tion Agency to draw up a plan for the temporary selective removal of gas- and power-robbing pollution control devices from automobiles and trucks, provided that the removal of such devices be permitted only in those areas where the air standards are above the minimally acceptable levels established by the Environmental Protection Agency;

(6) imposing an embargo on the export of crude oil, refined oil products, or natural gas until such time as the normal flow of these products is reestablished in the world market;

(7) imposing an embargo on the export of rolled steel products until such time as manufactured goods of rolled steel are in sufficient supply to meet the demand created by increased exploration and development in the petroleum industry; and

(8) removing the price ceiling on rolled steel products; and, be it further

Resolved, That the Senate of the State of Texas also request the Congress to consider a selective embargo to apply to all countries now participating in a petroleum embargo in this country, such embargo to include, but not be restricted to, manufactured goods, especially those related directly to the production or consumption of petroleum, foodstuffs, and other similar items; and, be it further

Resolved, That copies of this Resolution be forwarded to each Senator and Representative in the Congress from Texas, with the request that this Resolution be officially entered in the Congressional Record as a Memorial to the Congress; and, be it further

Resolved, That copies of this Resolution also be sent to the presiding officers of the legislatures or assemblies of every state, territory, and protectorate of the United States of America.

HOUSE OF REPRESENTATIVES—*Thursday, February 7, 1974*

The House met at 12 o'clock noon.

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

God is our refuge and strength, a very present help in trouble.—Psalms 46: 1.

O God, who art a strong tower of defense to all who put their trust in Thee, we, Thy children, come before Thee with thanksgiving for the guidance of Thy good spirit and praying that in Thee the deep needs of our hearts may be met.

Grant unto us insight to see the way we ought to go and inspiration to walk in it as we seek to respond to the clarion call of moral greatness.

In hours of decision, through times of temptation, during days of responsibilities, for periods of suffering, speak Thou the words of courage and faith and give to each one of us the inner peace which comes to those whose minds are stayed on Thee.

Strengthen us to carry our share of the burden of mankind's advance toward Thy kingdom of peace and good will and prosper all endeavors which are in keeping with the spirit of love.

In Thy holy name we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Marks, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 425. Concurrent resolution providing for adjournment of the House from Thursday, February 7, 1974, to Wednesday, February 13, 1974.

PROVIDING FOR ADJOURNMENT FROM FEBRUARY 7, 1974, to FEBRUARY 13, 1974

The SPEAKER laid before the House the concurrent resolution (H. Con. Res. 425) providing for adjournment of the House from Thursday, February 7, 1974, to Wednesday, February 13, 1974, with the Senate amendment thereto.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Page 1, line 4, strike out "1974." and insert "1974, and that when the Senate adjourns on Friday, February 8, 1974, it stand adjourned until 12 o'clock meridian, Monday, February 18, 1974."

MOTION OFFERED BY MR. O'NEILL

Mr. O'NEILL. Mr. Speaker, I move that the House concur in the Senate amendment to House Concurrent Resolution 425.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts (Mr. O'NEILL).

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

Mr. GROSS. 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 209, nays 175, answered "present" 1, not voting 44, as follows:

[Roll No. 27]

YEAS—209

Abzug	Breaux	Collins, Ill.
Adams	Breckinridge	Conable
Alexander	Brooks	Conlan
Anderson, Ill.	Brown, Mich.	Conte
Annunzio	Broyhill, Va.	Corman
Arends	Buchanan	Cotter
Aspin	Burgener	Crane
Badillo	Burke, Calif.	Culver
Baker	Burleson, Tex.	Daniels, Dominick V.
Barrett	Burlison, Mo.	Danielson
Bergland	Burton	Davis, S.C.
Bingham	Byron	Davis, Wis.
Blatnik	Carney, Ohio	Delaney
Boggs	Casey, Tex.	Dellums
Boland	Cederberg	Denholm
Bolling	Chamberlain	Dent
Bowen	Clark	Derwinski
Brademas	Clay	Dingell
Bray	Collier	Dorn
Brinkley	Dellenback	Gross
Broomfield	Dennis	Grover
Brotzman	Devine	Gude
Brown, Ohio	Donohue	Gunter
Broyhill, N.C.	Downing	Hamilton
Duncan	McFall	Sarbanes
Eckhardt	McKay	Scherle
Edwards, Ala.	Madden	Shipley
Edwards, Calif.	Mahon	Shoup
Erlenborn	Mailliard	Shriver
Eshleman	Martin, N.C.	Sikes
Evins, Tenn.	Matsunaga	Sisk
Fisher	Mayne	Slack
Flood	Mazzoli	Smith, Iowa
Fraser	Meeds	Smith, N.Y.
Frelinghuysen	Melcher	Snyder
Fulton	Metcalfe	Steed
Fuqua	Mezvinsky	Steiger, Ariz.
Gettys	Milford	Stephens
Gonzalez	Mink	Stokes
Green, Oreg.	Moakley	Sullivan
Green, Pa.	Mollohan	Symms
Griffiths	Montgomery	Taylor, Mo.
Gubser	Moorhead, Pa.	Thompson, N.J.
Hanley	Morgan	Thomson, Wis.
Hanna	Mosher	Towell, Nev.
Hansen, Idaho	Murphy, Ill.	Treen
Hansen, Wash.	Myers	Udall
Harrington	Natcher	Ullman
Harsha	Nedzi	Van Deerlin
Hawkins	Nelsen	Vander Jagt
Hays	Nix	Waggonner
Hicks	O'Brien	Ware
Hillis	O'Hara	Whalen
Horton	O'Neill	White
Hosmer	Owens	Whitten
Howard	Pepper	Widnall
Hudnut	Pike	Wiggins
Hungate	Preyer	Williams
Ichord	Price, Ill.	Wilson, Bob
Johnson, Calif.	Quie	Wilson, Charles H., Calif.
Johnson, Colo.	Quillen	Wilson, Charles, Tex.
Jones, N.C.	Railsback	Wolff
Jones, Okla.	Rangel	Wright
Jones, Tenn.	Rarick	Wyatt
Jordan	Rees	Yates
Karth	Regula	Young, S.C.
Kastenmeier	Reid	Young, Tex.
Kazen	Reuss	Zablocki
Kluczynski	Rhodes	Zion
Koch	Roberts	Zwach
Kuykendall	Rosenthal	
Long, La.	Roush	
Lujan	Roybal	
McCormack	Runnels	
McEwen	Ruppe	
	Ryan	
	Sandman	

NAYS—175

Abdnor	Burke, Mass.	Drinan
Addabbo	Butler	du Pont
Anderson, Calif.	Camp	Eilberg
Andrews, N.C.	Carter	Esch
Andrews, N. Dak.	Chappell	Findley
Archer	Chisholm	Flowers
Armstrong	Clancy	Flynt
Ashbrook	Clawson, Del	Ford
Ashley	Cleveland	Fountain
Bafalis	Cochran	Frenzel
Bauman	Cohen	Frey
Beard	Collins, Tex.	Froehlich
Bennett	Coughlin	Gaydos
Bevill	Cronin	Giaimo
Biaggi	Daniel, Dan	Gibbons
Biester	Daniel, Robert W., Jr.	Gilman
Brinkley	de la Garza	Ginn
Broomfield	Dellenback	Goodling
Brotzman	Dennis	Grasso
Brown, Ohio	Devine	Gross
Broyhill, N.C.	Donohue	Grover
Duncan	Downing	Gude
Eckhardt	McFall	Gunter
Edwards, Ala.	McKay	Hamilton
Edwards, Calif.	Madden	Sarbanes
Erlenborn	Mahon	Scherle
Eshleman	Mailliard	Shipley
Evins, Tenn.	Martin, N.C.	Shoup
Fisher	Matsunaga	Shriver
Flood	Mayne	Sikes
Fraser	Mazzoli	Sisk
Frelinghuysen	Meeds	Slack
Fulton	Melcher	Smith, Iowa
Fuqua	Metcalfe	Smith, N.Y.
Gettys	Mezvinsky	Snyder
Gonzalez	Milford	Steed
Green, Oreg.	Mink	Steiger, Ariz.
Green, Pa.	Moakley	Stephens
Griffiths	Mollohan	Stokes
Gubser	Montgomery	Sullivan
Hanley	Moorhead, Pa.	Symms
Hanna	Morgan	Taylor, Mo.
Hansen, Idaho	Mosher	Thompson, N.J.
Hansen, Wash.	Murphy, Ill.	Thomson, Wis.
Harrington	Myers	Towell, Nev.
Harsha	Natcher	Treen
Hawkins	Nedzi	Udall
Hays	Nelsen	Ullman
Hicks	Nix	Van Deerlin
Hillis	O'Brien	Vander Jagt
Horton	O'Hara	Waggonner
Hosmer	O'Neill	Ware
Howard	Owens	Whalen
Hudnut	Pepper	White
Hungate	Pike	Whitten
Ichord	Preyer	Widnall
Johnson, Calif.	Price, Ill.	Wiggins
Johnson, Colo.	Quie	Williams
Jones, N.C.	Quillen	Wilson, Bob
Jones, Okla.	Railsback	Wilson, Charles H., Calif.
Jones, Tenn.	Rangel	Wilson, Charles, Tex.
Jordan	Rarick	Wolff
Karth	Rees	Wright
Kastenmeier	Regula	Wyatt
Kazen	Reid	Yates
Kluczynski	Reuss	Young, S.C.
Koch	Rhodes	Young, Tex.
Kuykendall	Roberts	Zablocki
Long, La.	Rosenthal	Zion
Lujan	Roush	Zwach
McCormack	Roybal	
McEwen	Runnels	
	Ruppe	
	Ryan	
	Sandman	

Guyer	Michel	Schroeder
Hammer-schmidt	Miller	Sebelius
Hanrahan	Minish	Seiberling
Hastings	Minshall, Ohio	Shuster
Hechler, W. Va.	Mitchell, N.Y.	Skubitz
Heckler, Mass.	Mizell	Spence
Heinz	Moorhead, Calif.	Staggers
Helstoski	Moss	Stanton, J. William
Henderson	Murphy, N.Y.	Stanton, James V.
Hinshaw	Nichols	Steele
Hogan	Parris	Steiger, Wis.
Holt	Patman	Stratton
Huber	Patten	Stuckey
Hunt	Perkins	Studds
Hutchinson	Pettis	Talcott
Kemp	Peyser	Taylor, N.C.
Ketchum	Pickle	Thone
King	Podell	Thornton
Kyros	Powell, Ohio	Tiernan
Landgrebe	Price, Tex.	Vanik
Latta	Pritchard	Veysey
Lehman	Randall	Vigorito
Lent	Riegle	Waldie
Litton	Rinaldo	Walsh
Long, Md.	Robinson, Va.	Wampler
Lott	Robison, N.Y.	Whitehurst
McClory	Rodino	Winn
McCloskey	Roe	Wydler
McCollister	Rogers	Wylie
McDade	Rooney, Pa.	Wyman
McKinney	Rose	Yatron
Macdonald	Rousselot	Young, Alaska
Mallary	Ruth	Young, Fla.
Mann	St Germain	Young, Ga.
Maraziti	Sarasin	Young, Ill.
Martin, Nebr.	Satterfield	
Mathis, Ga.	Schneebeli	

ANSWERED "PRESENT"—1

Burke, Fla.

NOT VOTING—44

Bell	Forsythe	Mills
Blackburn	Goldwater	Mitchell, Md.
Brasco	Gray	Obey
Brown, Calif.	Haley	Passman
Carey, N.Y.	Hébert	Poage
Clausen, Don H.	Holifield	Roncalio, Wyo.
Conyers	Holtzman	Roncallo, N.Y.
Davis, Ga.	Jarman	Rooney, N.Y.
Dickinson	Johnson, Pa.	Rostenkowski
Diggs	Jones, Ala.	Roy
Evans, Colo.	Landrum	Stark
Fascell	Leggett	Steelman
Fish	McSpadden	Stubblefield
Foley	Madigan	Symington
	Mathias, Calif.	Teague

So the motion was agreed to.

The Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING MEMBERS OF HOUSE TO REVISE AND EXTEND REMARKS IN THE CONGRESSIONAL RECORD

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that, notwithstanding the adjournment of the House until February 13, 1974, all Members of the House shall have the privilege to extend and revise their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to explain or complete such extension of remarks; but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the said adjournment.

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

There was no objection.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next week.

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

Mr. GROSS. Mr. Speaker, to that last request I object.

The SPEAKER. That is the request to dispense with Calendar Wednesday business?

Mr. GROSS. Yes, Mr. Speaker.

The SPEAKER. Objection is heard.

AUTHORIZING SPEAKER OF THE HOUSE TO APPOINT COMMISSIONS, BOARDS, AND COMMITTEES

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until February 13, 1974, the Speaker be authorized to appoint commissions, boards, and committees authorized by law or by the House.

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

There was no objection.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM SENATE AND SPEAKER TO SIGN ENROLLED MEASURES NOTWITHSTANDING ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent, that notwithstanding any adjournment of the House until Wednesday, February 13, 1974, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

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

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON AERONAUTICS AND SPACE TECHNOLOGY TO SIT TODAY WHILE HOUSE IS IN SESSION

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the Subcommittee on Aeronautics and Space Technology be authorized to sit while the House is in session today.

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

There was no objection.

PERSONAL EXPLANATION

Mr. BRADEMAS. Mr. Speaker, on Monday, February 4, 1974, I was unavoidably absent on rollcall No. 12, the vote on passage of H.R. 4861, providing for the preservation and protection of certain lands known as the Piscataway Park in Prince Georges and Charles Counties, Md.

