only question is, are the people going to see and learn about our proceedings on television from Members outside the hearing room, or are they going to see and learn about it first-hand in the committee room in order to interpret the proceedings for themselves.

I feel that it would be most beneficial to the public to see the proceedings first-hand, and to judge our actions for themselves.

Mr. SISK. Mr. Speaker, I agree with the gentleman.

Mr. Speaker, I would like, very quickly, to call the attention of the Members of the House to the language in the rule, clause 33, dealing with the subject of television. There has been a great deal of concern voiced here about the procedure and how much distortion there may be, and what kind of regulations we will have.

If the Members would take a look at—it is actually clause 33, although there has been some recent changes so that the rule books may show it as clause 33 when actually it is clause 34 at the present time—where we outline very specific provisions that the television stations and the network must comply with. I quote just a few of them very briefly:

—shall not be such as to—

(A) distort the objects and purposes of the hearing or the activities of committee

members in connection with that hearing or in connection with the general work of the committee or of the House; or

(B) cast discredit or dishonor on the House, the committee, or any Member or bring the House, the committee or any Member into disrepute.

(c) The coverage of committee hearings by television broadcast, radio broadcast, or still photography is a privilege made available by the House and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause.

Finally, and I would particularly hope that the Committee on the Judiciary, since that committee apparently will be the first committee to take advantage of this, I would read another section, which says:

Whenever any hearing conducted by any committee of the House is open to the public, that committee may permit, by majority vote of the committee, that hearing to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, but only under such written rules as the committee may adopt in accordance with the purposes, provisions, and requirements of this clause.

So, I simply would like to call the attention of the members of the Judiciary Committee to the fact that the committee itself, in the final analysis, will set the rules of procedure for the way in which their meetings shall be conducted, and the manner in which the television and radio people shall conduct themselves. I think, with that in mind, we have ample safeguards to make certain that this will not be a circus, but will be a judicious proceeding, as I am sure we all desire.

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

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

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

Mr. Speaker, having worked for 19 years as a member of a TV news team, I am proud to see the U.S. House of Representatives finally free the electronic media from its bondage of second class citizenship.

Our courts, our legislatures, and our Congress have never before recognized the virtues of "instant journalism." They have noted only its sins.

Far be it from me to even try to infer that TV journalism is a perfect angel. It is not. Neither is the print media. One is no more nor no less responsible than the other.

But let us get something straight. Kleigh lights are not necessary for news coverage. The TV cameras, whether live, tape, or film, can work under the same light levels and under the circumstances as the print media if the situation warrants. Please, let us hear no more of this "Kleigh light circus."

I was a member of the news team at KWTX–TV that gave continuous coverage of the first courtroom trial ever televised—the Washburn murder trial in Waco, Tex., in 1954.

We heard the same arguments then as those offered here today. The trial was televised from beginning to end without damage to our judicial system or to the rights of anyone.

Regular courtroom lighting was used by the single live camera present. Sound was picked up from the regular courtroom microphones and auxiliary mikes that were concealed from view. Long lenses on the camera kept it out of sight of jurors and witnesses.

Live television coverage of this House and committee proceedings is possible without disruption and without disturbing the decorum of this body.

Mr. BADILLO. Mr. Speaker, as a cosponsor of House Resolution 1107, I urge the overwhelming approval by the House of its provision that any committee proceedings may be opened up to full public scrutiny.

If it is true that great numbers of Americans are losing faith in the institutions of government because of the catalog of improper activities being revealed daily through the courts, congressional committees, and the press, then I believe that we have an obligation to attempt to use the impeachment debate as a mechanism to get the American people involved in a public dialog and also to demonstrate to them that the system, for all its imperfections and procrastination, is operating in a climate of civility, reason, and due process.

In a representative democracy, we should not seek excuses for government in secret. Surely the daily recital of misdeeds by men in influential positions who so long operated in the dark, who succeeded till now in being accountable to no code or no set of principles, requires us to offer up our deliberations and debates to the full glow of public view.

Particularly for the momentous debate on whether or not to impeach a President of the United States, it is important that the public be allowed to witness the deliberations as they occur and thereby be enabled to play an active role in the eventual decision that will be reached. No individual will be forced to watch a televised impeachment debate. But it is important that the opportunity be presented.

Whichever way the decision goes in this matter, the impact on our Government will be substantial and of long duration, making it critical that we have the understanding and approval of a majority of the American people. That, after all, is what this country is all about. As emissaries from the people, charged with upholding a government of laws rather than of men, we should not hesitate to place our official actions in full view of the people. This debate goes to the heart of our Constitution, and it will not be satisfactorily resolved without the full confidence of the people that we are attempting in every way to be fair, judicious, and in full compliance with the Constitution and the law. I urge the House to adopt this resolution to demonstrate our confidence in our institution and our own reliance on the principles undergirding their strength and vitality.

Mr. WALSH. Mr. Speaker, ever since the Judiciary Committee began its deliberations and hearings on the impeachment matter, I have been disturbed that the proceedings were not open to radio and television broadcast, and thus not open to the public.

In my estimation, the resulting leaks and partial disclosures have been a hindrance to orderly process in this most crucial matter.

That is why I support and voted for legislation today that would allow the taping and filming of hearings and meetings by House committees.

Broadcast coverage, especially if it is live, will permit the public to make its own, firsthand decision about impeachment. Subjecting this case to intense public scrutiny will help clarify the issues and expose weak arguments on both sides.

In addition, in a general sense, it will help educate the public about congressional processes hopefully leading to a greater understanding of the problems of Government.

Those who oppose this measure say radio and television will have a disruptive influence on the committee. While I will concede that in some instances the broadcast media can lead to disruption, experience by State legislatures allowing radio and television shows the disruption is minor and short-lived.

I have taken into account the argument by some lawyers that the broadcasting of the remainder of the Judiciary Committee meetings could violate the rights of the accused. I believe guidelines and regulations can be developed which will provide important safeguards and guarantee a fair presentation.

What we cannot forget is that the overall good of these broadcasts, a fully and objectively informed public, will undoubtedly outweigh any disadvantages.

Mr. DRINAN. Mr. Speaker, I have arrived at the conclusion to vote "No" on House Resolution 1107 with great difficulty. If this resolution which would permit live television and radio coverage of committee meetings in the Congress were proposed to become effective within the next Congress or after the impeachment proceeding of the House Judiciary Committee I would have no difficulty in voting in the affirmative on this proposal.

The 1970 House rules revisions apparently by inadvertence omitted authorization that would permit the televising of committee meetings. As much as I would like to see that unintended omission rectified I am apprehensive that it is being corrected 2 days before live television and radio coverage will begin on the final stages of the impeachment inquiry of the House Judiciary Committee.

House Resolution 1107 was filed in the Rules Committee in February 1974. It rested there without action until just a few days ago. I would assume that similar resolutions have been made over the past 4 years during which live television and radio had not been permitted at committee meetings although it has, of course, been permitted at committee hearings if a majority of a committee so decides.

It was conceded in the floor debate on House Resolution 1107 that the sponsors of this resolution understandably have sought to bring about action by the Rules Committee prior to the commence-

ment of final action by the Judiciary Committee on Wednesday, July 24, 1974.

Mr. Speaker, my apprehensions over this bill center upon the following factors:

First, the forthcoming meetings of the Judiciary Committee to finalize its judgments on the impeachment inquiry are unique among all meetings of congressional committees. In the impeachment inquiry the 38 members of the Judiciary Committee are exercising more than a legislative function and a role which is at least quasijudicial. As a result the most serious consideration should be given to whether or not Canon 35 of the ethics of the American Bar Association should apply to this proceeding. Canon 35 bans live television and radio from the courtrooms of America. There is, to be sure, a very strong argument that Canon 35 should not apply in a situation where the Congress is conducting a public inquest and where all of the evidence has already been made public. At the same time the impeachment inquiry is of such awesome proportions and involves such solemn duties of the Congress that I cannot feel easy knowing that the particular meetings at which judgments will be reached concerning impeachment will be the very first meeting of any congressional committee that has been televised.

Second, although I am in favor of live radio and television coverage for virtually all meetings of congressional committees I do think that it is important—particularly in the impeachment inquiry—that some understanding be reached between the members of the committee and the electronic media concerning the extent and the scope of the coverage. In the ideal order the entire meeting would be televised but if this is not feasible every effort should be made to give to the public a balanced presentation. Obviously the electronic media would want to do this but it may well be that a process of trial and error would be necessary before the media and members of congressional committees could be clear in their own minds that a fair and impartial presentation of all of the issues involved in a complex inquiry were being presented to the public.

Third, it may be that the question of prejudicial pretrial publicity is moot once a committee permits the nonelectronic press into an open meeting of a committee. At the same time in a matter as sensitive and solemn as the impeachment inquiry every precaution must be taken so that all of the individuals whose names and deeds will be mentioned will not be deprived of the possibility of obtaining a fair and impartial tribunal. In vew of this fact I feel apprehensive about permitting live television and radio coverage of the impeachment inquiry before the House of Representatives has had any experience with other committee meetings being transmitted by radio and television.

I vote reluctantly against House Resolution 1107 because as a member of the Judiciary Committee I have voted consistently, with one exception, to open up all of the proceedings to the nonelectronic press. At the beginning of the impeachment inquiry I felt that the public and the press should be present during the several weeks of the presentation of the evidence. At the beginning of the live witnesses I felt that it would be inappropriate to open the proceedings at that time lest a distorted version of the entire proceedings be forthcoming.

Despite my vote with respect to House Resolution 1107 I rejoice in the fact that the House of Representatives has corrected a limitation in its own rules and that open and public meetings will now be the rule rather than the exception.

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

The previous question was ordered.

The SPEAKER. The question is on the resolution.

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

Mr. MARTIN of Nebraska. 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 346, nays 40, not voting 48, as follows:

[Roll No. 395]

YEAS—346

Abdnor	Clark	Frey
Abzug	Clausen,	Froehlich
Adams	Don H.	Fuqua
Addabbo	Clawson, Del	Gaydos
Andrews, N.C.	Cleveland	Gettys
Andrews,	Cohen	Gibbons
N. Dak.	Collins, Ill.	Gilman
Annunzio	Conable	Ginn
Archer	Conlan	Goldwater
Armstrong	Conte	Gonzalez
Ashbrook	Conyers	Grasso
Ashley	Corman	Green, Oreg.
Aspin	Coughlin	Green, Pa.
Badillo	Cronin	Grover
Bafalis	Culver	Gude
Barrett	Daniel, Dan	Guyer
Bauman	Daniel, Robert	Haley
Beard	W., Jr.	Hamilton
Bell	Daniels,	Hammer-
Bennett	Dominick V.	schmidt
Bergland	Danielson	Hanna
Bevill	Davis, S.C.	Hanrahan
Biaggi	Delaney	Hansen, Wash.
Biester	Dellenback	Harrington
Bingham	Dellums	Harsha
Boggs	Denholm	Hastings
Boland	Dent	Hays
Bolling	Derwinski	Hechler, W. Va.
Bowen	Devine	Heckler, Mass.
Brademas	Dickinson	Heinz
Breaux	Diggs	Helstoski
Breckinridge	Dingell	Hillis
Brinkley	Donohue	Hinshaw
Brooks	Downing	Hogan
Broomfield	Dulski	Holt
Brotzman	Duncan	Holtzman
Brown, Calif.	du Pont	Horton
Brown, Mich.	Eckhardt	Hosmer
Brown, Ohio	Edwards, Ala.	Howard
Broyhill, N.C.	Edwards, Calif.	Huber
Broyhill, Va.	Eilberg	Hudnut
Buchanan	Erlenborn	Hungate
Burgener	Esch	Hunt
Burke, Calif.	Eshleman	Ichord
Burke, Fla.	Evans, Colo.	Jarman
Burke, Mass.	Evins, Tenn.	Johnson, Calif.
Burleson, Tex.	Fascell	Johnson, Colo.
Burlison, Mo.	Findley	Johnson, Pa.
Burton, John	Fish	Jones, Ala.
Burton, Phillip	Flood	Jones, Okla.
Butler	Flowers	Jordan
Byron	Foley	Karth
Carney, Ohio	Ford	Kastenmeier
Carter	Forsythe	Kazen
Casey, Tex.	Fountain	Kemp
Cederberg	Fraser	Ketchum
Chamberlain	Frelinghuysen	King
Ciancy	Frenzel	Kluczynski
Koch	O'Brien	Staggers
Kyros	O'Hara	Stanton,
Lagomarsino	O'Neill	J. William
Latta	Owens	Stanton,
Leggett	Parris	James V.
Lehman	Patman	Stark
Lent	Patten	Steelman
Litton	Pepper	Steiger, Wis.
Long, La.	Perkins	Stokes
Long, Md.	Pettis	Stratton
Lujan	Peyser	Stubblefield
McClory	Pickle	Stuckey
McCollister	Pike	Studds
McCormack	Powell, Ohio	Sullivan
McDade	Preyer	Symms
McFall	Price, Ill.	Teague
McKay	Price, Tex.	Thompson, N.J.
McKinney	Pritchard	Thomson, Wis.
McSpadden	Quie	Thone
Macdonald	Railsback	Thornton
Madden	Randall	Tiernan
Madigan	Rangel	Towell, Nev.
Mahon	Rees	Traxler
Mallary	Regula	Udall
Maraziti	Reid	Ullman
Martin, N.C.	Reuss	Van Deerlin
Mathias, Calif.	Rhodes	Vander Jagt
Mathis, Ga.	Riegle	Vander Veen
Matsunaga	Rinaldo	Vanik
Mayne	Roberts	Veysey
Mazzoli	Robinson, Va.	Vigorito
Meeds	Robison, N.Y.	Waldie
Melcher	Rodino	Walsh
Metcalfe	Roe	Wampler
Mezvinsky	Rogers	Ware
Michel	Roncalio, Wyo.	Whalen
Milford	Roncallo, N.Y.	White
Miller	Rooney, Pa.	Whitehurst
Minish	Rosenthal	Widnall
Mink	Roush	Williams
Minshall, Ohio	Rousselot	Wilson, Bob
Mitchell, Md.	Roybal	Wilson,
Mitchell, N.Y.	Runnels	Charles H.,
Mizell	Ruppe	Calif.
Moakley	Ryan	Winn
Mollohan	St Germain	Wolff
Moorhead,	Sarasin	Wright
Calif.	Sarbanes	Wyatt
Moorhead, Pa.	Scherle	Wydler
Morgan	Schroeder	Wylie
Mosher	Sebelius	Wyman
Moss	Seiberling	Yates
Murphy, Ill.	Shipley	Yatron
Murphy, N.Y.	Shoup	Young, Alaska
Murtha	Shriver	Young, Fla.
Myers	Sisk	Young, Ga.
Natcher	Skubitz	Young, Ill.
Nedzi	Slack	Young, Tex.
Nelsen	Smith, Iowa	Zablocki
Nix	Smith, N.Y.	Zwach
Obey	Spence	

NAYS—40

Alexander	Henderson	Sikes
Anderson, Ill.	Hicks	Snyder
Arends	Landgrebe	Steed
Blackburn	Lott	Steiger, Ariz.
Bray	Mann	Taylor, Mo.
Camp	Martin, Nebr.	Taylor, N.C.
Collins, Tex.	Passman	Waggonner
Crane	Poage	Whitten
Davis, Wis.	Quillen	Wiggins
Dennis	Rarick	Wilson,
Drinan	Ruth	Charles, Tex.
Flynt	Satterfield	Young, S.C.
Goodling	Schneebeli	Zion
Hébert	Shuster	

NOT VOTING—48

Anderson,	Giaimo	McEwen
Calif.	Gray	Mills
Baker	Griffiths	Montgomery
Blatnik	Gross	Nichols
Brasco	Gubser	Podell
Carey, N.Y.	Gunter	Rooney, N.Y.
Chappell	Hanley	Rose
Chisholm	Hansen, Idaho	Rostenkowski
Clay	Hawkins	Roy
Cochran	Holifield	Sandman
Collier	Hutchinson	Steele
Cotter	Jones, N.C.	Stephens
Davis, Ga.	Jones, Tenn.	Symington
de la Garza	Kuykendall	Talcott
Dorn	Landrum	Treen
Fisher	Luken	
Fulton	McCloskey	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rostenkowski with Mr. Baker.
Mr. Rooney of New York with Mr. Gray.
Mr. de la Garza with Mr. McEwen.
Mr. Holifield with Mr. Dorn.

Mr. Giaimo with Mr. Gunter.
Mr. Nichols with Mrs. Griffiths.
Mr. Symington with Mr. Cochran.
Mr. Luken with Mr. Mills.
Mr. Hawkins with Mr. Blatnik.
Mr. Hanley with Mr. McCloskey.
Mr. Chappell with Mr. Hutchinson.
Mr. Carey of New York with Mr. Fisher.
Mr. Cotter with Mr. Podell.
Mr. Fulton with Mr. Gross.
Mr. Rose with Mr. Sandman.
Mr. Stephens with Mr. Hansen of Idaho.
Mr. Anderson of California with Mr. Steele.
Mrs. Chisholm with Mr. Gubser.
Mr. Davis of Georgia with Mr. Talcott.
Mr. Clay with Mr. Brasco.
Mr. Jones of Tennessee with Mr. Treen.
Mr. Jones of North Carolina with Mr. Montgomery.
Mr. Roy with Mr. Kuykendall.
Mr. Landrum with Mr. Collier.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON AGRICULTURE

The SPEAKER laid before the House the following communication from the chairman of the Committee on Agriculture, which was read and, together with the accompanying papers, referred to the Committee on Appropriations:

WASHINGTON, D.C.
July 17, 1974.

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

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture on July 16, 1974 considered and unanimously approved the following works plans for watershed projects, which were referred to the Committee by Executive Communication 2455:

Dividing Creek, Maryland.
Perilla, Mountain, Arizona.
South Fork, Nebraska.
Troublesome Creek, Iowa.

Attached are Committee resolutions with respect to these projects.

With every good wish, I am,
Sincerely,

W. R. POAGE,
Chairman.

MOTION TO FURTHER INSTRUCT CONFEREES ON H.R. 69, EXTENDING THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

PREFERENTIAL MOTION OFFERED BY MR. WAGGONNER

Mr. WAGGONNER. Mr. Speaker, under clause 1, rule XXVII, I offer a preferential motion.

The Clerk read as follows:

Mr. WAGGONER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 69, be instructed to insist upon the provisions of the House relating to limitations on the transportation of students embodied in title II of the House bill.

POINT OF ORDER

Mr. STEIGER of Wisconsin. Mr. Speaker, I make a point of order against the preferential motion.

The SPEAKER. The gentleman will state it.

Mr. STEIGER of Wisconsin. Mr. Speaker, I make a point of order against the preferential motion to instruct the conferees on the basis that on two previous occasions the House has already instructed conferees on H.R. 69 on identical language.

If I can be heard on the point of order, Mr. Speaker, I recognize that without the benefit of precedents other than those contained in Cannon's, it is difficult for the Members of the House to understand fully all of the precedents of the Rules of the House of Representatives, but let us review the history.

Prior to the appointment of conferees, the gentleman from Michigan offered a motion to instruct conferees on the so-called Esch amendment on school busing that was agreed to by the House. After 20 days had elapsed, the gentleman from Louisiana offered a subsequent motion to further instruct the conferees on exactly the same question, the busing of children under title II of the House bill. The gentlewoman from Hawaii offered a motion to instruct conferees, and I did not on a timely basis raise a point of order against her motion to instruct conferees at that point.

Let me go back to what Champ Clark said in volume 8, page 726 of Cannon's Precedents.

It says in the ruling at 3236, that:

One motion to instruct having been considered and disposed of, a further motion to instruct was not admissible.

The Speaker at that time said:

The motion to instruct is analagous to a motion to recommit, and there can be but one motion to recommit that is in order, and it is amendable; . . . there must be an end to all things sometime or other.

I make my point of order based on that appropriate ruling by Speaker Clark, on the basis that it is not wise nor timely for the House to instruct conferees time after time, whether on the same subject or on a different subject, and all things must come to an end.

I would hope that the Chair will support the point of order.

The SPEAKER. Does the gentleman from Louisiana desire to be heard on the point of order?

Mr. WAGGONNER. I do desire to be heard, Mr. Speaker.

Mr. Speaker, that which some people consider wise and that which the rules provide sometimes are somewhat different, and in this instance the rules are to the contrary. The rules and the precedents speak for themselves.

Speaker Byrns, on August 22, 1935, volume 79, 74th Congress, 1st session, was called to rule upon a similar point of order. A Member of the House who later became Speaker, Mr. Rayburn, of Texas, offered a privileged resolution. Mr. Huddleston made a point of order against that privileged resolution. He said:

Mr. Speaker, I make the point of order that the resolution is not privileged.

He went further and he said:

This motion, if privileged at all, is privileged under House Rule 1–A, the 20-day rule. It will be remembered some days ago, 20 days having elapsed after the appointment of conferees under the rule, this matter was brought up and a motion was made by the gentleman from Texas (Mr. Rayburn) to instruct conferees. That motion was rejected. Thereupon, another motion was made to instruct the conferees and the motion was agreed to.

Mr. Huddleston went on to say:

The view which I present is that by that action the force of the 20-day rule was exhausted. The bolt was shot—its force and effect is spent—and no motion can be again made under that rule.

And then he went on and argued further the point.

Mr. Speaker, I think it is sufficient to quote the ruling of the Chair, Speaker Byrns, on that question, and the Chair stated it was ready to rule and the rule by the Speaker was:

The gentleman from Texas (Mr. Rayburn) has submitted a motion to instruct the conferees on the so-called "utility bill", which motion has already been read from the Clerk's desk. The gentleman from Alabama (Mr. Huddleston) makes the point of order that the motion is not privileged under the rules of the House. The Chair again reads the rule upon which the gentleman from Texas has predicated his motion: . . .

The Chair then read the rule. The Chair went on to say:

It will be noted that the rule itself does not undertake to place any limitations upon the number of motions that may be made. The Chair has heretofore stated that, in his opinion, this rule was adopted in the Seventy-second Congress with the sole object and purpose on the part of the House of retaining control over the conferees after they had been appointed to consider differences between the House and the Senate.

Prior to that time, as we all know, after the appointment of the conferees, the House lost control. In fact, if the Chair may repeat, this rule was adopted to bring back to the House control over its own agents, or conferees, after giving them 20 days in which to come to some agreement with the representatives of the other body.

Mr. Speaker, rather than to read the rest of that opinion, let me say the Speaker concluded then by saying:

The Chair, therefore, overrules the point of order and the gentleman from Texas is recognized.

Mr. Speaker, I ask that the point of order be overruled and that I be recognized.

The SPEAKER. The Chair is ready to rule. The general rule as stated on page 127 of Cannon's Procedures is:

Conferees failing to report within 20 days after appointment may be instructed or discharged and motions to instruct or discharge and appoint successors are of the highest privilege.

Now, the Chair would like to note that the citation that the gentleman from Wisconsin gave from Speaker Champ Clark did not refer to privileged motions under clause 1(b), rule XXVIII, where

conferees have failed to report in 20 calendar days.

The Chair has examined the precedents that the gentleman from Louisiana has cited and agrees that they support the proposition that a second or any number of motions to instruct are in order. The Chair therefore overrules the point of order and recognizes the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Speaker, on June 5, 47 days ago, the chairman of the House Committee on Education and Labor moved to go to conference on H.R. 69, the Education bill, that I move to instruct on now. You will recall at that time that the gentleman from Michigan (Mr. ESCH) offered a motion to instruct the House conferees to insist on the House position on forced busing. That motion carried by a vote of 270 to 103. Twenty-five days ago, on June 27, the conference report not having been filed, there still being disagreement on the busing amendment, I offered yet another motion to instruct the House conferees to insist on the House provisions of H.R. 69 with regard to busing. That motion to instruct carried by a vote of 281 to 128. I said then, Mr. Speaker, that this time there could be no compromise with regard to this language. The American people want no compromise.

I reaffirm now my very strong and sincere belief that there cannot now nor ever be any compromise in this instance on this issue, because the American people demand that there be no compromise. Good education demands it.

Mr. Speaker, we have debated this issue over and over. I think everybody understands it.

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

Mr. WAGGONNER. I yield briefly for purposes of debate.

Mr. ESCH. I appreciate the gentleman yielding. I want to reaffirm the fact that the Members of this House overwhelmingly reflected the views of the American people in support of the amendment. The amendment came within one vote of passage in the Senate. I believe the American people want this issue to be resolved once and for all and the conference committee can resolve it by accepting the House version, so I would urge support of the gentleman from Louisiana.

Mr. WAGGONNER. I thank the gentleman for his contribution. Make no mistake about it, this language can in no wise be compromised. The reopener must be retained, as well as the prohibition of the amendment being retained.

Having debated this thoroughly, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion.

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

Mr. WAGGONNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

Mr. WAGGONNER. 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 261, nays 122, answered "present" 1, not voting 50, as follows:

[Roll No. 396]

YEAS—261

Abdnor	Gilman	Poage
Alexander	Ginn	Powell, Ohio
Andrews, N.C.	Goldwater	Preyer
Andrews, N. Dak.	Gonzalez	Price, Tex.
Annunzio	Goodling	Quillen
Archer	Grasso	Randall
Arends	Green, Oreg.	Rarick
Armstrong	Grover	Regula
Ashbrook	Gubser	Rhodes
Bafalis	Gude	Rinaldo
Bauman	Guyer	Roberts
Beard	Haley	Robinson, Va.
Bennett	Hamilton	Roe
Bevill	Hammer-schmidt	Rogers
Biaggi	Hanrahan	Roncallo, N.Y.
Biester	Harsha	Rooney, Pa.
Blackburn	Hastings	Roush
Boggs	Hays	Rousselot
Bowen	Hébert	Runnels
Bray	Heckler, Mass.	Ruth
Breaux	Heinz	Ryan
Brinkley	Henderson	St Germain
Brooks	Hillis	Sandman
Broomfield	Hinshaw	Sarasin
Brotzman	Hogan	Sarbanes
Broyhill, N.C.	Holt	Satterfield
Broyhill, Va.	Hosmer	Scherle
Buchanan	Huber	Schneebeli
Burgener	Hudnut	Sebelius
Burke, Fla.	Hungate	Shipley
Burke, Mass.	Hunt	Shoup
Burleson, Tex.	Ichord	Shuster
Burlison, Mo.	Jarman	Sikes
Butler	Johnson, Colo.	Skubitz
Byron	Johnson, Pa.	Slack
Camp	Jones, Ala.	Smith, N.Y.
Carney, Ohio	Jones, Okla.	Snyder
Carter	Kazen	Spence
Casey, Tex.	Kemp	Stanton, J. William
Cederberg	Ketchum	Stanton, James V.
Chamberlain	King	Steed
Clancy	Kluczynski	Steelman
Clark	Lagomarsino	Steiger, Ariz.
Clausen, Don H.	Landgrebe	Stubblefield
Clawson, Del	Latta	Stuckey
Cleveland	Lent	Sullivan
Collins, Tex.	Litton	Symms
Conlan	Long, La.	Taylor, Mo.
Coughlin	Long, Md.	Taylor, N.C.
Crane	Lott	Teague
Cronin	Lujan	Thomson, Wis.
Daniel, Dan	McCollister	Thone
Daniel, Robert W., Jr.	McDade	Tiernan
Daniels, Dominick V.	McKay	Towell, Nev.
Davis, S.C.	McSpadden	Traxler
Davis, Wis.	Mahon	Ullman
Delaney	Mann	Vander Jagt
Denholm	Maraziti	Vanik
Dennis	Martin, Nebr.	Veysey
Dent	Martin, N.C.	Vigorito
Derwinski	Mathias, Calif.	Waggonner
Devine	Mathis, Ga.	Walsh
Dickinson	Mazzoli	Wampler
Dingell	Michel	Ware
Downing	Milford	White
Dulski	Miller	Whitehurst
Duncan	Minish	Whitten
du Pont	Minshall, Ohio	Widnall
Edwards, Ala.	Mitchell, N.Y.	Wiggins
Eilberg	Mizell	Williams
Esch	Moakley	Wilson, Bob
Eshleman	Mollohan	Wilson, Charles, Tex.
Evins, Tenn.	Moorhead, Calif.	Winn
Fascell	Morgan	Wolff
Fisher	Murphy, Ill.	Wright
Flood	Murtha	Wyatt
Flowers	Myers	Wydler
Flynt	Natcher	Wylie
Ford	Nedzi	Wyman
Fountain	O'Hara	Yatron
Frey	Parris	Young, Alaska
Froehlich	Passman	Young, Fla.
Fuqua	Patman	Young, Ill.
Gaydos	Patten	Young, S.C.
Gettys	Pepper	Young, Tex.
Gibbons	Pettis	Zablocki
	Peyser	Zion
	Pickle	

NAYS—122

Abzug	Frelinghuysen	Nix
Adams	Frenzel	Obey
Addabbo	Green, Pa.	O'Brien
Anderson, Ill.	Hanna	O'Neill
Ashley	Hansen, Wash.	Perkins
Aspin	Harrington	Pike
Badillo	Hawkins	Price, Ill.
Barrett	Hechler, W. Va.	Pritchard
Bell	Helstoski	Quie
Bergland	Hicks	Railsback
Bingham	Holtzman	Rangel
Boland	Horton	Rees
Bolling	Howard	Reid
Brademas	Johnson, Calif.	Reuss
Breckinridge	Jordan	Riegle
Brown, Calif.	Karth	Robison, N.Y.
Brown, Mich.	Kastenmeier	Rodino
Brown, Ohio	Koch	Rosenthal
Burke, Calif.	Kyros	Roybal
Burton, John	Leggett	Ruppe
Burton, Phillip	Lehman	Schroeder
Cohen	McClory	Seiberling
Collins, Ill.	McCormack	Shriver
Conable	McFall	Sisk
Conte	McKinney	Smith, Iowa
Conyers	Madden	Staggers
Corman	Madigan	Stark
Culver	Mallary	Steiger, Wis.
Danielson	Matsunaga	Stokes
Dellenback	Mayne	Stratton
Dellums	Meeds	Studds
Donohue	Melcher	Thompson, N.J.
Drinan	Metcalfe	Udall
Eckhardt	Mezvinsky	Van Deerlin
Edwards, Calif.	Mink	Vander Veen
Erlenborn	Mitchell, Md.	Waldie
Evans, Colo.	Moorhead, Pa.	Whalen
Findley	Mosher	Yates
Fish	Moss	Young, Ga.
Foley	Murphy, N.Y.	Zwach
Fraser	Nelsen	

ANSWERED "PRESENT"—1

Forsythe

NOT VOTING—50

Anderson, Calif.	Gray	Nichols
Baker	Griffiths	Owens
Blatnik	Gross	Podell
Brasco	Gunter	Roncallo, Wyo.
Carey, N.Y.	Hanley	Rooney, N.Y.
Chappell	Hansen, Idaho	Rose
Chisholm	Holifield	Rostenkowski
Clay	Hutchinson	Roy
Cochran	Jones, N.C.	Steele
Collier	Jones, Tenn.	Stephens
Cotter	Kuykendall	Symington
Davis, Ga.	Landrum	Talcott
de la Garza	Luken	Thornton
Diggs	McCloskey	Treen
Dorn	McEwen	Wilson, Charles H., Calif.
Fulton	Macdonald	
Giaimo	Mills	
	Montgomery	

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Montgomery for, with Mr. Rostenkowski against.

Mr. Nichols for, with Mr. Holifield against.

Mr. Fulton for, with Mr Rooney of New York against.

Mr. Giaimo for, with Charles H. Wilson of California against.

Mr. Cochran for, with Mr. Symington against.

Mr. Treen for, with Mr. Roncalio of Wyoming against.

Mr. de la Garza for, with Mr. McEwen against.

Mr. Davis of Georgia for, with Mrs. Chisholm against.

Mr. Gunter for, with Mr. McCloskey against.

Mr. Roy for, with Mr. Clay against.

Mr. Baker for, with Mr. Brasco against.

Mr. Cotter for, with Mr. Diggs against.

Mr. Luken for, with Mr. Blatnik against.

Mr. Jones of Tenneessee for, with Mr. Owens against.

Mr. Hutchinson for, with Mr. Rose against.

Until further notice:

Mr. Anderson of California with Mr. Gray.

Mr. Carey of New York with Mr. Dorn.

Mr. Podell with Mr. Jones of North Carolina.

Mrs. Griffiths with Mr. Macdonald.

Mr. Chappell with Mr. Collier.
Mr. Hanley with Mr. Hansen of Idaho.
Mr. Kuykendall with Mr. Talcott.
Mr. Mills with Mr. Thornton.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SURFACE MINING CONTROL AND RECLAMATION ACT OF 1974

Mr. UDALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 11500) to provide for the regulation of surface coal mining operations in the United States, to authorize the Secretary of the Interior to make grants to States to encourage the State regulation of surface mining, and for other purposes.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 11500, with Mr. SMITH of Iowa in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Before the Committee rose on Thursday, July 18, 1974, it had agreed that the further reading of title II ending on page 242, line 15, of the committee amendment in the nature of a substitute, be dispensed with, printed in the RECORD, and open to amendment at any point.

AMENDMENT OFFERED BY MR. HOSMER TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. HOSMER. Mr. Chairman, I offer my amendment No. 15, according to rule XXIII, clause 6, to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute: Page 145, line 21. Strike out "SEC. 201." and insert a "SEC. 201." to read as follows:

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, where 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 mining 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 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 pro-

gram 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 220 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 220. 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.

Mr. HOSMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. HOSMER. Mr. Chairman, I asked for the previous unanimous consent request to expedite the time of the House.

Mr. Chairman, the difficulty under which we have functioned so far, both in the committee and in the House, and in the Committee of the Whole House on the State of the Union, in considering this bill, is to get the attention of enough people for a long enough time so that they can find out what this bill contains. Thus far, the votes have been cast almost absentee, or by Members wandering in after a bell has been rung, and taking their hint from some other Member as to how to vote.

I have informed the Members that this is a vital piece of legislation. The recession and the agony which this Nation is going through at the present moment is due to the interruption of this Nation's energy supply by the Arab oil boycott last winter. The kind of a bill that we have here, if it gets on the law books, will prove to be an energy interruption of an even greater magnitude in the nation's energy supply than last winter's boycott and an interruption of a permanent nature.

I have but a few months left of my service in the Congress. And this Nation is very cherished to me; it is the one with which I am going to live all of my life, and with which my children, and my children's children will live.

I want this Nation to continue as a viable, strong society. It cannot continue as such a society if there is not the energy to power it.

This section 201 that the environmentalists have put in the Mink-Udall bill has such strict requirements that governmental experts in the mining of coal by surface methods estimate that it is going to cause the loss of coal production; and the more inflexibly this section is interpreted, the greater the loss will be. That loss could amount to 187 million tons next year—next year—that is when this legislation purports to take effect.

The minute we pass this law, it would require that no person shall open a new or previously-mined surface mine site without a permit from the State regulatory agency. This requirement means that we could not begin surface mining tomorrow morning if this abomination becomes law today. The rub is that the State regulatory agencies under which one has to get a license before one can get a permit does not even exist, and it will be months before it does exist. There will be a long interim here where no new mines can be started.

That is because the gentleman from Arizona and the gentlewoman from Hawaii have pushed this legislation so hard on the side of the environmentalists that it just does not make sense any

I suppose there are now a little less more. It is all overweighted. There is no balance whatsoever between environmental needs and energy needs. Accordingly, mines will be shut down. That is in effect, the impact of this bill.

than 50 people on the floor who know what is in Section 201 of this bill. My proposed Section 201 by contrast enforces the same strict environmental ethic, but it does it in a manner whereby a permit becomes a possibility along with the commencement of a new mine. The terms of my amendment are reasonable. They do not go into effect today. They give some time for the State regulatory body to crank up so that they can issue permits. Pending that, it allows some operations to be carried forward.

That seems to me reasonable. I believe that if anybody considers ethical and managerial procedures in this country today where we compromise our conflicting values, he would accept this amendment. I doubt that reason will prevail; however, that is my hope.

Regarding Section 201, let me give the Members some examples of its present deficiencies. It goes on for page after page after page, after page, establishing nonsensical requirements such as inspections on each and every 3 months—whether they are needed or not—accordingly, we must create an inspection force that must conduct inspections every 3 months for the satisfaction of temporary standards. Similarly, the legislation establishes a whole new Federal bureaucracy in the form of the Office of Surface Mining Reclamation Enforcement. Accordingly, I ask that the amendment be agreed to.

AMENDMENT OFFERED BY MRS. MINK AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOSMER TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mrs. MINK. Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from California (Mr. HOSMER) to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute: Page 145, line 21, strike the entire section 201 and insert the following new section 201:

TITLE II—CONTROL OF ENVIRONMENTAL IMPACTS OF SURFACE COAL MINING

INITIAL REGULATORY PROCEDURE

SEC. 201. (a) 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 the State unless such person has obtained a permit from the State regulatory authority.

(b) On and after the date of enactment of this Act, all new surface coal mining operations shall comply, and all new permits issued for surface coal mining operations shall contain terms requiring compliance with the following environmental protection standards:

(1) With respect to coal surface mining on steep slopes, 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 spoil from the initial block or short linear 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 as to prevent slides, erosion, and water pollution, and is revegetated in accordance with subsection (3) below: *Provided further, however*, That (A) the regulatory authority may permit limited or temporary placement of spoil on a specified area of the downslope on steep slopes in conjunction with mountaintop mining operations which will eliminate all high walls if such placement is consistent with the approved postmining land use of the mine site and (B) the provisions of this subsection (b)(1) 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.

(2)(A) With respect to all surface coal mining operations, the operator shall 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 highwalls, spoil piles, and depressions eliminated (unless depressions are needed in order to retain moisture in order to assist revegetation or as otherwise authorized under paragraph (2)(D) of this subsection).

(B) Provided, that in surface coal mining which is carried out at the same location over a substantial period of time, where the operation transects the coal deposit and the thickness of the coal deposit relative to the volume of the overburden is large and where the operator demonstrates that the overburden, giving due consideration to volumetric expansion, at a particular point on the mining site is insufficient or unavailable from other portions of the site to restore the ap-

proximate original contour, the operator, at a minimum, shall backfill, grade, and compact (where advisable) in order to cover all acid-forming and other toxic materials, to achieve not more than the angle of repose to provide adequate drainage and to facilitate an ecologically sound land use compatible with the surrounding region but not necessarily meeting the revegetation requirements of subsection (3): *And provided further,* That in surface coal mining other than as described in the first proviso of this subparagraph (B), and other than operations covered by subsection (b) (1) of this section, where the volume of overburden is large relative to the thickness of the coal deposit and where the operator demonstrates that due to volumetric expansion, the amount of overburden and other spoil and waste materials removed in the course of the mining operation is more than sufficient to restore the approximate original contour, the operator shall after restoring the approximate original contour, backfill, grade and compact (where advisable) the excess overburden and other spoil and waste materials to attain the lowest practicable grade but not more than the angle of repose, and to cover all acid-forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding regions and that such overburden or spoil shall be shaped and graded in such a way as to prevent slides, erosion and water pollution and is revegetated in accordance with subsection (b) (3) of this section;

(3) With respect to all surface coal mining operations, establish on regraded and all other lands affected, a diverse vegetative cover capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation: *Provided,* That introduced species may be used in the revegetation process where desirable and necessary to achieve the approved post-mining land use plan.

(4) With respect to all surface coal mining operations, remove the topsoil in a separate layer, replace it on the backfill area, or if not utilized immediately, segregate it in a separate pile from other spoil, and when the topsoil is not replaced in a time short enough to avoid deterioration of the topsoil, maintain a successful cover by quick growing plant or by other means so that the topsoil is preserved from wind and water erosion, remains free of any contamination by other acid or toxic material from other strata or drainage, and is in a usable condition for sustaining vegetation when replaced during reclamation, except if topsoil is of insufficient quantity or of poor quality for sustaining vegetation, or if other strata can be shown to be more suitable for vegetation requirements, then the operator shall remove, segregate, preserve, and replace in a like manner such other strata which is best able to support vegetation: *Provided,* That if the appropriate State agricultural agency approves, it shall not be necessary to separate the topsoil and other strata of subsoil if it can be shown that a mix of such topsoil and subsoil and soil nutrient would be equally suitable for vegetation requirements and meet the requirements of sound reclamation practices. In such instances, the operator shall remove, segregate, and replace the mix of topsoil and such other strata in a manner prescribed by the appropriate State agricultural agency.