The vote was 334 ayes and 4 nays.

Had I been present, I would have voted "aye."

CONTINUATION OF OEO PROGRAMS

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

Mr. DORN. Mr. Speaker, today we are introducing the bill that will continue the OEO programs and services provided by community action agencies under the Economic Opportunity Act. The poor are hit hardest by inflation, unemployment, and the energy crisis. Special OEO programs designed to open the door to a better life for all our people should be continued and strengthened. For this Nation to turn its back on the poor, especially the poor in rural areas, would be a tragedy.

Our bill specifically calls for continuation of urban and rural community action programs, day care centers, and special programs to combat poverty in rural areas. It is a pleasure to join our colleague, Congressman AUGUSTUS HAWKINS, chairman of the House Subcommittee on Equal Opportunities, in sponsoring the bill, and I am delighted that Chairman HAWKINS has held hearings on the future of OEO programs.

In supporting extension of this legislation, Mr. Speaker, we especially wish to commend the dedicated and devoted people who staff our community action agencies and the concerned citizens who serve on their local boards of directors. They are the ones who translate into action and positive results the programs and services provided for the poor by the Congress.

SENATE JOINT RESOLUTION 185 PRESENTS UNUSUAL PROCEDURE

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

Mr. ECKHARDT. Mr. Speaker, I would hope that those who are presently on the floor would remain on the floor during the period when the rule is raised on Senate Joint Resolution 185, because this is a very unusual procedure before this House. Senate Joint Resolution 185, which deals with a change in procedure respecting the Interstate Commerce Commission's provisions for rulemaking and deals with the trucker situation, has never gone through any committee of primary jurisdiction.

Senate Joint Resolution 185 comes solely out of the Committee on Rules.

This situation, I think, has only occurred once during the period I have served in the House, that was with respect to a matter taken from the Committee on Education by the Committee on Rules concerning the question of HEW restrictions on school funds. It has occurred about six times since 1937. It is an extremely preemptory rule, which is seldom used and, therefore, I suggest that the Members might be concerned with the preservation of the rights of committees and their members with respect to matters primarily in the jurisdiction of their committees.

PERSONAL EXPLANATION

Mr. GETTYS. Mr. Speaker, at 1:30 yesterday on rollcall No. 20 on the previous question when the subpena resolution was taken, I voted and was duly recorded on that vote. Seventeen minutes later on rollcall No. 21 on the granting of the subpena power resolution I was present. I voted "yes," put my card in the slot, the light showed; however, I am not recorded in the RECORD.

I ask that whatever correction is proper shall be entered in the RECORD to show I was present and voted.

The SPEAKER. The gentleman's statement will appear in the RECORD explaining his situation.

Mr. GETTYS. In addition, Mr. Speaker, it concerns me deeply, it seems in this machine age that the integrity of a machine is taken to have a superior rating to the integrity of a Member of Congress.

The SPEAKER. It is a concern of the Chair also, but the Chair has to enforce the rules of the House.

PROPANE GAS

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

Mr. NICHOLS. Mr. Speaker, prices being charged by the major oil companies on propane to distributors throughout America are nothing less than ridiculous. I have protested long and loud to Mr. Simon's energy office. The only comfort he has offered to the elderly and the poor and other residents of rural America who depend on propane for heating and for cooking, is the regulation issued last week which provides that add-on costs of propane can be only that percentage of the total amount of increased costs which represents the increase of costs of the production of propane.

Mr. Speaker, this is no solution and does nothing whatever to correct the exorbitant prices being charged to distributors.

I am one Member of the Congress that believes that private industry thrives best with a minimum of Government intervention, but in this case where the inequities are so wide spread and affect so many people and where remedial help has not been forthcoming it seems Congress has a responsibility. For these reasons I expect to join with other colleagues in this Congress in support of an amendment to the Federal Energy Act, which would amend the Economic Stabilization Act to stabilize both wholesale and retail price levels of propane at the average level of May 15 of last year and to permit only propane price adjustments from that time which are proportionate to those added costs of producing propane by the major oil companies.

SALARY INCREASE BILL

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

Mr. SKUBITZ. Mr. Speaker, I have been a Member of this body for 12 years. Many times I have been asked to sign discharge petitions to bring legislation before this House. But I have never done so. In my opinion, to discharge committees and attempt to write legislation on the floor would end in chaos. Pressures from every special interest group and every group desiring economic or social change would demand the discharge of the committee and we would find ourselves trying to write legislation on the floor without benefit of hearings and the opinions of those well versed in specific areas.

Today, I am breaking my own rule. I do so without hesitation, because the matter is one affecting each Member personally. I am referring to the salary increase bill. By doing nothing, it becomes effective and in my opinion the taxpayers have a right to know how we feel on this matter. The only way open to force a vote is by signing the discharge petition.

The Commission on Executive, Legislative, and Judicial Pay has recommended a 23-percent salary raise for Members of Congress over the next 3 years. Under the Federal Salary Act of 1967, the increase will be automatic if we do nothing. I cannot remain silent, knowing my inaction is a positive endorsement of my own pay raise.

Our actions in this House are an example for the Nation. In 1969, I opposed a 41-percent congressional pay boost as inflationary. What happened? Inflation runs rampant.

How can we ask the labor force of this country to hold the line on personal earnings when we do not even practice wage control in our own House? When it comes to our personal bank accounts, we have devised the "automatic" pay raise.

Let us not dodge the issue. I am signing the discharge petition on H.R. 2154 so I will have the opportunity to vote "no" on a congressional pay raise.

AN OPPORTUNITY TO VOTE ON THE CONGRESSIONAL PAY RAISE

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

Mr. DENNIS. Mr. Speaker and Members of the House, I take this occasion to remind the membership that I have at the desk a discharge resolution on H.R. 2154, a measure which would give every Member of this House a chance to rise on the floor and compel a vote on the question of whether or not we should have a pay raise.

This is the only opportunity the Members will have, probably, to register their views on that matter. Whether Members think there should be a raise or not Mr. Speaker, I would think ordinary decency and courage would suggest that we should vote. Members have a very fine opportunity to sign this discharge petition before they go home and talk to their constituents.

PERSONAL EXPLANATION

Mr. SPENCE. Mr. Speaker, on yesterday, February 6, 1974, on rollcall No. 21, on House Resolution 803, I am recorded as not voting.

Mr. Speaker, I was here and voted "yes." I would like to be recorded as voting "yes."

PRINTING OF THE CONSTITUTION OF THE UNITED STATES

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the House Concurrent Resolution 184, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the Senate amendment as follows:

Page 2, after line 3, insert:

SEC. 2. There shall be printed fifty-one thousand five hundred additional copies of the document authorized by section 1 of this concurrent resolution for the use of the Senate.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ADVANCING EFFECTIVE DATE OF FINAL ORDER OF INTERSTATE COMMERCE COMMISSION

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 835 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 835

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (S.J. Res. 185) to provide for advancing the effective date of the final order of the Interstate Commerce Commission in docket numbered MC 43 (Sub-No. 2). After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and For-

eign Commerce, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from California is recognized for 1 hour.

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

Mr. Speaker, House Resolution 835 provides an open rule with 1 hour of general debate on Senate Joint Resolution 185, a joint resolution to provide for advancing the effective date of the final order of the Interstate Commerce Commission in docket No. MC 43 (Sub-No. 2).

House Resolution 835 discharges the House Interstate and Foreign Commerce Committee from further consideration of Senate Joint Resolution 185, and brings that resolution directly to the Committee of the Whole House on the State of the Union for consideration.

The Interstate Commerce Commission issued a proposed order on January 20, 1974, to require common carriers to pay the owner-operator for the incease in fuel costs over the May 15, 1973, price. Under the Interstate Commerce Act, the Interstate Commerce Commission cannot make the proposed order effective until 30 days after final publication.

In this case the effective date would be March 20, 1974. Senate Joint Resolution 185 provides that the Interstate Commerce Commission can make a final order which will be effective no later than February 15, 1974.

Now, Mr. Speaker, I recognize that there are going to be charges made that this action is somewhat arbitrary. I realize that it has been used very rarely by the Committee on Rules, but, Mr. Speaker, I think we all recognize that, in fact, we are faced with an emergency. We do, in fact, have a crisis in connection with the delivery of needed food and fuel and other supplies that the American people need.

Now, it is my understanding that this resolution, if passed and approved, will permit the Interstate Commerce Commission to, in fact, make effective as of February 15, the results of what was agreed to just this morning at, I believe, 5 o'clock or thereabouts between the administration and the striking owner-operated truckdrivers. Now, I simply wish to make clear the purpose of the resolution, Mr. Speaker, which I am offering and which the Committee on Rules has brought to us, is simply to provide for the Committee on Interstate and Foreign Commerce to discuss this matter in the House and examine what the problems are. Let me say it is unique in this situation and it is certainly different from previous actions taken where a bill has been taken from a legislative committee by the Committee on Rules and sent to the floor.

In this case, this action was sought by that committee, and I think rightly so, in view of the fact that a House resolution which is identically the same as the Senate joint resolution which this makes in order was discussed, debated and hearings held, and discussions went on, as I understand it, all day yesterday.

Again, Mr. Speaker, recognizing that we are dealing in an emergency situation, I urge the adoption of House Resolution 835.

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

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

Mr. ECKHARDT. Mr. Speaker, will the gentleman confirm to me that Senate Joint Resolution 185 in this instance rises directly from the Committee on Rules as the committee of first instance, and that it has not passed out of any committee of this House?

Mr. SISK. Let me say to my good friend and colleague, the gentleman from Texas, that, yes, the gentleman is correct. This resolution 835, of course, is a resolution passed, approved and passed out of the Committee on Rules, and it is, of course, brought here for House approval.

It is, of course, subject to the wisdom of the House as to whether we will or will not pass it. It does make in order Senate Joint Resolution 185. The point I was trying to make a moment earlier, as my colleague, I am sure, is aware, is that we are not doing this in opposition to or with the idea of overriding the gentleman's Committee on Interstate and Foreign Commerce.

Frankly, we were actually asked to make this rule available; we were asked by the chairman of the committee the distinguished gentleman from West Virginia, on yesterday.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield on that point?

Mr. SISK. Yes, I yield to the gentleman.

Mr. ECKHARDT. Mr. Speaker, the gentleman has said this was done upon the request of the Committee on Interstate and Foreign Commerce.

Does the gentleman know of any action taken by that committee by which the committee asked the Committee on Rules to take such action?

The gentleman from Texas was present at the time the matter came before the Rules Committee and recalls this sequence: The gentleman from Missouri, who is one of the most capable Parliamentarians in this body, stated that he was not making his resolution in terms of the House bill, because it had recently been said on the floor that the House bill had been pased out of the Committee on Interstate and Foreign Commerce without a quorum and, therefore, it was subject to a point of order. He, therefore, offered the Senate bill.

The gentleman from Texas was present at the meeting; so was the gentleman from Washington (Mr. ADAMS).

There was no opportunity for any member of the committee to express his opposition to the overriding of the committee's jurisdiction, but the distinguished chairman of our committee, for who I have the highest respect and who was certainly acting as expeditiously as possible, was there before the committee.

As I recall it, the gentleman from Missouri (Mr. BOLLING) said, "Does the chairman object?" In my opinion and from what I saw, that was the only agreement by the Committee on Interstate and Foreign Commerce that occurred with respect to this extremely unusual procedure.

Will the gentleman confirm that that is true?

Mr. SISK. I think, as I understand what my friend from Texas is saying, that is correct. The gentleman from West Virginia, the distinguished chairman of the Committee on Interstate and Foreign Commerce, under direct questioning, as I recall it, did make such an answer as he indicated to the question of the gentleman from Missouri (Mr. BOLLING). I assume he was speaking for himself. I am not in a position, this Member from California is not, to look behind that and know exactly what the attitude, or what the opinion of other members of his great committee was with regards to this matter.

We were moving on the assumption, as I indicated before, that we did have an emergency and it was felt that this was the best way to meet that emergency. Therefore the Committee on Rules acted upon it. Now, whether we acted in all good wisdom or not I am not sure, and that, in the final analysis, will be determined by the action of the House.

Mr. ECKHARDT. The gentleman from California should understand this Member from Texas that there is no criticism of the Committee on Rules attempting to expedite the matter in a manner in fact approved by the committees on Interstate and Foreign Commerce. I suppose it was acting in order to expedite the business of the House in the best way that it could. My point is the only way in which the Committee on Interstate and Foreign Commerce can express its agreement to give up its primary jurisdiction with respect to a bill of this nature is by some formal action by our committee.

I recognize, of course, that the Committee on Rules has the raw power to take jurisdiction over substantive legislation, but it had only done so, in my recollection, once since I have been here in the House and I think not more than seven or eight times during this century.

Will the gentleman confirm that that is generally true?

Mr. SISK. If I can answer my good friend from Texas, I think basically he stated the facts as I understand them. Personally, as the gentleman may remember, this Member from California now addressing the House took this action some 3 years ago in connection with the settlement of a west coast dock strike. He may or may not remember.

Mr. ECKHARDT. That is correct.

Mr. SISK. That is, as far as I can recall, the last time that this particular action has taken place. It became again a matter of extreme emergency in which the west coast had been tied up for months, and this Member, along with many others and, the gentleman may re-

member, this House rather overwhelmingly passed that bill for the purposes of attempting to settle that dock strike.