(5) (A) 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 construction and compacted layers with incombustible and impervious materials assuring the leachate will not pollute surface or ground waters and 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 provisions of this Act; and

(B) With respect to the use of impoundments for the disposal of coal mine wastes, or coal processing wastes or other liquid or solid wastes, incorporate that latest engineering practices for the design and construction of water retention facilities and construct such facilities to insure that the construction will be so designed to achieve necessary stability with an adequate margin of safety to protect the health and safety of the public and which, at a minimum, is compatible with that of structures constructed under Public Law 83-566 (16 U.S.C. 1006); that leachate will not pollute surface or ground water, and that no mine waste such as coal fines and slimes determined as unsuitable for construction constituents by sound engineering methods and design practices are used in the construction of water impoundments, water retention facilities, dams or settling ponds.

(6) Minimize the disturbances to the hydrologic balance at the minesite and associate offsite areas and to the quantity and quality of water entering surface and ground water systems both during and after surface mining and reclamation giving particular attention throughout the mining operation to the aquifer recharge capacity of the mining area and to the protection of alluvial valley floors and stream channels.

(7) Upon petition by the permittee or other applicant for a permit and after public notice and opportunity for hearing, the regulatory authority may grant one or more exceptions to the environmental protection standards set forth in the first clause before the first proviso in paragraph (1) and the provisions of paragraph (2) of this subsection, if the regulatory authority issues a written finding that one or more such standards cannot reasonably be met and that the permittee has shown by proper documentation that each specific item of equipment which is named in the petition as being essential to the performance of the standard in question, cannot be delivered by the manufacturer or supplier prior to the date on which the operation is required under this Act to be in compliance with said standards, and no other equipment owned by or readily available to the permittee or applicant is suitable for the performance of such standards.

The basis for any such exception shall be reviewed at least once every three months by the regulatory authority. If pursuant to such review, the regulatory authority finds that the permittee does not show, by proper current documentation, that the specific items of equipment named in the petition still cannot be delivered to the operator by the manufacturer then the exception shall be canceled.

At any time if the permittee is found to be in noncompliance with any other provision of this Act or if a State program pursuant to section 203 of this Act or a Federal program pursuant to section 204 of this Act is implemented, then any such exception shall cease to be effective immediately.

(c) On and after one hundred and eighty days from the date of enactment of this Act, all surface coal mining operations existing at the date of enactment shall comply within the standards in subsection (b) above with respect to lands from which the overburden has not been removed. Within one hundred and twenty days following enactment of this Act, the regulatory authority shall review and amend permits in order to incorporate in them the standards of subsection (b) above.

(d) Upon petition by the applicant or permittee and after public notice and opportunity for a hearing, the regulatory authority may grant exceptions to provisions in the first clause before the first proviso in subsection (b) (1) and to the provisions of subsection (b) (2) of this section if the regulatory authority issues a written finding that one or more variations from these provisions will enable the affected land to have an equal or higher postmining economic or public use and such use will be achieved within a reasonable time, is consistent with surrounding land uses and with local, State, and Federal law and can be obtained only if one or more exceptions to the above provisions are granted.

(e) Not later than eighteen months from the date of enactment of this Act, all operators of surface coal mines in exception of operating such mines after the date of approval of a State program, pursuant to section 203 of this Act, shall file an application for a permit with the regulatory authority, such application to cover those lands to be mined after the date of approval of the State program. The regulatory authority shall process these applications and grant or deny a permit within six months from the date of approval of the State program, but in no case later than thirty-six months from the date of enactment of this Act. The application filed pursuant to this provision and the permit thereby obtained shall be in full compliance with this Act.

(f) No later than one hundred and eighty days from the date of enactment of this Act, and after issuing regulations in accordance with the procedures of section 202, the Secretary shall implement a Federal enforcement program which shall remain in effect in each State in which there is surface coal mining until the State program has been accepted pursuant to section 203 of this Act or until a Federal program has been implemented pursuant to section 204 of this Act. The enforcement program shall:

(1) include inspections of surface coal mine sites which shall be made on a random basis (but at least one inspection for every site every three months), without advance notice to the mine operator and for the purpose of ascertaining compliance with the standards of subsection (b) above. The Secretary shall order any necessary enforcement action to be implemented pursuant to the Federal enforcement provisions of this title to correct violations identified at the inspections;

(2) provide that upon receipt of inspection reports indicating that any coal surface mining operation has been found in violation of subsection (b) above, 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 the necessary enforcement actions, if any, to be implemented pursuant to the Federal enforcement provisions of this title. 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;

(3) for purposes of this section, the term "Federal inspector" means personnel of the Office of Surface Mining Reclamation and Enforcement and such additional personnel of the United States Geological Survey, Bureau of Land Management, or of the Mining Enforcement and Safety Administration so designated by the Secretary, or such other personnel of the Forest Service, Soil Conservation Service, or the Agricultural Stabilization and Conservation Service as arranged by appropriate agreement with the Secretary on a reimbursable or other basis;

(4) provide that the State regulatory agency file with the Secretary and with a designated Federal office centrally located

in the county or area in which the inspected surface coal mine is located copies of inspection reports made;

(5) provide that moneys authorized by section 701 (a) 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 (b) above, are enforced and for the administration of this section.

(g) A coal surface mine operator operating pursuant to a valid permit and awaiting administrative action on his application for a permit from the appropriate regulatory authority may during the period prior to approval or disapproval of a State program pursuant to section 203 of this Act and for six months thereafter continue to operate his surface mine beyond the date of expiration of his permit subject to the terms and conditions of his permit or application in the event the appropriate regulatory authority has not acted on his application by the time his permit expires.

(h) During the period prior to approval of a Federal or Indian program pursuant to this Act, including judicial review of the approval of a Federal or Indian program, new or existing coal surface mining operations on Federal land and Indian land may commence or continue mining operations: *Provided*, That such operations shall be subject to and bound by the provisions of section 201(b) hereof. The enforcement procedures of section 220 shall apply to such coal surface mining operations and the Secretary shall order the random inspections of such operations in the same manner provided by section 201(f) hereof. For purposes of this section existing coal surface mining operations means those in existence on the date of enactment of this Act and those for which substantial legal and financial commitments were in existence prior to September 1, 1973.

Mr. HOSMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered by the gentlewoman from Hawaii be considered as read and printed in the RECORD.

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

There was no objection.

POINT OF ORDER

Mr. HOSMER. Mr. Chairman, I make a point of order against the amendment, in that this is nothing more than a retread of the language that is already in the section 201 of 11500. This has only eight small changes in the total text, each of which could be handled by an amendment, and no doubt even those amendments could be offered en bloc.

Yet we have here a subterfuge in order to blank out my original amendment through offering this as a substitute. Then there will be an up or down swoop on it from that standpoint.

Further than that, it would then preclude the offering of any further amendments on the language.

So, in essence, Mr. Chairman, this is a closure motion to take this with these minor amendments, and to take it or else. If this passes, there will be no further amendments in order to section 201 except those specific amendments selected by the gentlewoman to put into this substitute. Therefore I say it is not a substitute. it is out of order. it is a subterfuge to foreclose debate in a proper way on section 201 and to offer amendments thereto which I am certain possibly the gentleman from West Virginia may have, which I may have, and which other Members may have.

To attempt to do by indirection that which cannot be done directly, Mr. Chairman, violates the letter and the spirit of the rules of this House.

It is the rules of this House that protect the rights of the minority, that are the rules under which over long centuries of parliamentary history of our country and in the United Kingdom have been fought for, so that man can truly participate in the democratic decisions of his destiny. That is how deep and that is how fundamental the ruling of the Chair on this point of order will be.

The CHAIRMAN. Does the gentlewoman from Hawaii desire to be heard on the point of order?

Mrs. MINK. Simply to say, Mr. Chairman, this substitute is perfectly in order.

We have made changes to section 201, and unlike the comments that have been made in support of the point of order, further amendments would be possible on this substitute, as I understand it; so it is not the intention of the author or of this substitute to foreclose debate, but in an orderly way to consider all those that pertain to section 201 at this point in the debate, so that, for instance, title II is open for debate at any point. The use of a substitute will enable us to look at this one section and dispose of it.

So I ask the Chair to decline to support the point of order of the gentleman.

PARLIAMENTARY INQUIRY

Mr. HECHLER of West Virginia. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HECHLER of West Virginia. If the substitute is adopted, offered by the gentlewoman from Hawaii, would it be out of order to have amendments to that section? I would like to make that parliamentary inquiry prior to the ruling of the Chair.

The CHAIRMAN. Once the substitute is adopted, then a vote would be on the Hosmer amendment as amended by the substitute. Prior to the vote on the substitute, however, there could be amendments to the substitute.

Mr. HECHLER of West Virginia. It is completely open to further amendments, if I understand the ruling?

The CHAIRMAN. The substitute is open to germane amendments.

PARLIAMENTARY INQUIRY

Mr. HOSMER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HOSMER. If that is the case, how would one key in the amendments to the substitute, inasmuch as the substitute is basically a Xerox copy of section 201, with its original line numbers on some pages starting at line 18 and ending on line 13 and at other pages going to other delineations?

The CHAIRMAN. The Chair will state that the amendments must be drafted as an amendment to the substitute, rather than to a section of the committee amendment.

Mr. HOSMER. For example, if I may pursue my parliamentary inquiry, I have a substitute in my hand. It has got some numbers on it. I would want to offer a new section 201(a) as an amendment to the substitute. How should I fashion that amendment?

The CHAIRMAN. The Chair cannot anticipate every amendment; but the gentleman could draft the amendment to the proper page and line of the substitute.

PARLIAMENTARY INQUIRY

Mr. HECHLER of West Virginia. A further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HECHLER of West Virginia. What about those Members who have had their amendments printed in the RECORD; would they then be entitled to transfer the 5 minutes to which they are eligible under the rules to amendments to the substitute?

The CHAIRMAN. Debate on such amendments, assuming a limitation of time, would only be in order if the amendments were properly offered in the precise form in which they had been printed in the RECORD, and if the amendments had not been printed in the RECORD as amendments to the substitute, then debate would not be permitted .

Mr. HECHLER of West Virginia. The answer would be no Member who has taken the trouble to put his amendments into the RECORD to entitle him to 5 minutes would have the opportunity now if the substitute of the gentlewoman from Hawaii is adopted to protect his rights; is that the ruling of the Chair?

The CHAIRMAN. There is no time limitation at the present time, and amendments can be offered to the substitute while the substitute is pending.

The Chair is prepared to rule on the point of order. The Chair has examined the substitute, and no point of germaneness has been raised.

As long as it is germane, the gentlewoman from Hawaii is entitled to offer her amendment as a substitute if she desires to do so.

The Chair overrules the point of order.

Mrs. MINK. The purpose of my substitute amendment is to consolidate into as complete a section as possible the various suggested amendments that have been noted which we feel that we could accept.

The gentleman from California (Mr. HOSMER) has noticed the House with some 20 individual amendments to section 201, in addition to the complete rewrite which is pending before the committee. I think all of us are aware of the fact that there are some 200 such amendments that have been noticed in the RECORD.

It is not the intention of myself, as chairman of the subcommittee, to foreclose debate or the offering of any amendments with regard to any of the sections, but it seems to me we ought to conduct an orderly debate in view of the fact the title is open to amendment at any point, that through the use of a proposal such as mine, which is a substitute, we could at least address ourselves to this one section and then dis-

pose of this section and then move on to some of the other areas.

In view of the amendments that have been noticed in the RECORD by the gentleman from California (Mr. HOSMER) I would like to say that in studying them we made certain changes to his proposal, but in some we took them exactly as they were proposed in the RECORD.

I would like to review those amendments which were incorporated in the bill as recorded.

In the first instance, there was a recommendation submitted to the chairman of the subcommittee by the gentleman from Michigan (Mr. RUPPE) with regard to the necessity to redefine and make more explicit the concept of mountaintop mining. In reviewing the language of the bill it seemed to me implicit that this would be permitted. However, because clarifying language was requested, we made that clarification. The language appears as follows:

Provided, however, that a regulatory authority would permit the removal of or temporary placement of spoil in specified areas of the downslopes or steep slopes in conjunction with mountaintop mining operations, which will eliminate all highwalls.

That does not change the substance of the bill but I think it clarifies a couple of the nagging questions that have been proposed to the committee as this bill was being debated.

Another suuggestion was made by the gentleman from Texas (Mr. WHITE), who said in subparagraph 2(a) of this section that we did not enumerate the subject of the sentence. So that we rewrote that to insert the words "the operators shall backfill," et cetera.

In subparagraph (b), where we are talking about the coal being mined in a vertical situation, there was some confusion. The gentleman from California suggested that that entire phrase be deleted. Instead of deleting it, we rewrote it to say, "Where the operation transsects the coal deposit and the thickness of the coal deposit relative to the overburden is too large," and then go on to discuss the exemption which was spelled out in the bill with regard to this kind of unique mining situation which does occur in the far west.

We also incorporated another change with regard to the angle of repose, where we are talking about an open pit mining situation. We said, "Obviously you cannot fill a large pit if you do not have the overburden."

We said with regard to what we must do with the interior of the pit, that we must achieve not more than the angle of repose, and we rewrote that language to make sure it says exactly that: "To achieve not more than the angle of repose." We added Mr. HOSMER's amendment No. 24, the words "To provide adequate drainage and to facilitate . . .".

We also incorporated Mr. HOSMER's amendment number 26 with regard to removal of the topsoil. We noted that our intention was that one could use the topsoil and immediately place it upon an area for reclamation purposes, and that under those conditions there was no necessity to segregate it and then move the soil a third time. In some operations it simply could be moved off the top and taken to an area for reclamation purposes. In order to clarify that, we changed the language.

I urge the House to accept the substitute as offered.

AMENDMENT OFFERED BY MR. HOSMER TO THE AMENDMENT OFFERED BY MRS. MINK AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOSMER TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. HOSMER. Mr. Chairman, I offer an amendment to the amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. HOSMER to the amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute: Page 145, line 21. Delete subsection (a) of the substitute and that portion of subsection (b) up to and including the colon on page 21, line 5, and insert in lieu thereof the following:

"(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 mining and reclamation performance standards specified in subsection (b) of this section."

Mr. HOSMER. Mr. Chairman, I make absolutely no apology for the confusion respecting these amendments. The gentlewoman from Hawaii only shoved the substitute in front of my face as she got up to offer it. As a consequence, the numerous amendments that will now be required to the substitute have to be ad hoc here, and I would think that we might have been entitled to a little more courtesy.

However, the purpose of my amendment to this hastily offered substitute is twofold: first, to provide a more workable graduation from the enactment to the initial regulatory procedures; and second, to make clear that during the initial regulatory procedures the Federal Government will not be issuing permits where the State fails to act.

As reported or as I understood the reading of the gentlewoman's amendment, it would not reduce the requirement that new operations comply with six critical performance standards on and after date of enactment of her substitute. Existing operations would be required to comply within 120 days from enactment. These time frames are much too short and could result in unnecessary loss of needed coal.

The amendment to the amendment that I have offered relaxes those arbitrary, rigid, unnecessary, and energy-defeating amendments. Compliance with the deadlines insisted upon in the gentlewoman's substitute by the coal industry would be almost impossible. Until State requirements and permits are issued, industry will be unable to determine the application of interim performance standards.

Even assuming that permits could be issued in such a short period, it is questionable as to whether the State regulatory authority could adequately review the permit application within these time frames in order to insure proper compliance with the standards.

Mr. Chairman, this Nation has been in operation for more than 178 years. What is so important about "goosing" this thing up an extra 6 months or 2 months to get it into operation in relation to that length of time?

Well, I will tell the Members what is important about it. The importance is that these amendments relating to these times are not put in here to facilitate regulations; they are put in here to stop coal mining from the surface of the ground. That is why they are put in here. It is an outrage, and it is a subterfuge. It is something, as I have indicated before, that unnecessarily and needlessly hampers the production and the development of an energy source for this country.

The amendment which I offered as a substitute here gives us a few days, not a few hours, but a few days to get the regulatory process into operation.

But, it will not be accepted. The reason for its nonacceptance is that my amendment will accomplish the purpose; it will make it possible; not impossible, for the mining of coal.

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

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

Mr. RUPPE. Mr. Chairman, I think there is a real problem with the amendment, in terms of the views of the different members of the subcommittee.

The amendment offered by the gentleman in the well would suggest that new mines have 90 days to comply and get the initial permit under preact standards, but they would also have to get a second permit, under the initial or interim phase, in 180 days. So they are going to have to get two permits in 180 days.

Mr. HOSMER. Mr. Chairman, they will either get a permit or they will get no permit. That is the way it reads.

I decline to yield further. It is just because of that kind of reasoning, in order to get out of an awkward situation, that I have offered this amendment. I have not had much time to perfect an amendment, but, believe me, at least one can get a permit under my amendment. There is an opportunity to do it, as distinguished from the language in the amendment offered by the gentlewoman.

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

Mrs. MINK. Mr. Chairman, will the gentleman yield?

Mr. HALEY. I yield to the gentlewoman from Hawaii.

Mrs. MINK. Mr. Chairman, I thank the chairman of the full committee for yielding to me.

The amendment which has been offered to my substitute would in effect delay the effective date of the provision which we have in our bill with respect to the opening of new mines or the remaining of previously mined areas.

The section in our bill stipulates that no person is to open any new or previously mined area without first obtaining

a permit from the State regulatory authority. Later on we provide exactly what is to be included in the permit application and what the application criteria shall be.

I believe our provision in the bill, subsection (a) of section 201, is fair. It sets the scene for the interim regulation of this bill.

Mr. Chairman, I hope that this amendment to my substitute will be voted down.

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

Mr. HALEY. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I support the position taken by the gentlewoman from Hawaii.

This adds a new provision—a 90-day, come-and-get-it, open-new-mines and go-in-and-do-what-you-want-to-do provision.

We felt there ought to be a cutoff date provided for opening new mines. This will not stop existing operations; this will not stop mines which are already producing coal. It simply says that at some point, after the passage or enactment of the bill, we are going to have to have a new system where we provide temporary interim standards.

It is the tough permanent standards which the gentleman from California ought to be worried about.

Mr. Chairman, I strongly support the argument presented by the gentlewoman from Hawaii and ask that the substitute offered by the gentleman from California be defeated.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from California, but mainly I want to say to the gentleman—and I hope he will pay a little bit of attention—that he has been making a lot of speeches around here for several days about nobody knows what is in this bill—and I suspect his inference is except him.

I do not know whether the gentleman from California has a strip mine in his district or not, but my judgment is that the gentleman probably does not have one. I do. I have lived with strip mining all of my life, and there is not an acre in my district that is not subject to it in one vein of coal or another.

I know where the gentleman's amendments were written, and so does everybody else, because he is not an expert on coal mining or strip mining, either. I happen to know that the persons who sponsored the original Hosmer substitute have pleaded with the gentleman from California not to offer all of these 155 amendments. I would respectfully submit to the gentleman from California that if he did not offer them we could probably get some clarifying amendments passed that the industry needs to survive. But if the gentleman from California persists in this course he is doing a disservice to the coal industry, whether it be deep mining or whether it be surface mining, or whatever it be.

I just suggest to the gentleman that he ought to listen to a little bit of reason instead of offering 155 amendments—and perhaps this bill does need a dozen amendments or so. I do not profess to know how many it ought to have. I have three amendments to offer to the bill that I think will improve the bill.

A couple of amendments that I hope to be able to get to offer some time have to do with taking out the sections that apply to deep coal mining because the deep coal mines are already regulated by another Federal body, and I do not think they ought to be regulated by the surface mining legislation.

Then I have an amendment that will protect the fullest extend possible these people, if any, who are forced out of business by giving them the first shot at the reclamation of the lands, and those miners who lose their jobs the first shot at the jobs.

I received a letter this morning from the so-called Ohio Reclamation Association, saying that the statement I made last week about coal mines proliferating was not true. They said there are 200 or 300 fewer people employed in strip mining in Ohio than there were before the State law went into effect. But what they do not tell you is that they are using bulldozers three times as big as they were before, and they are using drag lines three times as large as they used before, and they are using buckets that are three or four times as large as they were before, and that one man can now do what three men or four men or whatever did before.

I will be glad to have them show me where there are fewer acres under active strip mining than there were before, because that is not true. They are selling No. 11 vein coal in Ohio, which we always used to think was black dirt.

I will tell you one thing that the Btu's in it are so low that if you were to throw a coal scuttle full of it on an open fire it would put the fire out. Some of it is such a poor grade of coal that they have to inject fuel oil into it to make it burn. But they are getting $17 a ton for it, and it is 10 or 15 feet below the surface, and all they have to do is to get a bulldozer and a high lift, and they are in the strip mining business.

So I am not against regulation within reason.

I would suggest to the gentleman that some of the Members around here are getting sick and tired of listening to all of the debate on these amendments, and want to get into a debate on the amendments which will really help the industry.

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

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

Mr. ROUSSELOT. Mr. Chairman, do I understand, then, that the gentleman from Ohio's point is that there are some important improvements that can be made to this bill because it is basically defective in several areas?

Mr. HAYS. Let me put it to the gentleman this way: There are some areas in it I would like to see changed. I do not know how defective they are, but I think there can be some improvements.

Mr. ROUSSELOT. That is my point.

Mr. HAYS. I will say to the gentleman from California that I have been here for 26 years, and I do not know if there has ever been a bill which passed the House where somebody could not have improved on it.

Mr. ROUSSELOT. The gentleman from Ohio also knows the problem with this bill is that it might do damage to the coal industry, and that is why the gentleman has some additional amendments.

Let me ask the gentleman from Ohio this: In how many areas does this bill do damage to the coal industry?

Mr. HAYS. Speaking generally, if I had a vote, and I would have to vote between the Hosmer substitute and this bill, I would vote for this bill. But I think there are a few areas where there can be some improvement made. I have discussed this with the authors of the bill, and they agree with me that there are a few areas that we can improve. But I do not think that 155 amendments is a reasonable number. And I think the gentleman from California (Mr. ROUSSELOT) would agree with that.

(At the request of Mr. DENT, and by unanimous consent, Mr. HAYS was allowed to proceed for 1 additional minute.)

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

Mr. HAYS. I yield to the gentleman from Pennsylvania.

Mr. DENT. I thank the gentleman for yielding.

I just wanted to state that what the gentleman said is absolutely true. As the gentleman well knows, our State has probably the best mining law in the country on strip mining. However, we have to have some amendments added to this bill so that it does not destroy the kind of legislation we have had for 20 years. But if this keeps up, and they observe the rule of going only to committee members, what are the rest of us going to do—sit here for 2 more days and then have somebody close the time for debate so that we cannot even have it explained?

Mr. HAYS. The gentleman is exactly right. That is exactly what will happen. I have seen it time and time again. That is what happened to the so-called election reform bill 2 years ago. Everybody got sick of it; they closed debate on it Thursday; and we were stuck with a bill that when the Members found out what was in the bill, none of them liked it.

What we need are fewer amendments from the gentleman from California (Mr. HOSMER) and more from somebody who knows something about coal mining.

Mr. RONCALIO of Wyoming. Mr. Chairman, in the interest of moving on, I yield to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. I thank the gentleman for yielding.

That is all fine and good. I anticipated that there would be a lot of heat and pressure on me for trying to insist that the committee do its job. I tried to insist that the committee do its job back when we were in the Interior Committee, and I was shut off.

There are two ways to write a bill. We can clean up a bill before we ever bring it to the floor, or we can bring a monstrosity in here, so poorly written that 5 or 10 amendments is insufficient to cor-

rect its erroneous provisions and where 10 times that many are required in order to bring the legislation into line.

I appreciate the advice of the gentleman from Ohio and the advice of the gentleman from Pennsylvania, and I respect their judgment. I believe that they are entitled to their opinion, but I believe that, Mr. Chairman, even though I have never dug any coal—which I frankly admitted last week during our preliminary debate—I do know something about this legislation. I have spent a lot of time on it. My own time I might add. I have not been listening to people in the industry. As a matter of fact, I have been arguing with people in the industry. I have been arguing with people elsewhere. I do not have any coal in my district. But I do have an interest in seeing that on a matter so important as this, one which is going to affect every single person in the United States, one which could bring on a depression, and one which would give us permanent misery—is aired. Therefore, I am entitled to insist that this House take the time that is necessary to consider this legislation.

I would remind the gentleman from Pennsylvania that the effectiveness of the Congress of the United States as an institution in the eyes of the general public is very low. Only 20 to 25 percent feel that Congress is doing a good job. Seventy-five to 80 percent feel that it is not doing a good job. Why is Congress not doing a good job? Because somebody fails to stand and make this House do its work instead of evading the issue.

Mr. RONCALIO of Wyoming. I thank the gentleman from California for his remarks.

Mr. Chairman, I now yield to the gentleman from Arizona (Mr. STEIGER).

Mr. STEIGER of Arizona. I thank the gentleman for yielding.

I think the gentleman from Wyoming has provided a valuable service by allowing us this time.

The gentleman from Ohio (Mr. HAYS) has voiced what is the very popular conception that HOSMER stands for industry and UDALL stands for the environmental extreme. I think that both characterizations are very unfair. I should just like to remind my colleagues—and I know that everybody here is aware of this because they are the ones that have been paying attention to the bill—this is a very specific and a very technical bill, and to dismiss any amendment or any section, indeed, the whole bill, as a result of some image that is portrayed is very unfair, unfair to both the authors of the bill and the authors of the amendments.

So I would hope that we could consider each amendment on its merits and proceed on that basis.

Mr. Chairman, I thank the gentleman.

Mr. RONCALIO of Wyoming. Mr. Chairman, I would like to state that in the best interest of good legislation and I respectfully request my friend, the gentleman from California (Mr. HOSMER) who I believe an eminent authority on nuclear power to yield on a few of his 120 or so amendments, to the gentlemen from Ohio (Mr. HAYS) and from Pennsylvania (Mr. DENT) who have a great deal of interest in this bill.

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

Mr. RONCALIO of Wyoming. I yield to the gentleman from Alabama.

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

I would like to say I was interested in hearing the gentleman describe how the reclamation had taken place on some land adjoining his. I have some coal mining in my area. We have strip mining and underground mining. My father was a coal miner. So I think I am familiar with coal mining.

I am very much concerned with this bill. While I agree with what my friend, the distinguished gentleman and colleague from Ohio, said about reclamation, I would like to point out that we have reclamation in my area also. We have trees growing on the land which was leveled out and they have grown to timber size in 8 or 9 years. We are all in favor of reclamation. I have not heard anyone on this floor who is not in favor of reclamation, but I would like to point out that while we are all for reclamation and there is no question about that, we disagree on how it should be done.

I am very much concerned. I have 45 or 47 surface mines which are going to close if this measure passes in its present form.

So I congratulate the gentleman from California on his 150 amendments, because frankly I think it is going to take 150 amendments to get this bill to where we can save our land and also produce the coal which this country needs so badly.

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

Mr. Chairman, I would like to say I have listened carefully to what the gentleman from Arizona (Mr. STEIGER) and my colleagues have said. The Hosmer bill is a really well-thought-out vehicle. In a number of cases I will support amendments my colleague will offer because they are wise amendments and have been thoughtfully prepared by him.

I think, getting back to this particular amendment, there would be some difficulty in it for this reason. The amendment would suggest that a new mine-owner would not have to secure a permit in compliance with interim standards for 90 days. The difficulty is this. The company then would have 90 days within which to secure a State permit presumably under existing State law. However, within 120 days from the date of enactment that same company would have to secure a permit covering interim standards of this particular piece of legislation. So the company would get one permit to open a new mine for 90 days, but it would be required to get an amended permit under the interim standards of this legislation in another 30 days, or a total of 120 days.

I think that would be a very unwieldly procedure for any new mine to have to undertake. Although recognizing that this is a well-thought-out amendment, I think it would cause great difficulty in a company opening a new mine, more difficulty than the wording in the pending legislation.

Mr. HECHLER of West Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is very difficult to ascertain the parliamentary situation on the amendment offered by the gentleman from California and the Mink substitute. In attempting to figure out the complexities of the parliamentary situation, it is very difficult to analyze the substance of these amendments, to try to mobilize any support for or against the amendments or figure out what is going on. I think we are throwing ourselves into a tailspin here in terms of moving ahead on this bill. I regret very, very much that each of us here voting on these amendments or the substitute has not had an opportunity to analyze them.

Furthermore, I am very disturbed that the rights of individual Members are left unprotected even though, under the rules, they have had their amendments printed in the RECORD. The purpose of the rule which enabled Members to print amendments in the RECORD was to insure that all Members have 5 minutes in which to explain their amendment. Yet if the Mink substitute is adopted and there is a time limitation on debate, then under the interpretation of the rules, you would cut off debate on all those noncommittee members who had amendments printed in the RECORD.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HOSMER) to the amendment offered as a substitute by the gentlewoman from Hawaii (Mrs. MINK) to the amendment offered by the gentleman from California (Mr. HOSMER) to the commitee amendment in the nature of a substitute.

The question was taken; and on a division (demanded by Mr. HOSMER) there were—ayes 13, noes 27.

So the amendment to the amendment offered as a substitute for the amendment to the committee amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. HOSMER TO THE AMENDMENT OFFERED BY MRS. MINK AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOSMER TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. HOSMER. Mr. Chairman, I offer an amendment to the amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. HOSMER to the amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute: Page 1, line 2, of the Mink substitute, after "operations" insert "on lands on which such operations are regulated by the State".

Mr. HOSMER. Mr. Chairman, if any of the Members happen to have a copy of the bill, look at the language on page 146, line 2, or the corresponding language in the Mink amendment. It is the same. The language reads:

On and after the date of enactment of this Act, all new surface coal mining operations shall comply, and all new permits issued for surface coal mining operations shall contain terms requiring compliance with the following environmental protection standards:

In other words, the moment this bill is enacted, a mining permit will be nec-

essary, for which no regulations have been promulgated or for which no administrative agency has been created. Thus, we have essentially a moratorium on surface mining, awaiting the establishment of an apparatus to administer the provisions of this legislation.

In connection with permits for new mines on Federal lands, the Interior Department and the other authorities that are cited in this bill have 18 months in which to set up the regulations and organizations to assure a permit in connection with new requirements; this simply means that it may take up to 18 months before anyone can open a mine on Federal lands.

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

Mr. HOSMER. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, in the interest of good fellowship, agreement and sound legislation on this side, we will accept the gentleman's amendment.

Mr. HOSMER. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HOSMER) to the amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute.

The amendment to the amendment offered as a substitute for the amendment to the committee amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. HOSMER

Mr. HOSMER. Mr. Chairman, I offer an amendment to the amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute.

PARLIAMENTARY INQUIRY

Mr. HAYS. Mr. Chairman, I do not know whether a point of order or a parliamentary inquiry is in order; but I would like to make one or the other.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HAYS. It is my understanding that under the long-standing rules of the House and the Committee of the Whole that we alternate from the Democratic side to the Republican side, or vice versa, whichever the case may be.

Now, there are Members on this side who want to offer amendments. If the Chair is going to consistently listen to three in a row that the gentleman from California has had, we do not know where we stand.

The CHAIRMAN. The Chair understands the gentleman's parliamentary inquiry; but the Chair believes that as long as members of the committee seek recognition, they are entitled to recognition first; at least, up to a certain point, and if a member of the committee from the majority side stands, he could be recognized.

Mr. HAYS. I would not want to appeal from the decision of the Chairman. I do not know whether to make a point of order that there is no quorum and have the House decide it; but I am not going to sit still and have this go on for the next 2 or 3 days.

Mr. HOSMER. Mr. Chairman, I demand regular order.

PARLIAMENTARY INQUIRY

Mr. DENT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from California has been recognized. Does the gentleman from California yield for a parliamentary inquiry.

Mr. HOSMER. Mr. Chairman, only for that purpose.

Mr. DENT. Mr. Chairman, I have served in this House on occasions where the situation——

The CHAIRMAN. The Clerk will first report the amendment.

Mr. DENT. I am going to give the Chairman the parliamentary inquiry as soon as I get through telling him what it is about.

The CHAIRMAN. First, the Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HOSMER to the amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. HOSMER to the Committee amendment in the nature of a substitute: Page 1, line 6 of the Mink substitute, strike out Section 201(b)(1) and insert:

"(b)(1) With respect to coal surface mining on steep slopes, 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 spoil from the initial block or short linear 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 as to prevent slides, erosion and water pollution, and is revegetated in accordance with paragraph (3) below. *Provided further*, That spoil may be placed on areas away from the mined area if the operator demonstrates that such placement will provide equal or better protection of life, property and environmental quality and the spoil is shaped and graded in such a way as to prevent slides and minimize erosion and water pollution and, if such placement is permanent, the area is revegetated in accordance with paragraph (3) below. *Provided further*, however, That (A) the regulatory authority may permit limited or temporary placement of spoil on a specified area within or adjacent to the mined area in conjunction with mountain top mining operations with all highwalls eliminated, if placement is consistent with the approved postmining land use of the mine site and (B) the provisions of this subsection (b) shall not apply to those situations in which an occasional steep slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area."

The CHAIRMAN. The gentleman from California is recognized for 5 minutes in support of his amendment.

Does the gentleman from California wish to yield to the gentleman from Pennsylvania for a parliamentary inquiry?

Mr. HOSMER. He is not asking for it.

Mr. DENT. I am.

Mr. HOSMER. Does the gentleman still desire to make an inquiry?

Mr. DENT. Yes.

Mr. HOSMER. Mr. Chairman, I yield to the gentleman briefly for a parliamentary inquiry only.

Mr. DENT. Mr. Chairman, precedent in this House has been, on occasions such as this, the Chair may, and has in the past, recognized members of the committee alternated between nonmembers of the committee.

Mr. HOSMER. Mr. Chairman, I decline to yield further.

Mr. DENT. This is still a parliamentary inquiry.

Mr. HOSMER. Mr. Chairman, I demand regular order.

Mr. DENT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Eighty-one Members are present, not a quorum.

The Chair announces that he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. 101 Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The gentleman from California (Mr. HOSMER) has 4½ minutes remaining.

Mr. HOSMER. Mr. Chairman, as I was about to say, this amendment would provide much greater flexibility during the interim and during the permit program so that acceptable mining techniques which involve downslope placement of the spoil could be used along with other techniques, that also provide equal or better protection of life, property, and environmental quality.

These spoils could be removed to environmentally appropriate locations away from the mined area, thereby permitting such mining efforts as head-of-the-hollow fills conducted in accordance with other performance criteria of the bill. In other words, this would still require the block or short linear cut method but would allow a variance therefrom when, instead of piling the spoil back up on the bench, one could use that spoil either to fill a hollow in an environmentally acceptable manner or to reterrace the high wall and achieve the same environmental result as we had before.

Now, to inflexibly, as the Mink language typifies, the requirement that dirt be tossed over one's head up on the same bench all the time does not always make sense environmentally, especially if it can go elsewhere under circumstances that will be as nondegradating to the environment.

Mr. Chairman, why, I ask the Members, should the mine operators not, when they seek permits, and why should the regulators not, when they consider those permits, be allowed to consider other environmentally acceptable ways of handling this spoil?

There is certainly no reason for it. I suspect that the only reason it was put in the bill this way is because the authors of the bill, who also have not dug any coal, simply are so fearful that if you give any regulator any discretion

whatsoever that he will invite somebody in to rape the environment.

But what their failure to give the regulator the discretion to handle that kind of a situation means is that essentially you have to dig coal from the surface mine like they used to dance the minuet in the 18th century, in a very stylized and artificial way that is totally meaningless insofar as accomplishing anything useful. These unnecessary stipulations are arbitrary and in many cases require actions which are needless and merely run up the price of coal.

There are a lot of poor people in this country; they turn on their lights, and they pay their light bills, just like the rich pople do. If we are going to run up the cost of their electricity needlessly, what have we gained? What have we gained, if in so doing, we have simply enforced some stylized requirement which is not necessary to forward the interest of the environment?

This is the kind of a situation that we find redundant not only in this title II of the bill, but throughout the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUPPE. Mr. Chairman, I move to strike the requisite number of words. I would like to address an inquiry to the gentleman in the well.

I have read the amendment, and my understanding is at the present time under the language of the bill there can be placement of spoil away from the mined area, but there cannot be placement of spoil immediately below the mined area unless variance procedures are secured and followed. Am I correct in stating that this language would likely do away with the variance procedure and permit spoil below the cut?

Mr. HOSMER. The gentleman is essentially correct, because the variances in this bill are so strict and rigid and inflexible, difficult and impossible, that nobody is ever going to give a variance. I am trying to provide a procedure that would be reasonable, and that would allow that variance. The substitute simply will not permit a variance.

Mr. RUPPE. Mr. Chairman, I thank the gentleman from California. I just wanted the Members to understand the technical difficulties that are involved.

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

Mr. Chairman, this language was in the Hosmer substitute which the House rejected last week, the same as similar language that was rejected in the committee.

The adoption of this amendment would inject a new concept into the bill because this would permit the placing of spoil on the downslope on an unlimited basis and thus perpetuates present practices in the mountains. I think this loophole would seriously weaken the bill, and I would ask that the amendment to the substitute be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HOSMER) to the amendment offered by the gentlewoman from Hawaii (Mrs. MINK) as a substitute for the amendment offered by the gentleman from California (Mr. HOSMER) to the committee amendment in the nature of a substitute.

The amendment to the amendment offered as a substitute for the amendment to the committee amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. HOSMER TO THE AMENDMENT OFFERED BY MRS. MINK AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOSMER TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. HOSMER. Mr. Chairman, I offer an amendment to the amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. HOSMER to the amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute: Section 210(b)(1), page 1, line 10, of the Mink substitute, strike out "block or short linear".

Mr. HOSMER. Mr. Chairman, the Mink substitute permits spoil to be placed on down slopes if it can be shaped, graded, so as to prevent slides, erosion, water pollution, and is revegetated. However, it limits the distance along the cut where this is permitted.

I would like the House to understand what is under consideration. Think of a mountain and half way up the mountain there is a coal deposit about 4 feet thick. To surface mine, what must be done is to make a block cut directly above the deposit so as to form a place to work. Then one takes the spoil from that block cut; and under this bill, one may push it down the mountain so long as it is compacted, regraded, and revegetated. When one extracts his coal, he has a bench, and under this linear or short-block cut, he cannot put any more on the overburden to get at that seam down the mountain.

What this language and the Mink substitute says is that one has to move from the block cut either way and start to dump the spoil back into the area where one has just taken the coal away, which is a good idea. It is a good idea because in many cases it is impossible to open up any more of that cut without leaving some of these hideous scars that one sees in driving through Appalachia and some other areas of the country.

My substitute recognizes this fact. But if one can open up a seam, take the spoil off of the top, push it down the down slope and then, subsequently, by grading, shaping, and revegetating create an environmentally acceptable condition; then one may proceed in that fashion, providing the permit will so allow. Often such procedures will make a lot more coal available than limiting it to the block cut.

Why do we have to stipulate a block cut? Why do we have to keep throwing the overburden over our heads, on top of the mountain, if it is not necessary to achieve an environmentally acceptable result? That is all this amendment of mine proposes. That is all I am asking. I think it is reasonable.

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

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

Mr. BEVILL. I thank the gentleman for yielding.

Actually, the committee bill with the Mink substitute has actually placed an unnecessary limitation in the bill or in the law of H.R. 11500; is that correct? It serves no useful purpose?

Mr. HOSMER. That certainly is correct, and it requires this more cumbersome way of going about it, not under all circumstances, but when the environmental considerations are required.

Mr. BEVILL. Will the gentleman yield further?

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

Mr. BEVILL. I thank the gentleman for yielding.

Actually, the only thing that is going to be accomplished by this is the reduction in the production of coal.

Mr. HOSMER. That is one of the likely things that will be accomplished by this legislation.

Mr. BEVILL. If the gentleman will yield further, is it one of many unnecessary limitations that is going to increase the cost of coal?

Mr. HOSMER. The legislation allows no leeway; and if it proves to be more expensive to follow the exact specifications of the bill, the price of coal will certainly rise.

Mr. BEVILL. Will the gentleman yield further?

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

Mr. BEVILL. Mr. Chairman, actually since the problems of slag and erosion and water pollution and revegetation are overcome, and we are for that, then that solves the problem, does it not? If your amendment is accepted, we will have a flexible method of solving the problem at each site where the slope and the engineering and so on are different.

Mr. HOSMER. That is right, and we do not have to dance a minuet to get the coal out and we can do it in a reasonable way.

Mr. BEVILL. And this would leave the matter flexible so we can handle it on an each site basis.

Mr. HOSMER. It would do that.

I want to make certain it is understood this is no license to rape the landscape and it is no license to violate the environment. If my amendment is accepted, surface mining operations must produce environmentally acceptable results as if block cut procedures had been followed.

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

Mr. Chairman, I am not going to make my argument against this amendment except to say it would be another loophole in the bill, but I do want to read an argument against it. This is only a couple of paragraphs and if the Members pay attention they are going to be surprised.

Tighter regulations. Tougher laws . . .

The answer is in how you handle the overburden. If you can remove it at a reasonable cost and return the land to productive use, you've got most of the problem beat. Since reclamation is a necessity, why not mine and reclaim in one operation . . . without rehandling the overburden.

In other words, why not keep it right on the bench?

What would that do to your costs?

Then this goes on to say it would reduce the costs because:

. . . overburden and acid material are removed from the advancing mining face of the pit and redeposited in the same order at the backfill . . .

. . . Acid material is buried rather than left on top.

The acid material is on the bottom and the better soil is on the top. Then this goes on to say:

. . . The advantages? There are several. The same machines mine and reclaim. Acid material is buried rather than left on top. Reclamation is faster and easier. And—most important of all—the costs are reasonable . . . since overburden is handled only once.

Guess who said that? The Caterpillar Tractor Co. said that. They make the equipment to do it and we have been shown under the Ohio law that we can do it this way and that it does cost less and that it is better for the land. I have got an operator who said he would close down if the Ohio law passed, and now he is handling it with this equipment in this way and he is stripping more coal than he ever did and he is acting as if he invented it himself. He has forgotten he said he would close down.

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

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

Mr. RUPPE. Mr. Chairman, I jumped up to ask the gentleman to yield because for a minute he sounded as if he had become a spokesman for the administration.

I would like to point out I have a Department of Interior comment in relation to this argument, in a letter dated February 22, 1974, where they said:

The administration is opposed to this provision because it permits placement of spoil and other material on the downslope of the first cut for an undetermined length beyond the initial block or short linear cut necessary to obtain access to the coal seam. This would weaken a key requirement of surface mining and reclamation legislation intended to require operators to greatly reduce the adverse environmental impact of surface coal mining on steep slopes using proven, established, economically viable methods which can achieve a greater assurance of slope stability while affecting less land.

Mr. HAYS. I thank the gentleman.

I urge defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HOSMER) to the amendment offered by the gentlewoman from Hawaii (Mrs. MINK) as a substitute for the amendment offered by the gentleman from California (Mr. HOSMER) to the committee amendment in the nature of a substitute.

The amendment to the amendment offered as a substitute for the amendment to the committee amendment in the nature of a substitute was rejected.

Mr. UDALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are still on section 201 of a very long bill and there are Members of the Committee who are not members of the Interior and Insular Affairs Committee who are desirous of offering amendments to the Mink substitute to section 201. Apparently the only way they are ever going to get recognized under the present procedure is for there to be some termination of the debate on the pending amendment to this section, so I would ask unanimous consent at this time that all debate on the Hosmer amendment and the Mink substitute to that amendment and all perfecting amendments to either of them close in 20 minutes.

Mr. HOSMER. Mr. Chairman, I object.

MOTION OFFERED BY MR. UDALL

Mr. UDALL. Mr. Chairman, I move that all debate on the pending Hosmer amendment and the Mink substitute for that amendment and all perfecting amendments to either close at 40 minutes past 4 o'clock.

PARLIAMENTARY INQUIRY

Mr. HOSMER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HOSMER. Mr. Chairman, does that mean all these gentlemen who have any amendments that pertain to section 201 either by way of amendment to the Mink substitute or by way of amendment to my substitute or by way of amendment to the language in the bill itself are preemptorily cut off in 40 minutes?

The CHAIRMAN. As far as further amendments to section 201 of the committee bill is concerned, that depends on the committee's disposition of the Hosmer amendment.

PARLIAMENTARY INQUIRY

Mr. HECHLER of West Virginia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HECHLER of West Virginia. Supposing there are several votes in the process that we discovered the other day, this would effectively cut off all debate, such as we had three rollcalls or quorum calls.

The CHAIRMAN. The time will be set by the clock. The Chair thinks the motion is clear.

PARLIAMENTARY INQUIRY

Mr. KETCHUM. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. KETCHUM. What effect would this motion have on those individuals who under the rules or who have published their amendments in the RECORD, is that going to close them off?

As we recall, during the energy debate, the gentleman from Michigan (Mr. DINGELL) pointed out to the entire House that he could not be cut off in this type of motion if his amendments had been published prior in the CONGRESSIONAL RECORD.

The CHAIRMAN. That depends on the form of the amendment printed in the RECORD and on the disposition of the substitute amendment of the gentlewoman from Hawaii (Mrs. MINK) and the amendment offered by the gentleman from California (Mr. HOSMER).

PARLIAMENTARY INQUIRY

Mr. DINGELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DINGELL. Mr. Chairman, reserving the right to object for the purpose of making a parliamentary inquiry, as I understand there are a number of us who do have amendments to the bill itself or which are appropriate to the substitute amendment offered by the gentlewoman from Hawaii or the gentleman from California.

Now, what is the ruling of the Chair with regard to the limitation of time on section 201? Are those amendments published in the RECORD foreclosed from the 5-minute rule by reason of the debate here, or foreclosed by expiration of the time under the clock, if the time does expire from even offering an amendment?

The CHAIRMAN. If section 201 of the bill is later open to amendment due to adverse disposition of the Mink substitute and the Hosmer amendment, then those rights would obtain; but those rights would be foreclosed if no further amendments to section 201 were in order.

Mr. DINGELL. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DINGELL. I am of the impression that what the Chair is saying is that if the Mink amendment is adopted or if the Hosmer amendment is adopted that Members will not be protected by the provisions of the rule affording them 5 minutes to discuss or offer amendments, even if they are published in the RECORD in compliance with the rule?

The CHAIRMAN. If further amendments to section 201 are not in order, then amendments cannot be submitted under which 5 minutes would otherwise be allowed.

Mr. DINGELL. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DINGELL. The provisions of the rule relating to 5 minutes of time for a Member where he has published his amendment in the RECORD in appropriate fashion will not be protected if either the Mink amendment or the amendment to the amendment of Mr. HOSMER is adopted; am I correct?

The CHAIRMAN. If the substitute is adopted to the Hosmer amendment and then the Hosmer amendment as amended by the substitute is adopted, further amendments to section 201 could not be offered. Therefore, there would be no further amendments appropriate.

Mr. DINGELL. Then I understand the ruling to be further that the rule relating to a Member getting 5 minutes on an amendment does not apply to the substitute offered by the gentlewoman from Hawaii (Mrs. MINK) or the gentleman California (Mr. HOSMER), even previous to the time that those amendments are adopted, am I correct?

The CHAIRMAN. That would be true if they were not printed in the RECORD as amendments to the substitute.

PARLIAMENTARY INQUIRY

Mr. HOSMER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOSMER. Does that mean if either amendment, the Hosmer or the Mink substitute, is adopted, that is it as far as section 201 is concerned, even if somebody had placed his amendment?

The CHAIRMAN. If the Hosmer amendment is not adopted as amended by the Mink substitute, then further amendments to section 201 will be in order.

PARLIAMENTARY INQUIRY

Mr. HAYS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAYS. Mr. Chairman, is it not true that if, under the gentleman's motion, an amendment—I am now giving a hypothetical situation—the Mink substitute for that portion of the Hosmer amendment were to prevail, and the Hosmer amendment would be defeated, is it not true that the rest of that section which the Mink substitute does not pertain to would be proper to amend at any point?

The CHAIRMAN. If the entire section has been amended, further amendments to that section would not be in order.

Mr. HAYS. Not if the Hosmer substitute were defeated, it would not be true, would it? Just to section 201?

The CHAIRMAN. If the Mink substitute is adopted, the vote would then recur on the Hosmer amendment since it is a substitute for the entire amendment. If the Hosmer amendment were then adopted, section 201 would not be open to amendment.

Mr. HAYS. Yes, section 201 only. Not all of title II?.

The CHAIRMAN. Not the rest of title II; just section 201.

The CHAIRMAN. The question is on the motion offered by the gentleman from Arizona.

The question was taken.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 150, noes 233, not voting 51, as follows:

[Roll No. 397]

AYES—150

Abdnor	Collins, Ill.	Heckler, Mass.
Adams	Corman	Henderson
Addabbo	Culver	Hicks
Alexander	Daniels,	Holtzman
Andrews, N.C.	Dominick V.	Howard
Annunzio	Danielson	Jones, Ala.
Ashley	Denholm	Jones, N.C.
Aspin	Dent	Jones, Okla.
Barrett	Donohue	Jordan
Bennett	Eckhardt	Karth
Bergland	Eilberg	Kastenmeier
Blatnik	Eshleman	Leggett
Boland	Evans, Colo.	Lehman
Bolling	Evins, Tenn.	Litton
Bowen	Fascell	Long, La.
Breaux	Findley	Long, Md.
Brinkley	Flood	Lott
Brooks	Foley	McFall
Brown, Calif.	Ford	McKay
Burke, Calif.	Fuqua	Macdonald
Burke, Mass.	Gaydos	Madden
Burleson, Tex.	Gettys	Meeds
Burlison, Mo.	Gibbons	Melcher
Burton, John	Green, Pa.	Metcalfe
Burton, Phillip	Haley	Mezvinsky
Casey, Tex.	Harrington	Milford
Chappell	Hawkins	Mills
Clark	Hays	Minish
Mink	Powell, Ohio	Smith, Iowa
Moakley	Preyer	Staggers
Moorhead, Pa.	Price, Ill.	Stanton,
Morgan	Pritchard	James V.
Moss	Rangel	Steed
Murphy, Ill.	Rees	Stokes
Murphy, N.Y.	Reuss	Stratton
Murtha	Rinaldo	Sullivan
Natcher	Roberts	Thompson, N.J.
Nedzi	Roe	Tiernan
Nix	Rogers	Udall
Obey	Roncalio, Wyo.	Van Deerlin
O'Hara	Rooney, Pa.	Vander Veen
O'Neill	Rose	Vigorito
Owens	Rosenthal	Whitten
Passman	Roybal	Wolff
Patten	Ryan	Wright
Pepper	St Germain	Wylie
Perkins	Schroeder	Yatron
Peyser	Seiberling	Young, Tex.
Pickle	Shipley	Zablocki
Pike	Sikes	Zion
Podell	Sisk	

NOES—233

Abzug	Frenzel	Poage
Anderson, Ill.	Froehlich	Price, Tex.
Andrews, N. Dak.	Gilman	Quie
Archer	Ginn	Quillen
Arends	Goldwater	Railsback
Armstrong	Gonzalez	Randall
Ashbrook	Goodling	Rarick
Badillo	Grasso	Regula
Bafalis	Green, Oreg.	Reid
Bauman	Grover	Rhodes
Beard	Gude	Riegle
Bell	Guyer	Robinson, Va.
Bevill	Hamilton	Robison, N.Y.
Biaggi	Hammer-schmidt	Rodino
Biester	Hanley	Roncallo, N.Y.
Bingham	Hanrahan	Roush
Blackburn	Harsha	Rousselot
Boggs	Hastings	Runnels
Bray	Hechler, W. Va.	Ruppe
Breckinridge	Heinz	Ruth
Broomfield	Helstoski	Sandman
Brotzman	Hillis	Sarasin
Brown, Mich.	Hinshaw	Sarbanes
Brown, Ohio	Hogan	Satterfield
Broyhill, N.C.	Holt	Scherle
Broyhill, Va.	Horton	Schneebeli
Buchanan	Hosmer	Sebelius
Burgener	Huber	Shoup
Burke, Fla.	Hudnut	Shriver
Butler	Hungate	Shuster
Byron	Hunt	Skubitz
Camp	Ichord	Slack
Carter	Jarman	Smith, N.Y.
Cederberg	Johnson, Calif.	Snyder
Chamberlain	Johnson, Colo.	Spence
Clancy	Johnson, Pa.	Stanton, J. William
Clausen, Don H.	Kazen	Stark
Clawson, Del	Kemp	Steele
Cleveland	Ketchum	Steelman
Cohen	King	Steiger, Ariz.
Collins, Tex.	Koch	Steiger, Wis.
Conable	Kyros	Stubblefield
Conlan	Lagomarsino	Stuckey
Conte	Landgrebe	Studds
Conyers	Latta	Symms
Coughlin	Lujan	Taylor, Mo.
Crane	McClory	Taylor, N.C.
Cronin	McCloskey	Thomson, Wis.
Daniel, Dan	McCollister	Thone
Daniel, Robert W., Jr.	McCormack	Thornton
Davis, S.C.	McDade	Towell, Nev.
Davis, Wis.	McKinney	Traxler
Delaney	McSpadden	Ullman
Dellenback	Madigan	Vander Jagt
Dellums	Mahon	Vanik
Dennis	Mallary	Veysey
Derwinski	Mann	Waldie
Devine	Maraziti	Walsh
Dickinson	Martin, Nebr.	Wampler
Dingell	Martin, N.C.	Ware
Downing	Mathias, Calif.	Whalen
Drinan	Mathis, Ga.	White
Dulski	Matsunaga	Whitehurst
Duncan	Mayne	Widnall
du Pont	Mazzoli	Wiggins
Edwards, Ala.	Miller	Williams
Edwards, Calif.	Mitchell, Md.	Wilson, Bob
Erlenborn	Mitchell, N.Y.	Wilson, Charles, Tex.
Esch	Mizell	Wyatt
Fish	Mollohan	Wydler
Fisher	Moorhead, Calif.	Wyman
Flowers	Mosher	Yates
Flynt	Myers	Young, Alaska
Forsythe	Nelsen	Young, Fla.
Fountain	O'Brien	Young, Ga.
Fraser	Parris	Young, Ill.
Frelinghuysen	Patman	Young, S.C.
	Pettis	Zwach

NOT VOTING—51

Anderson, Calif.	Giaimo	McEwen
Baker	Gray	Michel
Brademas	Griffiths	Minshall, Ohio
Brasco	Gross	Montgomery
Carey, N.Y.	Gubser	Nichols
Carney, Ohio	Gunter	Rooney, N.Y.
Chisholm	Hanna	Rostenkowski
Clay	Hansen, Idaho	Roy
Cochran	Hansen, Wash.	Stephens
Collier	Hébert	Symington
Cotter	Holifield	Talcott
Davis, Ga.	Hutchinson	Teague
de la Garza	Jones, Tenn.	Treen
Diggs	Kluczynski	Waggonner
Dorn	Kuykendall	Wilson, Charles H., Calif.
Frey	Landrum	Winn
Fulton	Lent	
	Luken	

So the motion was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BINGHAM TO THE AMENDMENT OFFERED BY MRS. MINK AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOSMER TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. BINGHAM. Mr. Chairman, I offer an amendment to the amendment offered by Mrs. MINK, as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM to the amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute: at the end of the Mink substitute, insert the following subsection:

"(1) Six months after the date of enactment of this Act, no surface coal mining operation shall be conducted on slopes greater than 20 degrees from the horizontal."

Mr. BINGHAM. Mr. Chairman, I yield to the gentleman from Georgia (Mr. YOUNG).

Mr. YOUNG of Georgia. Mr. Chairman, I thank my colleague, the gentleman from New York, for yielding me this time, and appreciate the fact that some of us who are not members of the committee do get an opportunity to say something about this bill.

My concern about strip mining goes back to a flight into the Charleston, W. Va., airport and, when flying over that airport, I remembered how beautiful it was 5 or 10 years ago, and realized the desolation that has been caused around that area by the strip mining of the mountainsides of West Virginia.

My amendment would simply say that we do not need to do any strip mining on slopes greater than 20 degrees.

This would have the effect of curtailing only about 1 percent of the coal reserves of this Nation. It leaves us some 88 percent of the reserves of this Nation which are in the deep mines, and it gives us an opportunity to do some things that would promote long-range energy consideration rather than simply the short-term action of the strip mining of coal.

What I am really saying is I am no expert on strip mining, but when I see that desolation, when I see what I know happens when one tries to grow grass or small shrubs on the side of a highway bank, when I know the little that I know about reclamation, knowing that reclaiming the mountainsides is nearly impossible in this country, by going in there and trying to get reserves of 1 per-

cent coal, we are destroying in a one-shot deal a lifetime of economic and social viability and good life. We need to think what we are going to do to the potential tourism in these areas. We need to realize the problems, and the fact that it is probably much more advantageous to use the lumber supply from those slopes rather than simply strip mine it and leave it devoid of lumber.

We need to be reminded of the fact that deep mining probably creates 4 times as many jobs as strip mining. We also need to think that here we have areas that we are now paying flood insurance for, and we have research that shows that some 6 to 10 million tons of sedimentation has flowed into West Virginia streams alone, and the flooding that we have in some of these coal mining regions I think can be directly attributed to the sedimentation flowing from strip mines into our Nation's streams.

Not only that, we put a lot of highway money into Appalachia, hoping that that area would develop some new light industry and economic potential. If we are going to sacrifice all of these other investments simply for the sake of strip mines which we do not really need anyway, this could be compensated for simply by extending the existing schedule of deep mining from a 5-day week to a 6-day week, or from 2 shifts to 3 shifts, 5 days a week. There are other alternatives to raking our Nation of its beauty, its economic resources, and its mountain lands.

I hope the House will consider this amendment and vote to prohibit strip mining in any slopes which are greater than 20 degrees.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Georgia who authored this amendment is one of the finest Members of the House, and I oppose him with some reluctance. The fact is that last week the committee defeated the Hechler substitute, and this amendment is a key part of the Hechler substitute. The effect of it would be that at the end of 6 months no strip mining of coal would be allowed on slopes exceeding 20 degrees.

I am calling attention of the committee that the estimate is that 11 percent of the existing coal production in the country would be outlawed under this amendment within 6 months. I do not think we can afford to do that.

The committee bill is based upon a very simple philosophy. It says, yes, it is difficult to mine coal on steep slopes. No longer are we going to mine coal on steep slopes if we cannot put the land back, restore it, and reclaim it. In many cases when they come in with a mining application, they are not going to be able to show that they can do this on steep slopes, and the committee bill will be a prohibition in such case.

I think it would be a mistake to adopt this amendment. We are not dealing with a tiny fraction of the production of coal; we are dealing with 10 percent of this Nation's coal production, and this amendment would ban it in 6 months.

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

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

Mr. RUPPE. I thank the gentleman for yielding.

Mr. Chairman, I should like to point out that there is a great deal of latitude in enacting steep slope mining regulations, if the States choose to do so. I do not think, however, it is in our purview or our right here to initiate legislation to prohibit any type of mining of slopes greater than 20 degrees. I think it is very arbitrary and not in conformity with the very strong reclamation provisions of this bill.

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

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

Mr. HOSMER. I thank the gentleman for yielding.

The gentleman properly points out that the conditions the gentleman from Georgia is worried about are the very conditions that the legislation before us is designed to prevent. The argument is not about reclaiming the land but about how we go about it, and I join the gentleman in urging defeat of the amendment.

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

Mr. UDALL. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. Mr. Chairman, at the risk of jeopardizing the gentleman's position entirely I would like to join the gentleman from California in supporting him in his proposition, thereby making a great alliance on this bill, and it thereby indicates somebody is very wrong.

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

Mr. HECHLER of West Virginia. Mr. Chairman, I rise in support of the amendment.

The people of West Virginia and Appalachia and all over the Nation are grateful to the gentleman from Georgia for offering this amendment.

Obviously the greatest and most devastating damage from strip mining occurs in mountainous areas where the slopes are more than 20 degrees. The gentleman from Michigan (Mr. RUPPE) pointed out the States have authority to ban strip mining on slopes over 20 degrees. In the real world of economic and political pressure, we cannot really expect those State legislatures such as West Virginia where coal is so powerful to pass such a measure. Under H.R. 11500, how can you expect any State where coal is important to devise a plan for protecting mountain people through a 20-degree ban? The people of the mountains are after all the ones who are most damaged.

This is not an argument between the environment and energy. This is an argument over the protection of people, individuals, whose homes are destroyed, whose water supply is destroyed by the acid and the blasting, by the spoil that comes cascading down the mountains, by the rocks and the boulders. A young man came into my office 2 weeks ago and said, Why is there a double standard? They shoot at me with these boulders that crash into my house, but I cannot shoot back.

Mr. Chairman, I would also like to point out in a study done by the National Economic Research Associates, Inc., for the Edison Electric Institute in a projection of fuels for the electric utility industry in the future, there is this very signficant comment:

It is possible that in some areas stripping may be outlawed entirely, if it is not severely curtailed. It can reasonably be assumed that contour stripping will within a few years, be prohibited throughout the Appalachian coal districts.

Mr. Chairman, that does not come from any environmental statement. It comes from the utility industry.

Studies by the Appalachian Regional Commission have conclusively demonstrated that if we have a ban in the mountains it would increase the potential for the tourist economy in these areas which now are being devastated by strip mining. Furthermore, a ban on stripping in the mountains will enhance regional economics development in these mountain areas.

For all these reasons, Mr. Chairman, but particularly on behalf of the people of the mountains who will not stand still any longer for this devastation, I urge an "aye" vote on the Young amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM) to the amendment offered by the gentlewoman from Hawaii (Mrs. MINK) as a substitute for the amendment offered by the gentleman from California (Mr. HOSMER) to the committee amendment in the nature of a substitute.

The question was taken; and on a division (demanded by Mr. YOUNG of Georgia) there were ayes 31, noes 58.

So the amendment to the amendment offered as a substitute for the amendment to the committee amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. RONCALIO OF WYOMING TO THE AMENDMENT OFFERED BY MRS. MINK AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOSMER TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. RONCALIO of Wyoming. Mr. Chairman, I offer an amendment to the amendment offered as a substitute by (Mrs. MINK) as a substitute for the amendment offered by the gentleman from California (Mr. HOSMER) to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. RONCALIO of Wyoming to the amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute: Section 302(b), line 4, on page 1, delete all after the word "with" through subparagraph (d) inclusive and insert therein the following: "the environmental protection performance standards of section 211.

"(c) On and after one hundred and twenty five days from the date of enactment of this Act, all surface coal mining operations existing at the date of enactment of this Act shall

comply with the standards in section 211 with respect to lands from which the overburden has not been removed. During the one hundred and twenty day period commencing or the date of enactment of this Act, the regulatory authority shall review and amend permits in order to incorporate in them the standards of section 211."

Mr. RONCALIO of Wyoming. Mr. Chairman, I yield to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, this amendment would do away with the interim standards under this bill. The amendment would correct one of the most disastrous features of the bill. Under the interim standards there is a virtual license to strip for up to 38 months before the permanent standards take effect.

I would like to point out, Mr. Chairman, that one of the purposes of this bill is to institute sufficient uniform standards among the States as to prevent compatible economic blackmail. In those States where the coal industry is very powerful, the interim standard provision encourages coal-dominated State governments to drag their feet in submitting programs for approval. For this reason, it seems to me that the interim standards under this legislation should be stricken and we should proceed with a very firm and clear set of permanent standards. We have heard many pleas that the coal industry deserves some certainty in making its plans, to meet this Nation's energy needs. Two sets of standards—interior and permanent—increases the uncertainty.

For all these reasons, Mr. Chairman, I hope that we may in the House do the same thing which was done in the other body and have an understandable set of permanent standards that are really meaningful, without fooling around for 38 months and giving the coal industry an opportunity to delay and delay and continue their destruction and devastation.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman from Wyoming yield?

Mr. RONCALIO of Wyoming. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. I wonder if the gentleman would also yield to the gentleman from West Virginia, so the gentleman might respond to a question, after all that rhetoric.

"Professor," I wonder where the permanent standards vary from the interim standards and where the pillage the gentleman describes would go on for 38 months would stop?

Mr. HECHLER of West Virginia. Yes. Section 201(b)(1) includes exceptions to limitations on dumping spoil on the downslope which allows mountaintop removal.

Section 201(2)(A) allows variances to assist revegetation requirements by adding the phrase: "but not necessarily meeting the revegetation requirements."

Section 201(2)(B)(4) allows exceptions to the requirement to segregate topsoil.

As a matter of fact, during the interim standards there will not be any standards to prevent erosion and acid drainage, the control of blasting or the handling of toxic materials, and auger holes. Exceptions are even permitted to the requirement to restore to original contour if the operator can show the exceptions will allow him to achieve higher post mining public use, or even if the strip mine operator can show difficulty in obtaining equipment for reclamation.

Section 201(b)(6) contains water standards weaker than those in the permanent standards. The interim standards do not require prevention of acid drainage, sealing of shafts and boreholes, and the language referring to aquifers and alluvial valley floors is much weaker in the interim standards. The language states as a pious hope that there be given "particular attention throughout the mining operation to the aquifer recharge capacity of the mining area and to the protection of alluvial valley floors and stream channels."

If the gentleman would like, I will continue.

Mr. STEIGER of Arizona. If the gentleman will yield further, I do not think the gentleman from West Virginia ought to continue to use that material because he was clearly reading from the wrong explanation. I think that was an explanation of a situation which existed in the committee prior to the adoption of the final version of the committee bill. If I recall, the variances which the gentleman recites for the mountaintop removal and the revegetation were simply to permit those situations that were ongoing to conform to the permanent bill. They did not permit any spoilage that would violate any present practices.

The problem with the gentleman's explanation is that I suspect it has been prepared by somebody else other than the gentleman, who is very dedicated and very interested in stopping any spoilage.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

(On request of Mr. STEIGER of Arizona and by unanimous consent, Mr. RONCALIO of Wyoming was allowed to proceed for 1 additional minute.)

Mr. STEIGER of Arizona. The whole problem, I will tell my friend from West Virginia, is that we do have so much misdirected concern here. I do not think anyone can quarrel with the gentleman's record of concern for this problem, but I would hope that we could stick to the specifics and concerns and be accurate, for the interim standards vary very negligibly from the permanent standards.

There is virtually nothing of any significance permitted in the standards simply because it is necessary to recognize that it has to be a transition from a practice that is now ongoing, which is incidentally permitted in the grandfather clause in any existing mine.

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

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

This amendment is very unwise. One of the first compromises we made in putting this bill together was to have an interim period. We are going to have tough, permanent standards, but it is going to take 3 years for industry to gear up to comply with those standards; and for the States to establish their administrative machinery.

The Hechler amendment says that we are going to have these tough, final permanent standards in effect within 120 days, and it simply cannot be done. It is not practical. It is going to close down a good segment of industry. I think it would be unwise to adopt this amendment.

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

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

Mr. RUPPE. Mr. Chairman, I would like to point out to my colleague from Arizona that because of a very strong likelihood that there would be a loss of production, there would be in this circumstance enormous pressure on the White House to veto the legislation. I agree with the concerns expressed by our distinguished colleague from West Virginia. However, I think it a very likely possibility that such an amendment would pressure the administration at this juncture of time, facing an energy shortage, into vetoing the legislation.

While it may not be perfect legislation, it is a lot better than any type of basic requirement that exists today in any State. I would hate to see, for a little slippage, so to speak, in the interim period all of the legislation, which the gentleman has led the fight for over the years, go by the board.

Mr. UDALL. Let me emphasize that this section 201, interim standards, has provisions which will stop the most serious kinds of abuses, spoil on downslopes, high walls, acid drainage, and a lot of the vices of strip mining are going to be stopped immediately upon passage of this act.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I thank the gentleman from Arizona (Mr. UDALL) for yielding. I would just like to point out to the other gentleman from Arizona (Mr. STEIGER) that I did this analysis personally and put it into the CONGRESSIONAL RECORD on June 20, 1974, at which time it was up to date as of the time it was included with my remarks. If, indeed, there is such a negligible difference between the interim standards and the permanent standards, I just cannot for the life of me understand why we need interim standards at all.

Mrs. MINK. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentlewoman from Hawaii.

Mrs. MINK. Mr. Chairman, I would like to respond to that. I have heard of many people making that point. I wonder if they are aware that under the Senate version, it would be 2 years before any standards whatsoever went into effect?

In our bill, Members should be cognizant of the fact that there are certain kinds of practices that must be stopped immediately, and because we recognize that those activities of the coal industry

must be stopped and regulated immediately, we interpose this interim period in which we note the eight most radical kinds of disregard of the environment and have attempted within a very short period of time to regulate them.

So I believe that our bill in this respect is much stronger because it does not give wide open, 2-year latitude, as the Senate bill provides.

Therefore, I hope that this amendment will be voted down.

Mr. HOSMER. Mr. Chairman, I move to strike the last word.

A number of Members have been very erudite, and this is in connection with a proposition that the gentleman from West Virginia holds dear in his heart.

We handled his bill the other day in one lump sum. He is coming in on the installment plan now, and I think that he is entitled to be heard and that this discussion is worthy of the Members' ears.

Therefore, Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred seven Members are present, a quorum.

The question is on the amendment offered by the gentleman from Wyoming (Mr. RONCALIO) to the amendment offered by the gentlewoman from Hawaii (Mrs. MINK) as a substitute for the amendment offered by the gentleman from California (Mr. HOSMER) to the committee amendment in the nature of a substitute.

The amendment to the amendment offered as a substitute for the amendment to the committee amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. HOSMER TO THE AMENDMENT OFFERED BY MRS. MINK AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOSMER TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. HOSMER. Mr. Chairman, I offer an amendment to the amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. HOSMER to the amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute: On page 2, line 13 of the Mink substitute strike out "where the operation follows the coal deposit vertically".

Mr. HOSMER. Mr. Chairman, this is new language in the Mink amendment which would replace the language that is in the bill, H.R. 11500, which says, "Where the operation follows the coal deposit vertically."

This has to do with exemptions in the case of pit mines, and I offer my amendment because neither in its original form nor in the Mink form is it very clear what the approximate original contour requirements would mean pertinent to the mining of thick seam, thin-overburdened coal mining, which is common in the West.

This amendment that I have, I believe, would bring about a situation whereby there would be assurance that pit mining is exempt and that surface mining, no matter which way one goes into a seam, to transsect it, to bisect it, or to do anything else with it, one is still required to carry out the reclamation that this bill specifies.

For that reason, I think that the amendment is a good one; it is a decent one; it is a needed one. It lends some sense to the original contour language.

Mr. Chairman, it eliminates the probability of a lot of court suits about what is meant here. I commend the language to the Members.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HOSMER) to the amendment offered by the gentlewoman from Hawaii (Mrs. MINK) as a substitute for the amendment offered by the gentleman from California (Mr. HOSMER) to the committee amendment in the nature of a substitute.

The question was taken; and on a division (demanded by Mr. HOSMER) there were—ayes 13; noes 38.

So the amendment to the substitute for the amendment to the committee amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. RONCALIO OF WYOMING TO THE AMENDMENT OFFERED BY MRS. MINK AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOSMER TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. RONCALIO of Wyoming. Mr. Chairman, I offer an amendment to the amendment offered by the gentlewoman from Hawaii (Mrs. MINK) as a substitute for the amendment offered by the gentleman from California (Mr. HOSMER) to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. RONCALIO of Wyoming to the amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute: At the end of subparagraph (h) of the MINK substitute amendment, add the following new subsection:

"(i) On and after the date of enactment of this Act, no person shall open, develop, or extend any new or previously mined or abandoned site for surface coal mining operations within any area of the National Park System, the National Wildlife Refuge System, or the National Wilderness Preservation System. Nothing in this Act shall be construed as authorizing surface coal mining operations within Federal lands where such mining is prohibited on the date of enactment of this Act by law, regulation, order, deed, or other instrument."

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

Mr. RONCALIO of Wyoming. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I wish to thank my good friend, the gentleman from Wyoming (Mr. RONCALIO) for his great courtesy to me. The House rejected en bloc the substitute amendments offered by the gentleman from California (Mr. HOSMER), and we are now being forced to have to vote on them seriatim. The process appears to be without end.

It is unfortunate that other Members of the House have to rely upon the kindnesses of the members of the committee for recognition for the purpose of offering amendments in cases where they are blocked by the prior right to offer an amendment already held by the gentleman from California by reason of his membership on the Interior Committee.

Mr. Chairman, the function of this amendment is very simple. The amendment relates to the interim permits and the interim practices which will be carried out under the committee bill, and also under the amendment offered by gentlewoman from Hawaii (Mrs. MINK). The amendment would make clear what I believe is the intent of the committee, that there should be no mining by strip mining methods in the following areas, a provision which I think is within the intent of the committee, the National Park System, the National Wildlife Refuge System, the National Wilderness Preservation System, and the Scienic Rivers System.

Although other provisions of H.R. 11500 or provisions offered by the gentlewoman from Hawaii would appear to prohibit these same strip mining operations, or at least not specifically authorize these operations during the interim period, it appears that there is a possibility at least that during the interim period coal mining could be permitted in these areas.

For example, section 201 of the bill prohibits the opening of new surface coal mines on lands which are regulated under this bill by the States; and the permit section, section 209, states that no permit shall be issued for mining in the National Parks, the Wildlife Refuges, or Wilderness Area Systems. But it is unlikely the permit provisions of the bill will in fact be operative for a 2-year period after it is enacted or at least within a 3-year period.

I yield to my friend, the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I would state to the gentleman from Michigan that the bill now contains a provision, as the gentleman just stated, which in the permanent application of the law will prevent any strip mining in national forests, national parks, or the other areas the gentleman mentioned. As I understand it, what the gentleman is trying to do now is apply this same language prior to the interim period.

Mr. DINGELL. That is correct.

Mr. UDALL. Effective on the enactment of the law it will be unlawful to strip mine in the national parks, national wildlife refuges, scenic rivers, and the like?

Mr. DINGELL. That is correct. As a matter of fact, the amendment would carry out the intent of the committee as expressed in the report where this language appears on page 74:

This bill prohibits all surface coal mining on lands in the National Park System, the National Wilderness Preservation System, the National Wildlife Refuge System, the national forests (exclusive of National Grasslands), or the Wild and Scenic Rivers System.

Mr. UDALL. Mr. Chairman, if the gentleman will yield still further, I am informed that the passage of the gentleman's amendment would affect no current production of coal in that there are now no such operations, and none are contemplated. Therefore I think the amendment strengthens the bill, and we can accept the amendment on this side.

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

Mr. DINGELL. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. Mr. Chairman, I thank the gentleman for yielding, and I agree with the gentleman from Arizona that this would reduce no coal production. But no coal mining could be done in these areas as mentioned, because there are four separate statutes that prohibit mining in the areas mentioned by the gentleman.

Clearly the amendment will not do any harm, but I might also add that it will not do any good. But, if it makes the gentleman feel better, and if it warms the hearts of some persons, who fear that this is not covered, then it is all right on this side because there is now a prohibition against the mining in those areas. Underground mining is prohibited. And I personally would like to see anyone who wants to attempt strip mining in the scenic rivers, because he will have a lot of trouble.

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

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

Mr. RUPPE. Mr. Chairman, I would ask the gentleman if all of our national forests are included in the prohibited areas?

Mr. DINGELL. That is correct.

Mr. RONCALIO of Wyoming. If the gentleman will yield, let me add, but not the grasslands.

Mr. DINGELL. That is correct; but not the grasslands.

PARLIAMENTARY INQUIRY

Mr. RUPPE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. RUPPE. Mr. Chairman, could the amendment be reread, because there is some difficulty as to what the contents of the amendment really are.

The CHAIRMAN. Is the gentleman asking unanimous consent that the amendment be reread?

Mr. RUPPE. That is correct, Mr. Chairman, I ask unanimous consent that the amendment be reread.

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

There was no objection.

The Clerk rereported the amendment.

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

Mr. Chairman, just for the record—and for possible clarification as to some of the comments that were made in relationship to the amendment offered by the gentleman from Wyoming (Mr. RONCALIO) the language that was just read by the Clerk indicates that the national forests are not identified or mentioned in this particular amendment.

Mr. RONCALIO of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. RUPPE. I yield to the gentleman from Wyoming.

Mr. RONCALIO of Wyoming. If I may respond, Mr. Chairman: The existing bill, H.R. 11500, specifically prohibits strip mining in the national forests.

Mr. RUPPE. I am referring to the amendment offered by the gentleman from Wyoming at this time, and there is then no identification of the national forest areas in that amendment.

Mr. RONCALIO of Wyoming. The gentleman is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming (Mr. RONCALIO) to the amendment offered by the gentlewoman from Hawaii (Mrs. MINK) as a substitute for the amendment offered by the gentleman from California (Mr. HOSMER) to the committee amendment in the nature of a substitute.

The amendment to the amendment offered as a substitute for the amendment to the committee amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. HOSMER TO THE AMENDMENT OFFERED BY MRS. MINK AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOSMER TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. HOSMER. Mr. Chairman, I offer an amendment to the amendment offered by Mrs. MINK, as a substitute for the amendment offered by the gentleman from California (Mr. HOSMER) to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. HOSMER to the amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute: on page 3, line 23 of the Mink substitute, after the word "repose" insert "to provide adequate drainage".

Mr. HOSMER. Mr. Chairman, I think this ought to be a little noncontroversial. I call the particular attention of the gentleman from Arizona to it.

This amendment has to do with the situation wherein one is trying to restore the original approximate contour; the amendment provides that at a minimum the operator shall backfill, grade, and compact where advisable, in order to cover all acid-forming and other basic materials to achieve at least the angle of repose and to facilitate—and so forth.

The angle of repose, as I understand it, is the angle where the hillside does not come tumbling down, so we have got to get it at a small enough angle so that it does not come tumbling down. We are dealing in this particular area and we are talking about things that have to do with drainage, and so forth. All I want to do is to require an angle of repose which will provide adequate drainage. That is the purpose of the amendment. I think it is a commendable one.

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

Mr. HOSMER. I yield to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman for yielding.

As I understand the gentleman's amendment, he simply adds the words after "repose" "to provide adequate drainage".

Mr. HOSMER. That is correct.

Mr. UDALL. Let me advise the gentleman that Mrs. MINK in drafting her substitute amendment took those four words, and they are now included in her amendment as submitted. I should hope the gentleman will withdraw his amendment.

Mr. HOSMER. If that is indeed the fact, I will certainly ask at the proper time unanimous consent to do so.

As the gentleman knows, I did not receive this Xerox copy until the last moment, and I have not been able to follow it closely. If that language is in there, I am delighted.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. HOSMER TO THE AMENDMENT OFFERED BY MRS. MINK AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOSMER TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. HOSMER. Mr. Chairman, I offer an amendment to the amendment offered by Mrs. MINK, as a substitute for the amendment offered by Mr. HOSMER, to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. HOSMER to the amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute: On page 4, line 5 of the Mink substitute. After the word "spoil," insert "(unless replaced as part of the mining operation)".

Mr. HOSMER. Mr. Chairman, this requirement at this particular point in the Mink amendment, as it was in H.R. 11500, would require the needless and yet costly replacement of all topsoil in a separate pile when in fact it can be removed and replaced as part of one operation. I am just simply trying to allow this flexibility.

Mrs. MINK. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentlewoman from Hawaii.

Mrs. MINK. I thank the gentleman for yielding.

I have incorporated that suggestion in my amendment on page 4 which reads:

* * * remove the topsoil in a separate layer, replace it on the backfill area, or if not utilized immediately, segregate it in a separate pile from other spoil. * * *"

Mr. HOSMER. I thank the gentlewoman.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. HOSMER TO THE AMENDMENT OFFERED BY MRS. MINK AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOSMER TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. HOSMER. Mr. Chairman, I offer an amendment to the amendment offered by Mrs. MINK, as a substitute for the amendment offered by Mr. HOSMER, to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. HOSMER to the amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute: On page 6, line 8 of the Mink substitute, delete section 201(b)(7) and insert in lieu thereof the following:

"(7) Upon petition by the permittee or the applicant for a permit and after public notice and opportunity for hearing the regulatory authority may modify the application of the interim mining and reclamation performance standards set forth before the first proviso in paragraph (1) and in any provision of paragraph (2) of this subsection, if the permittee demonstrates by proper documentation and the regulatory authority finds that:

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

"(B) the surface coal mining operation will be conducted so as to meet all other standards specified in subsection (b) of this section and will result in a stable surface configuration in accordance with a 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 land, air or water resources.