Again I want to cite the fact that this has been done most rarely. Personally I do not like to assert this so-called raw power of the Committee on Rules. The gentleman, as he says, agrees it has been used very sparingly over a long period of time.

Again I think it is a matter of opinion of the House and the wisdom of the individual Members as to whether or not the present crisis and the present emergency justifies this kind of action in this case. We felt, frankly, that it did, but again, as I say, that will be a matter to be settled by the votes of the Members of the House.

Mr. ECKHARDT. I thank the gentleman for yielding.

Mr. SISK. Mr. Speaker, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, I agree with the statement just made by the gentleman from California concerning the situation with which the Committee on Rules was confronted yesterday. I am certain we would not have acted as we did unless we had the concurrence of the chairman of the Committee on Interstate and Foreign Commerce. Certainly, with the absence of a quorum in the Committee on Interstate and Foreign Commerce at the time the resolution was reported, we would have had a point of order made against House Joint Resolution 893 and could not have considered this matter today.

I agree with the statement made by the gentleman from California that we should not use the authority we did arbitrarily, and we did not do that in this case. We would not have used it unless we had the concurrence, which we had, of the chairman of the committee.

Does the gentleman from Texas wish me to yield to him?

Mr. ECKHARDT. Yes, would the gentleman yield?

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

Mr. ECKHARDT. The point the gentleman is making is correct, and that is the action within the Committee on Interstate and Foreign Commerce was in fact taken to the House floor. I do not believe that is denied. Therefore, of course, the fact the Committee on Interstate and Foreign Commerce had taken no valid action and had not acted on the bill. What the Committee on Rules did in effect in reporting out an identical bill of the Senate was to remove from the jurisdiction of the Committee on Interstate and Foreign Commerce the substantive jurisdiction over a matter within its purview. Now, I do not understand how the chairman of the committee, without the concurrence of a majority of his committee, may assure us that the Committee on Interstate and Foreign Commerce agrees to that entrenchment on its jurisdiction. That is the point I am making.

Mr. LATTA. Mr. Speaker, in answer to the question raised by the gentleman from Texas, I think the gentleman should direct that question to the chairman of the committee as to whether he had the concurrence of a majority of the committee or not, but even though he did not have the authority, the authority rests in the Committee on Rules to do this.

Mr. ECKHARDT. That is perfectly agreed to, the Committee on Rules certainly has the raw power to do what it did.

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

Mr. LATTA. I would be happy to yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Was the gentleman from Texas present at the committee?

Mr. ECKHARDT. The gentleman from Texas was at the committee from its initial——

Mr. KUYKENDALL. Was the gentleman from Texas at the committee at the moment the bill was reported out?

Mr. ECKHARDT. He was not, because he was on the floor to vote.

Mr. KUYKENDALL. I know that. I took part in that vote. I know the gentleman was not there.

Does the record of the committee show——

Mr. ECKHARDT. To whom?

Mr. KUYKENDALL. Does the record of the committee show any absence of a quorum?

Did the gentleman from Texas take a poll of those not present to see if there was a quorum there?

And since the gentleman was not there I question the viability of his doubts about the action of the committee. The gentleman from Texas was not there.

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

Mr. LATTA. I will be happy to yield to the gentleman from Texas.

Mr. ECKHARDT. In answer to the question of the gentleman from Tennessee, the point that I am making here is that Senate Joint Resolution 185 was never heard nor reported by the Committee on Interstate and Foreign Commerce. The fact that the Committee on Rules reported Senate Joint Resolution 185 rather than the House bill was done, according to the discussion of the Committee on Rules, upon the basis that the reporting of the other bill would be subject to a point of order.

Now, I am not raising the question of whether there was a quorum present or not. That was conceded on the Committee on Rules. That has been conceded by the gentleman from Michigan (Mr. DINGELL) in private remarks. There is no question on that point, and it is not before us.

Mr. LATTA. Mr. Speaker, seeing my good friend, the gentleman from West Virginia (Mr. STAGGERS) the chairman of the Committee on Interstate and Foreign Commerce, on the floor, I would like to speak out of order for a few minutes.

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

EMERGENCY ENERGY BILL

Mr. LATTA. Mr. Speaker, I have in my hand a copy of a UPI story which quotes, or attempts to quote the gentleman from West Virginia on the matter that was before the Committee on Rules yesterday, meaning the energy bill, where he is alleged to have said he does not have the votes to force the bill out of the House Rules Committee. The committee voted 7 to 7 Wednesday to hold the bill back from floor consideration on grounds the rollback portions are not germane to the bill.

Mr. Speaker, I happen to be one of those individuals who voted not to report that bill, but that was not the reason. As a matter of fact, I favor a rollback of petroleum prices. I should like to point out to the House that this bill was in no way, shape, or form ready to come to the House. All we have before us were galley proofs, which I hold in my hand, with a lot of markings. I do not think that the Members of this House want us to report legislation to them for their consideration in this form.

Second, I object to a provision in this bill which would authorize end-use rationing, and the House has taken a rather negative position on this previously. The people of America do not want this Congress to grant authority to some bureaucrat to institute some system of rationing to his liking. For anybody to try to read my mind—and I did not even state the reason before the Committee on Rules—as to why I was voting as I did, I think, is taking just a little bit too much for granted and should not have been done if the report is true.

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

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

Mr. DENNIS. I thank the gentleman for yielding.

I would just like to say, in connection with what the gentleman from Ohio is saying, that as far as I am concerned, I am ready to stay here indefinitely without a recess to do the Nation's business, be it energy, truckers, or what have you. That is the way I voted a moment ago on this adjournment matter, but I do not want under any circumstances—and with all due respect to everybody concerned, for whom I have the greatest respect—to ever have to go through again the farce that we went through before we adjourned in December on this energy matter, where we were here at midnight voting on what we knew not. This was absolutely, in my opinion, a very disgraceful performance for a parliamentary body, and I think that those on the Committee on Rules who prevented that from happening again are to be congratulated.

Mr. LATTA. I thank the gentleman.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

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

Mr. ANDERSON of Illinois. I appreciate the gentleman's yielding.

Mr. Speaker, I, too, was one of the seven who about 7 o'clock yesterday evening voted against a rule. The very distinguished chairman of the House Committee on Interstate and Foreign Commerce, who is ordinarily the most affable gentleman, I think was enraged

with some of us and made some remarks about what he thought about our action and what he apparently interpreted as a dilatory tactic, or one that was designed to register opposition to the price rollback provision with regard to crude oil.

Like the gentleman from Ohio, I was not prejudging that issue in the conference report by my vote, but given the state—and the gentleman has described that—of the so-called conference report that was laid on the table at 7 o'clock yesterday evening before us, I did not feel that this was any time to waive the 3-day layover rule on conference reports. Members of this House, in voting on a matter of such fundamental importance—and given the history, as the gentleman from Indiana has pointed out so well, of this legislation when it was on the floor a few weeks ago—owed it to themselves to pay some decent respect to the rules of this House with respect to the 3-day layover of conference reports.

So I joined the gentleman from Ohio and five others and voted as we did not to prejudge that issue, but to enable the Members of this House, when they do act on it, hopefully to do so in an intelligent fashion.

Might I just add one other point, and that is that I understand that this forenoon the Senate Democratic policy committee had voted to lay over—to lay over until the 19th of February—action on this particular conference report, which I think indicates that they must not have felt that it was quite as urgent as the gentleman from West Virginia felt it was when he came before us late last evening, or 7 o'clock last evening, in view of that action by the policy committee.

Since that time there may have been some change in the situation. The last word I had was that they were still discussing on the floor of the other body what action they should take.

Again, I think that we can intelligently and in due course act on this very necessary legislation and do it without wholesale abandonment of important procedural safeguards and rules of this House.

I thank the gentleman from Ohio.

Mr. LATTA. Mr. Speaker, in conclusion, I should just like to say that on yesterday when we were discussing this matter in the Committee on Rules, I specifically pointed out that I was for a rollback, and most importantly as to propane gas. My friend, the chairman was right there, and he agreed with me, so it was no wonder why I was taken back when I read this little item in a UPI story.

Mr. Speaker, I have no further requests for time, and I yield back the remainder of my time.

Mr. SISK. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, the situation was this with respect to the legislation which we have before us today. The legislation was laid out for our consideration on the morning of yesterday—without any prior notice that this matter would come up other than the calling of the committee—which was our first opportunity to observe an important measure having to do with an issue of very great complexity which was presented to us at that time.

The Member from Texas was there from the beginning of the hearing. When a quorum was finally established the hearing commenced. This Member remained at that hearing throughout all of the testimony of the witnesses, throughout the entire day of yesterday except during the period of the time when quorum calls and votes called him to the floor.

This Member's seniority is quite low on the committee, but since there were so few present he was asked to preside by the gentleman from Michigan (Mr. DINGELL). I presided at the time the Justice Department witness came in. I was the only person there after the recess. One man came in. We proceeded then to hear the testimony of the Department of Justice.

I was later urged by some Members on the floor during a quorum call, upon coming back, to call the committee into executive session and without a quorum to report out the bill. I declined to do so because I think the man presiding over the committee has a duty to this House and a duty to the other members of the committee not to proceed on any vote without a quorum.

At any time during the day yesterday except at the very start of the hearing this member could have raised a point of order that a quorum was not present. I refrained from doing so because I thought the matter was urgent and the hearing should proceed. I never dreamed for a moment that such withholding of calling for a quorum would result in my not being present at the time that the committee resolved itself into an executive committee and acted on this measure.

Then toward about the hour of 7 o'clock there was a vote on the floor. At that time I came to the floor. At about the same time the conferees on the energy legislation were returning to the floor.

There was action on the floor that was led by the gentleman from Louisiana (Mr. WAGGONNER) which related directly to that issue and involved the most sensitive time of action on this floor, that is when the requests for unanimous consent are made. This Member had to stay on the floor because of the important matters before his committee which were being dealt with there.

At the same time a meeting of the Rules Committee had been called to deal with the energy matter. I have a somewhat divergent position from that of the conferees with respect to that bill. I thought it important to be there. I never dreamed for a minute that there would be a quorum of the Interstate and Foreign Commerce Committee to vote out the legislation that is now before us—and indeed there was not.

I think any Member with any experience knows that when there is such action on the floor it is virtually impossible to get a quorum in the committee. Nobody questions the fact that there was not a quorum when the House measure was voted out. There were 10 people I think present at the time the committee reported out the bill.

The gentleman from Michigan (Mr. DINGELL) I am sure will confirm that fact. He has never contested it.

The gentleman from Ohio raised the point on the floor, and then the gentleman from Missouri (Mr. BOLLING) stated on the Rules Committee that the only way this matter could be brought up was to bring out the Senate legislation since House legislation, given a rule in the usual way, would be subject to a point of order.

I suggest that is nothing in the world but the contravention of the committee having jurisdiction of the subject matter.

There is no Member of this House, no Member of this Congress who has a warmer affection for nor a higher regard for the chairman of my committee than the gentleman from Texas, but the chairman of my committee cannot speak for the committee on such matters. The chairman of my committee cannot say informally to the Rules Committee that they may take the substantive jurisdiction away from the Interstate and Foreign Commerce Committee and act on it and pass out legislation to the floor.

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

Mr. SISK. I yield the gentleman from Texas 2 additional minutes.

Mr. ECKHARDT. The point is simply this, that if the jurisdiction and rights of members of the committee are to be preserved, the Committee on Rules must not exercise initial jurisdiction, primary jurisdiction, in fields of substantive legislation. I might say in praise of the Committee on Rules that it has seldom done so. During the period I have been in this House, which is since the convening of the 90th Congress, I think it has happened twice.

I thank the gentleman from California for reminding me about the dock strike situation. I believe it was done at that time and it was done once with respect to a bill in the Committee on Education and Labor, which that committee would not report. The Committee on Rules reported that bill.

The other two times, which occurred in recent years, were the case of the Tuck bill and a constitutional amendment introduced by the distinguished gentleman from Texas, the chairman of the Committee on Banking and Currency, Mr. WRIGHT PATMAN. As I recall, both of these issues had to do with the Baker against Carr decision.

I have a book here called the "Congressional Process" by Louis A. Froman, Jr., in which he stated, I think correctly:

> But this power of the Rules Committee to discharge legislative committees is little used. Besides these two cases in 1964 only twice since 1937 have the Rules Committee exercised this power; once in 1946 on a bill which would allow the drafting of striking workmen into the Armed Forces and again in 1953 on the Excess Profits Extension bill.

So what we have here is the seventh case of this nature which I have been able to uncover in some two generations.

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

Mr. Speaker, the justification for the action which has been discussed here is based on a crisis and an emergency, as has been explained to us. I think most of

us realize by the things we are hearing by telephone, wire, and mail, that we are, indeed, faced with some serious situations.

Hopefully, Mr. Speaker, I would urge that the House adopt the resolution and give the gentleman from West Virginia and his committee an opportunity to present this matter to the House and then, of course, the House acting in its wisdom can make a determination whether or not they want to pass that resolution.

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

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

Mr. LATTA. I want the record to show since making my earlier remarks on the energy bill, I have talked with my good friend from West Virginia, Mr. STAGGERS. He tells me, and I believe him, that he never made the statement attributed to him in the UPI story to which I referred and I am glad to learn he did not make that statement.

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

Mr. LATTA. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I want to be utterly fair. I said I might have made the first part of the statement, but beyond that I did not make any statement. I did not have the facts when I said that.