"Any such modification shall 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."

Mr. HOSMER. Mr. Chairman, during the term of the initial regulatory authority, equipment shortages will be a constraining factor on all production. Permittees in many instances will need additional equipment to that which they currently possess in order to comply with the initial standards. Such equipment for one reason or another will not be available. It has to be built. There are leadtimes and so on which are involved.

The variance procedure of the language of the gentlewoman from Hawaii appears to be so cumbersome as to be unworkable. The amendment I have offered on the other hand I believe would establish clear variance procedures for these instances of equipment shortages and provide the safeguards essential to preclude the abuse of such variance procedures.

Mr. Chairman, I ask for the adoption of the amendment.

Mrs. MINK. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California.

Mr. Chairman, this amendment was offered by the gentleman from California in committee and was voted down.

This amendment would very seriously modify the exemption which we very carefully wrote into the bill dealing with the situation where operators might not have the kind of equipment necessary to comply with the performance standards.

The gentleman's amendment now would eliminate the necessity of a written finding by the regulatory authority in order to get the exemption. It would eliminate the need for showing they made an attempt to order the specific item and it was not available. It would eliminate the 3-month review of the exemption by the regulatory authority and very, very drastically reduce the effectiveness of an amendment which was very carefully considered by the committee.

Mr. Chairman, I urge that the committee vote this amendment down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HOSMER) to the amendment offered by the gentlewoman from Hawaii (Mrs. MINK) as a substitute for the amendment offered by the gentleman from California (Mr. HOSMER) to the committee amendment in the nature of a substitute.

The amendment to the amendment offered as a substitute for the amendment to the committee amendment in the nature of a substitute was rejected.

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

I yield to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I would appreciate the gentlewoman clarifying the intent of section 211(d) for me. That section provides that certain variances from approximate original contour can be obtained if appropriate conditions and developments are met with respect to industrial, commercial, residential, or public facility uses. The Pennsylvania law permits, as alternatives, uses as water impoundment, water-oriented real estate development, recreational area development, industrial site development, or solid waste disposal area development, under certain conditions. We have found these alternatives as well as agricultural uses especially beneficial in our State.

Would the gentlelady agree that these specific alternatives are permitted under the committee bill as well, notwithstanding they are not delineated?

I am, of course, speaking of alternative types of development for the post-mining use of the site that would be considered on a case-by-case basis, and that would require proper development of the land in a feasible manner, assurances that the alternative in question will be accomplished, and further, that the alternative fits within the acceptable parameters of the bill. I am not suggesting or implying any blanket approval for the so-called "high walling" under the guise of an acceptable alternative.

Would the gentlewoman give me her reply to the understanding of what might be done and can we continue in Pennsylvania using these lands for the purposes that experience has made possible in that State?

Mrs. MINK. I thank the gentleman for offering this proposal.

Subparagraph (b) of section 211, as the gentleman knows, applies only to steep slopes. It is with reference to that provision that the various exemptions are delineated wherein industrial, commercial and residential post-mining uses are deemed satisfactory, if the regulatory authority believes that adequate safeguards are taken with regard to the spoil.

I would agree that the alternatives which the gentleman has mentioned and as contained in Pennsylvania law would be permitted, assuming, of course, they fit into the overall category of industrial, commercial and residential and public facility use.

Mr. DENT. I thank the gentlewoman. I might say the Pennsylvania law also contains this. It reads:

And unless such proposed alternatives or uses pose an actual or potential threat of water pollution, are deemed impractical or unreasonable, involve unreasonable delay in their implementation, or are violative of Federal, State or local law, such alternatives and uses shall be approved by the regulatory authority.

In other words, I want to be assured that the great progress that has been made in Pennsylvania will be continued, and I have here five different uses, from housing to waste disposal to impoundments that are pictured in actual operations in the State of Pennsylvania.

AMENDMENT OFFERED BY MR. HOSMER TO THE AMENDMENT OFFERED BY MRS. MINK AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOSMER TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. HOSMER. Mr. Chairman, I offer an amendment to the amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. HOSMER to the amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute: on Page 8, line 1 of the Mink substitute, delete section 201(c) and insert in lieu thereof the following:

"(c) 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 mining and reclamation performance standards of subsection (b) of this section. No later than 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 mining and reclamation performance standards in subsection (b) of this section with respect to lands from which the overburden has not been removed."

Mr. HOSMER. Mr. Chairman, this amendment has to do with the time for compliance and in the gentlewoman's

substitute everything happens within either 180 days or 120 days. For instance, after 180 days in the gentlewoman's amendment from the date of enactment all surface coal mining operations existing at the date of enactment shall comply with the standards of the bill.

Mrs. MINK. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentlewoman from Hawaii.

Mrs. MINK. If I might explain, on page 8 of my substitute we did try to incorporate the suggestion of the gentleman in the well and the suggestion of the gentleman from Illinois (Mr. ANDERSON) and have provided for the 180 days.

In the case of the gentleman in the well, he started off with the 60 days of review and then no later than 120 days after the issuing of a permit the coal operations have to comply.

What we did on page 8, subparagraph (c) is to say that on or after 180 days after enactment, all surface mining operations existing on the date of enactment shall comply, and that within 120 days from the date of enactment, the regulatory authority shall review all permits.

Mr. HOSMER. I understand, and that this is an amelioration. However, under the language I have offered, there would be 6 months for the regulatory authority to review and amend its regulations, and thereafter there would be 6 months for the permittee to comply.

We realize that this timing in here is, in any sense, within a year, but it seems to me that in order for the permittee to be in compliance with anything, he is first going to have to know what the regulations are. They will know, of course, what the standards are that are set in the bill, but those are not the only provisions with which the permittees must comply. I frankly do not see how compliance can take place in any shorter time.

Mrs. MINK. Mr. Chairman, will the gentleman yield further?

Mr. HOSMER. I yield to the gentlewoman from Hawaii.

Mrs. MINK. Mr. Chairman, in the gentleman's amendment, he is only allowing 60 days for the State regulatory authority to review and amend all existing permits. We have been much more liberal in our substitute. We provide that 120 days from the date of enactment that the authority must review and amend permits, because we agreed that this amount of time is probably needed for the authority to make sure that the permits do incorporate all of the provisions of this Act.

Mr. HOSMER. I understand that, but there are a lot of other parts of the bill where a guillotine drops on the day that the bill is enacted. There are a lot of provisions with which, at the moment of enactment, the permittee will not be in compliance and which will seriously affect the quality and the viability of the existence of the permit and protection against revocation. I feel that my language is the kind of language that guards against what otherwise might occur in the bill.

I do commend the gentlewoman for the amelioration that she has given in her substitute. My only quarrel with her is that I do not think it goes quite far enough.

Mr. Chairman, I ask for the adoption of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HOSMER), to the amendment offered by the gentlewoman from Hawaii (Mrs. MINK), as a substitute for the amendment offered by the gentleman from California (Mr. HOSMER) to the committee amendment in the nature of a substitute.

The amendment to the amendment offered as a substiute for the amendment to the committee amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. HOSMER TO THE AMENDMENT OFFERED BY MRS. MINK AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOSMER TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. HOSMER. Mr. Chairman, I offer an amendment to the amendment offered by Mrs. MINK, as a substitute for the amendment offered by Mr. HOSMER, to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. HOSMER to the amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute: On page 8, line 3 of the Mink substitute, after the word "operations" insert "on lands on which such operations are regulated by the State."

Mr. HOSMER. Mr. Chairman, this definitely pins the operation of this particular portion of the bill to the State regulated lands and leaves the situation of the Federal regulated lands in a separate and different category. I believe in this period of energy shortage, where we have Federal lands, where we could keep them out of production for at least 18 months, because no plans were provided, that this amendment is necessary.

Mr. Chairman, I ask for its passage.

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

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

Mr. RUPPE. Mr. Chairman, for my information, is it correct that the gentleman's amendment would keep the Federal Government out of the permit business during the interim period of time of the bill?

Mr. HOSMER. Yes, but it would not prevent operations from going on.

Mr. RUPPE. Mr. Chairman, if the gentleman will yield further, I think we have a fairly important point here to make. There has been a tendency to vote down a couple of my colleague's amendments rather quickly, but I think the committee should take a pretty good look at this particular amendment. I, frankly, support it very much.

Mrs. MINK. Mr. Chairman, will the gentleman yield?

Mr. RUPPE. Yes, I yield to the gentlewoman from Hawaii.

Mrs. MINK. We are inclined to go along. We have already accepted amendment No. 17, which does exactly this, subparagraph (e), so I would inform the gentleman of that fact.

Mr. HOSMER. Mr. Chairman, I thank the gentlewoman from Hawaii.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California, (Mr. HOSMER) to the amendment offered by the gentlewoman from Hawaii, (Mrs. MINK) as a substitute for the amendment offered by the gentleman from California, (Mr. HOSMER) to the committee amendment in the nature of a substitute.

The amendment to the amendment offered as a substitute for the amendment to the committee amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. HOSMER TO THE AMENDMENT OFFERED BY MRS. MINK AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOSMER TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. HOSMER. Mr. Chairman, I offer an amendment to the amendment offered by Mrs. MINK, as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. HOSMER to the amendment offered by Mr. MINK as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute. On Page 8, line 21, of the Mink substitute, strike out subsection "(d)" and insert a subsection "(d)" to read as follows:

"(d) The regulatory authority may grant exceptions to subparagraphs (1) and (2) if the regulatory authority finds that one or more variations from the requirements set forth in subparagraphs (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."

Mr. HOSMER. Mr. Chairman, this is another amendment which seeks to clarify this mountaintop mining provision and make certain that under proper circumstances, where reclamation is carried forward, mountaintop mining is not barred by what otherwise might be an ambiguity in the language of this bill.

Mr. Chairman, I ask for the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HOSMER) to the amendment offered by the gentlewoman from Hawaii (Mrs. MINK) as a substitute for the amendment offered by the gentleman from California (Mr. HOSMER) to the committee amendment in the nature of a substitute.

The amendment to the amendment offered as a substitute for the amendment to the committee amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. HOSMER TO THE AMENDMENT OFFERED BY MRS. MINK AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOSMER TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. HOSMER. Mr. Chairman, I offer an amendment to the amendment offered by Mrs. MINK, as a substitute for the amendment offered by Mr. HOSMER

to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. HOSMER to the amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute on page 9, line 21, of the Mink amendment, strike out "SEC. 201(f)" and reletter the following subsections.

Mr. HOSMER. Mr. Chairman, this subsection (f) is a pretty long and complicated subsection, all about a lot of things that ought to be done with respect to the enforcement program.

Elsewhere in this bill there is set out this extra enforcement group, separate and apart from everything else in the Government, and it has them riding herd on this surface mining regulation.

This amendment is part of a series of amendments which would make it possible to keep the enforcement in the normal course of Government in the locations where it now is. We do not have to go out and set up a whole new bureaucracy to enforce these interim standards. It would be a bureaucracy, incidentally, which, after we got the interim standards business all taken care of, would have to be dismantled and reestablished in a form and structure to handle the permanent standards.

As a consequence, this is an effort to streamline the bill, and particularly to streamline the administration of the bill.

Mr. Chairman, I ask that the Members accept this amendment.

Mrs. MINK. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

Mr. Chairman, striking subparagraph (f) will render a nullity to the whole business of section 201 dealing with interim standards. Subparagraph (f) establishes a Federal enforcement program in order to make sure that the seven or eight standards we have specified will indeed be placed in effect and will be implemented. It includes the inspection process, it includes the providing of reports following an inspection, it establishes the office and authorizes the use of Federal personnel, and it provides an authorization for funds for the implementation of this program.

Mr. Chairman, I urge that this amendment be voted down.

The CHAIRMAN pro tempore (Mr. SLACK). The question is on the amendment offered by the gentleman from California (Mr. HOSMER) to the amendment offered by the gentlewoman from Hawaii (Mrs. MINK) as a substitute for the amendment offered by the gentleman from California (Mr. HOSMER) to the committee amendment in the nature of a substitute.

The amendment to the amendment offered as a substitute for the amendment to the committee amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. HOSMER TO THE AMENDMENT OFFERED BY MRS. MINK AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOSMER TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. HOSMER. Mr. Chairman, I offer an amendment to the amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute.

Mr. Chairman, I thought I had completed the offering of amendments, but I find I had this one left over.

The Clerk read as follows:

Amendment offered by Mr. HOSMER to the amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. HOSMER to the committee amendment in the nature of a substitute: on page 11, line 13 and 14 of the Mink substitute strike out "or Indian". Page 11 line 15. Strike out "or Indian".

Page 11, line 16 and 17. Strike out "and Indian land".

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

Mr. HOSMER. I am delighted to yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I thought I understood the gentleman to state two amendments ago that was his last amendment. I am just trying to find out in order that we may make some plans.

Mr. HOSMER. Mr. Chairman, I just said, I will say in reply to the gentleman, that I noticed that I do still have one more amendment.

Mr. HAYS. One more amendment after this?

Mr. HOSMER. No, this is it.

Mr. HAYS. Mr. Chairman, I thank the gentleman.

Mr. HOSMER. Mr. Chairman, this amendment would strike out the business of the Indian lands. I want the Members to understand that there are many separate nations in this country—the Indian nations—and they own lands.

What this bill attempts to do is to impose the Udall-Mink notions as to how we ought to go about surface coal mine regulating on these separate Indian nations.

Mr. Chairman, if that was a little confusing, let me say that it may be more correct to call these the Udall-Mink notions as to how we ought to go about it. We are seeing that that is what happens with this kind of legislation. It even confuses the unconfused before we get through with it.

If we want to have a problem, I will advise the Members not to have that problem with an Indian, either individually or with an Indian tribe, because we will have the most monumental problem we have ever had in all our lives.

I do not think it is any business of ours, coming in with this legislation and starting to handle the Indian problem. The Bureau has all the authority it now needs to handle anything that has to do with the reclamation of Indian lands.

Let me tell the Members, if we get and encourage some system whereby the "Big Chief" cannot go ahead and lease his land because the "Big White Father" has law preventing it, we are going to have not only the palefaces inspired to sustain a lot of aches and pains, but we are going to have the Indians up in arms.

This one amendment and others that I shall offer later are offered to take the meddling fingers of these environmentalists out of the reservations and out of the Indian tepees. They do not belong there. This should never have been put in this bill, and we ought to get rid of this.

My goodness, we just cannot do everything with this bill. We are doing so much good here that we are going to end up doing an awful lot of bad before we are through.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I noticed my good friend, the gentleman from California, referred to these as the "Modall bill." Will the gentleman accept an amendment to call this the "Mink-Dall" bill?

Mr. HOSMER. Mr. Chairman, I can do that. I can think of some other things I can do if the gentleman thinks I should. I would be glad to accept any amendment that rhymes with "mink." If the gentleman desires to offer one, I will accept it.

Mr. Chairman, I urge the Members to adopt my amendment.

Mr. RUPPE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in reference to this amendment, I would like to ask someone who is familiar with it, somebody on that side of the aisle who is unquestionably more familiar with this facet of the legislation with reference to the bill treating the tribes as States. I am concerned that the tribes will have the opportunity of changing or raising the Federal environmental standards under which these companies operate on their lands.

This being the case, would it not be possible for an Indian tribe to be in a position where it can change or alter the environmental standards at will, and it can alter them much as the shiekdoms do in the Middle East, where they can change the ground rules under which they are operating, and by doing so can change the existing contracts almost at will.

If they would do this, then I am afraid that this and the later language would virtually make inoperable the agreements or the contracts by which the companies mine the coal on Indian lands.

Mr. UDALL. Mr. Chairman, if the gentleman will yield, I am glad the gentleman from Michigan raised the question so we can reach a little history.

There evidently is an awful lot of paranoia and some very, very real fears about what will happen if this bill is passed, and one of them is that the Indian tribes are going to say to the companies who are already operating in the areas covered by the Indian reservations that they will change the regulations and make them very tough, but that they will not do that if the companies will double the price they are paying them for the coal.

Mr. Chairman, I think that we should assume that the Indian tribes are operating in good faith. The fact is that we are treating the tribes as we do States, and just like Montana, Wyoming or Arizona, that they will operate in good faith. But it seems that a lot of the people fear that they are going to do something that is cheap and sleazy. As I say, that suspicion seems to be directed at the Indian

tribes, and I do not think that it should be directed at them. But, as I say, some people fear that they would immediately be willing to change the regulations on the Indian land so that they could try to blackmail the coal mining companies with whom they have a legitimate contract.

Mr. RUPPE. There is a distinct difference between a tribe and a State, because there is a diversity of interest in the communities, and the legislatures in the various States, and before they can change any of the mining laws or requirements, there is a broad spectrum of public opinion that enters into the debate on such matters.

But in the Indian tribe communities in reference to changing the environmental standards for the purpose of renegotiating contracts, there is no such diversity of interest within that community and it would be very easy for the tribe to join together since they will have the same interests and same goals. Therefore I think the environmental standard mechanism in such a situation can well affect and force a renegotiation of these contracts, and certainly result in a higher price for the coal.

Mr. UDALL. Mr. Speaker, if the gentleman will yield further, on page 116 we make it very clear—and that is page 116 in the report—that we are not trying to give the Indian tribes the power to blackmail the coal companies and raise prices under existing contracts, and I do not think they will have that authority under this bill.

Mr. HOSMER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Sixty-eight Members are present, not a quorum.

The Chair announces that he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to the rule XXIII, clause 2, further proceedings under the call shall be considered vacated.

The Committee will resume its business.

The question is on the amendment offered by the gentleman from California (Mr. HOSMER) to the amendment offered by the gentlewoman from Hawaii (Mrs. MINK) as a substitute for the amendment offered by the gentleman from California (Mr. HOSMER) to the committee amendment in the nature of a substitute.

The question was taken; and the Chairman announced that the noes appeared to have it.

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

A recorded vote was refused.

So the amendment to the substitute amendment for the amendment to the committee amendment in the nature of a substitute was rejected.

The CHAIRMAN. The question is on the substitute amendment offered by the gentlewoman from Hawaii (Mrs. MINK), as amended, for the amendment offered by the gentleman from California (Mr. HOSMER) to the committee amendment in the nature of a substitute.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 144, not voting 49, as follows:

[Roll No. 398]

AYES—241

Adams	Grover	Pritchard
Addabbo	Gude	Randall
Andrews, N. Dak.	Haley	Rangel
Ashley	Hamilton	Rees
Aspin	Hanley	Regula
Badillo	Hanna	Reid
Bafalis	Hansen, Wash.	Reuss
Barrett	Harrington	Rinaldo
Bennett	Harsha	Robison, N.Y.
Bergland	Hastings	Rodino
Biester	Hawkins	Roe
Bingham	Hays	Rogers
Blatnik	Heckler, Mass.	Roncalio, Wyo.
Boggs	Heinz	Roncallo, N.Y.
Boland	Helstoski	Rooney, Pa.
Bolling	Hicks	Rose
Brademas	Holtzman	Rosenthal
Breckinridge	Horton	Roush
Brinkley	Howard	Roybal
Brooks	Hungate	Ruppe
Broomfield	Johnson, Colo.	Ryan
Brotzman	Johnson, Pa.	St Germain
Brown, Calif.	Jones, Ala.	Sandman
Brown, Mich.	Jones, N.C.	Sarasin
Broyhill, N.C.	Jordan	Sarbanes
Burgener	Karth	Schneebeli
Burke, Calif.	Kastenmeier	Schroeder
Burke, Fla.	King	Seiberling
Burke, Mass.	Koch	Shipley
Burlison, Mo.	Kyros	Shuster
Burton, John	Lagomarsino	Sikes
Burton, Phillip	Leggett	Slack
Byron	Lehman	Smith, Iowa
Carney, Ohio	Litton	Staggers
Carter	Long, La.	Stanton,
Chappell	McCloskey	J. William
Clark	McCormack	Stanton,
Clausen, Don H.	McDade	James V.
Cleveland	McEwen	Stark
Cohen	McFall	Steed
Collins, Ill.	McKay	Steele
Conable	McKinney	Steelman
Conte	Madden	Steiger, Wis.
Conyers	Mahon	Stokes
Corman	Mallary	Stratton
Coughlin	Maraziti	Stuckey
Cronin	Mathias, Calif.	Studds
Culver	Matsunaga	Sullivan
Daniels, Dominick V.	Mayne	Thompson, N.J.
Danielson	Mazzoli	Thomson, Wis.
Dellenback	Meeds	Thone
Dellums	Melcher	Tiernan
Denholm	Metcalfe	Traxler
Dent	Mezvinsky	Udall
Dingell	Milford	Van Deerlin
Donohue	Minish	Vander Jagt
Drinan	Mink	Vander Veen
Dulski	Mitchell, Md.	Vanik
du Pont	Mizell	Vigorito
Eckhardt	Moakley	Waldie
Edwards, Calif.	Moorhead, Pa.	Ware
Eilberg	Morgan	Whalen
Esch	Mosher	White
Eshleman	Moss	Whitten
Fascell	Murphy, N.Y.	Widnall
Fish	Murtha	Williams
Ford	Natcher	Wilson, Charles H., Calif.
Forsythe	Nedzi	Wolff
Fraser	Nix	Wright
Frenzel	Obey	Wydler
Frey	O'Brien	Wylie
Fuqua	O'Hara	Wyman
Gaydos	O'Neill	Yates
Gibbons	Owens	Yatron
Gilman	Patten	Young, Fla.
Ginn	Pepper	Young, Ga.
Gonzalez	Perkins	Young, Ill.
Goodling	Pettis	Young, Tex.
Grasso	Peyser	Zablocki
Green, Pa.	Pickle	Zwach
	Pike	
	Podell	
	Price, Ill.	

NOES—144

Abdnor	Fountain	Nelsen
Abzug	Frelinghuysen	Parris
Alexander	Froehlich	Passman
Andrews, N.C.	Gettys	Poage
Annunzio	Goldwater	Powell, Ohio
Archer	Gubser	Price, Tex.
Arends	Guyer	Quie
Armstrong	Hammer-schmidt	Quillen
Ashbrook	Hanrahan	Railsback
Bauman	Hechler, W. Va.	Rarick
Beard	Henderson	Rhodes
Bell	Hillis	Riegle
Bevill	Hinshaw	Roberts
Biaggi	Hogan	Robinson, Va.
Blackburn	Holt	Rousselot
Bowen	Hosmer	Runnels
Bray	Huber	Ruth
Breaux	Hudnut	Satterfield
Brown, Ohio	Hunt	Scherle
Broyhill, Va.	Ichord	Sebelius
Buchanan	Jarman	Shoup
Burleson, Tex.	Johnson, Calif.	Shriver
Butler	Jones, Okla.	Sisk
Camp	Kazen	Skubitz
Casey, Tex.	Kemp	Smith, N.Y.
Cederberg	Ketchum	Snyder
Chamberlain	Kluczynski	Spence
Clancy	Landgrebe	Steiger, Ariz.
Clawson, Del	Latta	Stubblefield
Cochran	Lent	Symms
Collins, Tex.	Long, Md.	Taylor, Mo.
Crane	Lott	Taylor, N.C.
Daniel, Dan	Lujan	Thornton
Daniel, Robert W., Jr.	McClory	Towell, Nev.
Davis, S.C.	McCollister	Ullman
Davis, Wis.	McSpadden	Veysey
Delaney	Madigan	Waggonner
Dennis	Mann	Walsh
Derwinski	Martin, Nebr.	Wampler
Devine	Mathis, Ga.	Whitehurst
Dickinson	Michel	Wilson, Bob
Downing	Miller	Wilson, Charles, Tex.
Duncan	Mills	Winn
Edwards, Ala.	Mitchell, N.Y.	Wyatt
Erlenborn	Mollohan	Young, Alaska
Findley	Moorhead, Calif.	Young, S.C.
Fisher	Murphy, Ill.	Zion
Flowers	Myers	
Flynt		

NOT VOTING—49

Anderson, Calif.	Flood	Macdonald
Anderson, Ill.	Foley	Martin, N.C.
Baker	Fulton	Minshall, Ohio
Brasco	Giaimo	Montgomery
Carey, N.Y.	Gray	Nichols
Chisholm	Green, Oreg.	Patman
Clay	Griffiths	Preyer
Collier	Gross	Rooney, N.Y.
Conlan	Gunter	Rostenkowski
Cotter	Hansen, Idaho	Roy
Davis, Ga.	Hébert	Stephens
de la Garza	Holifield	Symington
Diggs	Hutchinson	Talcott
Dorn	Jones, Tenn.	Teague
Evans, Colo.	Kuykendall	Treen
Evins, Tenn.	Landrum	Wiggins
	Luken	

So the substitute amendment as amended for the amendment to the committee amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California, (Mr. HOSMER) as amended, to the committee amendment in the nature of a substitute.

The question was taken, and the Chair announced that the noes appeared to have it.

PARLIAMENTARY INQUIRY

Mr. UDALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. UDALL. Mr. Chairman, as I understand it, the Chair had just put the question on the Hosmer amendment as amended by the Mink substitute, which the committee just adopted.

The CHAIRMAN. (Mr. SMITH of Iowa.) The Chair will state that is correct.

Mr. UDALL. And the Chair indicated that the noes appeared to have it.

The CHAIRMAN. That is correct.

Mr. UDALL. Which would have meant that the entire proposition, including the Mink substitute, would have been lost; is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. UDALL. Then, Mr. Chairman, I demand a division.

The CHAIRMAN. A division has been demanded.

The question was taken; and on a division (demanded by Mr. UDALL) there were—ayes 91, noes 63.

So the amendment as amended to the committee amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. RONCALIO OF WYOMING TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. RONCALIO of Wyoming. Mr. Chairman, I offer an amendment to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. RONCALIO of Wyoming to the committee amendment in the nature of a substitute: on page 195, line 12, section 211(c), after the words "apply to" insert the words "mining operations which create a plateau with no highways remaining in such a manner as to otherwise meet the standards of this section or."

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

Mr. RONCALIO of Wyoming. I yield to the gentleman from West Virginia.

Mr. SLACK. I thank the gentleman for yielding.

Mr. Chairman, this amendment would permit the mountaintop and valley fill type of surface mining presently used at several model mines in West Virginia creating useful plateaus without highwalls.

Mountaintop mining produces flat land sorely needed in many hilly regions with minimum damage to the environment.

This is a form of mining which should increase, not decline on the basis of its proven results.

I urge its adoption.

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

Mr. RONCALIO of Wyoming. I yield to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman for yielding.

Mr. Chairman, this amendment covers a matter which the gentleman from West Virginia (Mr. SLACK), should be concerned about, and that is the practice of mountaintop removal. In certain instances this has been a very damaging practice, because the spoil is essentially a contour mining operation which goes all the way around the mountain and then takes the top of the mountain off. Because of the spoil being thrown over the side, immense damage has been caused by it, but the gentleman's amendment makes clear that the technique of mountaintop removal can be practiced for surface mining of coal if the fill from the top of the mountain is put on old abandoned benches, if it is put in level places, and if it is handled in such a way as to otherwise comply with the steep slopes provision to which this is an amendment. With that understanding, the amendment is certainly acceptable to me, and I think it will make clear that mountaintop removal in a proper case can be permitted by the regulatory authority, but it is very clear that all of the steep slope standards will otherwise have to be complied with.

Therefore, I would find the amendment agreeable.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. RONCALIO of Wyoming. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I thank the gentleman for yielding.

I should like to ask the gentleman from West Virginia whether this, indeed, does not weaken, negate and gut the permanent standards on steep slopes insofar as mountaintop removal is concerned and thereby do great damage to a State like West Virginia?

Mr. SLACK. Not in my judgment.

Mr. RONCALIO of Wyoming. Mr. Chairman, I yield back the balance of my time.

Mr. RUPPE. I am not trying to pin the gentleman down, but I do not have a copy of the amendment. I have not been able to get a copy of the amendment, and I should like to have a definition, if someone will give it to me.

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

Mr. RUPPE. I yield to the gentleman from West Virginia.

Mr. SLACK. I thank the gentleman for yielding.

This amendment is provided to permit mountaintop mining, which will create a plateau with no high wall.

Mr. RUPPE. Does the gentleman have any reference to spoil on the down slope as a result of the mining operation?

Mr. SLACK. It is provided in the standards set forth in this subsection.

Mr. RUPPE. On page 195 of the bill we have a provision under subsection (c) which will apply to those situations in which operators mine flat or gently rolling terrain. Does that have anything to do with the gentleman's amendment?

Mr. SLACK. The gentleman will have to place his own interpretation upon that subsection.

Mr. RUPPE. I do not have a copy of the amendment. It would be helpful if we had a copy.

The CHAIRMAN. The time of the gentleman has expired.

Mrs. MINK. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

As I understand the amendment, as I read it, it is to be inserted on line 12 after the words "apply to."

Where the amendment has been placed in this section it would appear that the mountaintop removal kind of coal mining operation would be totally exempt from any performance standard whatsoever, which would completely gut the bill.

Our intention in permitting mountaintop removal was under very carefully written and drawn requirements and specifications as listed beginning on line 17, listing 1, 2, 3, 4, 5, 6 different criteria which must be met in order to permit that kind of mountaintop removal operation.

It would seem to me that if the gentleman in the well merely wanted to make sure that mountaintop removal was one kind of operation which was permitted under the bill, I would certainly concur with that, as I have said to other Members who have raised a question. But it seems to me if this is his intent that this amendment would be more appropriately placed on line 9 of that paragraph which says:

The following performance standards shall be applicable to deep-slope surface coal mining operations which create a plateau with no high walls remaining and shall be in addition to those general performance standards required by this section,

then the following proviso would make sense because it is limited to mining on the flat and gently rolling terrain.

Mr. HAYS. Mr. Chairman, will the gentlewoman yield?

Mrs. MINK. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I would say to the gentlewoman that I discussed this amendment with several people and some people wanted me to offer it. I do not have any mountains in my district. Some people might call them that, but we call them hills. They are not as steep as the terrain in West Virginia. I do not think I ought to handle it because it really does not affect my district.

As I understand the gentlewoman's amendment I would say to the gentlewoman that the gentleman is attempting to do the same thing as she is, and I would say if the amendment passes, she can get straightened out in conference the proper phraseology. It says: "which create a plateau with no high walls remaining" and would create the plateau in such a manner as to otherwise meet the standards of the subsection, so I think it is tied in that the standards have to be met, if I may say so, and I think the exact language can be worked out in conference. So what the gentleman from Hawaii and the gentleman from West Virginia and the gentleman from Arizona and the gentleman from Michigan want can all be worked out.

Mrs. MINK. I would say if that is the intent of the amendment that through a unanimous-consent request that the amendment could be inserted on line 9 after the words "coal mining" and not on line 12 and that would take care of all our apprehensions.

Mr. UDALL. Mr. Chairman, will the gentlewoman yield?

Mrs. MINK. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I made my earlier statement not having read it as carefully as the gentlewoman but in order to correct it I would ask unanimous consent that the gentleman's amendment appear on page 195, on line 9, following the words "coal mining" rather than where it was offered.

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

Mr. STEIGER of Arizona. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

AMENDMENT OFFERED BY MR. UDALL AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. RONCALIO OF WYOMING TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. UDALL. Mr. Chairman, I offer an amendment as a substitute for the amendment offered by Mr. RONCALIO of Wyoming to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. UDALL as a substitute for the amendment offered by Mr. RONCALIO of Wyoming to the committee amendment in the nature of a substitute: On page 195, line 9, after the word "mining," section 211(c), insert the words "and mining operations which create a plateau with no high walls remaining in such a manner as to otherwise meet the standards of this subsection or".

Mr. UDALL. Mr. Chairman, this is exactly as the language offered by the gentleman from West Virginia (Mr. SLACK) and the gentlemen from Wyoming (Mr. RONCALIO) except it places the amendment on line 9 instead of line 12.

Mr. HECHLER of West Virginia. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, mountaintop removal is the most devastating form of mining on steep slopes. Once we scalp off a mountain and the spoil runs down the mountainside and the acid runs into the water supply, there is no way to check it. This is not only esthetically bad as anyone can tell who flies over the State of West Virginia or any places where the mountaintops are scalped off, but also it is devastating to those people who live below the mountain. Some of the worst effects of strip mining in Kentucky, West Virginia, and other mountainous areas result from mountaintop removal. McDowell County in West Virginia, which has mined more coal than any other county in the Nation, is getting ready right now to strip mine off four or five mountaintops.

They are displacing families and moving them out of those areas because everybody down slope from where there is mountaintop mining is threatened.

I certainly hope that all the compromises that have been accepted by the committee, offered by industry in the committee, that now we do not compromise what little is left of this bill by amendments such as this.

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

Mr. HECHLER of West Virginia. I yield to the gentleman from Ohio.

Mr. HAYS. I would say to the gentleman that I am in sympathy with his idea of preserving as much of the State of West Virginia as possible; but I think, if we read that amendment carefully, it has to meet all the other standards of value. If it did not, I would surely not even talk about it.

As I understand it, they cannot dump the stuff down the side of the mountain and run somebody out of his home. They have to dispose of it in some other way.

What we do in Ohio in the hills that are not as steep as the mountains in these other States, we make them cut the first cast of the hill, cut that up and put the topsoil on it and then the next topsoil on it, and, when they are through, they not only have to have a plateau, as the mining people agree and the Department of Natural Resources agree to it, but it has to be covered with topsoil and reseeded and they cannot get their bond back until it is acceptable.

Mr. HECHLER of West Virginia. The gentleman from Ohio has made my point very effectively by indicating that the other standards of the bill apply. If we had some very stringent requirements in the rest of the bill, then his argument would hold greater weight.

In other words, the other standards in the bill are so shot through with loopholes that it is impossible to protect against this most devastating form of mining by slicing off the top of a mountain and thereby threatening all those who live underneath.

This is a very bad amendment and should be defeated.

Mr. STEIGER of Arizona. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Arizona (Mr. UDALL) to the amendment of the gentleman from Wyoming (Mr. RONCALIO).

I hope the gentleman from West Virginia (Mr. SLACK) will follow this, if he would. On page 195, what the gentleman from Arizona (Mr. UDALL) would have us do is make applicable all the restrictions that are applicable to steep-slope mining to mountaintop mining. If they want to permit mountaintop mining, then we have to vote down the amendment of the gentleman from Arizona (Mr. UDALL) and vote for the amendment of the gentleman from West Virginia (Mr. SLACK) to the amendment of the gentleman from Wyoming (Mr. RONCALIO).

I will yield in just a moment, because I would like my people to continue to be paid.

On page 195, what the gentleman from Arizona has said is that:

The following performance standards shall be applicable to steep-slope surface coal mining.

And then he puts in the language of the gentleman from West Virginia.

In other words, he has, I am sure, inadvertently doubled the standards against mountaintop mining.

The gentleman from West Virginia (Mr. SLACK) wants us under certain narrow conditions to continue mining mountaintops. If we want to do that, we have to vote down the amendment of the gentleman from Arizona (Mr. UDALL) and support the amendment of the gentleman from West Virginia (Mr. SLACK).

If we want to do what the gentleman from West Virginia (Mr. HECHLER) wants us to do to stop all mining, then we must support the language of the gentleman from Arizona (Mr. UDALL).

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

Mr. STEIGER of Arizona. I yield to the gentleman from Ohio.

Mr. HAYS. If we read the original Slack amendment, perhaps I should not be in this debate, he says the mountaintop operations which create a plateau with no highwalls remaining in such a manner—this is the Slack amendment—as to otherwise meet the standards of the subsection.

So it seems to me we are engaged in semantics.

Mr. STEIGER of Arizona. I would like the RECORD to reflect this is one of the terrors I have of this bill. We have not the faintest idea of what we are doing here. The gentleman from Arizona would like to perpetrate that situation.

The amendment of the gentleman from West Virginia (Mr. SLACK) was offered in that part of the section which exempts certain features of mining from that restriction.

The language of the gentleman from Arizona (Mr. UDALL) puts it into the restrictive section.

I will simply tell the gentleman that I do not presume to make the judgments for us, but this whole bill is loaded with this kind of stuff. It is a little embarrassing, I am sure, for all of us to have to respond in debate on a question of semantics. We really ought to be doing that in committee, but the fact is that the Slack amendment says that if you can put the mountaintop spoil in hollows and you use it afterwards, that is a reasonable use. I would suggest the Members read the whole section where the Slack amendment language applies. It says that spoil from the mountaintop, under the Slack amendment, had to be useful, had to be used to build hollows and level existing depressions, to have a useful purpose.

Where the gentleman from Arizona (Mr. UDALL) wants to put his amendment means that it cannot be used under any conditions. It is a perfect example of doing what we do not intend to do in this bill.

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

Mr. STEIGER of Arizona. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, this is where it goes. If it goes where the gentleman from Arizona has asked to have it put, it puts mountaintop mining under the performance standards of subsection (c). If it goes where the original amendment specified that it go, on line 12, it extends mountaintop mining. There is no mystery about that. These amendments are 180 degrees apart.

The way the amendment was offered to begin with was to permit a variance here, an exception where mountaintop mining might be a legitimate operation; where it would hold the top of the hill from collapsing so that one could put a subdivision or some other kind of activity in there. There is nothing wrong with that. The amendment as originally offered should be regarded to and the Udall substitute should be rejected. Then, it will come out the way it ought to come out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. UDALL) as a substitute for the amendment offered by the gentleman from Wyoming (Mr. RONCALIO) to the committee amendment in the nature of a substitute.

The question was taken; and on a division (demanded by Mr. UDALL) there were—ayes 30; noes 59.

So the substitute amendment for the amendment to the committee amendment in the nature of a substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming (Mr. RONCALIO) to the committee amendment in the nature of a substitute.

The question was taken; and on a division (demanded by Mr. RUPPE) there were—ayes 65; noes 19.

So the amendment to the committee amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. RONCALIO OF WYOMING TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. RONCALIO of Wyoming. Mr. Chairman, I offer an amendment to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. RONCALIO of Wyoming to the committee amendment in the nature of a substitute: On page 163, line 8 delete "An" insert "A surface", delete "all or".

Mr. RONCALIO of Wyoming. I yield to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, I thank the gentleman for yielding, and I thank him for offering this amendment, which I had hoped to offer.

This is a very simple amendment. I hope everybody on both sides can accept it.

What it does is that on page 163 of the bill, line 4, it deletes the word "An" and substitutes "A surface," so that instead of reading "An area," it will say, "A surface area shall be designated unsuitable," and then strikes "all or," so it will read "shall be designated unsuitable for certain types of surface coal mining," et cetera.

All it does is to do two things: make sure that this is confined to surface mining and not deep mining—and that is important to me—and second, that it does not automatically forbid all types of surface mining, but allows the company which wants to surface mine to come in and offer a proposal which can be accepted or denied. It gives them a chance to show their proposal to the Commission or to the Secretary or whoever is acting in his behalf, and then he can make a decision about whether that type of mining would be detrimental.

I admit that it does broaden the section a little bit, and it does confine it to surface mining.

If there are any questions, I would attempt to answer them. I think I know exactly what my amendment does.

Mr. UDALL. Mr. Chairman, the amendment is agreeable to me.

Mr. RUPPE. May I get the wording on the amendment?

Mr. HAYS. Again, it is on page 163, line 4. Delete the word "An" and insert "A surface" and then at the end of that line delete "all or" so it would read:

A surface area shall be designated unsuitable for certain types of surface coal mining operations if reclamation pursuant to the requirements of this act is not demonstrated to be physically or economically feasible.

Mr. RONCALIO of Wyoming. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. RUPPE AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. RONCALIO OF WYOMING TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. RUPPE. Mr. Chairman, I offer an amendment as a substitute for the amendment offered by Mr. RONCALIO of Wyoming to the committee amendment in the nature of a substitute.

The clerk read as follows:

Amendment offered by Mr. RUPPE as a substitute for the amendment offered by Mr. RONCALIO of Wyoming to the committee amendment in the nature of a substitute: on page 163, line 4, strike all through line 7 inclusive and insert therein:

"(2) The State regulatory authority shall designate an area as unsuitable for all or certain types of surface coal mining operations if the State regulatory authority determines that reclamation pursuant to the requirements of this Act is not physically feasible."

Page 169, line 23, delete the words "under study" and insert in lieu thereof the words "as to which an administrative proceeding has commenced pursuant to section 206(a)(4)(D) of this Act."

Mr. RUPPE. Mr Chairman, I think this is a very important amendment that I am offering as a substitute.

On page 163, after line 8, there is an identification of those areas that may be declared unsuitable for a variety of reasons, and they can be declared unsuitable by the State's own regulatory authority.

However, the provision the gentleman from Ohio (Mr. HAYS) and I are referring to is a reference to an area that has to be designated as unsuitable if the area is not demonstrated to be physically or economically feasible to reclamation.

Mr. Chairman, I think it is very dangerous in this particular piece of legislation to indicate an area shall be designated unsuitable if reclamation is not demonstrated to be economically feasible.

First of all, it is almost impossible to prove that an area can be demonstrated to be feasible without actually putting on a demonstration. I think the word "demonstration" presents a very difficult provision to comply with, and it will result in vast areas of a given State being declared off limits to mining.

The second word is "economically." What is economically feasible to be reclaimed to one Member and to me may be entirely different. One of us may want to open up a hamburger stand, and he thinks he can make money. However, I may not; I may think in an entirely contrary fashion.

The fact of the matter really is that no Member in this room or any one in any regulatory agency has the ability to declare what is economically feasible of reclamation. That is a very subjective thing.

Mr. Chairman, I think we are making a vast mistake to call upon a company to declare or to demonstrate that an area is economically feasible of reclamation or that the area is not to be declared unminable or unsuitable for mining. I believe the substitute amendment would clarify this so that an area would only be declared unsuitable for all or certain types of mining if it is shown it cannot be physically feasible of reclamation.

I think the phrase "physically feasible" is the important thing in this particular regard.

Finally, there is one other technical portion. My amendment remedies a provision in the bill which could lead to unintended or excessive denials of permit applications. Section 209(d)(3) states that a permit to mine may not be granted in an area which is under study for designation as unsuitable to mine.

It can well be stated that the State would well want to study coal mines within its jurisdiction to see if there are suitable areas for mining under section 206. But if the State did study vast areas around the State, it would not be able to grant any permits to mine under subsection 209(d)(3).

My amendment would necessitate that specific proceedings under section 206(a)(4)(D) be begun before the State could deny a permit application under subsection 209(d)(3).

I would suggest this: That mining permits should only be refused if the State has gone beyond the study period and has actually gone into administrative proceedings under the act and has held hearings and the like. Otherwise, under the language of the bill, we are apt to declare vast areas in a number of States open for study and during that period of time prohibit all mining on them.

Mrs. MINK. Mr. Chairman, will the gentleman yield?

Mr. RUPPE. I yield to the gentlewoman from Hawaii.

Mrs. MINK. Mr. Chairman, I will ask the gentleman this: Is it the gentleman's intention to incorporate the amendment offered by the gentleman from Ohio into his substitute so that instead of all areas, it would include surface areas as unsuitable for certain types of surface coal mining?

Mr. RUPPE. Mr. Chairman, I would certainly like to do so, and I shall ask unanimous consent that my substitute be modified to show that.

Mrs. MINK. Mr. Chairman, if the gentleman will yield further, if that is approved, then I will support the amendment. I think it clarifies an ambiguity which certainly had been present in the bill where we use the term "economically feasible."

However, by virtue of a coal mine being closed and a man declaring it was not economically feasible, the State would be mandated to declare it an unsuitable area. Of course, that is an illogical conclusion.

Therefore, I commend the gentleman for offering his amendment.

Mr. HAYS. Mr. Chairman, will the gentleman yield for a question?

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

Mr. HAYS. Mr. Chairman, if the gentleman's unanimous consent request is agreed to, as I understand it—and I want to be sure we know what we are doing—on page 163, line 4, the language would read:

A surface area shall be designated unsuitable for certain types of surface coal mining operations if reclamation pursuant to the requirements of this Act is not demonstrated to be physically feasible.

The gentleman is striking out "economically"; is that correct?

The CHAIRMAN. The time of the gentleman from Michigan (Mr. RUPPE) has expired.

Mr. HAYS. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan be allowed to proceed for 1 additional minute.

Mr. STEIGER of Arizona. Mr. Chairman, reserving the right to object, I would like to point out to the assembled body that the gentleman from Ohio has very properly offered to explain to the Members what is happening here in terms of this specific suggestion. The Members have just seen a trade-off on the acceptance of a suggestion of the gentlewoman from Hawaii (Mrs. MINK) accepted by the gentleman from Michigan (Mr. RUPPE) in which the Members are seeing a bill written before their eyes, with very little understanding of the specific effects of it.

Mr. Chairman, I believe that this piece of legislation is important, and I am not questioning but what the results of what we are doing are exactly as the gentleman describes, but I would point out that this is a very poor way to achieve a specific, narrow result.

Mr. Chairman, I will not object at this point, but I will advise the Members that I am going to offer a preferential motion that we rise and strike all after the enacting clause immediately upon the adoption or rejection of this amendment. The reason I am going to do so is because this is simply not the way to legislate on a matter of such importance.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

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

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

Mr. HAYS. Mr. Chairman, I would simply say that the cleanest way to handle this would have been to have accepted my amendment and then the gentleman from Michigan have offered his amendment afterwards as a separate amendment.

But, let me say to the gentleman from Arizona that this is a kind of a rule that you came out with.

It is a technical bill, and I understand that. In fact, I think I understand strip mining—and I do not want to toot my own horn—but I believe I understand strip mining and all of its implications and ramifications, as well as anybody in this committee, because I have studied it for years. I have introduced bills on it. I have lived with it all of my life. I know a little bit about what is going on.

What I was trying to do here was simply two things: Make sure this did not apply to deep mines, and that is why we put in surface area, not any area, but surface area; and we did not want to change the effect on the mines without somebody having a chance to give it an explanation.

I would have thought the gentleman would not have fought that amendment, I will say to the gentleman from Arizona.

MODIFICATION OF RUPPE AMENDMENT

Mr. RUPPE. Mr. Chairman, I ask unanimous consent to modify my amendment to include the amendment proposed by the gentleman from Ohio (Mr. HAYS).

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

There was no objection.

The amendment as modified by the unanimous consent request reads as follows:

On Page 163, line 4, strike all through line 7 inclusive and insert therein:

"(2) The State regulatory authority shall designate an area as unsuitable for all or certain types of surface coal mining operations if the State regulatory authority determines that reclamation pursuant to the requirements of this Act is not physically feasible."

On page 163, line 8 delete "An" insert "A surface", delete "all or".

Page 169, line 23, delete the words "under study" and insert in lieu thereof the words "as to which an administrative proceeding has commenced pursuant to section 206(a)(4)(D) of this Act."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. RUPPE) as modified, as a substitute for the amendment offered by the gentleman from Wyoming (Mr. RONCALIO) to the committee amendment in the nature of a substitute.

The amendment, as modified, offered as a substitute for the amendment to the committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming (Mr. RONCALIO) as amended, to the committee amendment in the nature of a substitute.

The amendment as amended to the committee amendment in the nature of a substitute was agreed to.

Mr. UDALL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SMITH of Iowa, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11500) to provide for the regulation of surface coal mining operations in the United States, to authorize the Secretary of the Interior to make grants to States to encourage the State regulations of surface mining, and for other purposes, had come to no resolution thereon.

MAKING IN ORDER CONSIDERATION OF DISTRICT OF COLUMBIA BUSINESS ON MONDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that it shall be in order on Monday next, July 29, to consider business from the Committee on the District of Columbia pursuant to the provisions of clause 8, rule XXIV.

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

There was no objection.

CYPRUS AND THE NEED FOR A NEW LOOK AT U.S. POLICY TOWARD GREECE

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

Mr. BRADEMAS. Mr. Speaker, I am sure that the American people welcome the announcement earlier today that a cease-fire has been arranged between Greece and Turkey that took effect on Cyprus this morning.

The prospect of war between two members of NATO can only be cause for dismay to the United States, and I hope that the cease-fire will be observed and that the Governments of both Greece and Turkey will restrain themselves from any further actions that could provoke new outbreaks of violence.

Mr. Speaker, Archbishop Makarios, the President of Cyprus, is scheduled to be in Washington today to talk with Secretary of State Kissinger.

I hope very much that Secretary Kissinger will avail himself of this opportunity to assure President Markarios that, as the legally elected leader of his country, his government will have the support of the United States.

It is now clear to all, Mr. Speaker, that the military junta in Athens was behind the effort to overthrow Archbishop Makarios.

Indeed, President Makarios, in a letter of July 2, 1974, to Gen. Phaedon Gizikis, head of the Greek military regime, specifically charged that regime with seeking his assassination and the overthrow of the Government of Cyprus.

Unfortunately, Mr. Speaker, the present U.S. administration paid little attention to these warnings.

Indeed, the present crisis between Greece and Turkey over Cyprus is in large part the consequence of the continued failure of the Nixon administration to come to grips with the dangers to the strength of the Western alliance of the continuation in Greece of a military dictatorship.

Not only has the administration demonstrated little concern about the suppression of the liberties of the people of Greece, a member of NATO, an alliance formed to defend freedom and democracy.

But even when a democratically elected government was the object of a coup—as with the case of Cyprus—the Government of the United States has so far refused to make a clear statement in support of the lawful Government of Cyprus.

As I have said, the United States should no longer equivocate on this matter.

Finally, Mr. Speaker, the crisis over Cyprus—and the role of the military regime in Greece in inciting it—should cause the U.S. Government at least to pay serious attention to developing a

policy toward Greece that makes sense in terms of the freedoms of the people of Greece, of the stated purposes of NATO, and of the strategic importance of the eastern Mediterranean.

A continued failure on the part of the United States to develop a sound policy toward Greece can only mean a standing invitation for more such crises in that part of the world.

Such a continued failure can only mean good news for the Soviet Union. It would certainly not be good news for the people of Greece and Turkey or of Cyprus or of the United States.

Mr. Speaker, I insert at this point in the RECORD the full text of the letter, to which I have made earlier reference, dated July 2, 1974, from Archbishop Makarios to the Greek President, Gen. Phaedon Gizikis:

LETTER BY PRESIDENT MAKARIOS TO GENERAL GIZIKIS

(His Beatitude the President of the Republic, Archbishop Makarios, last Wednesday sent the following letter to the President of the Greek Republic, General Phaedon Gizikis:)

NICOSIA, *July 2, 1974.*

The President of the Greek Republic,
Gen. PHAEDON GIZIKIS,
Athens.

Mr. PRESIDENT: It is with profound grief that I have to set out to you certain inadmissible situations and events in Cyprus for which I regard the Greek Government responsible.

Since the clandestine arrival of General Grivas in Cyprus in September, 1971, rumors have been circulating and there have been reliable indications that he came to Cyprus at the urge and with the encouragement of certain circles in Athens. In any case, it is certain that from the first days of his arrival here Grivas came into touch with officers from Greece serving in the National Guard from whom he received help and support in his effort to set up an unlawful organisation and allegedly to fight for Enosis. And he established the criminal EOKA B organisation, which has become the cause and source of many sufferings for Cyprus. The activity of this organisation, which has committed political murders and many other crimes under a patriotic mantle advancing Enosis slogans, is well known. The National Guard, which is staffed and controlled by Greek officers, has been from the outset the main supplier of men and material to EOKA B, the members and supporters of which gave themselves the nice ringing title of "Enosists" and "Enosis campy".

I have many times asked myself why an unlawful and nationally harmful organization which is creating divisions and discords cleaving rifts in our internal front and leading the Greek Cypriot people to civil strife, is supported by Greek officers. And I have also many times wondered whether such support has the approval of the Greek Government. I have done a great deal of thinking and made many hypothetical assumptions in order to find a logical reply to my questions. No reply, under any prerequisites and assumptions, could be based on logic. However, the Greek officers' support for EOKA B' constitutes an undeniable reality. The National Guard camps in various areas of the island and nearby sites are smeared with slogans in favor of Grivas and EOKA B' and also with slogans against the Cyprus Government and particularly myself. In the National Guard camps propaganda by Greek officers in favour of Grivas and EOKA B' and also It is also known, and an undeniable fact, that the opposition Cyprus press, which supports the criminal activity of EOKA B' and which has its sources of finance in Athens, receives guidance and line from those in charge of the 2nd General Staff Office and the branch of the Greek Central Intelligence Service in Cyprus.

It is true that whenever complaints were conveyed by me to the Greek Government about the attitude and conduct of certain officers, I received the reply that I ought not to hesitate to report them by name and state the specific charges against them so that they would be recalled from Cyprus. I did this only in one instance. This is an unpleasant task for me. Moreover, this evil cannot be remedied by being faced in this way. What is important is the uprooting and prevention of the evil and not merely the facing of its consequences.

I am sorry to say, Mr. President, that the root of the evil is very deep, reaching as far as Athens. It is from there that the tree of evil, the bitter fruits of which the Greek Cypriot people are tasting to-day, is being fed and maintained and helped to grow and spread. In order to be absolutely clear I say that cadres of the military regime of Greece support and direct the activity of the EOKA B' terrorist organization. This explains also the involvement of Greek officers of the National Guard in illegal activities, the conspiracy and other inadmissible situations. The guilt of circles of the military regime is proved by documents which were found recently in the possession of leading cadres of EOKA B'. Plenty of money was sent from the National Centre for the maintenance of the Organisation and directives were given concerning the leadership after the death of Grivas and the recall of Major Karousos, who had come to Cyprus with him, and generally everything was directed from Athens. The genuineness of the documents cannot be called in question because those of them which are typewritten have corrections made by hand and the handwriting of the writer is known. I indicatively attach one such document.

I have always adhered to the principle and I have on many occasions stated that my co-operation with the Greek Government for the time being is for me a national duty. The national interest dictates a harmonious and close cooperation between Athens and Nicosia. No matter which Government of Greece was in power it was to me the government of the mother country and I had to co-operate with it. I cannot say that I have a special liking for military regimes, particularly in Greece the birth-place and cradle of democracy. But even in this case I have not departed from my principle about co-operation. You realise, Mr. President, the sad thoughts which have been preoccupying and tormeting me following the ascertainment that men of the Government of Greece are incessantly preparing conspiracies against me and, what is worse, are dividing the Greek Cypriot people and pushing them to catastrophe through civil strife. I have more than once so far felt and in some cases I have almost touched a hand invisibly extending from Athens and seeking to liquidate my human existence. For the sake of national expediency, however, I kept silent. Even the evil spirit which possessed the three defrocked Cypriot Bishops who have caused a major crisis in the Church emanated from Athens. However, I said nothing in this connection. I am wondering what the object of all this is. I would have continued to keep silent about the responsibility and role of the Greek Government in the present drama of Cyprus if I had been the only one to suffer on the scene of the drama. But covering things up and keeping silent is not permissible when the entire Greek Cypriot people are suffering, when Greek officers of the National Guard, at the urge of Athens, support EOKA B' in its criminal activity, including political murders and generally aiming at the dissolution of the state.

Great is the responsibility of the Greek Government in the effort to abolish the state status of Cyprus. The Cyprus state should be dissolved only in the event of Enosis. However, as long as Enosis is not feasible it is imperative that the state status of Cyprus should be strengthened. By its whole attitude toward the National Guard issue, the Greek Government has been following a policy calculated to abolish the Cyprus state.

A few months ago the National Guard General Staff consisting of Greek officers submitted to the Cyprus Government for approval a list of candidates for cadet reserve officers who would attend a special school and then serve as officers during their military service. Fifty seven of the candidates on the list submitted were not approved by the Council of Ministers. The General Staff was informed of this in writing. Despite this, following instructions from Athens, the General Staff did not take at all into account the decision of the Council of Ministers, which under the law has the absolute right to appoint National Guard officers. Acting arbitarily, the General Staff trampled upon laws, showed contempt for the decision of the Cyprus Government and enrolled the candidate who had not been approved in the Officers Training School. I regard this attitude of the National Guard General Staff, which is controlled by the Greek Government, as absolutely inadmissible. The National Guard is an organ of the Cyprus state and should be controlled by it and not from Athens. The theory about a common area of defence between Greece and Cyprus has its emotional aspect. In reality, however, the position is different. The National Guard, with its present composition and staffing, has deviated from its aim and has become a hatching place of illegality, a centre of conspiracies against the state and a source of supply of EOKA B'. It suffices to say that during the recently stepped up terrorist activity of EOKA B', National Guard vehicles transported arms and moved to safety members of the organisation who were about to be arrested. The absolute responsibility for this improper conduct of the National Guard rests with Greek officers, some of whom are involved heads over ears and participants in the activity of EOKA B'. And the National Centre is not free from responsibility in this connection. The Greek Government could by a mere beckon put an end to this regretable situation. The National Centre could order the termination of violence and terrorism by EOKA B' because it is from Athens that the organisation derives the means for its maintenance and its strength, as confirmed by written evidence and proof. The Greek Government, however, has failed to do so. As an indication of an inadmissible situation I note here in passing that in Athens also slogans were recently written against me and in favour of EAKA B' on the walls of churches and other buildings, including the building of the Cyprus Embassy. The Greek Government, even though it knew the culprits, did not seek to arrest and punish anybody, thus tolerating propaganda in favour of EOKA B'.

I have a lot to say, Mr. President, but I do not think that I should say any more. In conclusion I convey that the Greek officered National Guard, the plight of which has shaken the Cypriot people's confidence in it, will be restructured on a new basis. I have reduced military service so that the National Guard ceiling may be reduced and the extent of the evil may be limited. It may be observed that the reduction of the strength of the National Guard due to the shortening of the military service, does not render it capable of carrying out its mission in case of national danger. For reasons which I do not wish to set out here I do not share this view. And I would ask that the officers from Greece staffing the National Guard be recalled. Their remaining in the National Guard and commanding the force would be harmful

to relations between Athens and Nicosia. I would, however, be happy if you were to send to Cyprus about one hundred officers as instructors and military advisers to help in the reorganisation and restructuring of the armed forces of Cyprus. I hope, in the meantime, that instructions have been given to EOKA B' to end its activities, even though, as long as the organisation is not definitely dissolved, a new wave of violence and murders cannot be ruled out.

I am sorry, Mr. President, that I have found it necessary to say many unpleasant things in order to give a broad outline with the language of open frankness of the long existing deplorable situation in Cyprus. This is, however, necessitated by the national interest which has always guided all my actions. I do not desire interruption of my co-operation with the Greek Government. But it should be borne in mind that I am not an appointed prefect or locum tenens of the Greek Government in Cyprus, but an elected leader of a large section of Hellenism and I demand an appropriate conduct by the National Centre towards me.

The content of this letter is not confidential.

With cordial wishes,

MAKARIOS of Cyprus.

CAMPAIGN FINANCING LEGISLATION

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

Mr. VIGORITO. Mr. Speaker, Members of Congress and people from all over the country have watched the House Administration Committee and its chairman drag their feet for too long on meaningful campaign reform legislation. As a Member of the House of Representatives, I am tired of hearing the chairman say that a campaign financing bill will "soon" be reported to the floor of the House for consideration. His promises of speeding up the committee deliberation on campaign financing have been proven empty; the whole House is being needlessly criticized because of these hallow promises.

Today, I call upon the chairman of the House Administration Committee to expedite the consideration on the campaign reform legislation before another Federal election is held. The American people, who have witnessed immeasurable abuses of campaign financing and spending during the 1972 election, will not tolerate a Congress which proclaims distaste and abhorrence of campaign spending abuses yet is unwilling or unable to do anything about it.

A representative and responsive system of government requires campaign financing practices which are based on integrity, honesty, and which generate public confidence in the political process. Qualified candidates should have equal access to the political arena regardless of their financial resources, and a good and effective campaign financing law would allow this.

While several methods have been offered to implement true campaign spending reform, most everyone agrees that we need more effective monitoring of and stricter enforcement of the campaign finance laws.

However, the House cannot act without the House Administration Committee reporting a bill to the floor. The House cannot debate the pros and cons of public financing without having some type of legislation before it. Rather than reading that Congress is in the lead on campaign reform, we read such descriptions of Congress as "stalling, dragging its feet, inactive and dawdling" in its work on campaign reform.

The time for action is now and I do not believe any Member of Congress should tolerate the inactivity of the committee dealing with campaign reform any longer. I urge that the committee work be completed on campaign spending by the end of the first full week in August, so that the House can work its will.

THE WALKING TOUR OF THE THIRD CONGRESSIONAL DISTRICT OF OHIO

The SPEAKER pro tempore (Mr. MCFALL). Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 5 minutes.

Mr. WHALEN. Mr. Speaker, I have just completed the 100th mile of my biennial walking tour of the Third Congressional District. Thus far, 1,337 doors—averaging three voters per household—have been opened to me. As in previous elections my door-to-door effort is multipurposed. Of especial value, however, is the opportunity it provides to "take the pulse of the public."

Richard Scammon and Ben Wattenberg, in their monumental analysis of the American electorate, "The Real Majority," locate the average voter in "the outskirts of Dayton, Ohio." Thus, it comes to me as no surprise that constituent views in the Dayton area parallel those recorded in recent nationwide Gallup and Harris surveys.

For example, inflation is by far the greatest concern of residents by my district. This issue, in fact, has mounted in intensity each succeeding weekend. While responsibility for fiscal policy resides both in the executive and legislative branches, most of my contacts tend to blame the President, rather than the Congress, for our economic ills.

Too, a substantial majority of those with whom I visited are "fed up" with Watergate. "Get it over with and get on with the business of the Nation," they urge. They are somewhat assuaged when I assure them that the impeachment inquiry will be concluded by the House Judiciary Committee within the next 2 weeks.

Despite this weariness with Watergate, approximately three out of four constituents—even the most avid Nixon supporters—believe that the President was aware of the Watergate coverup—73 percent felt the President knew, according to the June 1974, Harris survey. Yet, of those willing to express themselves on the matter of impeachment, 50 percent oppose such action by the House of Representatives.

One may wonder why there is a significant dropoff in the numbers of those who view the President culpable and those who favor impeachment. Some have voiced the fear that the impeachment process "is hurting the country." Several constituents specifically mentioned that our preoccupation with Watergate has impeded the President in his efforts to combat inflation. An even larger group contends that the concern for Watergate is overblown for, "after all, all politicians do the same thing."

Finally, I have one observation that has not been revealed in public opinion polls. Particularly in congressional races, many citizens base their votes on factors other than the issues of the day. Approximately 1 out of 8 households, for instance, has assured me of its continued support because of previous assistance rendered the family by me and my staff.

What do these facts portend for the November election?

First, inflation may have a far greater adverse impact on Republican candidates than Watergate. Nixon loyalists might be able to blunt this issue by arguing that a willful Congress, bent on impeachment, has made it impossible for the President to deal effectively with inflation.

Second, those House Members who view the impeachment inquiry evidence as unfavorable to the President can take some comfort in the knowledge that this perception is shared by 3 out of 4 Americans. However, if on the basis of these facts a Representative votes for impeachment, he must convince one of these three that the remedy is justified.

Third, inflation and Watergate notwithstanding, many House incumbents—Democrats and Republicans alike—will survive the fall contents because of conscientious attention to constituent problems.

One other conclusion has emerged as I trudge my district in 90° heat—1974 is a great year to be unopposed.

DISCHARGE OF INDUSTRIAL WASTES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DON H. CLAUSEN) is recognized for 15 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, the House Public Works Committee has held a hearing to consider the implementation of the 1972 Water Pollution Control Act by the Environmental Protection Agency.

Because of the importance of an effective water quality control effort, I want to bring to the attention of all Members of Congress the testimony we received from EPA Deputy Administrator, John Quarles.

I believe his remarks should have widespread circulation because the subject is so important and so complex. The committee would welcome input from all interested parties on the ways and means of achieving the policies we established in the 1972 act.

Mr. Quarles' statement is herewith submitted for publication in the RECORD:

STATEMENT OF HONORABLE JOHN R. QUARLES, DEPUTY ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY

(NOTE.—Tables referred to not printed in the RECORD.)

Mr. Chairman, I appreciate the opportunity to appear before your Committee today

to report on the progress the Environmental Protection Agency has made toward controlling the discharge of industrial wastes into the Nation's waters.

Before I address the principal subject of these hearings, however, I thought you might like to hear a current report on the subject of your hearings in February, the municipal construction grant program. I am pleased to report that the $1.8 billion obligated for the construction of municipal treatment works as of February 28 has increased to almost $2.1 billion as of May 31, and the total obligations through FY 74 are expected to reach $2.9 billion. Although there will continue to be some variation from quarter to quarter, we are confident that the rate of obligation will increase steadily.

I am also pleased to report that, with respect to reimbursements, the Environmental Protection Agency has obligated approximately $1.2 billion as of June 7, and $622 million of that amount has been paid out to the States. The remainder of the $1.5 billion interim payment will be obligated during FY 75. We will then initiate a second round of payments to cover the remainder of the $1.9 billion appropriation, also during FY 75.

Turning to the subject of these hearings, the regulation of industry, I would like to point out that, in the aggregate, industry discharges considerably more waste than all the sewered private residences of the United States. In terms of a single pollution parameter, biochemical oxygen demand (BOD), the wastes generated by industry are equivalent to those of a total population of over 360 million people. Still more troublesome are the enormous quantities of mineral and chemical wastes, which steadily become more complex and varied. These wastes degrade the quality of receiving waters by causing objectionable tastes, odors and color as well as salinity, hardness, and corrosion. Some are toxic to plant and animal life, and dangerous to human health, often in ways we still imperfectly understand.

The vehicle for regulating industrial wastes is, of course, the National Pollutant Discharge Elimination System established under section 402 of the Federal Water Pollution Control Act Amendments of 1972, which we normally refer to as the "Permit Program." Before I describe the progress we have made so far under NPDES, let me summarize briefly the principal sections of the Act which provide the bases for the control of industrial discharges. These include industrial effluent guidelines and limitations under sections 301 and 304, new source performance standards under section 306, pretreatment standards under sections 307 (b) and (c), thermal discharge exemptions under section 316(a), toxic pollutant standards under section 307 (a), regulations governing the discharge of oil and hazardous substances under section 311, and State water quality standards approved by EPA under section 303(a).

The most comprehensive in scope of these requirements are the industrial effluent guidelines which require the achievement by industry of "best practicable control technology currently available" by 1977 and "best available technology economically achievable" by 1983 (Table 1). Equally important for the control of industrial pollution are the new source performance standards and pretreatment standards. As you know, the concept of technology-based guidelines and standards unrelated to local water quality is perhaps the most basic and most innovative aspect of the new law. I will describe in more detail how we have proceeded to implement these requirements, but I am pleased to say that we are fully convinced that this new approach will succeed and have made determined efforts to make these guidelines and limitations the durable tools envisioned by the law.

Another section especially pertinent to the control of industrial discharges is section 307(a) which directs the Agency to: (1) publish a list of substances that are toxic to aquatic life in extremely small concentrations, and (2) within six months of publication, promulgate effluent standards for those substances. The list itself may be revised from time to time, and the standards must be reviewed at least every three years. These standards will be incorporated, where applicable, in each NPDES permit.

Finally, section 311 directs the Administrator of EPA to take a number of steps to control spills of oil and other hazardous substances. This involves, among other things, publishing a list of substances deemed hazardous, prescribing removal procedures where feasible, and establishing substantial penalties for spills of nonremovable materials.

Returning to the progress we have made under NPDES, we can report that a total of 9,589 permits have been issued as of May 31: 6,429 to industrial sources; 3,002 to municipal sources; and 168 to agricultural sources. Over 1,650 of these have been issued by the States. Of the approximately 2,700 major industrial permits, about 1,200 have already been issued. Of these, only about 50 are being appealed. Coupled with another 50 minor permits on appeal, we can state that only 2% of the permits issued have been challenged by industry or environmental groups. As a result of these efforts, dischargers to whom permits have been issued are now under close supervision and control and we foresee a substantial improvement in the quality of the waters affected by their discharges.

As for the future, our goal is to have all major dischargers and a substantial number of minor dischargers permitted by December 31, 1974. If we can accomplish this objective, we will have brought under regulatory control 80–90% of the pollution attributable to point sources nationwide.

As you know, the 1972 Amendments called for a cooperative Federal-State effort in the permit area, with the major responsibility for issuing permits to be with the States. Consistent with the intent of the Act, it has always been our policy to encourage States to the maximum extent to assume this responsibility. In this regard, we issued guidelines for State permit programs and approved twelve State programs thus far: California, Oregon, Connecticut, Michigan, Washington, Wisconsin, Ohio, Vermont, Delaware, Mississippi, Montana, and Nebraska. We expect to approve three others this month: Kansas, Georgia, and Minnesota.

We are also working cooperatively with many other States in which the permits are being drafted by the States and issued by EPA following joint (Federal-State) issuance of public notices and hearings. Examples include Massachusetts, Virginia, Texas, Missouri, and Colorado. Additionally, we have assigned EPA personnel to work in State agencies under the provisions of the Intergovernmental Personnel Act.

As for the future, we expect to approve five more State programs by September 30, 1974, as well as an additional five by December 31, 1974. Coupled with those already approved, this will bring the total of approved State programs to approximately 25 by the end of December.

I have already indicated that we believe that the technology-based approach to the achievement of water quality goals through effluent guidelines and standards is workable. I think it should be emphasized that it is a radical departure from previous strategies for regulating industrial pollution sources. The Congress adopted this approach in the belief that it would be the most efficient and fair way to achieve a substantial reduction in the quantity of pollutants entering the Nation's waters: the most efficient because it eliminates the need for elaborate calculation of acceptable stream loadings for every stretch of river, and the fairest because it is more equitable to apply the same standard to plants within "classes and categories of industries," as the Act puts it, rather than on a plant-by-plant determination based solely on water quality considerations, except where water quality standards require a more stringent level of treatment.

No one expected that implementing this approach would be easy. It has, in fact, proved enormously complex. We have studied, in as much depth as our time and other resources permitted, each of the industries named in section 306 of the Act, and are proceeding with the analysis of a number of others. The industries and subcategories being studied are listed in Table 2. Chart I and Table 3 summarize the tasks we have undertaken and Table 4 sets forth our accomplishments.

We have promulgated 29 of 30 initial sets of effluent guidelines for Group I, Phase I industries and we expect to promulgate effluent guidelines for Phase II industries this year. Together these guidelines will cover an estimated 78 percent of major industrial dischargers. Work on Group II industries is underway and is expected to cover an additional 21 percent of major dischargers and bring coverage to 99 percent of all major dischargers (Table 5).

We have not attempted to make these complex judgments unassisted. We have consulted, within the strigent time limits imposed upon us, with representatives of industry, State and local government, other Federal agencies, and public interest groups. For example, we have met frequently with representatives of the electric power industry and have scheduled public hearings on guidelines for that industry for July 11–12. As you know, that category is the single one of the initial 30 industry groups for which final regulations have not been promulgated. As a result, it would be premature for me to comment on the substance of the guideline. Let me say, however, that in general, and certainly in the case of the electric power industry, we have received an immense volume of factual data and suggestions, all of which we have carefully considered, and frequently incorporated.

We have seen our job as reconciling two somewhat competing goals of the Act. The Agency is required to promulgate uniform guidelines for a given industrial category that may be applied to individual permits and enforced in court without the necessity of treating each discharger as a unique situation. We are also required to consider, with respect to point sources within the category or class, factors which may result in different limitations for different plants: their age and size, raw materials, products, manufacturing processes, available treatment technology, energy requirements, and costs. We have attempted to strike a balance between consistency and flexibility. In the process, we have identified, for "best practicable control technology" among the initial 30 industrial categories of section 306, approximately 185 subcategories and 31 additional variances (Table 6).

A difficult problem in selecting discharge levels is that of estimating the costs of the application of treatment technology and the possible economic impacts. The reason, of course, is that costs vary for individual plants. The 1972 Amendments, however, required examination of the balance between treatment costs and effluent reduction benefits from a nationwide industrial category perspective. In addition, we examined in detail potential economic impacts. The raw waste load, economic impact, and effluent reduction data for promulgated Group I, Phase I guidelines are in Tables 7, 8, and 9.

Adequate subcategorization of an industry and setting the guidelines for effluent limitations for each category require large amounts of data. In connection with this ef-

fort, we have accumulated massive quantities of technical information. In addition, as we have proceeded through the process, whenever someone brought new information to our attention, we considered it. In this regard, a large proportion of the guidelines have been changed substantially in response to comments received. In one instance—the urea segment of the fertilizer industry—when new data were received after it was too late to delay the promulgation of the regulation, we immediately developed a revised guideline. More generally, we have included a variance clause which allows a guideline to be adjusted if some fundamentally different factor exists at an individual plant which was not considered during the development of the guideline.

We have found the shortage of data to pose a more serious problem in developing guidelines for plants discharging into municipal treatment systems. On November 8, 1973, we promulgated regulations governing the discharge into municipal systems of substances which might damage the plant and limiting the amounts that may pass through untreated. We have determined that it will be necessary, however, to set pretreatment standards on an industry-by-industry basis. Because plants which discharge into municipal systems are typically smaller than the average for an industry, and because the costs of land-based treatment technologies, such as holding ponds, are typically prohibitive in many areas, it becomes a particularly difficult problem to set pretreatment standards which are both effective and economically practicable. For the most part, we have proposed pretreatment standards at the same time we have promulgated regulations governing effluent limitations for direct dischargers. Table 10 summarizes our progress in this regard.

In addition, the energy requirements of alternative treatment technologies are evaluated separately for each industry, and the findings are noted in the technical material accompanying the regulation. As Table 11 shows, we believe we have been successful in identifying technologies which will require only small percentage increases in energy use for each industry for which guidelines have been promulgated. The actual usage will, of course, vary from plant to plant, in large part because we do not require the adoption of specific technologies or treatment methods, and each firm is free to choose the approach which will meet its requirements most effectively and economically.

Turning now to the regulation of toxic pollutants, let me state at the outset that we have found section 307(a) extraordinarily difficult to implement. There are two classes of problems. The first deals with identification of substances to be regulated, and the second with the standards to be enforced, once the list is identified. During September of 1973, after a public hearing, EPA promulgated an initial list of nine substances (Table 12). We are currently evaluating other substances for inclusion on that list, and expect to make a decision with regard to additions within the calendar year. In December, we published proposed standards for the initial list of nine substances and have just completed a two-month public hearing on them. We are now in the process of reviewing the record of the hearing, along with written comments solicited from industry, public interest groups, and the public in general.

The single most difficult problem connected with promulgation of these standards is the one-year compliance time available to industry. The evidence we have received indicates, and our technical staff agrees, that this frequently will be too short a time for compliance in many cases where substantial modifications of a plant are required. I anticipate bringing this problem to the attention of Congress with a view to seeking legislative revision of this and certain procedural aspects of section 307(a).

In the area of standards governing spills of oil and hazardous materials, we are examining the impact that the imposition of heavy penalties for non-removable spills may have. They may have the effect of forcing industry to abandon water-based transportation of some substances, depending in part on the availability of insurance. We are examining the tradeoffs involved in this kind of decision, such as the environmental implications, cost, energy requirements, and health and safety aspects of a shift to land-based carriers. In that regard, we are working closely with other agencies, such as the Department of Transportation and the Department of the Interior.

I would like to point out in closing that we have worked long and hard to set guidelines and standards for specific industries as required by the Federal Water Pollution Control Act Amendments of 1972. The task has not been an easy one. On the contrary, it has been extraordinarily difficult and, in every instance, there has been considerable debate over the specific decisions reached. We nevertheless believe that the basic approach is both sound and workable.

This concludes my prepared statement. I would be pleased to answer any questions the Committee may have at this time.

SOCIAL SECURITY'S GLARING INEQUITIES

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

Mr. STEELMAN. Mr. Speaker, today I introduced two pieces of legislation which would alleviate inequities in the social security system. Too often a person finds himself in legitimate need of social security benefits only to be informed that he is either ineligible because of sex, or that his benefits will be reduced because he is currently employed. Many are disillusioned upon realizing that the benefits they were planning on receiving, or assumed would be available if necessary, are disallowed. We cannot afford to perpetuate such inconsistencies.

My first bill, H.R. 16046, deals with the unequal treatment given men under the social security system. Specifically, widowers, aged husbands, and widowed fathers with minor children are discriminated against and denied social security benefits because of their sex. Unless they can prove prior dependency on the earnings of their wives, they are ineligible for benefits which are many times essential. No such stipulation applies to women in the same situation and I can see no justification for the continuance of this sex discrimination. H.R. 16046 would end this inequality and provide insurance benefits to these widowers and aged husbands on the same basis that they are provided to widows and aged wives.

The second bill I am introducing today deals with an obvious contradiction to the principles of free enterprise that is perpetuated by the social security system. This contradiction is that one is penalized for showing initiative and trying to participate as a productive member of our society. This is demonstrated by the application of earnings tests to those receiving social security. This earnings test requires that as one's income increases over a set amount, presently $2,400, one's monthly insurance benefits decrease. This restriction acts to undermine the incentive to work and wastes a vast amount of human resources.

H.R. 16047 deals specifically with the earnings test applicable to widows and widowers. Besides emotional hardships, the passing of one's spouse may be a serious blow to one's financial position, and the restrictions to recovering a spouse's contributions many times multiplies the difficulties. At age 60, a widow or widower may, if all other requirements are met, collect on his or her spouse's social security account. The amount however is only about 70 percent of the amount that would be collectable at age 65. To supplement these benefits, the survivor must work, and then the ultimate hindrance of the earnings test is levied. My bill would provide that no reduction of a widow or widower's insurance benefits be made due to outside income; this would serve to lessen the burden borne by these disadvantaged people.

Mr. Speaker, I hope this body will move expeditiously to correct this situation where an institution no longer serves the people as it should. Let us act promptly to rectify these glaring inequities.

RHODESIAN CHROME ORE AND FERROCHROME UNNECESSARY FOR UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, contrary to the allegations made by the stainless steel industry, Rhodesian chrome ore and ferrochrome are completely unnecessary for the United States. The United States has more than abundant alternative sources of both chrome ore and ferrochrome—the processed chrome ore used in stainless steel production.

No more than 11 percent of U.S. imports of chrome ore have been bought from Rhodesia since passage of the Byrd amendment in 1971, and as of the first quarter of this year, no Rhodesian chrome at all had come into this country. Turkey, a NATO ally, South Africa, the Soviet Union, Pakistan, and the Philippines remain alternative sources of this vital material.

Although the Byrd amendment was passed for the primary purpose of decreasing U.S. reliance on the Soviet Union for chrome, our domestic ferrochrome producers have actually continued to buy increasing amounts of chrome from Russia—even though Rhodesian chrome has been available for the past 2 years. I am sure that this is, to a large extent, due to the fact that by virtue of geography, the Soviet Union happens to have the highest quality chrome ore in the world. Furthermore, in 1973, Soviet chrome was actually $22 per ton cheaper than Rhodesian chrome, despite the lower quality of the latter.

There are also more than adequate alternative sources of ferrochrome, which include our domestic industry, as well as

other countries, such as Finland, West Germany, Norway, South Africa, Japan, and Turkey. In 1973, low-carbon ferrochrome was bought more cheaply from Turkey and South Africa while Finland and Brazil have sold us high-carbon ferrochrome which is much less expensive than Rhodesia's.

My chief concern, however, is that while imports of Rhodesian chrome are minimal, Southern Rhodesia has significantly increased its exports of ferrochrome; namely, high-carbon ferrochrome to the United States in direct competition with the domestic industry. Importation of Rhodesian ferrochrome, which is produced by virtual slave labor and which can be produced without adherence to pollution control restrictions, has proven to be quite detrimental to our own domestic ferrochrome industry. As a matter of fact, the United Steelworkers of America have recently indicated in the April 7, 1974, issue of Steel Labor that:

> Seven USWA locals who once employed 28,000 workers in four companies in Ohio, West Virginia, South Carolina, and Alabama, now have a work force almost 30 percent smaller—directly attributed to ferrochrome imports of which Rhodesia is the largest source.

This is a serious situation. Surely, any benefits which may accrue to a small number of stainless steel companies do not warrant our exporting our ferrochrome industry abroad—thereby risking becoming virtually the only major industrial power in the world which cannot produce its own ferrochrome. Even Finland, which like the United States has only natural resources of low-graded chrome ore, has learned to utilize technology to produce its own ferrochrome. The United States now buys ferrochrome from Finland—at a cheaper rate than Rhodesia's.

TRIBUTE TO A CHIEF JUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 5 minutes.