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. ECKHARDT. 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 384, nays 10, answered "present" 2, not voting 33, as follows:

[Roll No. 28]

YEAS—384

Abdnor	Boland	Clark
Abzug	Bolling	Clawson, Del
Addabbo	Bowen	Clay
Alexander	Brademas	Cleveland
Anderson, Calif.	Brasco	Cochran
	Bray	Cohen
Anderson, Ill.	Brinkley	Collier
Andrews, N.C.	Brooks	Conable
Andrews, N. Dak.	Broomfield	Conlan
	Brotzman	Conte
Annunzio	Brown, Mich.	Corman
Archer	Brown, Ohio	Cotter
Arends	Broyhill, N.C.	Coughlin
Armstrong	Broyhill, Va.	Crane
Ashbrook	Buchanan	Cronin
Ashley	Burgener	Culver
Aspin	Burke, Calif.	Daniel, Dan
Badillo	Burke, Fla.	Daniel, Robert W., Jr.
Bafalis	Burke, Mass.	
Baker	Burlison, Mo.	Daniels, Dominick V.
Barrett	Burton	
Bauman	Butler	Danielson
Beard	Byron	Davis, S.C.
Bennett	Camp	Davis, Wis.
Bergland	Carney, Ohio	de la Garza
Bevill	Carter	Delaney
Biaggi	Casey, Tex.	Dellenback
Biester	Cederberg	Dellums
Bingham	Chamberlain	Dennis
Blackburn	Chappell	Dent
Blatnik	Chisholm	Derwinski
Boggs	Clancy	Devine
Dickinson	Litton	Ruppe
Dingell	Long, La.	Ruth
Donohue	Long, Md.	Ryan
Dorn	Lott	St Germain
Downing	Lujan	Sandman
Drinan	McClory	Sarasin
Dulski	McCloskey	Sarbanes
Duncan	McCollister	Satterfield
du Pont	McCormack	Scherle
Edwards, Ala.	McDade	Schneebeli
Edwards, Calif.	McEwen	Schroeder
Eilberg	McFall	Sebelius
Erlenborn	McKay	Selberling
Esch	McKinney	Shipley
Eshleman	Macdonald	Shoup
Evans, Colo.	Madden	Shriver
Evins, Tenn.	Mahon	Shuster
Findley	Mailliard	Sikes
Fisher	Mallary	Sisk
Flood	Mann	Skubitz
Flowers	Maraziti	Slack
Flynt	Martin, Nebr.	Smith, Iowa
Foley	Martin, N.C.	Smith, N.Y.
Ford	Matsunaga	Snyder
Fountain	Mayne	Spence
Fraser	Mazzoli	Staggers
Frelinghuysen	Meeds	Stanton, J. William
Frenzel	Melcher	
Frey	Metcalfe	Stanton, James V.
Froehlich	Mezvinsky	
Fulton	Michel	Stark
Fuqua	Milford	Steed
Gaydos	Miller	Steele
Gettys	Minish	Steelman
Giaimo	Mink	Steiger, Ariz.
Gibbons	Minshall, Ohio	Steiger, Wis.
Gilman	Mitchell, Md.	Stephens
Ginn	Mitchell, N.Y.	Stokes
Gonzalez	Mizell	Stratton
Goodling	Moakley	Stubblefield
Grasso	Mollohan	Stuckey
Green, Oreg.	Montgomery	Studds
Green, Pa.	Moorhead, Calif.	Sullivan
Griffiths		Symms
Grover	Moorhead, Pa.	Talcott
Gubser	Morgan	Taylor, Mo.
Gude	Mosher	Taylor, N.C.
Gunter	Murphy, Ill.	Teague
Guyer	Murphy, N.Y.	Thompson, N.J.
Hamilton	Myers	Thomson, Wis.
Hanley	Natcher	Thone
Hanna	Nedzi	Thornton
Hanrahan	Nelsen	Tiernan
Hansen, Idaho	Nichols	Towell, Nev.
Hansen, Wash.	Nix	Treen
Harrington	O'Brien	Udall
Harsha	O'Hara	Ullman
Hastings	O'Neill	Van Deerlin
Hawkins	Owens	Vander Jagt
Hays	Parris	Vanik
Hébert	Patman	Veysey
Hechler, W. Va.	Patten	Vigorito
Heckler, Mass.	Pepper	Waggonner
Heinz	Perkins	Waldie
Helstoski	Pettis	Walsh
Henderson	Peyser	Wampler
Hicks	Pickle	Ware
Hinshaw	Pike	Whalen
Hogan	Poage	White
Holt	Podell	Whitehurst
Horton	Powell, Ohio	Whitten
Hosmer	Preyer	Widnall
Howard	Price, Ill.	Wiggins
Huber	Price, Tex.	Williams
Hudnut	Pritchard	Wilson, Bob
Hungate	Quie	Wilson, Charles H., Calif.
Hunt	Quillen	
Hutchinson	Railsback	Wilson, Charles, Tex.
Ichord	Randall	
Jarman	Rangel	Winn
Johnson, Calif.	Rarick	Wolff
Johnson, Colo.	Rees	Wright
Jones, N.C.	Regula	Wyatt
Jones, Okla.	Reuss	Wydler
Jones, Tenn.	Rhodes	Wylie
Jordan	Riegle	Wyman
Karth	Rinaldo	Yates
Kastenmeier	Roberts	Yatron
Kazen	Robinson, Va.	Young, Alaska
Kemp	Robison, N.Y.	Young, Fla.
Ketchum	Rodino	Young, Ga.
King	Roe	Young, Ill.
Kluczynski	Rogers	Young, S.C.
Koch	Rooney, Pa.	Young, Tex.
Kuykendall	Rose	Zablocki
Kyros	Rosenthal	Zion
Landrum	Roush	Zwach
Latta	Rousselot	
Lehman	Roybal	
Lent	Runnels	

NAYS—10

Adams	Eckhardt	Landgrebe
Burleson, Tex.	Gross	Mathis, Ga.
Collins, Tex.	Hammer-schmidt	Obey
Denholm		

ANSWERED "PRESENT"—2

Breckinridge Moss

NOT VOTING—33

Bell	Forsythe	Mathias, Calif.
Breaux	Goldwater	Mills
Brown, Calif.	Gray	Passman
Carey, N.Y.	Haley	Reid
Clausen, Don H.	Hillis	Roncalio, Wyo.
	Holifield	Roncalio, N.Y.
Collins, Ill.	Holtzman	Rooney, N.Y.
Conyers	Johnson, Pa.	Rostenkowski
Davis, Ga.	Jones, Ala.	Roy
Diggs	Leggett	Symington
Fascell	McSpadden	
Fish	Madigan	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rostenkowski with Mr. Davis of Georgia.

Mr. Rooney of New York with Mr. Goldwater.

Mr. Gray with Mr. Don. H. Clausen.

Ms. Holtzman with Mr. Fish.

Mr. Haley with Mr. Mills.

Mr. Reid with Mr. Breaux.

Mr. Roncalio of Wyoming with Mr. Bell.

Mr. Passman with Mr. Johnson of Pennsylvania.

Mr. Holifield with Mr. Forsythe.

Mr. Carey of New York with Mr. Madigan.

Mr. Diggs with Mr. Fascell.

Mr. Conyers with Mr. Leggett.

Mrs. Collins of Illinois with Mr. Symington.

Mr. Roy with Mr. Jones of Alabama.

Mr. McSpadden with Mr. Mathias of California.

Mr. Brown of California with Mr. Roncallo of New York.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to House Resolution 835, the House resolves itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate joint resolution (S.J. Res. 185) to provide for advancing the effective date of the final order of the Interstate Commerce Commission in docket No. MC–43 (Sub-No. 2).

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of Senate Joint Resolution 185, with Mrs. GREEN of Oregon in the chair.

The Clerk read the title of the Senate joint resolution.

By unanimous consent, the first reading of the Senate joint resolution was dispensed with.

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

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

Mr. STAGGERS. Madam Chairman, I am not going to take my full 30 minutes, I can assure the House. This is, of course, a very important bill, and one which will have a great deal of effect upon our national emergency which is now before us. I think we must pass the joint resolution.

Our committee was in session all day Wednesday considering House Joint Resolution 893.

This bill would eliminate a legal barrier to the Interstate Commerce Com-

mission in expediting a procedure by which regulated truckers would compensate independent owner-operators for any increase in the cost of fuel over a base period of May 15, 1973.

By passing this legislation, we will give the ICC authority to put into force any order they issue in this matter on February 15. Without this legislation, the ICC proposed rule could not become effective until March 20 at the earliest.

The legislation will meet one of the biggest objectives that the independent owner-operators have been seeking—and this is to be able to compete in a free market without being squeezed out of business because of the high fuel prices.

The Commission has already put into force a rule allowing the regulated carriers to expedite tariff procedures to be compensated by the shipper for the increase in fuel prices. These regulated carriers have not passed this on to the independent operators who have leased their equipment and services to them.

We heard from the ICC, the Department of Transportation, and the Justice Department in formal hearings.

The Senate Commerce Committee passed the identical legislation without benefit of hearings Tuesday morning—and the bill passed the Senate yesterday afternoon. We felt we owed an obligation to the House and the public to have formal hearings, and we have spent all day on it.

This will not alleviate the truck crises. The people who benefit from this legislation carry about half of the ton-miles of freight by truck in the country. They have other problems—the scarcity of fuel, lower speed limits, limitations on size and weights of their trucks which are different in different sections of the country.

We think this is an equitable piece of legislation. The administration proposed it and we have heard no objections from any of the agencies. It will expedite an ICC rule which otherwise will not become effective until late March, and we think that we need to act quickly as the crisis grows bigger with each passing day.

Under the circumstances as they are, there have been some objections to the procedures, and therefore at this time I will yield to the gentleman from Texas, a member of the committee (Mr. ECKHARDT) 5 minutes.

Mr. ECKHARDT. Madam Chairman, I thank the distinguished gentleman, the chairman of the committee (Mr. STAGGERS), for yielding to me, particularly at this time.

I shall not address myself to procedural points at this time—I have already done that with regard to the rule—except to say that a bill of this importance should not come to this floor on the day after it was heard in the committee, and without the committee ever having validly passed the bill out of that committee.

Of course, no one questions the fact that the bill here before us is not a bill that came out of the Committee on Interstate and Foreign Commerce; it is out of the Committee on Rules, and the Committee on Rules acted on it without any hearings on the facts, and reported the Senate joint resolution. But, enough for the question of procedure.

Let me point out to the Members that this is an important bill with respect to its substance. The kind of a bill that one should be most concerned about is one that can be written on one or two pages, particularly when that bill is not accompanied by a report.

As little as 30 seconds ago I was asking for the report on the bill, and I was told at the back desk that it had not been printed yet. But since the bill came out under a rule, I understand I am not in a position to raise a point of order on that proposition.

Yet, on the merits, it is important that we know what is in a bill of this type.

I listened to these hearings all day yesterday, and yet was precluded from voting on the bill because I had to be on the floor and, without a quorum, the bill was hastily passed out.

But, let me tell the Members what is proposed to be done, what is proposed to be done in order to satisfy those truckers who have, in effect, a gun at certain communities' heads.

What is proposed to be done is exactly what is so frequently done by this body under duress, and that is to pass the cost on directly to the consumer, let all of those who would be monetarily affected pass the additional costs on to the shipper and, in turn, Mr. Consumer, because the consumer is that unorganized, diffuse body that does not have the intense interest, nor the lobby, nor does it hold the gun.

So we act, and we act without due consideration. And by acting we give our imprimatur of approval on a preliminary order of the ICC. What we are saying is: ICC, you have got a preliminary rule, and what we want you to do is put that into effect immediately because there has been some kind of agreement at 5 o'clock this morning, so we want you to act.

Let us not fool ourselves. We are not merely removing a waiting period of 30 days. What we are saying is, act now and pass the preliminary draft of a rule. That is the way it is going to be interpreted, and it is going to be interpreted as simply passing the additional cost obtained, under duress, to the consumers who buy those goods all over the United States.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. ECKHARDT. I do not have much time, but I will yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman for yielding.

The gentleman said that the truckers have guns at their heads. Does the gentleman realize that the truckers came to Washington 2 or 3 months ago and outlined the problems that were facing them? The truckers outlined the hard facts of life that they are not going to be able to stay in business unless they get relief.

Mr. ECKHARDT. I have not had any of them come to my office, although I am on the committee and have an active interest in this matter. There was not a single trucker who appeared before our committee. Perhaps they were embarrassed to appear under the circumstances, but not a single person in the trucking industry appeared. The information I have gotten from the truckers is that they are not so interested in this bill; they are worrying about which way to go.

The point I am making, though, is that this is not a simple pass-through. It is more than a pass-through, and it can really be a double pass-through. Here is how it works. What we provide is a date from what we determined what excessive prices of diesel fuel or gasoline are. That date is May 15, 1973.

When this provision goes into effect, independent contractor truckers may collect from the common carrier with whom they have a contract to drive their truck.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. I yield 1 additional minute to the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman.

They may at that time charge the common carrier the difference between the price, say, of diesel fuel that they paid at that time and the price they have to pay now. They have contracts with the carrier that permit them anywhere from about two-thirds to three-quarters of the total fare for the trucking. In many instances the common carrier has already asked for rate increases based on increased costs of the diesel fuel and the gasoline which additional costs accrued between May 15, 1973, and the present time.

The independent contractor truckers are enjoying two-thirds to three-quarters of that increase. They have that already. It is built into the present and continuing rates. In addition to that, they are entitled to recover the whole of the difference in cost of fuel based on the increase in cost since May 15, 1973. Who pays for that? Who is it passed through to? It is passed through to the general American public, so this is, perhaps, a happy solution to the situation to them but not to the American consumer. Therefore, I oppose this bill.

The CHAIRMAN. The time of the gentleman has expired.

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

It never ceases to amaze me how somebody can take a bill about a quarter of an inch thick and say there is nothing in it, that it is a simple bill and it ought to be passed on its merits, but then the same person can take a bill that covers two simple facts and proceed to complicate it beyond all recognition.

This is a simple joint resolution. I think anybody who knows me and knows about my record in this Congress and on this committee knows I do not call many of them simple, but this one is simple.

There is in the trucking industry a practice whereby a regulated carrier subcontracts his freight to a non-regulated, so-called independent, carrier, and it is a very common practice, particularly in certain large industries, such as the steel and meat hauling businesses as well as others.

Let me make this clear in the beginning. This measure is not a cure-all. It does not cover anywhere near all or even a majority of the tonnage hauled by in-

dependent truckers in this country. This legislation first came to our committee, and I would like for the chairman to confirm this, not as part of any negotiation. It became a part of that later. It came to our committee and received my approval because it is justice, and that is the only reason. I did not vote for this measure and help bring it out because of any negotiation with any truckers. I am supporting this measure because it is really right and it is right for this reason.

The independent trucker when he makes his subcontract with the regulated carrier does not contract for dollars. He contracts for a percentage of the total revenue. It is 75 or 80 percent, which are the commonest percentages used. Remember, he does not get all of it. He gets anywhere from 20 to 25 cents per dollar less than the regulated carrier would get exactly, and out of that 75 to 80 cents on the dollar the independent trucker must pay for all his expenses. He must pay for his rig and grease and oil and gas and repairs and everything else.

All right, prices go up. What recourse does the independent trucker have? Can he approach the ICC? No, he cannot approach the ICC. Can he approach the Cost of Living Council? No, he cannot approach the Cost of Living Council.

So last December, the ICC very carefully offered the regulating carriers of this country an expedited procedure to raise their charges to their customers to allow a passthrough of any rate increase in fuel since May 15 of last year.

It was not any bonanza. The trucker is not going to get paid twice for one rate increase. The ICC regulation was amended in January to clarify that higher charges paid to the regulated carrier must be passed on to the independent trucker, if he actually bears the cost. The increased charges would take effect in 10 days rather than the 30 to 45 days that is normally the case.

Why is this legislation necessary? In the marketplace everyone is competitive. In the marketplace no trucker wants to quickly go up in the price. So what happened? The regulated carrier simply did not take advantage of this opportunity offered him by the Interstate Commerce Commission to make the independent trucker whole. He simply did not claim the additional cost of fuel and pass it on to the independent trucker. He just sat there with his arms folded and remained more competitive.

So what happened? The independent trucker was damaged severely and he had no recourse except to come to the Congress of the United States, and that is what he has done in this case. These are not independent truckers who are shooting people. I do not think any of the independent truckers are shooting people. I think the hoodlums are shooting people.

This is justice. That is why I am for the legislation.

I did not legislate at the point of a gun and am not considering part of any package, since I was not told when I supported this bill that this was part of any package.

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

Mr. KUYKENDALL. I yield to the gentleman from Indiana.

Mr. LANDGREBE. Madam Chairman, the gentleman has made a strong point that this is a simple bill and on that I tend to disagree. I would like to ask a few questions to see if we could clarify some of the unknowns.

Can this Congress order the ICC to file rate increases to deal specifically with the day-to-day fluctuation in fuel prices. Is this not a precedent we are setting here today? Are not ICC rates generally determined on the overall operating costs?

Mr. KUYKENDALL. This body can order the ICC what they should do. Whether or not they can comply within their resources is another matter. We can order them to do anything we want them to do. They are an arm of this body; but the joint resolution here simply says that the ICC must reach by February 15 a decision on its proposal that the independent owner operator be recouped for increased fuel costs.

So let us go through these steps. In the first place, there must be a cause. The ICC has to approve a rate increase to the regulated carriers and the benefits of this increase are passed to the independent trucker to the extent he is bearing increased fuel costs less. This has been determined in Ex Parte No. MC–43 (Sub No. 2). In December there was an order in this proceeding to pass through quickly to the transportation users the increased fuel costs. Then on February 1, 1974, the ICC issued the proposal that is the subject of Senate Joint Resolution 185, the proposal which would insure that the independent owner-operator is treated fairly.

Mr. LANDGREBE. Madam Chairman, would the gentleman yield further?

Mr. KUYKENDALL. Yes, I yield to the gentleman.

Mr. LANDGREBE. I understand there is presently in effect a 2 percentage surcharge, particularly on household goods movers, to help pick up some of these unexpected costs of fuel price. What effect will this bill have in that area?

Mr. KUYKENDALL. If the household moving industry, who have gotten very excited about this bill, and I have not learned why, if they are subcontracting, and only if they are subcontracting, does this bill touch them at all. This bill does not touch any regulated carrier who is not subcontracting.

Mr. LANDGREBE. Would the gentleman allow me to explain why they are excited about it?

Mr. KUYKENDALL. Yes.

Mr. LANDGREBE. As I understand this bill, it protects an owner-operator, back to May 15, 1973. The household goods movers do the bulk of their business in the summer time. Generally these operators are big operators, having trucks operating in 50 States. A hundred different prices are now being charged for diesel fuel. How in the world are they going to be able to comply with this order to reimburse their owner-operators for all that summer time hauling, when they bought diesel fuel for 40 cents, 50 cents, or 60 cents?

Mr. KUYKENDALL. This is not a retroactive bill, sir. The only thing that the May 15, 1973 date is for, is to establish a base period to determine the extent of fuel price increases. There is absolutely no payment to be made until February 15 and forward.

Mr. LANDGREBE. I will have to take the gentleman's word for that statement.

Mr. KUYKENDALL. Yes.

This is for the record, I assure the gentleman. The way it works is this. Whatever part of the increase in the fuel price since May 15, 1973, that has not been covered by a rate increase, may be covered by a rate increase as of February 15.

Now, if he has had two increases since that time, then he would be covered only in the uncovered part; but there is no retroactive payment for previous services rendered.

For instance, the price of fuel was roughly 39 cents on May 15. Say that it went up to 45 cents, and that was covered. The price is now 51 cents, so that he would be covered with 8 cents differential. If he had been covered on more, it would be a 12-cent differential. It depends on what he had gotten before.

Mr. LANDGREBE. But, if the gentleman will permit me to proceed a little bit further, I thought that we got involved in a very similar situation to this when we got involved with the railroads, ordering them to do this, that and the other thing, and we brought about real chaos in that situation.

A couple of years ago, a farmer I visited in the hospital, where his wife lay sick, had just delivered 300 bushels of corn to the elevator. The gross check did not equal 3 days room rent for his wife. This farmer did not go and burn his barn or park his tractor across the highway to obstruct the free flow of the public.

Now, do we have some understanding that when we take this unusual action, that the hoodlums, as the gentleman calls them, are going to clear the roads?

Mr. KUYKENDALL. Absolutely not. This is not part of any negotiations with any hoodlum. This is not part of any negotiation at all. It is a beginning.

Mr. LANDGREBE. Is this bill a result of some of the actions taken by hoodlums?

Mr. KUYKENDALL. This bill does not even relate to the gypsy in the trucking business. It relates to the trucker who spends most of his time as a subcontractor for the hauler of steel and meat in this economy. He is a basic part of our regulated carriers. He just happens to be a subcontractor. He is the guy that is the roofing subcontractor for the general contractor who builds the building.

He did not sign the contract with the shipper. That is the reason he has no recourse. The man he subcontracted with has the recourse, and the man he subcontracted with has not chosen to make his subcontractor whole. He has not chosen to take the increase in cost and pass it on to the man who is doing all the work.

The original contractor gets 25 percent without turning a hand except for signing the contract, so the increase in the cost does not affect that 25 percent; he gets that. All the cost comes out of the other 75 percent.

Mr. LANDGREBE. Madam Chairman, I have a couple of points, and I know that there is another Member who wishes to ask a question. I wonder if the gentleman saw the picture of the broker, one of these people whom we are concerned

about, who in the year 1972 made $50,000 with his rig himself. The trucking magazine where I saw the picture reported that he took an extended vacation following that because he had really had a big year.

I am in my 31st year in the trucking business, I have had some good years and I have had some lean years. The point I am trying to make and will continue to make is that I think in the first place it was this Congress that created this energy crisis, while at the same time refusing to look ahead and make some provision to ease the pressure. But, so be it.

I still am concerned about some of the people and their actions in this country. I am in the trucking business; I am an authorized carrier. My gasoline is costing me twice as much as it was in March of 1973, and that is tough baloney, and it took a big increase in volume just to offset those costs. We are talking about a possibility of offering an amendment here that would provide that as the carrier passes through this increased cost to the broker, this simple amendment says that as the ICC provides that the broker shall be reimbursed, simultaneously the carrier shall be reimbursed for the money he is ordered to pass through.

Mr. KUYKENDALL. May I state for clarity that as far as industry is concerned, reverse the two terms the gentleman from Indiana used: Carrier, broker.

The carrier is the guy who hauled the freight; the broker is the guy who shuffled the papers. This is the way it works in the grocery business which I grew up in and in all the other businesses I have been connected with.

So that we do not get our terms mixed up, the term "broker" implies a man who deals in paper, and the "carrier" is the man who does the work. In this case it is the man who did the work, who spent the money, who bought the fuel, and who drove the truck who has not gotten reimbursed.

Mr. LANDGREBE. Madam Chairman, let me interrupt the gentleman, if the gentleman will yield.

There are carriers who own their own trucks and who are paying this increase in the price of fuel. Do they not deserve some consideration?

Mr. KUYKENDALL. This is what this is for.

This is for the carrier who is actually hauling this cargo. This is the man we are talking about here. We are talking about the independent carrier, the man who hauls the load of steel, the man who hauls the load of meat. He is subcontracting from the regulated carrier, who has more customers than he needs.

Mr. LANDGREBE. Let me once more get back to this point. Irresponsible actions of this Congress created this energy crisis. Rather than undo some of the mischief done to the people of our Nation by those irresponsible actions. This same Congress through the action we are taking here this moment will sock the shippers and consumers of this country with higher freight rates. Even the brokers will lose. They will be reimbursed only for their higher fuel costs while having to pay more for their consumer goods the same as the rest of we Americans.

Mr. KUYKENDALL. Madam Chairman, I refuse to yield any further to the gentleman, because I think we must complete this.

Let us get this understood here. Let us say that a regulated carrier has 100 rigs. All of a sudden—or not all of a sudden, but on a continuing basis—he has the business for 125 rigs, so he subcontracts those 25 rigs.

Now, if he gets in trouble, the contractor himself, he can immediately go to the ICC and ask for relief, which he has always done. But when that subcontractor gets in trouble, he has no source of relief until this bill comes up.

The ICC offered the regulated carrier a solution by rulemaking and not by law, and these regulated carriers did not use it. This is an ICC suggestion, this piece of legislation. We are not forcing anything on the ICC; they are supporting it, and they are supporting it because it is a simple matter of justice.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

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

Mr. SHUSTER. Madam Chairman, I thank the gentleman for yielding.

I rise in support of this Senate joint resolution.

Madam Chairman, I urge passage of this legislation to expedite trucker reimbursement for fuel price increases.

The independent truckers deserve immediate relief. I have met with them several times and the evidence is overwhelming that they cannot survive without relief. Fuel costs have increased about $28 a load during the past year and rate revenue has gone up by only $7 a load. An independent trucker simply cannot continue to absorb a $21 net fuel cost increase each time he pulls his rig on the road. In economic terms, the independent trucker is riding a "going out of business" curve.

It may not be the most popular thing to say, but the truth is that the independent trucker's cause is just. We should not let the unjust violent methods of a few obscure the fundamental fact that these truckers not only deserve relief but must get relief if they are to stay in business and continue delivering this Nation's needed goods. We must pass this legislation now because of the emergency facing our Nation.

Dairy farmers in Pennsylvania are faced with dumping milk in their fields because they cannot ship to market. Gasoline stations are closed because gasoline trucks cannot deliver fuel. Grocery shelves are bare because food shipments are not being made. It should be clearly understood, however, that the independent truckers did not start these events in motion. The truckers, like consumers, are the victims.

They are caught in a cost squeeze caused by the explosive rise in diesel fuel prices. They must get relief to survive. I implore this body to pass this legislation now.

Mr. ECKHARDT. Madam Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Texas for a comment or for a question, whichever the gentleman prefers.

Mr. ECKHARDT. Madam Chairman, I thank the gentleman for yielding.

I know the gentleman to be the most candid of speakers on this floor. His facts, of course, are correct, except perhaps in one instance they do need a little enlarging upon to make them absolutely accurate.

The gentleman had said that there was some provision in the rule by which that portion of fuel-added costs which had already been enjoyed would be deducted from the addition that is passed on to the customer.

Now, I do not see that in this language, and if the gentleman can point it out, I would like to know where it is.

Madam Chairman, if I may just complete my statement, as the proposed rule reads, it says that the amount shall be increased by an amount equal to the increased cost of fuel purchased at lawful prices and borne by the lessor and added to the compensation paid the lessor for the leased equipment, computed then by subtracting the figure of May 15, 1973, from the figure actually paid.

Now, that is added to the amount that the common carrier must pay the independent contractor.