Mr. O'NEILL. Mr. Speaker, there was a great man among us. And now he is gone. I join my colleagues in an expression of sadness at the death of former Chief Justice of the Supreme Court, Earl Warren.

Earl Warren will be remembered in history as one of the most courageous, honest, and distinguished judges our Supreme Court has ever produced.

His public life began in 1920 as a deputy district attorney in Alameda County, Calif. A tough, yet compassionate man, Earl Warren was always asking the simple question, "Is it fair?"

Earl Warren's progressive leadership and warm understanding won not only the confidence and respect of his colleagues, but also a restoration of the Court's prestige and influence.

He was no ordinary man. Whether or not his colleagues on the Bench agreed with his decisons, they unanimously supported their Chief Justice as a man of a high degree of judicial statesmanship and impeccable personal integrity.

At times, it was charged that the entire way of life in this country was being revised and remolded by Warren's Court. But this allegation only served to move the Chief Justice to greater acts of progressivism.

One of his favorite sayings, written in the only book Warren ever published, "A Republic If You Can Keep It," was—

> A prime function of government has always been to protect the weak against the strong.

In many instances, he was America's conscience, challenging the States to accept a wider application of the Bill of Rights.

From his appointment in 1953 until his retirement in 1969, the Earl Warren Court handed down some of the most controversial opinions in the history of our Nation including the Miranda decision, requiring that prior to questioning, arrested suspects receive a detailed description of their rights.

And probably the most important decision that helped bring about the social revolution, was the Brown against Board of Education in 1954, when the outlawing of school segregation took place.

Warren also corrected political imbalances existing in both our State legislatures and in the U.S. House of Representatives by his firm belief in the one-man-one-vote doctrine.

Warren wrote:

> Legislatures represent people, not acres, or trees. Legislators are elected by voters, not farms or cities or economic interests.

Warren's "Judicial Activism" helped to fulfill our Founding Fathers' promise of inalienable rights for all mankind. We will long remember Chief Justice Earl Warren for his outstanding leadership during an era of great social upheaval and revolutionary changes within our system.

AN ATTEMPT TO PRESERVE A DYING CRAFT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, all too often in recent years, the financial pages of our local newspapers have been forced to announce the termination of yet another small business. The type of city may change, the type of business may change, but the story remains depressingly the same. It appears that we are living at a time when the only path to survival for the small businessman is to sell out and be thankful he could.

Such a pattern of consolidation is troubling to me. I do not like to think that we have come to the time when bigness is the only road to survival in our economic system. For if it is, much of the individuality and uniqueness that has made our country will be forever lost.

In Chicago, one clear example of this trend has been in the brewing industry. As the ethnic center of our country, Chicago was long the home for many of our most famous smaller breweries; breweries which developed products, that added to our city's uniquely diverse atmosphere. In the last 25 years, however, the city of Chicago has watched the number of its breweries decrease from 48 to but 1. In this regard, Chicago is but one example of an incredible national trend. In the State of Wisconsin, the number of breweries has decreased in the last 25 years from 72 to 8—a sad story for a region that has long prided itself on its beer craftsmen. Nationally, the figures are not much different—from 466 to 56 in the same period of time.

While these figures outlining the decline of the individual breweries are in themselves clear, the message of bigness becomes unmistakable when this sharp decline is contrasted with the continuing increase in beer sales in recent years. In each of the last 14 years—through 1972—sale and production of beer and ale have annually established new highs. Thus, at a time when an industry is prospering, the individual smaller brewer is nonetheless becoming virtually extinct.

The demise of the small brewery can be attributed to many factors. The closings have been caused by many of the problems typical of our inflationary times. In addition, the small brewer has been beset by one problem that is unique to his industry. He is taxed heavier than any other domestic industry except one. He is the target of not only State taxation, but double Federal taxation as well. In addition to the usual Federal income tax, brewers must pay an excise tax of $9 on each barrel they brew. This $9 excise tax can be contrasted with average profit per barrel of only a little over a dollar. Such heavy taxation undoubtedly hits hardest on the small brewer, the man who has neither the capital nor the credit to expand his facilities to take advantage of the growth in industry-wide sales. As a result, he finds it easier to sell his business to those brewers who have the capacity to better bear the heavy financial burden. While this might very well streamline an industry, I seriously doubt that it is as good for American tradition or for the American consumer.

As a result of this, I have today introduced legislation to ease the financial burden on the small brewers of this Nation. My legislation would reduce the Federal excise tax on small brewers from $9 to $7 a barrel. This reduction would only apply to brewers that produce less than 2 million barrels a year, and even then, only to the first 60,000 of their barrels.

Through the years, Federal excise taxes on beer have risen from $1 to $9 a barrel. As is the case with most excise taxes, increases usually came on a "temporary basis" during a time of national emergency. Unfortunately, as is also usually the case, these "temporary" increases have remained now firmly entrenched in the Internal Revenue Code. The effect of my legislation would be to repeal—for the small brewer's first 60,000 barrels, the $2 increase that was levied to help finance Federal expenditures during the Korean conflict.

This small reduction will not itself insure the financial stability of the remaining small breweries in our Nation. It will, however, give those brewers a badly needed boost in capital to help them in their struggle to both remain open and remain a refreshingly diverse part of the American scene.

H.R. 16028, LAND USE PLANNING BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, 11 cosponsors have joined me today in introducing H.R. 16028, a new land use planning bill.

It is a "new" bill in the sense that it is a clean bill including refinements that I intended to support when its predecessor, H.R. 10294, came to the floor for debate last month. But it is not "new" in the sense that it represents a theory different from that on which the predecessor was based.

This bill reflects the best thinking we have (after 3 years of hearings and detailed consideration of the measure), as to what a national land use planning assistance act should be. It embodies the theory of the American Law Institute in developing a model code for the several States to consider—that the Federal Government itself should not get into the land use planning effort, except with respect to the public lands; and that the States should become involved only in selective areas of more than local concern—areas where the local governments either cannot or have not been able to cope with land use planning problems.

As such, it is the theory urged upon the Congress by the administration until recently, when we were at long last prepared to vote upon it. It is a theory contrary to that of the Clean Air and Clean Water Acts, where the Federal Government becomes involved in decisions I would hope could be retained for grass roots action.

Some people may ask, with respect to the new bill as well as with respect to the bill the Committee on Interior and Insular Affairs reported out earlier this year:

If you believe in having land use decisions made at the local level generally, why do we need any Federal program at all?

My answer is that we need to establish an overall Federal policy that will encourage the States and local governments to exercise their land use planning prerogatives if we are to reverse the trend toward unplanned urban spawl. The States and the local governments need Federal financial assistance because the problems caused by lack of land use planning are expensive to solve.

I still believe this is legislation whose time has come. Although I have doubts that it can be enacted this year by this Congress, I want my colleagues to have a clean bill readily accessible so that the dialog can continue as to the merits of the program I advocate. H.R. 16028 will serve this purpose and hopefully will point the way toward constructive action next year.

THE CASE FOR BUSING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, 9 years ago, in an action of historic significance, Massachusetts adopted the racial imbalance law and thereby thrust herself into the forefront of those States actively willing to commit themselves to a policy of racial integration. The passage of the act represented an acknowledgment by Massachusetts that the problem of racial discrimination is one that concerns not only the victims of discrimination, but all of society. The issue is not one of merely local or neighborhood concern. Massachusetts wisely recognized that the issues of race go beyond geographical boundaries and are the responsibility of all citizens. The racial imbalance law was a commitment on the part of the State to face and solve a problem of such magnitude that anything less than a total effort from all sectors of society could only be viewed as a refusal to face the true consequences of racial discrimination.

Yet 9 years later, there has been no substantial change in the racial makeup of Massachusetts' schools. Segregation and discrimination continue to characterize our educational systems. In 9 years no effective leaders have been willing to step forth and say that we have delayed too long and at too great a cost in human suffering. Today I would like to address myself to this abdication of political leadership on one of the most important questions of our time. Too often, those who have been delegated responsibility have preferred to sidestep the issue of segregation and disclaim responsibility for its lack of implementation. Others, while expressing sympathy, have noted that the problem does not directly affect them and their community, and therefore is beyond their jurisdiction or active concern. But it is all too evident to me that the overall result of this reluctance to provide initiative has been inaction and, consequently, a perpetuation of racially imbalanced schools with their attendant harms.

Certainly, I am not exempt from criticism. Coming from a district that is 98 percent white it may appear that I lay little on the line by taking a firm stance on busing. Supposedly, I can afford to be liberal in my support, because my children and my community are not actually affected by what I say. But I believe that this is a concern not limited by boundaries. Suburban as well as urban areas must share the burden of the problem. Consequently, we must be willing to consider solutions that are metropolitan in their impact. These are solutions that may very well involve my family and constituency, yet I support them as strongly as any intracity plans.

Ostensibly, the decision to desegregate, a decision which would entail busing, has been removed from political consideration. On Friday, June 24, Judge W. Arthur Garrity of the Federal district court ruled that the entire Boston school system is unconstitutionally segregated. He ordered the Boston School Committee and the superintendent of schools of the city of Boston to formulate and implement plans designed to eliminate all forms and vestiges of racial segregation in the public schools. Judge Garrity has also directed compliance with the State board of education's busing program due to begin this September.

While the court's ruling directly affects only Boston, it seems probable that unless Springfield immediately adopts busing as a tool to desegregate, similar State and Federal rulings will be forthcoming.

There are some who approach the court's decision with a sense of relief because it seems to provide a conveniently definitive answer to the busing controversy. Indeed, for those who have vacillated in their public stance on busing, performing moral flip-flops for political purposes, any solution which they perceive as allowing their continued avoidance of the moral issues behind busing and desegregation is desirable. Thus, instead of exerting responsible leadership, they prefer to hide behind the shield of the courts and explain their actions on legal grounds while politically exploiting the court's decision. They excuse their actions by blaming the courts and give the appearance of reluctantly discharging their obligations under the law. By subtly or openly indicating lack of support for busing they encourage antagonisms and defiance. They provide a rhetoric which while politically self-serving serves only to exacerbate the conflict and controversy.

By use of these ploys, it is all too easy for public figures to avoid addressing the question of busing. But no escape exists for those families whose children are being bused against their wishes. These families are confused and angered.

The concerns of these families are not unfounded. They are afraid of change because too often they have been neglected or have seen Federal and State intervention affect them and their communities unfavorably. Despite—some would say because of—various governmental programs, the cost of living continues to rise in excess of wage increases. Increased amounts of money are deducted from paychecks for social security, a program which is based on a regressive tax structure and is inadequate in its coverage. Taxes are high and the direct benefits received are marginal. It is increasingly difficult for these families and their children to maintain upward mobility and improve their standard of living as the costs of higher education have skyrocketed out of reach and job opportunities have tightened. In fact, these families are struggling to remain stable in terms of income and life possibilities.

But most significantly, we are witnessing the increasing disruption of family and community life, a process that has been taking place for decades. Because of economic pressures, many families are forced to have both parents spend their time away from the children during working hours and sometimes later so as to gain overtime pay. Where the goal of increased mobility has been attained, the result has often been the erosion of communities.

Shifting housing patterns, shifting

employment opportunities, urban development, and the flight to the suburbs, for those who can afford it, have contributed to this trend. So have problems like drugs and crime which are beyond the scope of family or community control. In dealing with these problems, the price of progress increasingly has been the severing of connections that people have had with one another, as well as with the past.

For many communities, the neighborhood school represents one of the last remaining bonds not only between families but between parents and their children. Amidst the deterioration of city school systems throughout the country, that bond is already threatened. It is little wonder that so many fear that busing will prove to be the final blow, resulting not in quality education for all so much as poor education for all.

These reservations deserve respect. They involve questions and issues which must be dealt with, but dealt with in the given context of busing to achieve integration. A leadership which rejects its responsibility to integrate and to resolve the undesirable side-effects of busing cannot answer these questions but can only fuel underlying tensions and further divide an already divided society. A why and wherefore must be offered to all so as to at least provide an understanding from which we can work.

What then is the reason for busing and the reason for so many opposing it?

For several decades, busing has been used in Massachusetts and throughout the Nation simply to get children to school. This has long been true in rural areas. More recently, it has become the norm in suburban and urban areas as many communities have chosen to have consolidated schools because of their better educational facilities. In both cases busing of their better educational facilities. In both cases busing has been necessary and yet has resulted in quality education. Still, those who oppose busing would have us believe that educational quality must necessarily suffer from busing.

The statistics for Massachusetts are revealing concerning this discrepancy. The busing of an additional 30,000 to 40,000 children is described as a massive and unwieldy program. Yet presently, close to 570,000 children are bused for educational purposes in Massachusetts. This represents almost 50 percent of total State educational enrollment. Of this number, only 8,000 students are bused for purposes of integration. Only 1.4 percent of all busing taking place is for integration. Even under the programs due to be instituted in September, not more than 10 percent of all busing would fall under this category. Yet those who oppose a busing program to achieve integration would have us believe that we are embarking on a new and dangerous course because of the harms of busing per se. If this is so, it is hard to understand their laxity concerning the remaining 560,000 children who are not bused to desegregate. It is difficult to believe that it is simply a sudden awareness of the dangers of busing which has elicited this disproportionate amount of concern in relation to integrational busing.

However, let us consider whether there is some substantial reason why busing should be avoided. There are those who claim that busing is not safe. Statistics gathered on the subject seem to indicate that busing is actually safer than letting children walk to school. Still others object that the funds used for busing, especially for the new integrational programs, could be better used elsewhere. Yet in Massachusetts, busing to achieve integration presently constitutes only 4 percent of the total transportation expenditures for education made by the State and local governments. Nationwide despite the implementation of busing for integration, expenditures for transportation for education have only risen by 0.1 percent in relation to the total budget in the last 30 years. Clearly, the costs of busing, especially for integrational programs, are minimal.

Finally, it is commonly believed that white children suffer real scholastic damage through integration. However, one of the well-established findings of education research in desegregated school systems, as thoroughly documented by Prof. David Armor in the article, "The Evidence on Busing," in Public Interest, Summer 1972, is that white children rarely suffer any educational damage and that sometimes they make significant gains in desegregated settings. In fact, desegregation has made no appreciable difference in white achievement scores even during the difficult transition period in the first year of integration in a reorganized system.

The list of statistics and studies proving that the various reputed harms of busing are marginal at most are too numerous to state here. Certainly they do not prove that every busing program is properly planned or administered. The purpose such statistics do serve, however, is to put the issue in perspective. They demonstrate that with proper planning it is possible to have successful busing programs with minimal disruption. They demonstrate that the success of busing is an issue only when race is involved.

Furthermore, the statistics begin to allow us to judge whether the costs of busing are worth the potential gains, both pragmatically and morally—a question which is too seldom addressed. The debate over which mechanism for integration is preferable has too often overshadowed the recognition of why we have chosen such a course in the first place. A reaffirmation of our purposes is called for.

The question comes down to the desirability and purposes of integration itself. Or, to put it another way, can we as a society afford to delay, postpone, and even try to escape racial integration? Our answer must be no.

We are citizens of a country whose most fundamental guarantee is equality, including equality of opportunity. There can be no denying that blacks have been denied this equality. Whether subtly or blatantly, discrimination has been practiced in housing, employment, and education.

There are those who claim no responsibility for either past or present discrimination and its effects and ask why they should be forced to make the necessary sacrifices. The answer is that in dealing with racial discrimination, past or present, inaction can only be considered negative action because it allows for the perpetuation of the problems. The courts of this country have recognized this and stated:

We bear in mind that the court has . . . the duty to render a decree which will so far as possible eliminate the discriminatory effects of the past as well as bar like discrimination in the future.

Until we correct the efforts of this discrimination, we carry the moral burden of continuing to make part of our citizenry suffer because of the color of their skins. In the interests of human justice, we can do no less than exert ourselves to the fullest to remedy this situation.

Furthermore, I view integration as good in and of itself. Education is supposed to represent a broadening experience and part of that experience should include learning to live with people of all races, religions, and beliefs. Separation breeds suspicion and distrust among us and can even distort our perceptions so that we are incapable of understanding or functioning effectively in the world at large. Integration is desirable because it breaks down racial barriers and this enhances our ability to deal with problems that affect our society as a whole. Because, as many have observed racial discrimination is not the only discrimination that plagues our society. There is discrimination in our tax laws, discrimination in the quality of justice each man should be entitled to, discrimination in the amount of political power allotted to members of different economic classes. Unless we are willing to think in terms of an interdependent future, and an interdependent justice, and begin to see beyond our individual and localized concerns, there can be little hope that we will be able to join together to rectify the problems of any sector of our society.

We can solve the problems that busing might cause. In fact, busing serves to highlight many areas that desperately demand attention. We must design programs to insure that parents are involved in the schools their children are sent to. We must institute educational reforms so that the educational experience speaks to the individual student's needs and aspirations. We must provide the facilities that encourage and enable full participation in curricular and extracurricular activities by all students, no matter how close they live to the school they attend. The potential problems are numerous, but solutions also abound. What is required is a willingness to be open to

needed change, a willingness to enter into discussion and see whether busing can serve as the first step toward improving all of our educational systems. Without community support, without this commitment, busing may indeed fail, but at the expense of our children and our society.

I recognize the strain busing can cause. But I believe that the goal of a racially integrated society, in which the barriers of mistrust, fear, and hatred have been broken, is important enough to endure this strain. Though specific programs may fail to solve the problem, we should not allow this to serve as an excuse for backsliding. We can and must be willing to learn from our mistakes in implementation, but this does not mean that the tool of busing is basically faulty. Busing represents a commitment to integration and quality education for all children.

IT IS BARGAIN DAY AT THE WAYS AND MEANS COMMITTEE—BUT WHO IS WATCHING THE STORE?

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

Mr. VANIK. Mr. Speaker, the Ways and Means Committee has devoted much time lately to discussion and consideration of what has come to be called tax reform. It is this label that is immediately misleading—the committee has actually done very little to close tax loopholes. In fact, the committee has increased tax breaks, allegedly in the name of equity, but this equity still has not reached the American wage earners who need and deserve real tax reform.

It is interesting to note that often "equity" is accomplished not by doing away with unreasonable tax advantages given to a particular group, but instead by extending that loophole to others. This usually ends up with the average American being forced to carry the revenue-loss load generated by this double pickpocket theory. The idea of ending the loopholes for all parties is rarely considered.

Mr. Speaker, the committee's last 2 weeks have been consumed in a disjointed consideration of capital gains tax provisions. While the committee is ostensibly motivated by their heartfelt concern for the common man and his problems with our skyrocketing inflation, the "tax reform" measures tentatively accepted in this area are of absolutely no help.

For capital gains "reform" to benefit ordinary working Americans, they must be made more restrictive. If most Americans do not use capital gains, they cannot benefit from any changes to those provisions.

Mr. Speaker, I would like to include at this point in the RECORD a compilation of figures I have prepared from the Internal Revenue Service's Individual Statistics of Income for 1971. This is the most up-to-date collection of taxpayer return figures. The statistics follow:

CAPITAL GAINS CLAIMS BY ADJUSTED GROSS INCOME (AGI), 1971

	Percent of AGI class claiming some capital gains	Average capital gains claimed per member of AGI class	Percent of total capital gains claimed by AGI class
No AGI	18.2	4,935	2.6
$1 to $1,000	1.8	790	.541
$1,000 to $2,000	3.1	610	.785
$2,000 to $3,000	4.8	570	1.02
$3,000 to $4,000	5.9	690	1.42
Total percent			6.36
$4,000 to $5,000	6.4	840	1.81
$5,000 to $6,000	6.1	1,020	1.97
$6,000 to $7,000	6.0	910	1.58
$7,000 to $8,000	5.9	1,030	1.84
$8,000 to $9,000	6.3	1,090	1.96
Total percent			9.16
$9,000 to $10,000	6.7	950	1.74
$10,000 to $11,000	7.1	1,090	1.97
$11,000 to $12,000	7.8	1,230	2.15
$12,000 to $13,000	7.6	1,190	1.08
$13,000 to $14,000	8.3	1,320	1.92
Total percent			9.58
$14,000 to $15,000	10.5	1,120	1.76
$15,000 to $20,000	12.6	1,510	8.49
$20,000 to $25,000	19.9	1,890	6.14
$25,000 to $30,000	27.1	2,740	4.94
$30,000 to $50,000	36.3	4,340	11.6
Total percent			32.93
$50,000 to $100,000	47.2	9,800	12.8
$100,000 to $200,000	60.5	31,140	9.39
$200,000 to $500,000	73.9	110,545	8.33
$500,000 to $1,000,000	81.5	355,055	4.38
$1,000,000 plus	86.1	1,279,355	6.66
Total percent			41.56

Mr. Speaker, it is easy to see that the number of average wage-earning taxpayers—the median family income for 1971 was $10,930—claiming capital gains exclusions is practically insignificant. Over 80 percent of capital gains claims were made by persons with an adjusted gross income—AGI—of $11,000 or more. Those with an income of $11,000 or less amounted to only about 19 percent of those claiming capital gains exclusions.

How much is the present capital gains provision worth to each individual at the $11,000 income level? On the average, it is worth about $1,100. These same capital gains provisions, however, are worth over a third of a million dollars for the average taxpayer with income between half a million and a million dollars. For those who have more than a million dollars income, the capital gains provisions are worth approximately $1.3 million. Capital gains revision may throw a bone to a few individuals in the middle- and lower-income groups—but it will surely provide a windfall bonanza to the richest of the rich.

So who is benefiting from capital gains? Who are the people that can afford to own properties even capable of capital gains? Who are we trying to help with liberalization of capital gains? It is certainly not the average taxpayer. Rather it is generally the wealthy and the financial investor—the last people who need or deserve a tax break today.

Mr. Speaker, the Ways and Means Committee is deceiving itself and millions of Americans if it really thinks it is considering "tax reform." An "altered" tax code is not necessarily a better tax code. If the committee proceeds on its present course, it will have developed a mammoth tax giveaway—one of the worst bills of 1974—a bill which should be defeated.

AN AMENDMENT TO H.R. 16027 TO INCREASE FUNDING FOR THE LAND AND WATER CONSERVATION FUND

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, when the House considers the appropriations measure for the Department of Interior, H.R. 16027, I plan to offer an amendment to increase the funding for the Land and Water Conservation Fund from $300 to $450 million. I feel that we have severely underestimated the recreational needs of this Nation's citizens and of future generations.

A report which had been suppressed by this administration, and just recently released by Senator JACKSON, estimates that it would cost $42 billion, just to begin to meet the Nation's recreational needs. This systematic study prepared by the Department of Interior during the the Udall and Hickel years dutifully recognizes the critical need for additional recreation space and the necessity for preserving the country's fragile lands.

The appropriation for the Land and Water Conservation Fund in H.R. 16027 is $300 million. My amendment is only a modest increase when one considers the enormous challenge which lies ahead in meeting our recreational needs, as evidenced by the Udall-Hickel report.

The additional funding provided by my amendment will be available for payments to State and localities in meeting their recreational needs.

For the RECORD I would like to include the text of my amendment to H.R. 16027:

WOLFF AMENDMENT TO H.R. 16027

Page 6, line 19, strike out "$300,000,000", insert "$450,000,000"

Page 6, line 20, strike out "$180,000,000", insert "$330,000,000"

Mr. Speaker, for the information of my colleagues I am enclosing an article from the July 21 edition of the Washington Post, which describes the suppression of the Udall-Hickel report and the enormous recreational needs of our Nation:

A BLUEPRINT FOR RECREATION

(By Jack Anderson)

One of Interior Secretary Walter Hickel's last acts before he was unceremoniously sacked by President Nixon in 1970 was to lay down an elaborate blueprint for the nation's recreational needs through the year 2000.

Unknown to all but a few White House aides, Hickel and his predecessor, Stewart Udall, had spent $7 million to produce the two-inch-thick volume.

The suppressed report is important to every American, whether his favorite recreation is to join the 150 million annual picknickers or the 1.5 million mountain climbers.

In exhaustive detail, Hickel and Udall laid out where future national parks should be and selected sites for federal seashores, monuments and forests.

Using complicated formulas, they estimated the cost of keeping fish in the streams, game in the woodlands, pure sand on the beaches and the splash of the wild in Americas' increasingly tamed and polluted rivers.

Extraordinary pains were taken to balance the needs of the poor, the handicapped and the aged with those of ordinary family vacationers.

It would cost a staggering $42 billion, the suppressed report estimates, to begin to meet the nation's future recreational needs. Enormous though this figure may be, it is slightly less than what it costs to run the Vietnam War for two years. The report suggests the cost should be shared by federal, state and local governments.

On July 17, 1970, Hickel submitted the oversized volume to President Nixon, with a ringing appeal that "Americans cannot and will not tolerate the continued blight and destruction of their land and waters . . . I present to you," offered Hickel, "a major step forward."

But Hickel's big step, like a footprint on the sands of the sea, washed out. The White House crowd took one look at the $42 billion price tag and quietly pigeonholed the study.

In its place, the President later issued an 89-page report, distinguished only by its spectacular color photos and its expensive glossy paper. This slick production, typical of the public relations that has characterized the Nixon administration, was more impressive in form than substance. Its most memorable feature was the title, "A Legacy for America."

The public was never supposed to see the original study that they had paid $7 million to produce. Its offset plates, ready for printing, were hidden away for four years in a white cardboard box in an Interior Department cubbyhole.

But a few weeks ago, Senate Interior Chairman Henry Jackson (D-Wash.) learned about the report's existence and won the Interior Department's approval to extricate it from its hiding place. He is now preparing to turn the suppressed study over to the Public Printer for belated publication.

In a confidential memo, he has charged that the administration's failure to print the report "represents the retreat from the challenging task which lies ahead of us." He is making the report available, without specifically supporting all its findings, so the American people can "intelligently and conscientiously assess the needs."

From one of the original numbered copies, here are highlights from the study:

The greatest recreational needs, according to the study, are in these areas: New York-Newark, Chicago, Philadelphia-Camden, Washington-Baltimore, Boston-Providence, Cleveland, Pittsburgh, Milwaukee, Cincinnati, Denver, Minneapolis-St. Paul, New Orleans and Buffalo. Help for these cities alone would benefit 96 million people.

The report recommends that the Pentagon give up numerous forts, fields and other facilities, totaling thousands of acres, to be converted into public playgrounds. Other federal land, its suggests, can also be used for recreation.

The report calls for reversing the trend toward urban sprawl. Polluters of water, land and air should be prosecuted. Communities should get federal technical help to zone out ugliness.

Private recreation developers should be encouraged, with limited subsidies for state and local recreation, all under close federal supervision.

The report states that picknicking and pleasure driving are the most popular forms of recreation today but predicts that by the year 2000, it will be swimming. The most recreation-minded people, says the report, are Westerners.

The study offers detailed proposals for several major projects. For example, one project would make it possible for visitors to Washington to travel along the Potomac River as part of their visit. As the report portrays it, the "Potomac National River would consist of several thousand acres of some of the finest scenic landscapes in the east—forests, agricultural and pastoral lands, shores, bluffs and river islands. It would form an added green belt . . . for Harpers Ferry, Antietam and the C&O Canal."

Similar federal development would take place on the sugar-sanded islands off the Florida and Mississippi coasts, some of Georgia's Sea Islands, the Great Prairie Lakes, the Virgin barrier islands and the Ten Thousand islands of Florida.

Other sites selected for careful development would be the Wrangell mountains of Alaska, Kauai National Park in Hawaii, the Voyageurs parks in Minnesota, the Channel islands of California, Buffalo River in the Ozarks, Fossil Butte in Wyoming, Plymouth Rock in Massachusetts and a giant Gateway park to serve New York and New Jersey. Desert lands such as the Great Basin, the Mohave, the Sonoran and the Chihuahuan would be protected from commercial encroachment.

Present federal efforts, the report finds, are "fragmented and uncoordinated." Even though a half billion acres of public land are now used for recreation, the study contends, it is poorly administered by eight federal agencies and unconnected state units.

Footnote: An administration spokesman said the President's report, "A Legacy for America," reflected the current tight budget and was the best report possible "under present circumstances."

AMENDMENTS TO H.R. 11500, OFFERED BY MS. ABZUG

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 5 minutes.

Ms. ABZUG. Mr. Speaker, in order to qualify for the necessary time to present them to the House, I am including the following amendments to H.R. 11500:

AMENDMENTS TO H.R. 11500 AS REPORTED, OFFERED BY MS. ABZUG

1. On page 265, insert between lines 18 and 19 the following new section:

ADMINISTRATION

SEC. 501. The provisions of titles II (Control of Environmental Impacts of Surface Coal Mining), V (Office of Surface Mining Reclamation and Enforcement), VI (A Program for Non-Coal-Mine Environmental Impact Control) of this Act and sections 701, 703, 704, 706, 707, 708, 709, and 712 of title VII of this Act, shall be administered and enforced by the Administrator of the Environmental Protection Agency through the Director of the Office of Surface Mining Reclamation and Enforcement established by this Act. The provisions of titles III (Indian Lands Program), IV (Abandoned Mine Reclamation), and VII (State Mining and Mineral Resources Research Institutes) of this Act shall be administered and enforced by the Secretary of the Interior. It shall be the duty of the Administrator, the Director, the Secretary, and all other Federal officials and employees and the states having responsibilities to carry each of their responsibilities under this Act promptly and efficiently in accordance with the purposes of this title."

Renumber the following sections accordingly.

2. On page 266, line 6, strike the word "Secretary" and in lieu thereof insert the word "Administrator".

On page 266, line 13, strike the word "Secretary" and in lieu thereof insert the word "Administrator".

On page 267, line 5, strike the word "Secretary" and in lieu thereof insert the word "Administrator".

On page 265, lines 20 and 21, strike the words "Department of the Interior" and in lieu thereof insert the words "Environmental Protection Agency".

3. On page 277, line 10, before the word "means" insert "in titles III, IV, and VIII of this Act".

4. On page 290, between lines 17 and 18, insert the following new section:

SEC. 713. Any reference in titles I, II (except sections 202 and 203 of said title), and VI to the Secretary of the Interior or the Department of the Interior shall be deemed to be a reference to the Administrator of the Environmental Protection Agency or to the Environmental Protection Agency, as appropriate.

HOUSE BUSING PROVISIONS MUST BE ADOPTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BIAGGI) is recognized for 5 minutes.

Mr. BIAGGI. Mr. Speaker, the House conferees on the Elementary and Secondary Education Act amendments are meeting once again today to attempt to resolve the issue involving busing of schoolchildren.

The House-approved provision would restrict busing to either the school closest or next closest to the child's residence and would require all existing busing arrangements to comply with this stricture as a condition for receiving Federal aid. The House has twice voted to instruct conferees to accept only this version. I have voted with the majority on both these occasions and want to reiterate my position on this important issue.

Busing of schoolchildren is an idea that was tried and proven ineffective. It appeared to be a good vehicle to eliminate racial segregation in our schools. However, it failed; it is, in fact, counterproductive. Yet there are some, including the courts and the bureaucrats, that continue to see this as a useful tool. Only legislative action by the Congress will prevent continued use of this detrimental device.

The effect of busing on schoolchildren is most deleterious. Cross-city and intercounty busing which has been frequently imposed by the courts and the Department of Health, Education, and Welfare on various school districts requires lengthy rides on buses, eliminates the opportunity for children to participate in afterschool activities, and destroys the concept of the neighborhood school.

Busing of schoolchildren may be necessary at times, and the House has recognized this. The House seeks to limit such busing to a reasonable degree by permitting it only to the school closest or next closest to the pupil's home. This keeps the time involved for the child down to a minimum and still permits the child to participate in extracurricular activities.

Some have argued that busing great distances is worthwhile if it means that a true racial balance in the school system can be achieved. I do not agree. There is no value in placing a child in a bus for 1 or 2 hours, shipping him far away from his home, to sit in a classroom that is numerically racially balanced. The ride itself is demoralizing. No adult would stand for such treatment, yet we seek to inflict such abuse on our children. In fact, educators have proposed installing television sets in the buses so that the time will not be lost to the educational process.

The cost of such busing, especially with the doubling of fuel prices, is nearly prohibitive. It can only mean that less money is available to be spent on improving the quality of education.

Ah yes, the quality of education. Should not that be our goal? The advocates of unlimited busing say that such in fact is their goal, but the experiences of the past belie such an argument. Wherever extensive busing was used to achieve racial balance, the quality of education did not improve; the money was wasted. I would rather see every cent of the billions—take note, that is billions, not millions—every cent go into improving the ability of our children to read and write, to understand basic mathematical concepts, to learn the history of our country, to gain the basic skills they will need to survive as adults.

All the money that has been poured into education in the last 10 years has resulted in lower reading and math performance schools and in producing children who go to college or into the job market without basic educational skills. A good deal of the blame for such a failure of the educational system must be placed on the busing of schoolchildren and the inordinate focus of educators and the courts on racial balance.

As a member of the Education and Labor Committee, I have sought to develop legislative programs that assure every child, regardless of his race, creed, or national origin, of the best possible education. That must be our goal as a nation. To do less will be to destroy the greatest resource of this country—our children.

Quality education can be achieved without busing and without absolute adherence to a numerically balanced school system based on the racial composition of the school population. To get a good education, it does not matter whether the child sitting next to you is black or white. What matters is that the facilities you use are the best available, that the books you read are the best, and above all that the teachers who are instructing you are qualified and interested in helping you learn.

Once we stop focusing our attention on racial differences and start paying attention to educational achievement, we will begin to build the type of education system that all Americans can be proud of, whether they are black or white, rich or poor. The first step toward that system must be taken with the passage of the Elementary and Secondary Education Act amendments containing a strong provision against extensive busing. This is what I want and what a majority of all Americans—black and white—want. This is what the House has voted for and what I hope the Senate will ultimately support. We can do no less for our children.

SENATOR ERNEST GRUENING

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, few Members of the U.S. Senate have won for themselves such wide respect for the depth and integrity of their commitment to the fundamental purposes of this country than the late Senator Ernest Gruening of Alaska.

I insert in the RECORD an editorial paying tribute to Senator Gruening from the July 3, 1974, issue of the La Porte, Ind., Herald-Argus.

The editorial follows:

A FIRM COMMITMENT

The recent death of former U.S. Sen. Ernest Gruening, who was one of only two senators opposing America's entry into Southeast Asia from the very beginning, is remindful as this Fourth of July approaches of the symbol of liberty, freedom and rights that we celebrate tomorrow.

Sen. Gruening feared not the hazards of living with a small minority. He fought for right as he saw it, using, incidentally, constitutional grounds to warn the President of that day, the late Lyndon Johnson, that his action transgressed the legal limitations of the highest officer of the land.

Sen. Gruening's action, to this day, forcefully declares the political independence upon which this nation was founded close to 200 years ago.

Men and women of courage have felt the need to reveal this political independence on many occasions in the nation's history.

As a matter of fact, perhaps our political independence was founded on the basis of courageous voices that sounded forth in the 18th century Great Britain before the Declaration of Independence made it more clear.

England's eloquent William Pitt foresaw man's need for liberty. He defied King George III, strenuously opposed the hated Stamp Act, and challenged the Parliament:

"I rejoice that America has resisted. Three millions of people, so dead to all the feelings of liberty as voluntarily to let themselves be made slaves, would have been fit instruments to make slaves of all the rest," spoke Pitt.

"If I were an American, as I am an Englishman," cried Pitt, "while a foreign troop landed in my country, I never would lay down my arms, never, never, never!"

It is suggested Pitt, more than most Americans, spoke of something far greater than political independence. He spoke of liberty for humankind.

And the drafters of the Declaration of Independence wrote this paragraph: "And for the support of this Declaration, with a firm reliance on the protection of the Divine Providence, we mutually pledge to each other our lives, our Fortunes and our Sacred Honor.

Thereby, men, not the Declaration, made revolution—a movement in quest of liberty. At an even earlier date in this nation, a committee of seven freemen of the town of Mendon near Boston, sounded a familiar ring in the cause of liberty:

"Resolved, that all men have naturally an equal right to life, liberty and property." And later they wrote: "All just and lawful governments must necessarily originate in the free consent of the people."

Their declarations bear a marked resemblance to those which appear in the charter dated July 4, 1776.

Surely those challenges of 200 and more years ago echo across America in 1974. Are we translating them into a declaration of facts for 1974 and henceforth?

Those people of a much earlier date spoke their minds about the iniquity of tyranny, about the inalienable right of all people to freedom, justice and opportunity.

They delivered with their minds, their hands and they delivered themselves.

We should ask ourselves: Are we delivering with the same genuine regard for all humanity on July 4, 1974? The original patriots made a promise to themselves and their posterity.

They left a national birth certificate that we can not deny.

THE SAHEL: DROUGHT, FAMINE, DEATH

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the worst drought of the century is continuing unabated in West Africa. In a nutritional survey in 4 of the 6 Sahelian countries, U.S. Public Health Service experts calculated at least 100,000 deaths from the drought during 1973 alone. On a proportional basis, it was as if more than a million Americans had been struck down by a national disaster. After a tour of the stricken area in February, U.S. Secretary General Waldheim reported that thousands more remain on the brink of death, warning that the worst is yet to come. A 6-year shortage of rain in the region has exhausted food stocks and most domestic animals are dead or have been taken from the area. Thousands of herdsmen and farmers are refugees. According to Waldheim:

If sufficient action isn't taken in the next few months, countries could disappear from the face of the map.

Both the House and Senate have agreed to a conference report allocating $85 million in emergency assistance to the drought-stricken nations of Africa. This will be in addition to the $50 million the United States had contributed by the end of 1973. This Nation has every reason to be proud of its generosity in leading the international relief effort in the Sahel. However, according to an extensive study undertaken by the Carnegie Endowment for International Peace, the Sahel emergency revealed serious flaws in the organization of international relief, and, in particular, the participation of the U.S. Agency for International Development.

The study found the failures serious enough to have been responsible for widespread and unncessary death and suffering. Because I have been impressed by the quality of the research represented in the Carnegie study, I would like to share its more important findings with my colleagues.

According to the Endowment study, the root of the relief problem was an inexcusable short sightedness on the part of AID and the U.N. Food and Agriculture Organization. The study discovered a consistent failure to heed authorita-

tive warnings of impending disaster in the Sahel region. For at least 4 years, scores of officials from the United States and United Nations were in the region, observing that the States of the Sahel were essentially helpless to deal with the drought. Yet, as U.S. and U.N. officials have since admitted, there were no contingency plans to deal with the disaster as it reached frightening proportions by the fall of 1972. At that time, AID made its first formal response to the crisis by creating an interagency "working group" to study a disaster 5 years in the making. From that time it took months—during which starvation was already acute—for this initial survey to yield the large-scale U.S. relief efforts that finally took shape in the summer of 1973.

AID officials complained that the African States in the Sahel were slow to recognize the crisis. Although true in some cases, it was also clear that U.S. officials had reason to anticipate the problem and time to deal with it. The study found evidence that there was no concerted effort to alert the Africans. The administrative shortcomings of African regimes do not excuse the failure of the Washington bureaucracy to convey to them the warnings of 4 years.

Under U.S. Foreign Service regulations, American Ambassadors abroad may respond to tragedies in their host countries by declaring them a "disaster area" thereby releasing an Ambassador's relief fund of $25,000 and establishing the country's eligiblity to receive further AID assistance. If the spring of 1973, there were needless delay of from 1 to 5 weeks between the African appeal for relief and the U.S. declaration of these disasters.

In addition to delays in recognizing the crisis and mobilizing the bureaucracy for effective action, the mechanism for adequate funding of the relief effort was likewise crippled by shortsightedness and irrelevant political considerations. In the critical perod of January to June 1973, there was little money left in AID emergency contingency funds. In the absence of contingency plans for the Sahel, funds had been exhausted in relief efforts for Nicaragua, the Philippines, and Bangladesh. Sources cited by the study indicate that AID was reluctant to ask for additional budget money because of the steadily eroding status of foreign aid programs in the Nixon administration. Analysts in the Office of Management and Budget confirmed that there was no AID pressure for supplemental funds for fiscal year 1973.

Even when a special authorization of relief money was formally sponsored in June, it became a political football. Because the catastrophe in West Africa coincided with President Nixon's veto of other congressional money bills, including funds for domestic disaster relief, aid for Sahel was viewed by the White House as a politically damaging contrast in Presidential priorities between foreign and domestic spending. The White House quietly dropped the relief initiative.