If the common carrier has already negotiated for a rate increase, 75 percent of that rate increase, according to testimony before us, in the normal case would have already gone to the contractor. Now he gets this additional amount, with respect to the increase in rates which he has computed on the basis of the May 15, 1973, figure.

Madam Chairman, that is the reason I say that in that respect there is a double passoff. Now, I think that they will correct that, but why not give them the 30 days in which to do it?

Mr. KUYKENDALL. Madam Chairman, if I may, I will comment on that.

In the first place, on the first page of the bill where it says we are actually implementing the procedure proposed on February 1, 1974, the gentleman will find it in the record of the legislation, in the records of the ICC, where this point was specifically covered.

It is specifically stated in the record—and I believe the chairman will bear this out—that the Interstate Commerce Commission was specifically asked the question, will they simply be made whole.

Mr. ECKHARDT. I asked him that question and I know they say that, but the thing is the language of this order does not say that and what this bill does is curtail the time so shortly that the order specified here would have little time for consideration in matters of this nature that we are bringing up. We are not giving additional authority to the Interstate Commerce Commission. The gentleman will recognize that.

Mr. KUYKENDALL. That is right.

Mr. ECKHARDT. The Interstate Commerce Commission has the authority to remedy all of these things the gentleman says are evil without this bill, but we are removing a statutory delay period in which the Interstate Commerce Commission might have the opportunity to take care of things of this nature. We are only talking about 30 days. Why tamper with it?

Mr. KUYKENDALL. The primary purpose of this bill, which is a technicality I have been assured of—and remember the Interstate Commerce Commission has to approve that, and I cannot for the life of me imagine the Interstate Commerce Commission will give a $2 relief for a $1 pain, because they have to approve of each of these things.

We are operating under the order of February 7, 1974, in this bill. This is not the law but referring to an order of the Interstate Commerce Commission as the basis.

I yield to the gentleman from Kansas.

Mr. SKUBITZ. I thank the gentleman for yielding.

I am a member of the committee and I was absent yesterday when this bill was discussed. I had two wisdom teeth extracted and therefore may not be so wise today.

Mr. KUYKENDALL. That is the most genuine excuse I have ever heard.

Mr. SKUBITZ. Is it correct that the regulated carriers have specific certificates to operate over designated routes?

Mr. KUYKENDALL. That is correct.

Mr. SKUBITZ. And because they have these certificates they have established rates?

Mr. KUYKENDALL. That is right.

Mr. SKUBITZ. They solicit business over their respective routes.

Mr. KUYKENDALL. All they can get.

Mr. SKUBITZ. The independent carriers do not have the right to solicit business over these routes? Is that correct?

Mr. KUYKENDALL. That is correct. Not on regulated cargoes.

Mr. SKUBITZ. So the independents go to the regulated carriers and offer their services. Because of competition they must make an offer that is less than the regulated carrier's established rate?

Mr. KUYKENDALL. Will the gentleman yield for a correction? He negotiates partly on a straight percentage.

Mr. SKUBITZ. I was getting to that. It is usually a straight percentage. So the regulated carrier gets x percent and the independent gets the balance. But out of the independent's take he must pay all of the expenses.

Mr. KUYKENDALL. That is correct.

Mr. SKUBITZ. Gas, labor and everything. The regulated carrier does not care what happens to the independent's costs because it does not affect his profit. Therefore, what this bill is trying to do, really, is to force the regulated carrier to pay a part of the burden for the increased cost of fuel to the independent trucker and permits the regulated carrier the right to ask for an increase rate to meet the pass-through?

Mr. KUYKENDALL. That is completely true.

I would like to make one correction before I yield back the balance of my time.

The vast majority of freight hauled by regulated carriers is hauled in their own trucks and trailers. Yes. In certain industries this is not true, as I mentioned—in steel and in meat hauling. We are fully aware that the competitive situation in the marketplace is the primary reason the regulated carriers have not chosen to make their subcontractors whole. Whatever the reason, the innocent third party is being damaged and he has no recourse.

This is, frankly, the reason this joint resolution should be passed.

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair will state to the gentleman from Tennessee that he has consumed 25 minutes.

Mr. STAGGERS. Madam Chairman, I yield 1 minute to the gentleman from Indiana (Mr. HUDNUT), a member of the committee.

Mr. HUDNUT. Madam Chairman, I thank the gentleman from West Virginia for yielding to me, and I would like to ask the distinguished chairman of the Committee on Interstate and Foreign Commerce one question:

Madam Chairman, there are a number of the members of the Household Goods Carriers Association in my district who are concerned about whether or not they will, as contract carriers, be able to recoup the costs that are passed through them if this legislation passes.

They are wondering if it would be necessary to have an order from the ICC that would provide for increased compensation to reflect the increases in fuel prices.

Could an adjustment be made so that the carriers could receive authorization to permit them to recoup the increased payments at the same time?

Mr. STAGGERS. Let me ask the gentleman from Indiana—and I believe I understand the inquiry he is presenting correctly—are these regulated carriers?

Mr. HUDNUT. That is correct.

Mr. STAGGERS. Yes, they could, under previous ICC regulations. That is the reason why it is written this way, and why it was covered for another segment of the industry, because they did not have that right, and we are trying to correct that.

Mr. HUDNUT. I thank the gentleman.

Mrs. HECKLER of Massachusetts. Madam Chairman, will the gentleman yield?

Mr. STAGGERS. I yield such time as she may consume to the gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Madam Chairman, I would ask the gentleman from West Virginia whether or not this legislation is a factor in the negotiations which are presently transpiring downtown?

Mr. STAGGERS. Madam Chairman, let me say to the gentlewoman from Massachusetts (Mrs. HECKLER) in response to her question, that this legislation was requested by the administration, and they requested expedited consideration. I know that when it was sent up that it would be an incentive to settle the strike, because it concerned one of the injustices which the independent truckers wanted corrected.

So I would say to the gentlewoman from Massachusetts that in all probability it is a part of the negotiations.

Mr. KUYKENDALL. Madam Chairman, will the gentleman yield?

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

Mr. KUYKENDALL. Madam Chairman, during the time that the chairman, the gentleman from West Virginia (Mr. STAGGERS) was in conference yesterday, a member of the administration from the DOT actually discussed this case, and I think it ought to be brought out into exact focus.

The Secretary instructed the gentleman, Mr. Snow, who testified before the committee yesterday—and these instructions were on Sunday— to find any places where there were inequities that we could take immediate action upon, and they found this one on Sunday. And they notified the gentleman from West Virginia, I happen to know, on Monday morning, that this was one that they had found. But only after they found it did it become a part of the negotiations. In other words, an injustice was found, and then made a part of the negotiations by the DOT.

Mrs. HECKLER of Massachusetts. Madam Chairman, if the gentleman from West Virginia will continue to yield, I would like to say that I am supporting this legislation, and I thank the gentleman for his efforts in this regard. I would further say that with the mass unemployment and the crippling shortages that we are about to have, that possibly these may be partly addressed by this legislation, and that is why I intend to support it.

However, Madam Chairman, I must say that I do have many misgivings that this will not be the full answer. So if the gentleman from West Virginia has anything further to add in the way of suggestions on what this House can do toward correcting this subject so that there will not be an imminent disaster to the entire country, I would ask the gentleman to give us his comments.

Mr. STAGGERS. Madam Chairman, in reply to the inquiry of the gentlewoman from Massachusetts (Mrs. HECKLER) may I say that I think perhaps to do what the gentlewoman has asked would take a rather lengthy dialog in order to state it all. But let me say to the gentlewoman from Massachusetts that this legislation is the first step, and I think we ought to take it now. There are other steps that will be coming forth, one of them, of course, being the emergency energy bill which will be coming before the House shortly.

Mrs. HECKLER of Massachusetts. Madam Chairman, I thank the gentleman.

Mr. STAGGERS. Madam Chairman, I yield 1 minute to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Madam Chairman, it has been indicated here by certain speakers that the authorized carriers are sort of the bad guys in this whole picture.

Mr. STAGGERS. If the gentleman will yield, no, I would not say that.

Mr. LANDGREBE. May I inquire of the gentleman from West Virginia that, as fuel costs increase does this bill mandate the certified truckers to reimburse their brokers in the amount of the increased cost. After all, the brokers are normally reimbursed on a percentage of the gross revenue basis. Should there be an increase when freight rates are increased the brokers would normally get an increase in their usual percentage of the gross revenue.

It seems to me that this bill orders a

direct payment from the certified carriers to the brokers to cover increased fuel costs in addition to their receiving a fair share of the increase of the gross revenue.

What really distresses me about this, Madam Chairman, is that we are singling out a specific case of the brokers, and we are saying that the certified carriers must reimburse the broker for increased fuel costs without assurance that the certified carriers will be adequately protected in this matter.

So, the point I am trying to make is that some of the people here do not realize that the brokers oftentimes get 70 to 75 percent of the total gross revenue.

But how does the shipper fit into this discussion we are having here? What notice is the shipping public going to have to adjust prices, because certainly freight rates are a key factor in the price of merchandise in the marketplace. Where does the consumer fit into this discussion?

Let me say to the gentleman I think the bill has been discussed completely. I want to say that I think the gentleman from Tennessee made a very learned discussion of what the bill is about, and I agree with the discussion of the gentleman from Indiana. There has been some helpful discussion. I want to say to him I am not going to disillusion him by saying that the licensed carriers are bad boys. I do not believe it, and I do not believe anybody in the House believes it. I just believe that there is an inequity that they cannot do anything about that we are trying to correct by this bill; that is all. I insist that these are the facts. It is something that has happened, and we are just trying to correct it.

Mr. ROUSH. Madam Chairman, will the gentleman yield?

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

Mr. ROUSH. I thank the gentleman for yielding.

Madam Chairman, this legislation in no way would preclude the ICC from changing the preliminary order which was printed; would it?

Mr. STAGGERS. No.

Mr. ROUSH. I should like, Madam Chairman, to express my concern that in the final order the ICC would take into consideration the tremendous administrative difficulties that might attend that order, and also that they might consider providing a mechanism for settlement in the event of disputes which might arise as to increased prices between the truck operators and the common carriers. I do not believe that has been provided for in the preliminary order; am I correct?

Mr. STAGGERS. I would assume so.

Mr. ROUSH. Madam Chairman, I would like to explain a little more fully the source of my concern. What we are doing today is to speed up the implementation of an ICC proposed ruling, some details of which are of concern to me. I believe that we must allow the truck operators to pass through some of the additional costs they are suffering from the rise in cost of fuel. The Congress has recognized the need for implementing the ICC proposed ruling as quickly as possible. And that is commendable in light of the curtailed truck service that has been spreading throughout the Nation.

However, in our haste for a solution I would not want the ICC to fail to include certain provisions in their final ruling which are not included now and which I feel are essential for clarity and equity. It seems to me that innumerable administrative difficulties might be expected with this passthrough resolution. For example, how can we make sure that a minimum of paperwork will be required of the independent truck driver and the common carrier? Are there in all cases an adequate receipt system for the fuel charges to the truck drivers, on the basis of which the passthrough will work? And if not, will the ICC make provision for these in their final order? I hope so.

Also, will the ICC provide for a dispute settlement mechanism if disputes as to increased prices since the May 15, 1973, dateline occur between the truck operators and the common carriers? I believe this is essential.

Unless these issues are handled in the final order I do not believe the Congress will have helped the independent truck operator, the common carrier, or the consumer by speeding up the effective date of the ICC rule.

Mr. KUYKENDALL. Madam Chairman, I have no further requests for time.

Mr. STAGGERS. Before I close I just want to make two points. This is a simple bill. All we are doing is one thing. The date February 15 is the date we say that the ICC order shall go into effect. That is the only thing we do. We do not tell the ICC what to do. We do not have anything to do with that order. We just say that holding them back 30 days or longer is the wrong thing to do.

If we look at the whole thing, it says that February 15 that order shall go into effect, and there is not one other single thing that is done. I want to make that clear. The ICC makes the decision as to what it shall be. The price of oil has gone up 60 percent from May 15, 1973, to January 25, 1974. These figures were given to me by the ICC this afternoon. The independent trucker had to bear these costs.

Madam Chairman, I urge a vote on the bill and urge that the Members vote for it.

Mr. CONTE. Madam Chairman, I rise in support of this joint resolution and add my voice to the chorus demanding its immediate enactment.

As the ranking minority member of the Select Committee on Small Business, I feel very close to the economic woes of independent truckers. There is no doubt that they need the pass-through price relief provided by this bill.

In the past year and a half, the price of diesel fuel has jumped by 60 percent. It is now almost 50 cents a gallon. The independent trucker has been forced to absorb the added cost of 15 cents a gallon. For a 2,000-mile round-trip, the added cost is about $75. This comes straight out of the truckers' profits, because he cannot pass this cost along.

We saw this same bad deal given to retail oil marketers last summer by phase 4 price controls. Fuel oil dealers and gas station operators were stuck with inflated costs which they could not pass on to their customers. Many of them went broke.

Higher fuel cost is not the only new expenses for independent truckers.

The recently enacted national speed limit of 55 miles per hour has also hurt them. In many cases, the slower speed increases fuel consumption by 5 to 10 percent. It also means that drivers who are paid by the mile, as most of them are, must work longer hours for the same wages.

So, in effect, the lower speed limit has imposed a double-pronged pay cut on many drivers.

Independent truckers who lease their equipment and services to the big regulated carriers have no standing before the Interstate Commerce Commission to petition for rate increases.