When AID finally sponsored a request for supplemental assistance in Congress, the amount requested was $30 million, based on projections of 1973–74 food needs in the six countries of 500,000 metric tons. A U.N. food survey would report in November 1973, that the region needed some 660,000 metric tons of food through September 1974. It was a case of too little, too late.

The Carnegie study argues that the capricious character of the funding process was yet another effect of the failure of contingency planning. If AID had been more energetic in approaching budget officials, the Agency might have gone to Congress before the Sahel was put at the mercy of White House politics.

Apparently the U.N.'s Food and Agriculture Organization suffered from ailments similar to those plaguing AID. Warnings from the Sahel went unheeded for 5 years. The bureaucracy had no access to specific contingency plans or funds. An FAO official has admitted that by the spring of 1973, the FAO had "no hard statistical data of any kind" on the needs of the area.

Both of the major organizations engaged in drought relief in the Sahel waited until after the disaster occurred before responding. The results were painfully apparent to journalists who found in the summer of 1973 countless nomad children in the advanced stages of malnutrition.

But, ironically, malnutrition would not be the No. 1 killer in the famine. Exhausted by hunger, many children died of measles while vaccine was still being shipped.

Once relief began arriving in the region, distribution became a nightmare of bureaucratic bungling. Overtaxing an unprepared transport system, the piles of food were consumed by waste and wharf rats as well as hungry people. In the relief bureaucracies there was a disgraceful ignorance of the transport capabilities of the stricken countries—yet another result of the failure to plan. In 1969 and 1970, three separate studies prepared for AID by outside consultants had stressed the primitive character of most of the railways and roads in the region. It was not until January 30, 1973, that AID sent a two-man team to survey the area's transportation facilities. Nothing in the team's report warned of future shortages.

Once food arrived at its destination, much of it was found unfit for human consumption. Much of the supplies consisted of No. 2 sorghum—normally used solely as animal feed. An August 18 Washington Post story from Timbuktu reported that nomads were unable to digest the sorghum and "diarrhea is rampant." According to the Carnegie study, the problem remained unredressed for months.

Also unanticipated was the problem of discrimination in distribution. Numerous disputes over the available grain arose out of the historic enmity between the sedentary, agricultural peoples of the Sahel and the nomadic tribes. Time and time again, the nomads were shortchanged. By autumn, the U.S. Public Health nutrition survey would document a shocking contrast between the nutritional state of sedentary victims and the starvation of the nomads. Poor planning made impossible any systematic monitoring of distribution to prevent inequities.

Mr. Speaker, in my judgment, these problems call for a comprehensive examination of the entire system of disaster relief. We cannot escape the tragic conclusion that a failure of will by the relief bureaucracies must bear the responsibility for the deaths of thousands of West Africans. With the drought conditions affecting greater numbers every day in West Africa and with the world food demand outstripping available supplies, an efficient, responsive system of disaster relief will continue to be a matter of life or death. Serious consideration should be given to proposals to place the responsibility for disaster relief in one international agency, with relief as its sole function. International relief is too important and too complex to be left to organizations like AID or FAO, for which disaster aid is neither a major function nor a special competence. National bureaucratic and political vagaries must no longer be allowed to subvert relief efforts. As the Carnegie study proposes:

> To the array of national and bureaucratic interests that crowd upon any disaster would be added an institution whose constituents were the victims themselves, whose primary purpose was mercy, whose undivided loyalty would be to the integrity of that mission.

The drought continues. People are dying. It is too late for some, but there is still time to save many who would otherwise die. The United States must accept leadership in this area and marshal the humanitarian concerns of the world to deal with the famine.

CAPTIVE NATIONS WEEK

(Mr. PRICE of Illinois asked and was given permission to address the House for one minute and to revise and extend his remarks and include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, this past week we celebrated the 15th anniversary of Captive Nations Week. During those 7 days particularly we joined with the descendants of the over two dozen countries burdened with the yoke of foreign domination who look back to their homelands and remember their families who are deprived of the basic freedoms we take for granted in a free society.

These men and women, numbering in the millions, live without the rights of free speech, religion, and press, but not without the hope of someday regaining their independence. I am sure I speak for all my colleagues when I say that I share with these people their hopes of attaining self-government in the near future.

As we are all aware, Mr. Speaker, the time fast approaches during which our Nation will celebrate its 200th anniversary of independence. Preparations are underway which will make this period one of the most memorable in our great history. Particularly we will honor those few courageous men who laid the foundations upon which our country was

based. Let us consider—at this very hour men of this mettle are working and planning in the captive nations to break the chains now holding their countries in bondage.

We welcome these men, and although we cannot as yet inscribe their names on the rolls of freedom with those of Washington, Adams, and Jefferson, yet we know that someday we shall welcome them and the heroic people they represent into the company of the free nations of the world.

PUBLIC OPINION POLL

(Mr. BROYHILL of North Carolina asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. BROYHILL of North Carolina. Mr. Speaker, at this time I would like to present the results of my 12th annual public opinion poll. This poll was conducted over the past 3 months in the 10th Congressional District of North Carolina. A questionnnaire was sent to every household in the district, and I am pleased to say the response was enthusiastic.

The poll included eight questions on issues ranging from the U.S. NATO troop obligation to daylight saving time to the Economic Stabilization Act. A ninth question asked constituents to state what they considered to be the most important problem facing the Nation today. Each question, with the exception of No. 9, provided for a separate response from both husband and wife.

Question one, dealing with no-fault automobile insurance, showed three-fourths of my constituents, both male and female, favor Federal legislation to enact minimum State no-fault automobile insurance standards. I totally agree with their opinion and have introduced a bill, H.R. 15789, which provides for this. A subcommittee of the Interstate and Foreign Commerce Committee is at the present time conducting hearings on this bill and many other no-fault bills.

My constituents expressed very decisive opinions in favor of the strengthening of campaign expenditure laws, including limits on individual contributions, limiting total campaign expenditures, and shortening of the campaign period. More than 70 percent of my constituents oppose the use of tax dollars to finance Federal election campaigns.

I have long felt that some form of national health insurance legislation was needed and have recently introduced a health insurance bill. The majority of my constituents feel the same way; 62 percent of the males and 65.5 percent of the females favored a national health insurance program which requires employers to provide health insurance plans to employees on a cost-sharing basis.

A large negative response was received in answer to the question on daylight saving time. Most of the females, 61.3 percent, and the males, 56.6 percent oppose the continuation of daylight saving time during the winter months as an energy saving measure. I have been most concerned with this issue and earlier this month introduced H.R. 15752, which would amend the Emergency Daylight Saving Time Energy Conservation Act of 1973. My bill is based on a study by the U.S. Department of Transportation which showed that some energy was conserved by this measure but that no energy was saved during the months of November, December, January, and February. H.R. 15752 would limit the period for daylight saving time to the most effective months—from the last Sunday in February through the last Sunday in October.

The response to the personal opinion question, No. 9, showed that the majority of 10th District residents believe the most important problem in our country today is the economy, particularly inflation. More than two-fifths of those responding to the questionnaire gave this as the major problem; the next greatest problem mentioned was a general lack of faith in government. Among the other problems listed by my constituents were Watergate, crime, energy shortages, protecting the environment, high taxes, and high Federal spending.

I would like to thank all of my 10th District constituents who took the time and interest to respond to this survey. The views indicated in this poll, as in the past 11, have been of immense value to me in representing my constituents in the House of Representatives.

The detailed results of the poll are as follows:

[In percent]

	His		Hers	
	Yes	No	Yes	No
1. Do you favor Federal legislation which would establish minimum State standards for no-fault automobile insurance plans	75.3	24.7	75.1	24.9
2. Should Congress reduce or eliminate the oil depletion allowance?	70.0	30.0	69.2	30.8
3. On the basis of your knowledge of presently available evidence, do you feel the President should be impeached?	33.7	66.4	31.1	68.9
4. The Economic Stabilization Act, which grants the legal authority for wage and price controls, expires Apr. 30. Would you favor extending it another year?	48.8	51.2	53.0	47.0
5. Would you favor campaign reform legislation which included:				
(a) Taxpayer financing of Federal election campaigns	26.6	73.4	25.0	75.0
(b) Limiting the amount on individual contributions	79.5	20.5	77.6	22.4
(c) Limiting total campaign expenditures	83.9	16.1	85.1	14.9
(d) Shortening the campaign period by Federal law	81.0	19.0	82.4	17.6
(e) Guarantee of a limited amount of free broadcast time to each candidate	64.8	35.2	68.5	31.5
6. Do you favor continuing daylight saving time during the winter months as an energy saving measure?	43.4	56.6	38.7	61.3
7. Do you favor a national health insurance program which would require employers to provide health insurance plans to employees on a cost-sharing basis?	62.0	38.0	65.5	34.5
8. The United States presently has a troop commitment of 300,000 in Europe to honor its NATO obligation. Do you feel this troop level should be reduced?	57.7	42.3	55.7	44.3
9. What do you think is the most important problem facing the Nation today? (1) inflation; (2) lack of faith in government; (3) Watergate				

THE DICTATORSHIP OF FEDERAL COURTS

(Mr. POAGE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. POAGE. Mr. Speaker, some days ago I pointed out the utter inconsistency of the Federal courts in denying the Congress the right to protect itself from the interference of various groups of protestors while at the same time upholding the laws passed to protest the courts from the same kind of harassment. I suggested that the constitutional protection of "freedom of speech" was just the right to speak, not the right to put "tiger cages" on the Capitol steps—that freedom of the press did not include freedom to insult our country's flag by demeaning use utterly unrelated to any publication.

Since I made these comments my good friend, former Congressman Ed Gossett, now State district judge in Dallas, has published a very fine article on "The Dictatorship of Federal Courts." Many of you knew Judge Gossett as an outstanding lawyer as well as an able Congressman. Before becoming a Member of this body he served as district attorney. After 13 years in the Congress he resigned to enter private practice. He was the Southwestern attorney for Bell Telephone Co. for 17 years. Again answering the call of public service, he has for the past 6 years served as district judge. Presently he is chairman of the State bar of Texas Federal Court Study Committee. I know of no one better qualified to discuss the dictatorship of our courts.

The article, published in the May issue of the Texas Bar Journal, follows:

THE DICTATORSHIP OF FEDERAL COURTS

(By Judge Ed Gossett)

The absolute monarchs of the Supreme Court are killing the "glorious American experiment in democracy."

Thomas Jefferson anticipated this catastrophe when saying: *"It is a very dangerous doctrine to consider the Judges as the ultimate arbiters of all of our Constitutional questions; It is one which would place us under the despotism of an oligarchy."*

We do not question the integrity of any judge. We simply condemn a system and a *philosophy* that invite the unrestrained dictatorship of the federal courts.

In the last twenty-five years, our Supreme Court has become a super legislature responsible to no one. It has become a continuing Constitutional Convention without an elected delegate. It has become a dictatorship, unlimited. It has made a shambles of the Constitution.

The U.S. Conference of Chief Justices, meeting in Pasadena, California, on August 23, 1958, considered the unanimous report of its committee on *Federal-State Relationships as affected by judicial decisions* (meaning federal court decisions, primarily those of the Supreme Court).

They filed a lengthy and scholarly report affirmatively approved by 36 Chief Justices, They viewed with alarm the usurpation by

Federal Courts of powers belonging exclusively to the states. They predicted that if such a trend continued it would destroy the Federal Republic. At its ensuing convention the American Bar Association simply looked the other way. Such trend has continued.

Now we briefly document aforesaid allegation. Let's look first at the civil side of the docket.

Under the authority of *Baker* v. *Carr*, *Reynolds* v. *Sims*, *Gray* v. *Sanders* and other cases, state constitutions, state laws, state courts, and all state political institutions have been at the complete sufferance of federal courts. Federal courts have nullified numerous provisions of state constitutions, held hundreds of laws, both state and federal, to be unconstitutional, and have dictated to all state courts and to all state political organizations.

In 1965 a federal court redistricted Oklahoma and changed the size and composition of both houses of the State Legislature. Just now a federal court is redrawing the congressional districts of the State of Texas, nullifying an act of the State Legislature. All are familiar with the havoc caused by forced school busing imposed by federal courts. The federal courts in fact have usurped much of the authority of every class of elected state official.

We have been in war most of this century to make the world safe for democracy. We have fought some of those wars, i.e., Korea (33,629 killed, 103,284 wounded) and Vietnam (46,000 killed, 304,000 wounded) for the specific purpose of giving those people the right of self-determination and self-government. We have helped to create at least a dozen independent states in Africa on the theory that people have a right to self-determination. Ironically, at frightful expense, we have tried to spread democracy all over the world while destroying it at home. Incongruously, our foreign policy has been anti-colonial while our domestic policy has been colonial.

Incentive, imagination, initiative, individualism, and diversity in all facets of our lives made this country great. Now, thanks in large part to the Supreme Court, we are replacing these things with the stagnation of regimentation.

The most liberal member of the Constitutional Convention must be turning over in his grave at what our Supreme Court, in the last twenty-five years, has done to his Great Charter of Liberty, a charter for the separation and limitations upon governmental powers; his system of checks and balances, so painfully contrived, has been destroyed.

The Federal Judiciary has nullified the Tenth Amendment to the Constitution, which specifically states *"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."*

Now to the criminal side of the docket, with which this article is primarily concerned. The Court has stripped society of many of its old, proven, and legitimate defenses against crime. During the first 150 years of our nation's history, state courts were responsible for law enforcement in 90% of intrastate crime; and they did a good job. Now the federal courts have placed state courts in a procedural strait jacket; they have stymied good law enforcement.

Instead of helping to stop the crime floods our federal courts have been shooting holes in the dikes. We enumerate several examples which can be multiplied manyfold. In *Mapp v. Ohio* (1961) the Court held that evidence obtained by so-called illegal search and seizure cannot be used as evidence in state courts. An example of how this works is the case of Daniel William Grundstrom tried by our court, Criminal District Court No. 5, Dallas County, Texas. Grundstrom, who had numerous prior arrests, two prior convictions for burglary, and one for theft, committed an armed robbery in the City of Dallas. He was seen fleeing from the scene and an alarm was broadcast for his apprehension. He ran a red light and was stopped by a traffic policeman. The policeman had not heard the alarm and did not know of the robbery. When he arrested Grundstrom he found the guns, the money and other loot taken in the robbery occurring a few minutes earlier. Grundstrom was tried and convicted and given 25 years in the Texas Department of Corrections. Later he sued out a writ of habeas corpus in a federal court. The federal court held that since the traffic officer did not know of the robbery he had no right to search the car (had he known of the robbery the search would have been "legal"); therefore, the fruits of the robbery could not be used as evidence. Grundstrom was freed because arrested by the wrong cop. Within a few months he committed another robbery in the City of Midland, was tried and convicted and is now back in the Texas Department of Corrections.

Another example of the federal courts' imposing a flimsy technicality on a state court and freeing an habitual criminal, is the case of Alvin Darrell Slaton, tried in our court. This man, with a long criminal record, was tried in 1966 for the possession of narcotics and given a 40-year sentence. In 1971, he filed a writ of habeas corpus in the federal court alleging that he had been tried in his jail uniform against his will. The federal court ordered our court to release such prisoner because he was deemed to have been prejudiced by having on a jail uniform during his trial. Within a few months after his release, he shot a man five times in the head and was again caught with a large amount of narcotics.

In *Gideon* v. *Wainwright* (1963) the Supreme Court held that the state must provide free counsel for felony defendants at all stages of prosecution. As a result of this and other cases, thousands of convicts have been turned out of penitentiaries all over the United States, not because they were innocent, but on the ground that they had not been represented by counsel when they entered their pleas of guilty to various crimes, or that they had been inadequately represented by counsel, or other procedural technicalities.

In *North Carolina* v. *Pierce* (1969), a federal court held that a defendant, once convicted in a state court and given "X" number of years, cannot thereafter be given any greater penalty if his case is reversed on appeal. These and other rulings have led to thousands of frivolous appeals by defendants, since they have nothing to lose by appealing; also, many can now serve their sentence in county jails rather than in the state penitentiaries. This further overloads jails and court dockets. Largely because of technicalities imposed on state courts by federal courts, it takes four to five times as long to dispose of a criminal case in America as it does in England.

Another Dallas County, Texas, case in point is that of Edward MacKenna (1957). MacKenna, who had seven prior felony convictions, was found guilty of felony theft and sentenced to eight years in the penitentiary. His case was unanimously affirmed by the Appellate Court. After serving four years MacKenna was freed by a federal court (the Fifth Circuit). The Court said the State had denied said defendant "due process" because the trial judge had refused defendant a continuance (not shown to be harmful) and had wrongfully appointed an attorney to assist him, whereas defendant wanted to represent himself without assistance.

This case is notable primarily because of two dissenting opinions by two able and distinguished judges, i.e., the late Justice Hutcheson and the late Justice Cameron. Justice Hutcheson condemned "the flood of activist federal decisions" and said of the MacKenna case: "It is another of the growing number of cases in which federal appellate courts, asserting a kind of moral and legal superiority in respect to provisions made by state legislatures regarding criminal trials and the proceedings in state courts in respect of such trials, which they do not have, seek to exercise a suzerainty and hegemony over them which, under the Constitution, they do not now have, and, if we are to continue to hold to our federal system, they cannot in law and fact exercise." The Judge, with irrefutable logic, states emphatically that "if such decisions continue to be the rule, the states and their courts will be indeed reduced to a parlous state, and the federal union will be no more." (To same effect see former Attorney General Elliott L. Richardson's article "Let's Keep It Local," June 1973 issue Reader's Digest.)

Agreeing with Justice Hutcheson, Justice Cameron said: "The majority here looses the long insensate arm of the federal government and impowers it to filch from the hands of the officials of a sovereign state the key to the jail house and to set free one who was duly and legally convicted of violating the laws, not of the nation, but of the State of Texas."

In Jackson v. State (1964) in the Federal District Court, Northern District of Texas, Judge Leo Brewster in denying an assault by a federal court upon a state, said of his activist brethren: "A layman from another country reading these motions would likely get the idea that the real menace to society in the case was not the criminal who was convicted even of a heinous crime, but the trial judge, the prosecuting attorney, the investigating officer, or even the counsel for the defendant, who had labored conscientiously and well for his client, sometimes without pay."

In Miranda v. Arizona (1966) the Supreme Court made it extremely difficult to obtain a confession to a crime. All of the warnings you see on the TV crime shows are required by the Miranda decision. In effect, an officer must try to talk a defendant out of a confession before he can accept one. In Davis v. Mississippi (1969) the Federal Courts freed a State prisoner because an officer fingerprinted him prior to arrest without his consent; thus, evidence linking him to the rape of an 85-year-old woman could not be used. In Massiah v. The United States (1964) the State was forced to release a guilty defendant because incriminating statements were elicited from him in the absence of his counsel. In U.S. v. Wade (1967) the Supreme Court held a robber convicted even upon the positive identification of the victim, must go free if such positive identification was in any way bolstered by seeing the defendant in a police line-up to which he had not agreed.

If you have read Truman Capote's excellent book *In Cold Blood*, you were doubtless horrified when a whole family was exterminated by two ex-convicts. Hardly a day goes by without such atrocious episodes being repeated in some part of the country.

Since 1967 the federal courts have enjoined all executions. In 1968 the Supreme Court in *Witherspoon* v. *Illinois* made it practically impossible to select a jury with enough courage to assess a death penalty. In 1972 came the real coup de grace to effective law enforcement when the Supreme Court in effect abolished the death penalty. Its decision saved from death many confirmed sadistic criminals who were multiple killers for money of innocent victims. Now itinerant human parasites roam the country robbing and killing with little fear of the consequences. It is more than a happenstance that since 1967, major crime in this country has doubled. Rapes, robberies, kidnappings, murders, skyjackings and assassinations have be-

come commonplace daily occurrences. In the last 25 years, due in part to Federal Court mandates, the safety of "our lives, our property and our sacred honor" has been subjected to constant erosion. The effective abolition of the death penalty has further eroded these values immeasurably, and has made our situation intolerable. While most states have rewritten their death penalty laws in an effort to comply with the Supreme Court decisions, it will be many years before any criminal can be executed, if at all and if ever.

Almost daily, the defiled and mutilated body of somebody's wife or daughter is pulled from the bottom of an old well, recovered from some dilapidated shack, or found floating in a muddy stream. The Federal Courts prevent any real punishment of the savage perverts committing these horrendous crimes.

Have we lost our sense of value? Has society lost the right and power to defend itself? Are we no longer capable of righteous indignation? Do we accept all of this horrible debauchery as a way of life?

In outlawing the death penalty, the Supreme Court has removed the shotgun from over the door of civilization. To abolish the death penalty is an insult to the decency and dignity of man. Every intelligent student of history knows that when the founding fathers outlawed "cruel and unusual punishment" they were simply outlawing medieval torture methods such as burning, starving, mutilating, or flogging to death.

A sad, indisputable fact of life is that human mad dogs exist. It is not only stupid but is "cruel and unusual punishment" not to execute them. The doctor's knife must be cruel in order to be kind. If the ruptured appendix is not removed, the patient dies.

The death penalty is prescribed in certain cases by all major religions. The Bible, the Talmud, and the Koran all approve of death as a necessary punishment for many crimes. All of history, both sacred and secular, upholds the validity of the death penalty.

Our indictments conclude with the phrase "against the peace and dignity of the State." We have compelled hundreds of thousands of our finest young men to die in combat for the peace and dignity of the State. Is it too much to compel a self-admitted and declared enemy of society to die for the same reasons? Why kill the lambs and let the wolves go free?

In their several opinions nullifying the death penalty statutes of the States, the Supreme Court intimates that in some cases the death penalty might be constitutional. In effect, they say, "You plebeians at the State level are incapable of making this decision." They apparently feel that most state officials are either stupid or dishonest.

Before a State can carry out the death penalty, the following State officials, all sworn to uphold the Constitution and to see that justice is done, must approve:

1. The State Legislature that passes the law.
2. The Grand Jury that indicts the defendant.
3. The District Attorney's Office (not sworn to get death penalties but to see that justice is done).
4. Twelve Petit Jurors.
5. The State Trial Judge.
6. The Judges of the Appellate Tribunal.
7. The Board of Pardons and Paroles, or Clemency Authority.
8. The Governor of the State.

Is it reasonable that one appointed Justice of the Supreme Court (as in 5-to-4 decisions) should repudiate the unanimous judgment and authority of thousands of elected State Officials? To plagiarize Shakespeare, upon what meat hath these our Caesars fed, that they have grown so great?

The greatest reason for punishment is deterrence. Normally, people will not do what they are afraid to do; and the one thing of which all men are afraid is death. Death remains the greatest deterrent to aggravated crime.

The public has been harassed by the recent rash of skyjacking. Now we are preparing to spend billions of dollars on so-called sky safety. The death penalty would not stop skyjacking, but it would greatly reduce it. Also, we have the unusual and humiliating experience of spending untold millions for guarding hundreds of candidates for public office from assassinations. The death penalty would not stop this degrading menace but it would greatly reduce it. Economics, morals, even survival, all cry out for the death penalty as we have heretofore known it.

We submit that a failure to execute any of the following (if guilty and sane) is a reflection upon every decent value known to civilization and reduces man to a bestial level.

1. Kidnappers who injure or destroy their victims.
2. Persons like John Gilbert Graham, who in 1955, planted a bomb on a United airplane which killed his mother and 43 other people. (He died in Colorado's gas chamber prior to the gratuitous interference of the Federal Judiciary).
3. Richard Speck, who brutally mudered eight nurses in an orgy of destruction. (Because of the Supreme Court's ruling, his sentences were commuted to Life).
4. Bobby A. Davis, given the death penalty in Los Angeles for killing four Highway Patrolmen. (Voided by the Supreme Court).
5. Charles Manson and his sadistic crew who killed numerous people simply for the fun of it.
6. Lee Harvey Oswald, who assasinated President John Kennedy.
7. Sirhan-Sirhan, who assassinated Robert Kennedy.
8. James Earl Ray, who assassinated Martin Luther King.
9. All assassins, including those who shoot down policemen because they hate cops.
10. Juan Corona, convicted of butchering 25 people.
11. Those who kill or endanger life by planting bombs in public buildings.

Recently tried in our Court was a defendant who shot three women in three separate one-clerk grocery store robberies within a period of ten days. They were literally mutilated while begging for their lives. This defendant told the jailer that these women were killed to remove witnesses. Without the death penalty robbers have every incentive to kill their victims. This robber's death penalty has been commuted to life because of the Supreme Court decisions.

Recently, Walter Cherry, a known dope addict with a long criminal record who was doing a life term, escaped. Two Dallas Deputy Sheriffs went to arrest him at a motel. He killed one and wounded the other. His death sentence has been commuted because of the Supreme Court decisions.

Recently in Fort Worth an ex-convict with a long criminal record kidnapped two young men and a young woman on a city street. He drove them to a lonely spot in the country, killed both of the young men, raped the young woman and then choked her to death with a broomstick. His death penalty has been commuted to life because of the Supreme Court decisions.

In 1971, Adolfo Guzman and Leonardo Ramos Lopez, two ex-convicts being investigated for burglary in Dallas County, captured four deputy sheriffs, carried them to the Trinity River bottom, all handcuffed, and killed three of them as they begged for their lives. Because of Supreme Court decisions their death penalty convictions were reversed. They will live to kill again.

In 1946, Walter Crowder Young was sentenced to death for a brutal rape. In 1947 his sentence was commuted to life. In 1957 he was paroled. A few years later he kidnapped an eight-year-old boy and his eleven-year-old sister. He took them to an abandoned shack, crushed the boy's head with a hatchet, and left him a permanent and hopeless cripple. He then forced the little sister to commit sodomy on him. How many families must a man destroy before he should be executed?

Our cities have become barbarous jungles. We bow our heads in shame when we contemplate that the city of Washington, our Nation's Capital, is perhaps the most crime-ridden big city in the world. In Washington, all of the courts are federal. (It is significant to note that no one has been executed in the City of Washington since 1957). In 1972 there were 70 bank robberies in the Washington area alone. In Washington, citizens are afraid to walk the streets alone even in the daytime. Many a young woman has gone to Washington to earn her living only to lose her life or be psychologically destroyed at the hands of a rapist-murderer. The rapist-murderer is probably not caught; if caught, probably not convicted; if convicted, probably given a light sentence instead of the death penalty which the crime demands.

Throughout this nation, thousands upon thousands of small businesses have been forced to close their doors because of repeated robberies and the proprietor's fear of death. Thousands of communities have formed vigilante committees in an effort to defend themselves since they cannot rely on their government for protection. Furthermore, in the last 25 years, the employment of security guards by private business has increased a thousandfold.

In the March 1970 issue of Reader's Digest appears an excellent article by Senator John L. McClellan (a great crime investigator and foremost authority in Congress on the subject), entitled "Weak Link in Our War on the Mafia." He cites numerous cases demonstrating how the federal courts have failed in law enforcement. In 1973 there was far more federal anti-crime money spent in Dallas County than ever before; yet, horror-crime increased almost 25%. *Federal money flows and horror-crime grows.*

While the Federal Courts insist on procedural regularity from others, they are the greatest violators of the same. The Federal Courts should remove the beam from their own eyes before trying to cast the mote from the eyes of the state courts.

We suggest that all the Don Quixotes who are riding their white horses off in all directions in their puny declared wars on crime might well tilt their spears in the direction of the Federal Judiciary.

In 1954 in the case of *Terminello v. State*, the Supreme Court nullified an Illinois statute under which Terminello had been convicted for inciting a riot. They held that the law was an invasion of the defendant's right of free speech (another 5-to-4 decision). In a dissenting opinion the late Justice Jackson with prophetic ken stated, *"Unless the Court is dissuaded in its doctrinaire logic we are in danger of compounding the Bill of Rights into a suicide pact."*

The great English cirtic Macaulay and the great French critic de Tocqueville both predicted America's self-destruction. (We omit the late Mr. Khrushchev's well known pronouncement on the subject.) De Tocqueville based his prediction primarily on the political power of American judges. For a judge to become a legislator is repugnant to the fundaments of Anglo-Saxon jurisprudence; yet much of the revolutionary legislation of the last 25 years has come from the Supreme Court.

The Justices of the Court are not little gods. Yet, the monarchs who claimed divine sanction were not so powerful as they. The power controversy now going on between the President and the Congress is a tempest in a teapot when compared to the cyclonic power possessed by the Supreme Court.

Whether good or bad, wise or foolish, right or wrong, no federal judge should have absolute power. It's not a question of whose ox is gored; it's a question of goring the ox to death whose ever ox he is. Such power is repugnant to every principle of democracy and freedom.

Whether it's the Hughes Court blocking Mr. Roosevelt's reforms or the Warren Court destroying the States, the Supreme Court's power must be limited.

THE EMERGENCY LIVESTOCK CREDIT ACT: A BAD PRECEDENT

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, this week I voted against H.R. 15560, the Emergency Livestock Credit Act. To my way of thinking, this legislation represents an unwarranted precedent that compensates poor judgment in the private sector.

As we know, the bill would guarantee $2 billion worth of emergency loans to livestock producers, including producers of goats, chickens, and turkeys. Although individual loans are limited to $250,000, there are few restrictions on obtaining the guaranteed loan.

Spokesmen for the measure tell us that skyrocketing costs have been experienced in feed, fuel, property taxes, and fertilizer, and that severely depressed commodity prices threaten to spade under a number of producers.

While I feel sympathy for the cattlemen, we ought to look back to see how this situation came to pass. The administration's wheat deal with the Russians plus the lack of controls around agriculture worked to force up meat prices to extremely high levels last year. It was about this time that our old uncle supply and demand turned up. Outraged by meat prices, consumers switched to substitutes such as fish, breads, potatoes, and rice.

And the response of the cattlemen and the speculators? Angered by the administration's price freeze and by consumer resistance, beef producers held their cattle off the market, hoping to drive up prices. Meanwhile, in hopes of cashing in on a good thing, investors of all stripes plunged millions and millions of dollars into feedlots.

The result was all too predictable. The even flow of meat was interrupted as producers dumped meat on the markets when controls went off. Supply and demand worked, and the prices started falling drastically. The situation was doubly affected by all that additional beef resulting from the money channeled in by hungry investors.

Here we are then, with a prop-up bill for those who miscalculated, those who wanted a quick and easy profit. To me the legislation makes no sense. It bails out speculators, big corporate farmers, and further stimulates the flow of scarce credit to producing more beef.

One of the honored traditions of American business is taking risks. Well, the cattlemen held their beef off the market and interrupted the even flow of meat. And the speculators wanted a hefty profit right away. Taxpayers should not have to be responsible for someone else's poor judgment.

REGIONAL CENTERS FOR THE PERFORMING ARTS

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, today I am introducing legislation to provide for the establishment and maintenance of regional centers for the performing arts. Similar legislation is being introduced in the Senate by Senators MAGNUSON and JACKSON.

Preparations for the celebration of the Bicentennial of the American Revolution in 1976 have stimulated a renewal interest in the Nation's social, economic, and cultural heritage. An important and vital part of this heritage has been and continues to be the involvement of the American people with the performing arts. It is fitting, therefore, that as a part of the 200th birthday celebration a program to establish a network of regional performing arts centers based on the model of the successful Wolf Trap Farm Park be initiated in order to foster the spread of the performing arts, promote local support for the performing arts, encourage the training of local talent in the performing arts, and enlarge the opportunities of the American people to experience their cultural heritage.

Under the bill the Secretary of the Interior would be authorized to establish, develop, improve, and maintain regional centers for the performing arts. Particular locations would be decided upon after consultation by the Secretary with the National Council on the Arts and other interested groups and individuals. The Secretary would also be authorized to accept donations of lands and facilities for the establishment of performing arts centers.

An Advisory Committee on the Arts would be appointed by the President for every center established. Each such committee would give advice about the construction of facilities and make recommendations regarding existing and prospective cultural activities. The actual programing of performances at each center would be the responsibility of State, local, and private individuals and institutions in consultation with the Advisory Committee for the center.

The passage of this bill with its envisioned network of regional performing arts centers would, in addition to its benefits, move the Nation toward the solution of two ongoing cultural problems. In the first instance, it would see the establishment of permanent performing arts centers in areas of the country where there is a dearth of such arts, because large-scale philantrophic giving has not been and cannot be expected to become the practice, even though the citizens of those areas through their taxes must offset, in part, the exemptions which make philanthropy possible elsewhere. In the second instance, the passage of the bill would provide a vehicle for rescuing and putting on a firm footing a number of outstanding local endeavors in the performing arts which are presently foundering, despite herculean efforts, because of ever-increasing costs.

To conclude, the manifest stimulus to the performing arts at the regional level which would follow the adoption of this bill could not help, but be an outstanding contribution to the Bicentennial celebration and a permanent benefit to the Nation's cultural life.

CANCER RESEARCH AT CLEVELAND CLINIC

Mr. JAMES V. STANTON. Mr. Speaker, I would like to call the attention of my colleague to the excellent cancer research now being conducted at Cleveland Clinic in Cleveland, Ohio. In the article which follows, Drs. Henry Roenigh, Sharad Doedhar, Robert St. Jacques, and Kenneth Burdick summarize the efforts they have made, and although the article is somewhat technical, I am certain many will be interested in learning of the progress they have made:

IMMUNOTHERAPY OF MALIGNANT MELANOMA WITH VACCINIA VIRUS

(By Henry H. Roenigk, Jr., MD; Sharad Doedhar, MD, PhD; Robert St. Jacques, MD; Kenneth Burdick, MD, Cleveland)

(Twenty patients with either stage II or III metastatic malignant melanoma were treated with vaccina virus injections into the tumor nodules. Average survival was 32.2 months for stage II and 4.6 months for stage III.

(Delayed hypersensitivity skin tests and 2,4-dinitrochlorobenzene sensitization were positive. Indirect immunofluorescence demonstrated human antibodies. Cellular cytotoxity, as demonstrated by the colony inhibition technique, was strongly positive in all patients who made a good response to immunotherapy. Blocking antibodies were not found in the treated group.

(Vaccinia virus immunotherapy may act by activation of specific immune mechanisms or may reflect a nonspecific, cytotoxic, inflammatory reaction. This study supports the concept that vaccinia virus may activate the production of cell-mediated, cytotoxic immunity against melanoma cells. This cytotoxic immunity has been isolated with transfer factor and given to other patients with metastatic melanoma.)

The field of tumor immunology in both animal and human tumor systems has progressed rapidly in the past decade. In human cancer, this evidence has come largely from the demonstration of tumor-specific antigens and from in vitro studies demonstrating both cellular and humoral immunity with cytotoxic effect on tumor cells.[1]

Morton and co-workers,[2] using indirect immunofluorescent techniques, demonstrated humoral antibodies to melanoma cells in patients with melanoma. They found the highest titers of antimelanoma antibodies in patients with localized metastasis of melanoma.

In 1960, Burdick [3] and Burdick and Hawk [4] reported prolonged remission of metastatic melanoma after repeated injections of vaccinia virus into cutaneous metastatic nodules of melanoma. At that time, they were unable to demonstrate any cytotoxic activity of the patient's serum after therapy.

In the past ten years, 20 patients with metastatic melanoma have been treated by this technique at the Cleveland Clinic; major regression of the melanomas has occurred in eight patients who had stage II disease. The stages are defined as follows: stage I (local-

Footnotes at end of article.

ized melanoma)—primary melanoma untreated or removed by excision biopsy within one month, locally metastatic or recurrent melanoma or both, and multiple primary melanomas; stage II (metastasis confined to regional lymph nodes)—primary melanoma present with simultaneous metastasis, primary melanoma controlled with subsequent metastasis, locally recurrent melanoma with metastasis, and unknown primary melanoma with metastasis; and stage III (disseminated melanoma)—organic or multiple lymphatic metastasis or both and multiple cutaneous or subcutaneous metastasis or both.

With newer culture techniques, immunofluorescent tests and colony inhibition tests as described by Hellstrom,[1] we can now measure cellular and humoral cytotoxicity to melanoma cells in culture and possible cytotoxic effects to vaccinia virus immunotherapy. Four patients have been studied extensively by immunologic techniques. In addition to producing clinical remission of metastatic melanoma, preliminary evidence suggests that we may have stimulated cellular immunity against metastatic melanoma.

METHODS AND MATERIALS

Routine Studies.—All patients had complete histories taken and physical examinations, routine hematological and biochemical tests, liver and brain scans, bone surveys, quantitative immunoglobulin determinations, and melanin determinations on urine were performed. Roentgenograms of the chest and abdomen were made.

Delayed hypersensitivity skin tests to different agents (purified protein derivative, monilial extract, varidase, and mumps vaccine) were performed. Sensitization to 2,4-dinitrochlorobenzene (DNCB) were tested in addition to phenylalanine-induced blast transformation study on peripheral lymphocytes as a measure of overall cellular immunity.

Special Immunological Studies.—Detection of serum antibodies to melanoma cells by immunofluorescent techniques (with acetone-fixed melanoma imprints and microcytotoxic techniques for detection of cell-mediated immunity in vitro involving cell inhibition) were performed.[5]

These colony inhibition techniques were done with and without the patient's serum so that possible enhancing antibodies could be detected. The tissue culture was melanoma tumor cells grown on a special tissue culture medium (Waymouth) fortified with fetal calf serum. Appropriate controls included reactions against the patients' own skin fibroblasts or other tumor cells such as breast cancer cells and normal lymphocytes against melanoma cells. In the test for humoral antibodies, human serum complement was used. The ratio of lymphocytes to target cells was that recommended by Hellstrom.[5] The possible presence of serum blocking antibodies was tested by these cytotoxic techniques. Studies were also performed to detect HL–A antigens on the melanoma cells, skin fibroblast, and lymphocytes.

Vaccinia Virus Therapy.—Patients with stage II disease with regional metastasis (skin and lymph nodes) were candidates for vaccinia virus therapy. Early in the study, some patients with stage III disease were treated. Before therapy, the largest tumor nodules were surgically removed. Regional lymph nodes were nor removed. The vaccinia virus (from the lymph of calves inoculated with the virus) in one glass tube was diluted with up to 0.5 ml of saline and was injected directly into the tumor nodules. Depending on the severity of local and systemic reaction to the virus, subsequent injections of up to five tubes of vaccinia virus diluted with 0.5 ml of saline were injected at two-week intervals. A modified, accelerated type of vaccinia reaction with redness, swelling, and induration of the nodules was observed in about four days, sometimes accompanied by fever, chills, and nausea.

RESULTS

During the ten-year period from 1960 to noma were seen at the Cleveland Clinic. 1970, 476 patients with malignant mela-Twenty patients with metastatic melanoma were treated with vaccinia virus therapy during this time. The clinicopathologic stage of these cases shows a much more prolonged survival in the stage II treated patients. Their survival after vaccinia virus therapy was 37.5 months (range, 18 to 72 months), average for the eight stage II patients compared to only 4.6 months (range, 1 to 12 months) for 12 stage III patients.

REPORT OF CASES

Summary of stage III—metastatic melanomas treated with vaccinia virus

CASE 1.—In 1948, a 64-year-old woman had developed an amelanotic melanoma that was excised primarily. In September 1960, when skin and lung metastasis appeared, smallpox vaccine was injected into the skin nodules. The skin lesions resolved in one month but lung lesions remained unchanged, and the patient died in February 1961 of metastasis.

CASE 2.—A 71-year-old man had a melanoma excised from the neck in 1958. In August 1960, metastasis to skin, bone, and lymph nodes was found. Smallpox vaccination was begun but he died of metastasis in November 1960.

CASE 3.—A 39-year-old woman had a lesion cauterized on the right calf in 1950. In July 1952, excision of a recurrence to the lesion disclosed metastatic melanoma. In January 1953, there was evidence of local recurrence plus carcinoma of the cervix. Perfusion with thiotepa, mechlorethamine hydrochloride, and methotrexate followed. When she came to the Cleveland Clinic in August 1961, she had massive recurrences in the right leg and groin. Cobalt therapy and hypothermia were attempted, but no more abdominal internal metastasis occurred. A few lesions on the skin were treated by smallpox vaccination (September and October 1961) but she died a month later.

CASE 4.—A 31-year-old man had a melanoma of the upper back excised in April 1959. In August 1960, at the Cleveland Clinic, there was metastasis to skin, right axilla, supraclavicular lymph node, and lung. Smallpox vaccination was started with minimal response, and death from metastasis occurred in December.