But I note that the ICC has already taken care of the big trucking companies. Last December, the Commission allowed the carriers to pass through the higher fuel costs to their customers.

Last month, the Commission tried to take care of the small trucker, by issuing an order that stated that the person who pays the higher fuel prices should be fully reimbursed.

But I read this disturbing paragraph in the committee report on this bill:

> Unfortunately, the regulated carriers have been reluctant to pass along this surcharge increase to the independent owner-operator. Some have done so, but most have not.

Unless we pass this bill, the Congress will be abandoning a hearty group of small businessmen in their hour of need.

I have received many telegrams and calls about this urgent situation. I urge my colleagues to act on this joint resolution without delay, so that the small businessmen who need this aid can believe that their government has not forsaken them, and so they can reaffirm their faith in their elected Representatives and their country.

Mrs. HOLT. Madam Chairman, I would like to commend the Interstate and Foreign Commerce Committee for their timely response to the current transportation crisis which is afflicting our country.

The severity of this situation cannot be minimized; in Maryland several counties have closed schools due to lack of fuel. Elsewhere, perishable commodities are not reaching the market, food shortages are beginning to occur in some areas—the list is lengthy and will increase if immediate action is not taken.

The passage of this resolution will assist in eliminating one of the major issues in the current truckers strike. The independent trucker is caught in a cruel economic squeeze; fuel prices have increased dramatically, but the trucker has not been able to pass these costs on to

the common carrier which hires him to haul his goods. This resolution will allow the ICC to alter its procedural timetable in this one instance and immediately implement its proposed order which would require the common carrier to pay the owner-operator for the increase in fuel costs over the May 15, 1973, base price.

The continuation of this strike will lead to economic chaos. While we must deplore the violence which has surrounded this shutdown, we must also take all necessary steps to encourage an equitable solution to this dispute.

Madam Chairman, the resolution before us is fair and necessary; I urge its immediate passage.

The CHAIRMAN. If there are no further requests for time, the Clerk will read.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 185

Joint resolution to provide for advancing the effective date of the final order of the Interstate Commerce Commission in Docket No. MC 43 (Sub-No. 2)

Whereas the Interstate Commerce Commission, through its proposed order issued January 30, 1974, in Docket No. MC 43 (Sub-No. 2), seeks to alleviate a serious and pressing transportation problem by requiring carriers to reimburse their owner-operators for all increases in the price of fuel over the base period May 15, 1973; and

Whereas section 221(b) of the Interstate Commerce Act, 49 U.S.C. 321(b) appears to preclude the Commission from making its final order in MC 43 (Sub-No. 2) effective in less than thirty days; and

Whereas the inability to effectuate the final order in MC 43 (Sub-No. 2) more promptly will cause substantial hardship to a significant portion of the motor carrier industry and the shipping public; and

Whereas there exists a national transportation crisis which presents a grave risk to the commerce and well-being of the Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commission shall issue a final order in MC 43 (Sub-No. 2) as soon as possible which shall become effective not later than February 15, 1974.

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

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

There was no objection.

The CHAIRMAN. Are there any amendments to the Senate joint resolution? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mrs. GREEN of Oregon, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the Senate joint resolution (S.J. Res. 185) to provide for advancing the effective date of the final order of the Interstate Commerce Commission in docket No. MC 43 (Sub-No. 2), pursuant to House Resolution 835, she reported the Senate joint resolution back to the House.

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

The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the Senate joint resolution.

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

Mr. DEVINE. 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 374, nays 6, answered "present" 2, not voting 47, as follows:

[Roll No. 29]

YEAS—374

Abdnor	Conlan	Grover
Abzug	Conte	Gubser
Adams	Corman	Gude
Addabbo	Cotter	Gunter
Anderson, Calif.	Coughlin	Guyer
Anderson, Ill.	Crane	Hamilton
Andrews, N.C.	Cronin	Hammer-schmidt
Andrews, N. Dak.	Culver	Hanley
Annunzio	Daniel, Dan	Hanna
Archer	Daniel, Robert W., Jr.	Hansen, Idaho
Arends	Daniels, Dominick V.	Hansen, Wash.
Armstrong	Danielson	Harrington
Ashbrook	Davis, S.C.	Harsha
Ashley	Davis, Wis.	Hastings
Aspin	de la Garza	Hawkins
Badillo	Delaney	Hays
Bafalis	Dellenback	Hébert
Baker	Dellums	Hechler, W. Va.
Barrett	Denholm	Heckler, Mass.
Bauman	Dennis	Heinz
Beard	Dent	Helstoski
Bennett	Devine	Henderson
Bergland	Dickinson	Hicks
Bevill	Dingell	Hinshaw
Biaggi	Donohue	Hogan
Biester	Dorn	Holt
Bingham	Downing	Horton
Blackburn	Drinan	Hosmer
Blatnik	Dulski	Howard
Boggs	Duncan	Huber
Bolling	du Pont	Hudnut
Bowen	Edwards, Ala.	Hungate
Brademas	Edwards, Calif.	Hunt
Brasco	Eilberg	Hutchinson
Bray	Erlenborn	Ichord
Breaux	Esch	Jarman
Brinkley	Eshleman	Johnson, Calif.
Brooks	Evans, Colo.	Johnson, Colo.
Broomfield	Evins, Tenn.	Jones, N.C.
Brotzman	Findley	Jones, Okla.
Brown, Mich.	Fisher	Jones, Tenn.
Brown, Ohio	Flood	Jordan
Broyhill, N.C.	Flowers	Karth
Broyhill, Va.	Flynt	Kastenmeier
Buchanan	Foley	Kazen
Burgener	Ford	Kemp
Burke, Calif.	Fountain	Ketchum
Burke, Fla.	Fraser	King
Burke, Mass.	Frelinghuysen	Kluczynski
Burlison, Mo.	Frenzel	Koch
Butler	Frey	Kuykendall
Byron	Froehlich	Kyros
Camp	Fulton	Landrum
Carney, Ohio	Fuqua	Latta
Carter	Gaydos	Lehman
Cederberg	Gettys	Lent
Chamberlain	Giaimo	Litton
Chappell	Gibbons	Long, La.
Chisholm	Gilman	Long, Md.
Clancy	Ginn	Lott
Clark	Gonzalez	Lujan
Clawson, Del	Goodling	McClory
Clay	Grasso	McCloskey
Cleveland	Green, Oreg.	McCollister
Cochran	Green, Pa.	McCormack
Cohen	Griffiths	McDade
Conable	Gross	McEwen
McKay	Pritchard	Stokes
McKinney	Quie	Stratton
Macdonald	Quillen	Stubblefield
Madden	Railsback	Stuckey
Mahon	Randall	Studds
Mallary	Rangel	Sullivan
Maraziti	Rarick	Talcott
Martin, Nebr.	Rees	Taylor, Mo.
Martin, N.C.	Regula	Taylor, N.C.
Mathis, Ga.	Rhodes	Teague
Matsunaga	Riegle	Thompson, N.J.
Mayne	Rinaldo	Thomson, Wis.
Mazzoli	Roberts	Thone
Meeds	Robinson, Va.	Thornton
Melcher	Robison, N.Y.	Tiernan
Metcalfe	Roe	Towell, Nev.
Mezvinsky	Rogers	Treen
Michel	Rooney, Pa.	Udall
Milford	Rose	Ullman
Miller	Rosenthal	Van Deerlin
Minish	Roush	Vander Jagt
Mink	Rousselot	Vanik
Mitchell, Md.	Roybal	Veysey
Mitchell, N.Y.	Runnels	Waggonner
Mizell	Ruppe	Waldie
Moakley	Ruth	Walsh
Mollohan	Ryan	Wampler
Montgomery	St Germain	Ware
Moorhead, Calif.	Sandman	Whalen
Moorhead, Pa.	Sarasin	White
Morgan	Sarbanes	Whitehurst
Mosher	Satterfield	Whitten
Murphy, Ill.	Scherle	Widnall
Murphy, N.Y.	Schneebeli	Wiggins
Myers	Schroeder	Williams
Natcher	Sebelius	Wilson, Bob
Nedzi	Seiberling	Wilson, Charles H., Calif.
Nelsen	Shipley	Wilson Charles, Tex.
Nichols	Shoup	Winn
Nix	Shriver	Wolff
Obey	Shuster	Wright
O'Brien	Sikes	Wyatt
O'Hara	Sisk	Wydler
Parris	Skubitz	Wylie
Passman	Slack	Wyman
Patman	Smith, Iowa	Yates
Patten	Snyder	Yatron
Pepper	Spence	Young, Alaska
Perkins	Staggers	Young, Fla.
Pettis	Stanton, J. William	Young, Ga.
Peyser	Stanton, James V.	Young, Ill.
Pickle	Stark	Young, S.C.
Pike	Steed	Young, Tex.
Poage	Steele	Zablocki
Podell	Steelman	Zwach
Powell, Ohio	Steiger, Ariz.	
Preyer	Steiger, Wis.	
Price, Ill.	Stephens	
Price, Tex.		

NAYS—6

Burleson, Tex.	Casey, Tex.	Eckhardt
Burton	Collins, Tex.	Landgrebe

ANSWERED "PRESENT" 2

Breckinridge	Moss

NOT VOTING—47

Alexander	Goldwater	Minshall, Ohio
Bell	Gray	O'Neill
Boland	Haley	Owens
Brown, Calif.	Hanrahan	Reid
Carey, N.Y.	Hillis	Reuss
Clausen, Don H.	Holifield	Rodino
Collier	Holtzman	Roncallo, Wyo.
Collins, Ill.	Johnson, Pa.	Roncallo, N.Y.
Conyers	Jones, Ala.	Rooney, N.Y.
Davis, Ga.	Leggett	Rostenkowski
Derwinski	McSpadden	Roy
Diggs	Madigan	Smith, N.Y.
Fascell	Mailliard	Symington
Fish	Mann	Symms
Forsythe	Mathias, Calif.	Vigorito
	Mills	Zion

So the Senate joint resolution was passed.

The Clerk announced the following pairs:

Mr. O'Neill with Mr. Mills.

Mr. Rooney of New York with Mr. McSpadden.

Mr. Roncalio of Wyoming with Mr. Brown of California.

Mr. Holifield with Mr. Smith of New York.

Mr. Boland with Mr. Roncallo of New York.

Mr. Rostenkowski with Mr. Minshall of Ohio.

Mr. Vigorito with Mr. Madigan.

Mr. Fascell with Mr. Forsythe.

Mr. Gray with Mr. Hillis.
Mr. Haley with Mr. Don H. Clausen.
Mr. Reid with Mr. Bell.
Mr. Rodino with Mr. Fish.
Mr. Jones of Alabama with Mr. Goldwater.
Mr. Diggs with Mr. Reuss.
Mr. Davis of Georgia with Mr. Collier.
Mr. Mann with Mr. Hanrahan.
Mr. Conyers with Mr. Roy.
Mrs. Collins of Illinois with Mr. Symington.
Mr. Leggett with Mr. Johnson of Pennsylvania.
Mr. Carey of New York with Mr. Mathias of California.
Ms. Holtzman with Mr. Symms.
Mr. Alexander with Mr. Zion.
Mr. Owens with Mr. Derwinski.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

House Joint Resolution 893 was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

CONFERENCE REPORT ON S. 2589, NATIONAL ENERGY EMERGENCY ACT OF 1973

Mr. STAGGERS submitted the following conference report and statement on the Senate bill (S. 2589) to declare by congressional action a nationwide energy emergency; to authorize the President to immediately undertake specific actions to conserve scarce fuels and increase supply; to invite the development of local, State, National, and international contingency plans; to assure the continuation of vital public services; and for other purposes:

CONFERENCE REPORT (S. REPT. 93-681)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2589) to declare by congressional action a nationwide energy emergency; to authorize the President to immediately undertake specific actions to conserve scarce fuels and increase supply; to invite the development of local, State, National, and international contingency plans; to assure the continuation of vital public services; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act, including the following table of contents, may be cited as the "Energy Emergency Act".

TABLE OF CONTENTS

TITLE I—ENERGY EMERGENCY AUTHORITIES

SEC. 101. FINDINGS AND PURPOSES.

(a)(1) The Congress hereby determines that—

(A) shortages of crude oil, residual fuel oil, and refined petroleum products caused by insufficient domestic refining capacity, inadequate domestic production, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand now exist;

(B) such shortages have created or will create severe economic dislocations and hardships;

(C) such shortages and dislocations jeopardize the normal flow of interstate and foreign commerce and constitute an energy emergency which can be averted or minimized most efficiently and effectively through prompt action by the executive branch of Government;

(D) disruptions in the availability of imported energy supplies, particularly crude oil and petroleum products, pose a serious risk to national security, economic well-being, and health and welfare of the American people;

(E) because of the diversity of conditions, climate, and available fuel mix in different areas of the Nation, a primary governmental responsibility for developing and enforcing energy emergency measures lies with the States and with the local governments of major metropolitan areas acting in accord with the provisions of this Act; and

(F) the protection and fostering of competition and the prevention of anticompetitive practices and effects are vital during the energy emergency.

(2) On the basis of the determinations specified in subparagraphs (A) through (F) of paragraph (1) of this subsection, the Congress hereby finds that current and imminent fuel shortages have created a nationwide energy emergency.