CASE 5.—A 66-year-old man had enulceation of the right eye performed in 1958 for melanoma. In February 1960, metastasis to liver and skin was noted. Systemic therapy with triethylenemelamine and mechlorethamine hydrochloride produced no change. Smallpox vaccination was started with no reaction; death from metastasis occurred in September.

CASE 6.—A 37-year-old woman had a melanoma removed from the right foot in 1954. In May 1959, metastasis to skin (15 nodules), lower abdomen, and rectum was noted. Thiotepa and smallpox vaccination produced no response. Death from metastasis occurred in July.

CASE 7.—In December 1959, a 60-year-old woman had an amelanotic melanoma of the urethra treated by electrocautery. Lymph node and lower abdominal metastasis was noted in March 1960. Pelvic perfusion and, later, smallpox vaccine injections into lymph nodes were attempted with a slight systemic reaction. Death due to metastasis occurred in July.

CASE 8.—A 41-year-old man had a melanoma excised from the midback in June 1961. Metastasis was noted in neck, axilla lymph nodes, and scalp. Neurological symptoms were suggestive of nervous system metastasis. Smallpox vaccination was done in March 1963, but the patient died of metastasis in May.

CASE 9.—A 30-year-old man had a melanoma excised from his back in April 1970. One month later, a large ulceration of the skin appeared at the site of the primary lesions. Reexcision of the ulcer showed no metastasis, and the chest x-ray film was normal in May. In July, there was local recurrence of amelanotic melanoma at the edge of the skin graft. A chest x-ray film disclosed metastatic nodules in the lungs. Delayed hypersensitivity skin tests were all negative. Smallpox vaccination of the skin recurrence, started in August, produced some systemic and local response, but chest x-ray film in October showed increasing numbers of metastatic nodules. The patient died of metastasis in November.

CASE 10.—A 31-year-old man had a melanoma of the neck excised in February 1962. There was no evidence of recurrence until April 1967, when two skin lesions developed in addition to lung and bone metastasis. Smallpox vaccination, started in April, resulted in some local and systemic reaction, but new nodules developed. The patient was also given haptene therapy, but he died in September of metastasis.

CASE 11.—A 31-year-old man had a melanoma excised from the right clavicular area in August 1969. In February 1970, metastasis to the skin of chest, face, and scalp was noted. In May, all local recurrences were reexcised. Delayed hypersensitivity skin tests and DNCB tests were positive. In August, the melanoma recurred at the edge of the graft, scalp, and eyebrows. Smallpox vaccination was started, with good local and systemic responses. Smallpox vaccine injections into the skin nodules were continued until December, when the patient underwent operation for brain metastasis. He died in June 1971.

CASE 12.—A 28-year-old woman was admitted to the Cleveland Clinic Hospital in February 1959 with metastatic malignant melanoma lesions on the left thigh and abdomen. A mole had been removed from another location of the left leg in 1937; lymph nodes were removed shortly thereafter. Smallpox intralesional injections were given at regular intervals for 23 months. The patient died of metastasis two months after the last injection.

Summary of stage II—metastatic melanomas treated with vaccinia virus

CASE 13.—A 62-year-old woman had a melanoma excised from her right heel in May 1961. Smallpox vaccine was injected into the primary melanoma three days before surgery. There was a severe systemic, localized reaction and regression of local inguinal lymph nodes. No local recurrence of the tumor was noted in September 1962, but the patient died of metastasis in November.

CASE 14.—A 69-year-old woman had a melanoma excised from her left foot in October 1958. In May 1960, there was metastasis to skin in the region of the previous excision; inguinal lymph nodes were enlarged. Smallpox vaccination was started, with good local and systemic reaction and regression of nodules. An inflammatory vitiligo was noted in August 1961, and all nodules were regressing. There was no further evidence of recurrence and no treatment was administered until December 1964, when the patient complained of pain in the left lower quadrant. Lymphangiograms showed abnormal retroperitoneal lymph nodes. An exploratory laparotomy showed no metastasis except to these nodes, which were removed.

Smallpox vaccine injection into the left thigh was started again with good local and systemic reaction. Herpes zoster developed in June 1965. In August, new cutaneous nodules developed and a cordotomy was performed for relief of severe pain in the left hip and leg. In January 1966, more cutane-

Footnotes at end of article.

ous nodules developed and the patient died of metastasis in May.

CASE 15.—A 31-year-old woman had an amelanotic melanoma excised from her left leg in February 1960. Localized skin metastasis was noted in June and later was treated with x-radiation therapy. In September and December 1960 and February 1961, several large nodules were removed surgically. The patient continued to have satisfactory systemic reactions from smallpox vaccination. In May, there were no recurrences and the patient had a normal pregnancy. When she was last examined in June 1964, she was in good health with no recurrence. She has been lost to follow-up.

CASE 16.—In April 1970, a 43-year-old man had a melanoma excised from the right axilla. He did well for a few months; in November, a pigmented recurrent lesion in the region of the original lesion was removed. At physical examination, a 3-mm pigmented, elevated, nodular lesion at the upper edge of the operative scar on the right lower back was seen, as was a 4- to 5-cm scar on the right axilla. Otherwise, the results of physical examination were normal.

Smallpox inoculation of the tumor was started, and the patient developed a slight local inflammation at that site. No systemic reaction was noted. He had a positive reaction to the DNCB test that was done at that time. The patient returned for a few more injections; in January 1972, he complained of a chest-cold of several days duration. A chest x-ray film showed nodular lesions, and the patient was admitted for evaluation of possible metastatic melanoma in the lungs. In February, the patient had a discrete nodule in the right lung field. A liver scan showed two areas of decreased radioactivity. The brain also showed a similar area in the left temporal lobe. An electroencephalograph was abnormal. A pulmonary biopsy specimen showed atypical cells compatible with malignant disease. The chest x-ray films showed progressive massive involvement and multiple lesions. He was given dacarbazine (270 mg for five days), carmustine (270 mg for one day), and hydroxyurea (Hydrea) (2,500 mg a day for five days). The patient was readmitted in March for another course of cytotoxic agents, but died of metastasis in May.

CASE 17.—A 48-year-old man noted a lump in his right groin in November 1969. Excision of the area showed a lymph node containing a malignant melanoma. No primary site of the melonoma was found. He came to the Cleveland Clinic in March 1970. A large, tender mass in the right groin had appeared a few weeks before. The review of all systems showed back pain, sinusitis, and history of heart murmur, peptic ulcer, rheumatic fever, and benign prostatic hypertrophy.

Physical examination showed a grapefruit-sized mass in the right groin; the overlying skin was very tense, red, tender and warm. The patient was normal except for a temperature of 37.8C (100 F) and the skin lesion. He also had a few verrucae vulgaris.

Reexcision of the mass disclosed an amelanotic melanoma. The wound healed with no difficulty. Two months after the operation, the patient returned for a follow-up visit. He had a dark, 4-mm nodule about 1 cm below the excision, which was diagnosed as a recurrent malignant melanoma. He had no adenopathies and no evidence of any recurrence in any other region. It was decided to give him vaccinia virus injections into the lesion. These injections produced inflammatory changes and the lesions gradually diminished in size and disappeared in a period of two months after five injections. There has been no recurrence and the patient was in excellent health at the time of his last checkup in January 1974.

The lymphangiogram showed possible involvement of the right iliac aortic nodes, although this was questionable due to the marked inflammation and infection of the area of the tumor. The brain scan was normal; the liver scan showed a certain degree of enlargement of the liver, and the possibility of other disease was suggested. The chest x-ray film was normal; x-ray films of the total spine showed demineralization of the thoracic and lumbar spine and a degenerative disk region at L_5-S_1. The patient had a positive DNCB test before treatment. During smallpox therapy, he showed a slight increase in his IgA and IgM. Phytohemagglutinin blast transformation was normal, and he had marked toxicity with both serum and lymphocytes against melanoma cells.

CASE 18.—A 69-year-old woman had noticed a brown, flat spot on her left cheek about three years before. An outside biopsy specimen showed a lentigo maligna; it was closely observed. Gradually, the lesion seemed to extend medially on the cheek.

In April 1971, the lesion was excised and grafting was done. A few cervical modes were removed but did not contain any melanoma. The lesion that was excised was a malignant melanoma. Her face remained clear until September. At that time, she began to notice a few small nodules at the superior medial corner and at the inferior and lateral corner of the graft site, as well as two dark, black nodules on the inferior border. These lesions had greatly increased by the end of October. Physical examination results were unremarkable except for the lesions on the left cheek. On the malar area on the left cheek, at the border of the grafted site, there were nodular lesions, smaller than 1 cm; on the inferior border, two of these were darkly pigmented. No cervical axillary or inguinal nodes were palpable at the time of examination in November. A skin biopsy specimen was stained normally; immunofluorescent studies and tissue culture were done. Some serum was drawn for melanoma antibody titers. Delayed hypersenstivity testing results were within normal limits. The patient was sensitized to DNCB. Liver and brain scans showed no metastasis, and roentgenograms of the chest, kidneys, ureter, and bladder, and an intravenous pyelogram were normal. The complete blood cell count and blood chemistry studies performed with an automated multiple analysis system were within normal limits. The Papanicolaou test was negative as was the test for antinuclear factor. Immunoglobulin determination showed a slight decrease in the IgG portion. Tests for venereal disease and urinalyses were negative. The biopsy specimen showed recurrent or metastatic malignant melanoma of the skin. The lymph nodes were normal. The chest, lumbosacral spine, kidney, ureter, bladder, and urogram showed no evidence of metastasis. Brain and liver scans were normal.

With smallpox vaccine injections into the lesions, the patient developed local and occasional symptoms of malasie and chills (Fig. 1 to 3). A few of the lesions regressed. One lesion on the upper border of the grafted site increased in size, and it was excised. All of the other lesions subsided. At the time of her last examination (January 1973), she was well and completely free of tumor (Fig. 4). The patient died suddenly on Feb. 23, 1973, and complete autopsy showed no evidence of metastatic melanoma. The cause of death was massive cerebral hemorrhage.

CASE 19.—A 41-year-old woman noticed a change of color and bleeding of a birthmark on her right calf in July 1970. He family physician excised the lesion in September. The pathology report indicated a malignant melanoma. A chest x-ray film taken at the time showed no changes.

She was seen at the end of September by the plastic surgery department. At that time, she had a 6-cm incision with sutures on her right lower limb. Three hard nodes were palpatated then in the right inguinal area; she was in otherwise good physical condition. The primary site was largely reexcised and grafted, and the right groin was dissected. According to the pathology report, there were some atypical cell islands in the subcutaneous fat of the right calf; of the 14 nodes excised, none showed malignant invasion.

In December, small, black, nodular lesions were noted along the border of the excised area. These lesions were reexcised. In February 1971, the patient had several hundred small hyperpigmented nodules around the graft as well as on the adjacent thigh. No adenopathy was detected clinically. After consultation with the oncologist, it was decided to reexcise these lesions and graft again.

In April, the patient was readmitted to the hospital because of numerous local recurrences. Smallpox vaccine was given intralesionally after the patient's cellular immunity, which was basically normal, was assessed. These injections were repeated one to three times a week for ten months. At first, only occasional inflammation was observed in a few lesions. Ten months after the beginning of smallpox treatment, numerous lesions had resolved and most of the remainder were resolving. The patient felt in good health. She had gained weight, and a liver scan, which had previously shown some possible metastasis, showed a decrease in the size of the lesion. However, in February 1972, the brain scan, showed an ill-defined area of decreased radioactivity in the frontal region. Follow-up examination in February 1973 indicated she was still in good health.

Initially, the complete blood cell count and differential cell count, as well as blood chemistry studies performed with an automated multiple analysis system, were normal; no melanin was found in the urine. A DNCB test was negative. Tests of delayed hypersensitivity to trichophyton and purified protein derivative were both negative. Biopsy materials from one tumor did not grow well in vitro, and the cell culture showed poor growth. Laboratory findings in February 1972 were normal for complete blood cell count, differential cell count, and blood chemistry studies; urinalysis showed no melanin. The patient's serum was questionably cytotoxic to another patient's melanoma cells, whereas her lymphocytes showed a 63% inhibition against the same patient's malignant melanoma cells.

CASE 20.—A 55-year-old women had an enlarging, dark nodule on the right anterior thigh in May 1970. Results of physical examination were normal, except for a dime-sized, black nodule on her right anterior thigh. There was no lymphadenopathy. A wide excision of the lesion was done, and a diagnosis of malignant melanoma was made. On June 11, 1971, approximately one year after surgery, a small dark lump on the border of the incision developed; biopsy showed an amelanotic malignant melanoma. Two weeks later, this lesion was removed by wide excision. In January 1972, a small nodule again recurred in the incision. Biopsy showed a malignant melanoma. Ten days later, it was decided to treat the patient with smallpox vaccine given intralesionally. Some inflammatory response developed; the patient was completely free of tumor clinically and histologically in September. Examination in January 1974 showed no tumor.

Laboratory studies showed that, before smallpox therapy, the immunoglobulin value had decreased to 420 mg/100 ml. The DNCB test was positive. The delayed hypersensitivity test was normal as was the phytohemagglutinin test. Her serum showed no cytotoxicity; tissue culture disclosed normal cells. Before treatment, liver and brain scans were normal.

IMMUNOLOGICAL STUDIES

Patients 17, 18, 19, and 20 have had the benefit of more sophisticated immunological

studies that have become available in the past few years, and these patients have been studied more extensively.

Delayed hypersensitivity was intact in three of the five patients tested (Table 1). It is interesting that patient 19 had negative, delayed hypersensitivity skin tests and was not sensitized to DNCB but had perhaps the most dramatic response of any patient treated with vaccinia virus therapy.

Indirect immunofluorescence, described by Morton,[6,7] was positive or questionably positive in all patients tested (Table 1). This indicates the possibility of humoral antibody, but the reaction may not be specific; its clinical value has been in question.

Colony inhibition techniques, using melanoma tumor cell cultures, were used to evaluate both humoral and cellular cytotoxicity. Unfortunately, because of the difficulty in growing melanoma cells in culture at the beginning of this study, cellular cytotoxicity before vaccinia virus therapy could not be evaluated. Two patients (No. 17 and 18) showed some slight humoral cytotoxicity or blocking antibodies before vaccinia virus therapy. Cellular cytotoxicity, probably more important in immunotherapy of tumors, was high in all four patients treated with vaccinia virus therapy (Table 2). When comparing the cellular cytotoxcity of the vaccinia-treated group with a similar untreated group of metastatic melanoma patients (Table 2), there is a markedly higher number of positive responses in the vaccinia virus-treated group.

Belisario and Milton,[8] following the suggestions from Burdick[3] and Burdick and Hawk,[4] reported that two patients with stage II metastatic melanoma had complete remissions after intralesional injections of vaccinia virus.

In 1966, Milton and Brown[9] of Australia reported details of four patients with matastatic melanoma and incurable disease treated by vaccinia virus injection. No tumor regression was obtained in any patient who had been vaccinated within the preceding five years. All patients who had a satisfactory response had a severe systemic and local reaction to the virus. They had not observed any worthwhile remissions in a patient with visceral metastasis and believed that the patients most likely to show improvement were those in whom metastasis was either in the skin or lymph nodes.

Hunter-Craig et al[10] treated 19 patients having proved metastases from malignant melanoma with inoculations of vaccinia virus. The nodules disappeared in six of ten patients treated with intradermal deposits, and five remained well from 2 to 22 months after initial treatment.

Morton et al[11] have done extensive investigations to identify melanoma-associated antigens. All patients were found to have autoantibodies to their own melanoma, but patients with localized metastasis had higher titers of antibody than did patients with widespread disease. Antibodies can also be demonstrated by quantitative complement-fixation techniques with the use of tissue cultures of human melanoma (HuMe 1–1 melano cells).

Morton et al[6] then studied eight patients in whom immunotherapy with BCG vaccine was attempted. There was a good correlation between the patient's immunologic competence at the beginning of immunotherapy and the response to treatment. Response to immunotherapy with BCG is strongly correlated with the patient's ability to manifest an immunological response to DNCB, tuberculin, and the melanoma-specific antigen.

Why should immunotherapy with vaccina virus or other agents be attempted in malignant melanoma? There is considerable clinical and recently immunological evidence to support this concept of therapy. Spontaneous regressions of malignant melanomas repeatedly have been recorded.[12] Widespread metastasis may appear many years after apparently successful treatment of the primary lesion. Long survivals have been reported after incomplete removal of the melanoma.[13] A dense, peritumoral inflammatory infiltrate usually surrounds primary melanomas and is most prominent in superficial spreading melanoma, which has the best prognosis.[14] Circulating and cellular immunity against melanoma have been demonstrated.[11] Malignant melanomas have been associated with other autoimmune diseases.[15] Immunotherapy, using cross-transplantation of lymphocytes, has met with some success.[16] Immunosuppression causes more malignant behavior of experimental malignant melanomas.[17]

Immunotherapy of cancer is receiving wide attention because various investigators have demonstrated that immunologic mechanisms are involved in both animal and human neoplastic disease. Malignant melanoma is particularly suitable because of the demonstration of humoral and cell-mediated immunity to melanoma cells in patients with melanoma and of a common antigen, possibly virally induced, in human melanomas.

The mechanism of vaccinia virus in producing remission of metastatic melanoma is not completely understood. It may act by activation of specific immune mechanisms or reflect a nonspecific, cytotoxic, inflammatory reaction. Evidence from this study supports the concept that vaccinia virus may activate the production of cell-mediated, cytotoxic immunity against melanoma cells. Preliminary studies now being conducted at the Cleveland Clinic indicate that this cytotoxic immunity can be isolated with transfer factor and given to other patients with metastatic melanoma.

FOOTNOTES

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TABLE 1.—IMMUNOLOGICAL STUDIES IN FOUR PATIENTS

Study	Patient 17	18	19	20
Sensitivity to vaccina virus:				
Delayed hypersensitization	+	+	−	+
DNCB sensitization [1]	+	+	−	+
Indirect immunofluorescence for melanoma antibody [2]				
Jarrell tumor	+	±	±	±
Malloy tumor	+	±	±	±

[1] DNCB indicates 2,4 plus dinitrochlorobenzene.
[2] Studied using acetone-fixed melanoma imprints.

TABLE 2.—CYTOTOXICITY (PERCENT) BY COLONY INHIBITION TECHNIQUE

Group	Before treatment: Serum	Before treatment: Cellular	After treatment: Serum	After treatment: Cellular
Vaccinia virus treatment:				
Patient 17	32		0	50, 65
Patient 18	24		0	60
Patient 19			0	54, 63, 70
Patient 20	0		0	43
Control (untreated metastatic melanoma):				
A	0	0, 60		
B	0	0		
C		0		
D	0	0		
E	20	0		
F	0	0		
G	0	0		
H	0	0, 54		

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

Mr. SYMINGTON (at the request of Mr. O'NEILL), for today, on account of illness.

Mrs. CHISHOLM (at the request of Mr. O'NEILL), for this week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RONCALLO of New York) to revise and extend their remarks and include extraneous material:)

Mr. KETCHUM, for 60 minutes, July 23, 1974.

Mr. KETCHUM, for 60 minutes, July 24, 1974.

Mr. KETCHUM, for 60 minutes, July 25, 1974.

Mr. WHALEN, for 5 minutes, today.

Mr. MIZELL, for 5 minutes, today.

Mr. DON H. CLAUSEN, for 15 minutes, today.
Mr. KEMP, for 30 minutes, today.
Mr. STEELMAN, for 10 minutes, today.
(The following Members (at the request of Mr. JOHN L. BURTON) to revise and extend their remarks and include extraneous matter:)
Mr. DIGGS, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. O'NEILL, for 5 minutes, today.
Mr. ROSTENKOWSKI, for 5 minutes, today.
Mr. UDALL, for 5 minutes, today.
Mr. HARRINGTON, for 5 minutes, today.
Mr. VANIK, for 10 minutes, today.
Mr. WOLFF, for 5 minutes, today.
Ms. ABZUG, for 5 minutes, today.
Mr. BIAGGI for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

MR. JAMES V. STANTON, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $834.

Mr. HECHLER of West Virginia, to revise and extend his remarks during debate today on H.R. 11500.

(The following Members (at the request of Mr. RONCALLO of New York) and to include extraneous material:)

Mr. ESCH.
Mr. BIESTER.
Mr. BROYHILL of Virginia in two instances.
Mr. HOSMER in three instances.
Mr. BOB WILSON.
Mr. VEYSEY in two instances.
Mr. COUGHLIN.
Mr. LAGOMARSINO in two instances.
Mr. YOUNG of Illinois in two instances.
Mr. LANDGREBE in 10 instances.
Mr. GOLDWATER.
Mr. DERWINSKI in two instances.
Mr. WYMAN in two instances.
Mr. MIZELL in five instances.
Mr. MCCLOSKEY.
Mr. FINDLEY.
Mr. CONTE in two instances.
Mr. KEMP in four instances.
Mr. ROUSSELOT.
Mr. CRONIN.

(The following Members (at the request of Mr. JOHN L. BURTON) and to include extraneous matter:)

Mrs. GRIFFITHS.
Mr. RONCALIO of Wyoming in 10 instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. BRECKINRIDGE in 15 instances.
Mr. MATSUNAGA in three instances.
Mr. ANNUNZIO in six instances.
Mr. MCFALL.
Mr. CHARLES H. WILSON of California in two instances.
Mr. HUNGATE.
Mr. ADDABBO.
Mr. LEGGETT.
Mr. HARRINGTON in three instances.
Mr. DOWNING in two instances.
Mr. GINN.
Mr. ROSE in two instances.
Mr. BADILLO in three instances.
Mr. DRINAN in five instances.
Mr. BLATNIK.
Mr. TRAXLER.
Mr. PEPPER.
Mr. ANDREWS of North Carolina.
Mr. ROGERS in five instances.
Mr. DENT.
Mrs. SCHROEDER in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and under the rule, referred as follows:

S. 2102. An act to guarantee the constitutional right to vote and to provide uniform procedures for absentee voting in Federal elections in the case of citizens who are residing or domiciled outside the United States; to the Committee on House Administration.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which where thereupon signed by the Speaker:

H.R. 377. An act to authorize the Secretary of the Interior to sell certain rights in the State of Florida;

H.R. 3544. An act for the relief of Robert J. Beas;

H.R. 7207. An act for the relief of Emmett A. and Agnes J. Rathbun; and

H.R. 7207. An act for the relief of Emmett Opportunity Act of 1964 to provide for the transfer of the legal services program from the Office of Economic Opportunity to a Legal Services Corporation, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on July 18, 1974, present to the President, for his approval, bills of the House of the following title:

H.R. 9440. An act to provide for access to all duly licensed clinical psychologists and optometrists without prior referral in the Federal employee health benefits program; and

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

ADJOURNMENT

Mr. JOHN L. BURTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 49 minutes p.m.), the House adjourned until tomorrow, Tuesday, July 23, 1974, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2565. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting the fiscal year 1975 Federal plan for meteorological services and supporting research, pursuant to section 304 of Public Law 87–843 [31 U.S.C. 25]; to the Committee on Appropriations.

2566. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to eliminate the requirement for quadrennial physical examinations for members of the Fleet Reserve and Fleet Marine Corps Reserve; to the Committee on Armed Services.

2567. A letter from the Director, Defense Civil Preparedness Agency, transmitting a report on property acquisitions of emergency supplies and equipment during the quarter ended June 30, 1974, pursuant to section 201 (h) of the Federal Civil Defense Act of 1950, as amended [50 U.S.C. app. 2281(h)]; to the Committee on Armed Services.

2568. A letter from the Acting Chairwoman, National Advisory Council on Education Professions Development, transmitting a report entitled "Search for Success: Toward Policy on Educational Evaluation," pursuant to Public Law 90–35; to the Committee on Education and Labor.

2569. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the intention of the Department of State to consent to a request by the Government of the Federal Republic of Germany to transfer certain defense articles of U.S. origin to the Government of Norway, pursuant to section 3(a) of the Foreign Military Sales Act, as amended [22 U.S.C. 2753 (a)]; to the Committee on Foreign Affairs.

2570. A letter from the Secretary of the Interior, transmitting a proposed plan for the use and distribution of Northern Paiute judgment funds awarded in docket No. 87 before the Indian Claims Commission, pursuant to 87 Stat. 466; to the Committee on Interior and Insular Affairs.

2571. A letter from the Acting Assistant Secretary of the Interior, transmitting a proposed amendment to a concession contract for the continued provision of accommodations, facilities, and services for the public at Cedar Pass Lodge, Badlands National Monument, S. Dak., for a term ending December 31, 1974, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

2572. A letter from the Chairman, Indian Claims Commission, transmitting a report on the final determinations of the Commission in docket Nos. 257 and 259–A, *The Kiowa, Comanche and Apache Tribes of Indians, Plaintiffs,* v. *The United States of America, Defendant,* pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

2573. A letter from the Secretary of Transportation, transmitting the annual report on the Rail Passenger Service Act of 1970, as amended, pursuant to section 308 of the act; to the Committee on Interstate and Foreign Commerce.

2574. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended [8 U.S.C. 1154(d)]; to the Committee on the Judiciary.

2575. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to amend title 5, United States Code, to establish and govern the Executive Personnel System and for other purposes; to the Committee on Post Office and Civil Service.

2576. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend section 322 of title 23, United States Code; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

2577. A letter from the Comptroller General of the United States, transmitting a report that numerous improvements are still needed in managing U.S. participation in international organizations; to the Committee on Government Operations.

2578. A letter from the Comptroller General of the United States, transmitting a report on U.S. military assistance to Taiwan; to the Committee on Government Operations.

REPORTS OF COMMITTEE 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. CASEY of Texas: Committee of conference. Committee Conference report on H.R. 14012 (Rept. No. 93-1210). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. UDALL (for himself, Mr. FOLEY, Mr. MEEDS, Mr. BINGHAM, Mr. KASTENMEIER, Mr. SEIBERLING, Mrs. BURKE of California, Mr. OWENS, Mr. DELLENBACK, Mr. STEELMAN, Mr. MARTIN of North Carolina, and Mr. CRONIN):

H.R. 16028. A bill to establish land use policy; to authorize the Secretary of the Interior to make grants to assist the States to develop and implement land use planning; to coordinate Federal programs and policies which have a land use impact; to authorize a study of Indian reservation and other tribal lands in furtherance of the intent and purpose of this act; to provide land use planning directives for the public lands; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BRINKLEY:

H.R. 16029. A bill to amend title 38 of the United States Code so as to entitle veterans of the Mexican border period and of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively, and to increase pension rates; to the Committee on Veterans' Affairs.

By Mr. ERLENBORN:

H.R. 16030. A bill to provide for daylight saving time from the first Sunday in March to the last Sunday in October; to the Committee on Interstate and Foreign Commerce.

By Mr. LANDGREBE:

H.R. 16031. A bill to amend title 10 of the United States Code to provide that institutions having Junior Reserve Officers' Training Corps shall be paid the total amount of the additional amounts payable to corps instructors who are retired members; to the Committee on Armed Services.

By Mr. PATMAN:

H.R. 16032. A bill to authorize the Secretary of the Treasury to change the alloy and weight of the 1-cent piece and to amend the Bank Holding Act Amendments of 1970 to authorize grants to Eisenhower College, Seneca, Falls, N.Y.; to the Committee on Banking and Currency.

By Mr. PATTEN:

H.R. 16033. A bill to amend the Federal Reserve Act to permit the Federal Reserve Board to allocate credit to national priority needs; to the Committee on Banking and Currency.

H.R. 16034. A bill to establish a temporary commission to study problems relating to the Nation's economy and to make recommendations for solving such problems; to the Committee on Banking and Currency.

H.R. 16035. A bill to establish a national policy and nationwide machinery for guaranteeing to all adult Americans able and willing to work the availability of equal opportunities for useful and rewarding employment; to the Committee on Education and Labor.

By Mr. RAILSBACK:

H.R. 16036. A bill to amend title 38 of the United States Code in order to provide that monthly social security benefit payments and annuity and pension payments under the Railroad Retirement Act of 1937 shall not be included as income for the purpose of determining eligibility for, and the amount of, veterans' or widows' pensions, and parents' compensation; to the Committee on Veterans' Affairs.

By Mr. ROGERS:

H.R. 16037. A bill to amend the Internal Revenue Code of 1954 to provide an exemption from income taxation for cooperative housing corporations, condominium housing associations, and certain homeowners' associations; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI:

H.R. 16038. A bill to amend section 5051 of the Internal Revenue Code of 1954 (relating to the Federal excise tax on beer); to the Committee on Ways and Means.

By Mr. SCHNEEBELI:

H.R. 16039. A bill to amend the Internal Revenue Code of 1954 to provide that penalties incurred on account of premature withdrawal of funds from time savings accounts be allowed as a deduction from gross income in computing adjusted gross income; to the Committee on Ways and Means.

By Mr. SEIBERLING (for himself, Mr. GUNTER, and Mr. HANNA):

H.R. 16040. A bill to amend title II of the Social Security Act to provide that the special procedure for expediting benefit payments (where such payments are not regularly made when due) shall apply to benefits based on disability in the same way it applies to other benefits under such title if entitlement has already been established and the benefits involved have been paid for one or more months; to the Committee on Ways and Means.

By Mr. WHITE (for himself, Mr. YATRON, Mr. PICKLE, Mr. YATES, Mr. MCCLOSKEY, Mr. TRAXLER, Mr. WHITEHURST, Mr. LEHMAN, Mr. EILBERG, Mr. MOAKLEY, Mr. TIERNAN, Mr. HANRAHAN, Mr. RANGEL, Mr. WON PAT, Mr. BEVILL, Mr. DAVIS of South Carolina, Mr. FROEHLICH, Mr. YOUNG of Georgia, Mr. ROYBAL, Mr. MAZZOLI, Mr. RODINO, Mrs. BOGGS, Mr. BADILLO, and Mrs. SULLIVAN):

H.R. 16041. A bill to amend title XVIII of the Social Security Act to provide payment under part A (the hospital insurance program) for care and treatment furnished at a central radiation therapy treatment facility, and to provide full payment under part B (the supplementary medical insurance program) for radiation therapy services furnished by physicians to inpatients or outpatients of any hospital or any such facility; and for other purposes; to the Committee on Ways and Means.

By Mr. BOB WILSON:

H.R. 16042. A bill to provide for the development of a long-range plan to advance the national attack on arthritis and related musculoskeletal diseases and for arthritis training and demonstration centers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16043. A bill to amend the provisions of the Marine Mammal Protection Act of 1972 relating to the incidental taking of marine mammals in the course of commercial fishing operations; to the Committee on Merchant Marine and Fisheries.

By Mr. YOUNG of South Carolina:

H.R. 16044. A bill to provide for emergency increases in the support level for the 1974 crop of flue-cured tobacco; to the Committee on Agriculture.

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):

H.R. 16045. A bill to amend the Solid Waste Disposal Act to authorize appropriations for fiscal years 1975 and 1976, and to make certain technical and conforming changes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELMAN:

H.R. 16046. A bill to amend title II of the Social Security Act to eliminate the special dependency requirements for entitlement to husband's and widower's insurance benefits and to make certain other changes so that benefits for husbands and widowers will be payable on the same basis as benefits for wives and widows, and to provide benefits for widowed fathers with minor children on the same basis as benefits for widowed mothers with minor children; to the Committee on Ways and Means.

H.R. 16047. A bill to amend title II of the Social Security Act to provide that no deduction on account of outside earnings shall be made from any widow's or widower's insurance benefit; to the Committee on Ways and Means.

By Mr. BRADEMAS (for himself, Ms. MINK, Mr. HANSEN of Idaho, Ms. HECKLER of Massachusetts, Mr. SARBANES, and Mr. SYMINGTON):

H.R. 16048. A bill to provide for services to children and their families, and for other purposes; to the Committee on Education and Labor.

By Mr. CONTE (for himself, Mr. DINGELL, Mr. HUNGATE, Mr. MCCOLLISTER, Mr. BADILLO, Mr. BURKE of Massachusetts, Mr. CONYERS, Mr. CORMAN, Mr. DRINAN, Mrs. GRASSO, Mrs. HECKLER of Massachusetts, Mr. LEGGETT, Mr. OBEY, Mr. PERKINS, Mr. PODELL, Mr. REES, Mr. RODINO, Mr. ROSENTHAL, Mr. ROUSH, Mr. STARK, Mrs. SULLIVAN, Mr. THOMSON of Wisconsin, Mr. TIERNAN, Mr. YATES, and Mr. YOUNG OF GEORGIA):

H.R. 16049. A bill to extend the Emergency Petroleum Allocation Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. FISHER (for himself, and Mr. KAZEN):

H.R. 16050. A bill to permit the remission of certain overpayments made to members of the Armed Forces who are now retired and for other purposes; to the Committee on the Judiciary.

By Mr. FUQUA:

H.R. 16051. A bill to provide for emergency increases in the support level for the 1974 crop of fluecured tobacco; to the Committee on Agriculture.

By Mr. HELSTOSKI (by request):

H.R. 16052. A bill to amend section 9441 of title 10, United States code, to provide for the budgeting by the Secretary of Defense, the authorization of appropriations, and the use of those appropriated funds by the Secretary of the Air Force, for certain specified purposes to assist the Civil Air Patrol in providing services in connection with the noncombatant mission of the Air Force; to the Committee on Armed Services.

By Mr. LITTON:

H.R. 16053. A bill to amend the Legislative Reorganization Act of 1970 to provide seminars to freshmen Members of the Congress, and for other purposes; to the Committee on House Administration.

By Mr. MATHIS of Georgia:

H.R. 16054. A bill to provide for emergency increases in the support level for the 1974 crop of Flue-cured tobacco; to the Committee on Agriculture.

By Mr. MEEDS:

H.R. 16055. A bill to provide for the establishment of regional centers for the performing arts, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ROSE (for himself, Mr. JONES of North Carolina, Mr. GINN, and Mr. PREYER):

H.R. 16056. A bill to provide for emergency increases in the support level for the 1974 crop of Flue-cured tobacco; to the Committee on Agriculture.

By Mr. ULLMAN:

H.R. 16057. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income gains from the condemnation of certain forest lands held in trust for the Klamath Indian Tribe; to the Committee on Ways and Means.

H.R. 16058. A bill to amend the Internal Revenue Code of 1954 to provide the same tax treatment for recognized Indian tribes as are applicable to other governmental units; to the Committee on Ways and Means.

By Mr. ESCH:

H.J. Res. 1094. Joint resolution to prevent the abandonment of railroad lines; to the Committee on Interstate and Foreign Commerce.

By Mr. O'NEILL (for himself, Mr. McFALL, Mr. RHODES, and Mr. ARENDS):

H.J. Res. 1095. Joint resolution designating Monday, February 10, 1975, as a day of salute to America's hospitalized veterans; to the Committee on the Judiciary.

By Mr. CEDERBERG:

H. Con. Res. 567. Concurrent resolution expressing the sense of Congress that regulations, requiring a statement of ingredients on bottles of distilled spirits and wine, be not promulgated until Congress has considered the matter fully; to the Committee on Ways and Means.

By Mr. YATES (for himself, Mr. JONES of North Carolina, Ms. MINK, Mr. UDALL, Mr. NIX, Mr. DINGELL, Mr. REUSS, Mr. BROOMFIELD, Mr. MEEDS, Mr. PETTIS, Mr. JOHNSON of California, Mr. OBEY, Ms. GREEN of Oregon, Ms. HOLTZMAN, Mr. KYROS, Mr. FRASER, Mr. MATSUNAGA, Mr. KEMP, Ms. HECKLER of Massachusetts, Mr. ASPIN, Mr. CAREY of New York, Mr. SEBELIUS, and Mr. HUNGATE):

H. Res. 1247. Resolution providing for television and radio coverage of proceedings in the Chamber of the House of Representatives on any resolution to impeach the President of the United States; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HALEY:

H.R. 16059. A bill for the relief of Charles A. Pfleiderer; to the Committee on the Judiciary.

By Mr. KING:

H.R. 16060. A bill for the relief of Tarieh Rizk; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

462. By the SPEAKER: Petition of the board of governors of the State Bar of California, Los Angeles, relative to the proposed division of the State of California into two Federal judicial circuits; to the Committee on the Judiciary.

463. Also, petition of Charles H. Suiter, Phoenix, Ariz., relative to illegal price fixing; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

A 200-MILE ECONOMIC ZONE

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 22, 1974

Mr. TIERNAN. Mr. Speaker, I have recently introduced legislation, H.R. 16019, which would establish a 200-mile economic zone contiguous to the territorial seas of the United States. The economic zone, would give the United States full regulatory jurisdiction over exploration and exploitation of seabed resources, nonresource drilling, fishing for coastal and anadromous species, and installations constructed for economic purposes, while preserving the right of a foreign country to freedom of navigation, overflight, and other nonresource uses.

I first proposed this legislation at the U.S. House of Representatives Merchant Marine and Fisheries Committee hearings at Stonington, Conn. on October 6, 1972. Similar proposals were recently presented to the United Nation's Law of the Sea Conference in Caracas, Venezuela by representatives of both the United States and the Soviet Union.

An economic zone as contained in my bill, would give the Nation and especially the fishing industry of New England the limits and protection they seek, but provides, through uniform payments of a percentage of the value of production, for the carefully regulated sharing by other countries in the benefits of the exploitation of nonrenewable resources. In other words, we will be able to protect the use of our natural resources, be they fishing or mineral reserves, through a permit system which requires all foreign economic operations within 200 miles of our shores to be registered with the United States and pay a representative fee. It must be emphasized that the required payment would be set at our discretion.

This represents the best compromise between the fishing industry of New England and the tuna and shrimp fisherman who had earlier protested the establishment of a 200-mile territorial boundary. As witnessed by the U.S. proposal of the economic zone at the Law of the Sea Conference. The zone would not apply to those areas of the continental shelf which extend beyond 200 miles and over which we already have jurisdiction, or to any noneconomic operations. I am hopeful that the Congress will act swiftly on my legislation and the New England fishing industry will get the aid they so justily deserve.

The bill is included for your perusal:

H.R. 16019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is established an economic zone contiguous to the territorial sea of the United States. The United States shall exercise the same exclusive rights in respect to all nonrecoverable resources in the economic zone as it has in respect to such resources in the territorial sea.

SEC. 2. The economic zone has as its inner boundary the outer limits of the territorial sea and as its seaward boundary a line so drawn that each point on the line is 197 nautical miles from the nearest point in the inner boundary.

SEC. 3. The President shall prescribe such rules as may be necessary to regulate (consistent with the national interest), and to provide equitable reimbursement to the United States for, any exploration and exploitation of seabed resources, nonresource drilling, fishing for coastal and anadromous species, construction of installations, and other operations associated with nonrecoverable resource recovery which are carried out by any foreign citizen or entity within the economic zone.

SEC. 4. Nothing in this Act shall be deemed to affect in any manner the jurisdiction of the United States over the resources of such portions of the Outer Continental Shelf of the United States as extend beyond the seaward boundary of the economic zone.

A "HUMAN CHAIN" FOR BICENTENNIAL

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 22, 1974

Mr. O'BRIEN. Mr. Speaker, one of my constituents, Mrs. Marietta B. Lazzo of Park Forest, Ill., has come up with a most imaginative idea for celebrating the Nation's Bicentennial. She writes:

Wouldn't it be wonderful if enough people wanted to, and would, on July 4, 1976, join hands along some of our nation's highways to make one great human, handclasped, chain from shore to shore across our country?

Mrs. Lazzo estimates that at least 3 million people would be needed to complete the chain with arms outstretched—or more than 9 million standing shoulder to shoulder.

Despite the logistics problem that Mrs. Lazzo's plan undoubtedly would entail, I do believe, Mr. Speaker, that it merits consideration. I am asking the Honorable John W. Warner, head of the American Revolution Bicentennial Administration, to review and comment on the proposal as outlined in the following letter:

PARK FOREST, ILL.,
July 15, 1974.

Congressman GEORGE E. O'BRIEN,
Cannon House Office Building,
Washington, D.C.

DEAR MR. O'BRIEN: I would like to share with you an idea I had last winter, concerning our country's 200th birthday. Wouldn't it be wonderful if enough people wanted to, and would, on July 4, 1976, join hands along some of our nation's highways to make one great human, handclasped, chain from shore to shore across our country?

This would be expressive of several things—not the least of which might be a reminder to us all that it "takes all kinds" to accomplish most purposes. (This would undoubtedly be aptly illustrated by local news coverages on that day!)