(b) The purposes of this Act are to call for proposals for energy emergency rationing and conservation measures and to authorize specific temporary emergency actions to be exercised, subject to congressional review and right of approval or disapproval, to assure that the essential needs of the United States for fuels will be met in a manner which, to the fullest extent practicable: (1) is consistent with existing national commitments to protect and improve the environment; (2) minimizes any adverse impact on employment; (3) provides for equitable treatment of all sectors of the economy; (4) maintains vital services necessary to health, safety, and public welfare; and (5) insures against anticompetitive practices and effects and preserves, enhances, and facilitates competition in the development, production, transportation, distribution, and marketing of energy resources.

SEC. 102. DEFINITIONS.

For purposes of this Act:

(1) The term "State" means a State, the District of Columbia, Puerto Rico, or any territory or possession of the United States.

(2) The term "petroleum product" means crude oil, residual fuel oil, or any refined petroleum product (as defined in the Emergency Petroleum Allocation Act of 1973).

(3) The term "United States" when used in the geographical sense means the States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(4) The term "Administrator" means the Administrator of the Federal Energy Emergency Administration.

SEC. 103. FEDERAL ENERGY EMERGENCY ADMINISTRATION.

(a) There is hereby established until May 15, 1975, unless superseded prior to that date by law, a Federal Energy Emergency Administration which shall be temporary and shall be headed by a Federal Energy Emergency Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate. Vacancies in the office of Administrator shall be filled in the same manner as the original appointment.

(b) The Administrator shall be compensated at the rate provided for level II of the Executive Schedule. Subject to the Civil Service and Classification provisions of title 5, United States Code, the Administrator may employ such personnel as he deems necessary to carry out his functions.

(c) Effective on the date on which the Administrator first takes office, all functions, powers, and duties of the President under the Emergency Petroleum Allocation Act of 1973 (as amended by this Act), and of any officer, department, agency, or State (or

officer thereof) under such Act (other than functions vested by section 6 of such Act in the Federal Trade Commission, the Attorney General, or the Antitrust Division of the Department of Justice), are transferred to the Administrator. All personnel, property, records, obligations, and commitments used primarily with respect to functions transferred under the preceding sentence shall be transferred to the Administrator.

(d)(1) Whenever the Federal Energy Emergency Administration submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such estimate or request to the Congress.

(2) Whenever the Federal Energy Emergency Administration submits any legislative recommendations or testimony or comments on legislation to the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress.

(3) The Federal Energy Emergency Administration shall be considered an independent regulatory agency for purposes of chapter 35 of title 44, United States Code, but not for any other purpose.

SEC. 104. END-USE RATIONING.

Section 4 of the Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new subsection:

"(h)(1) The President may promulgate a rule which shall be deemed a part of the regulation under subsection (a) and which shall provide, consistent with the objectives of subsection (b), for the establishment of a program for the rationing and ordering of priorities among classes of end-users of crude oil, residual fuel oil, or any refined petroleum product, and for the assignment to end-users of such products of rights, and evidences of such rights, entitling them to obtain such products in precedence to other classes of end-users not similarly entitled.

"(2) That rule under this subsection shall take effect only if the President finds that, without such rule, all other practicable and authorized methods to limit energy demand will not achieve the objectives of subsection (b) of this section and of the Energy Emergency Act.

"(3) The President shall, by order, in furtherance of the rule authorized pursuant to paragraph (1) of this subsection and consistent with the attainment of the objectives in subsection (b) of this section, cause such adjustments in the allocations made pursuant to the regulation under subsection (a) as may be necessary to carry out the purposes of this subsection.

"(4) The President shall provide for procedures by which any end-user of crude oil, residual fuel oil or refined petroleum products for which priorities and entitlements are established under paragraph (1) of this subsection may petition for review and reclassification or modification of any determination made under such paragraph with respect to his rationing priority or entitlement. Such procedures may include procedures with respect to such local boards as may be authorized to carry out functions under this subsection pursuant to section 122 of the Energy Emergency Act.

"(5) No rule or order under this section may impose any tax or user fee, or provide for a credit or deduction in computing any tax."

SEC. 105. ENERGY CONSERVATION PLANS.

(a)(1)(A) Pursuant to the provisions of this section, the Administrator may promulgate, by regulation, one or more energy conservation plans in accord with this section which shall be designed (together with actions taken and proposed to be taken under other authority of this or other Acts) to result in a reduction of energy consumption to a level which can be supplied by available energy resources. For purposes of this section, the term "energy conservation plan" means a plan for transportation controls (including but not limited to highway speed limits) or such other reasonable restrictions on the public or private use of energy (including limitations on energy consumption of businesses) which are necessary to reduce energy consumption.

(B) No energy conservation plan may impose rationing or any tax or user fee, or provide for a credit or deduction in computing any tax.

(2) An energy conservation plan shall become effective as provided in subsection (b). Such a plan shall apply in each State, except as otherwise provided in an exemption granted pursuant to such plan in cases where a comparable State or local program is in effect, or where the Administrator finds special circumstances exist.

(3) An energy conservation plan may not deal with more than one logically consistent subject matter.

(4) An amendment to an energy conservation plan, if it has significant substantive effect, shall be transmitted to Congress and shall be effective only in accordance with subsection (b). Any amendment which does not have significant substantive effect and any rescission of a plan may be made effective in accordance with section 553 of title 5, United States Code.

(5) Subject to subsection (b)(3), an energy conservation plan shall remain in effect for a period specified in the plan unless earlier rescinded by the Administrator, but shall terminate in any event no later than six months after any such plan first takes effect.

(b)(1) For purposes of this subsection, the term "energy conservation plan" includes an amendment to an energy conservation plan which has significant substantive effect.

(2) The Administrator shall transmit any energy conservation plan (bearing an identification number) to each House of Congress on the date on which it is promulgated.

(3)(A) If any energy conservation plan is transmitted to Congress before March 15, 1974, and provides for an effective date earlier than March 15, 1974, such plan shall take effect on the date provided in the plan; but if either House of the Congress, before the end of the first period of 15 calendar days of continuous session of Congress after the date on which such plan is transmitted to it, passes a resolution stating in substance that such House does not favor such plan, such plan shall cease to be effective on the date of passage of such resolution.

(B)(i) Except as provided in clause (ii), if an energy conservation plan is transmitted to the Congress and provides for an effective date on or after March 15, 1974, and before September 1, 1974, such plan shall take effect at the end of the first period of 15 calendar days of continuous session of Congress after the date on which such plan is transmitted to it unless, between the date of transmittal and the end of the 15-day period, either House passes a resolution stating in substance that such House does not favor such plan.

(ii) An energy conservation plan described in clause (i) may be implemented prior to the expiration of the 15 calendar-day period after the date on which such plan is transmitted, if each House of Congress approves a resolution affirmatively stating in substance that such House does not object to the implementation of such plan.

(C) An energy conservation plan proposed to be made effective on or after September 1, 1974, shall take effect only if approved by Act of Congress.

(4) For the purpose of paragraph (3) of this subsection—

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

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the 15-day period.

(5) Under provisions contained in an energy conservation plan, a provision of the plan may take effect at a time later than the date on which such plan otherwise takes effect.

(c)(1) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by paragraph (2) of this subsection; and it supersedes other rules only to the extent that it is inconsistent therewith; and

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

(2) For purposes of this subsection, the term "resolution" means only a resolution of either House of Congress described in subparagraph (A) or (B).

(A) A resolution the matter after the resolving clause of which is as follows: "That the ——— does not object to the implementation of energy conservation plan numbered ——— submitted to the Congress on ———, 19__.", the first blank space therein being filled with the name of the resolving House and the other blank spaces being appropriately filled; but does not include a resolution which specified more than one energy conservation plan.

(B) A resolution the matter after the resolving clause of which is as follows: "That the ——— does not favor the energy conservation plan numbered ——— transmitted to Congress on ———, 19—.", the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one energy conservation plan.

(3) A resolution once introduced with respect to an energy conservation plan shall immediately be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(4)(A) If the committee to which a resolution with respect to an energy conservation plan has been referred has not reported it at the end of 5 calendar days after its referral, it shall be in order to move either to discharge the committee from further consideration of such resolution or to discharge the committee from further consideration of any other resolution with respect to such energy conservation plan which has been referred to the committee.

(B) A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has not reported a resolution with respect to the same energy conservation plan), and debate

thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(C) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same plan.

(5)(A) When the committee has reported, or has been discharged from further consideration of, a resolution, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(B) Debate on the resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion to further limit debate shall not be debatable. An amendment to, or motion to recommit, the resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which the resolution was agreed to or disagreed to; except that it shall be in order to substitute a resolution disapproving a plan for a resolution not to object to a plan for a resolution disapproving such plan.

(6)(A) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resolution and motions to proceed to the consideration of other business, shall be decided without debate.

(B) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

(7) Notwithstanding any of the provisions of this subsection, if a House has approved a resolution with respect to an energy conservation plan, then it shall not be in order to consider in that House any other resolution with respect to the same plan.

(d)(1) In carrying out the provisions of this Act, the Administrator shall, to the greatest extent practicable, evaluate the potential economic impacts of proposed regulatory and other actions including but not limited to the preparation of an analysis of the effect of such actions on—

(A) the fiscal integrity of State and local government;

(B) vital industrial sectors of the economy;

(C) employment, by industrial and trade sector, as well as on a national, regional, State, and local basis;

(D) the economic vitality of regional, State, and local areas;

(E) the availability and price of consumer goods and services;

(F) the gross national product;

(G) competition in all sectors of industry; and

(H) small business.

(2) The Administrator shall develop analyses of the economic impact of any energy conservation plan on States or significant sectors thereof, considering the impact on energy resources as fuel and as feedstock for industry.

(3) Such analysis shall, whenever possible, be made explicit and, to the extent practicable, other Federal agencies and agencies of State and local governments which have special knowledge and expertise relevant to the impact of proposed regulatory or other actions shall be consulted in making the analyses, and all Federal agencies shall cooperate with the Administrator in preparing such analyses except that the Administrator's actions pursuant to this subsection shall not create any right of review or cause of action except as otherwise exist under other provisions of law.

(4) The Administrator, together with the Secretaries of Labor and Commerce, shall monitor the economic impact of any rules, regulations, and orders taken by the Administrator, and shall provide the Congress with separate reports every thirty days on the impact of the energy shortage and such emergency actions on employment and the economy.

(e) Any energy conservation plan which the Administrator submits to the Congress pursuant to subsection (b) of this section shall include findings of fact and a specific statement explaining the rationale for each provision contained in such plan.

SEC. 106. COAL CONVERSION AND ALLOCATION.

(a) The Administrator shall, to the extent practicable and consistent with the objectives of this Act, by order, after balancing on a plant-by-plant basis the environmental effects of use of coal against the need to fulfill the purposes of this Act, prohibit, as its primary energy source, the burning of natural gas or petroleum products by any major fuel-burning installation (including any existing electric powerplant) which, on the date of enactment of this Act, has the capability and necessary plant equipment to burn coal. Any installation to which such an order applies shall be permitted to continue to use coal or coal byproducts as provided in section 119(b) of the Clean Air Act. To the extent coal supplies are limited to less than the aggregate amount of coal supplies which may be necessary to satisfy the requirements of those installations which can be expected to use coal (including installations to which orders may apply under this subsection), the Administrator shall prohibit the use of natural gas and petroleum products for those installations where the use of coal will have the least adverse environmental impact. A prohibition on use of natural gas and petroleum products under this subsection shall be contingent upon the availability of coal, coal transportation facilities, and the maintenance of reliability of service in a given service area. The Administrator shall require that fossil-fuel-fired electric powerplants in the early planning process, other than combustion gas turbine and combined cycle units, be designed and constructed so as to be capable of using coal as a primary energy source instead of or in addition to other fossil fuels. No fossil-fuel-fired electric powerplant may be required under this section to be so designed and constructed, if (1) to do so would result in an impairment of reliability or adequacy of service, or (2) if an adequate and reliable supply of coal is not available and is not expected to be available. In considering whether to impose a design and construction requirement under this subsection, the Administrator shall consider the existence and effects of any contractual commitment for the construction of such facilities and the capability of the owner or operator to recover any capital investment made as a result of the conversion requirements of this section.

(b) The Administrator may by rule prescribe a system for allocation of coal to users thereof in order to attain the objectives specified in this section.

SEC. 107. MATERIALS ALLOCATION.

(a) The Administrator shall, within 30 days after the date of enactment of this Act, propose (in the nature of a proposed rule affording an opportunity for the presentation of views) and publish (and may from time to time amend) a contingency plan for the allocation of supplies of materials and equipment necessary for exploration, production, refining, and required transportation of energy supplies and for the construction and maintenance of energy facilities. At such time as he finds that it is necessary to put all or part of such plan into effect, he shall transmit such plan or portion thereof to each House of Congress and such plan or portion thereof shall take effect in the same manner as an energy conservation plan prescribed under section 105 and to which section 105 (b)(3)(A) applies (except that such plan or portions thereof may be submitted at any time after the date of enactment of this Act and before May 15, 1975).

(b) Section 4(b)(1)(G) of the Emergency Petroleum Allocation Act of 1973 is amended to read as follows:

"(G) allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of exploration for, and production or extraction of—

"(i) fuels, and

"(ii) minerals essential to the requirements of the United States,

and for required transportation related thereto,".

(c) The Administrator shall exercise any authority conferred on him under this Act and under any other Act to take steps designed to alleviate shortages in petrochemical feedstocks, and within 30 days from the date of the enactment of this Act shall report to the Congress with respect to shortages of petrochemical feedstocks, of steps taken to alleviate any such shortages, the unemployment impact resulting from such shortages, and any legislative recommendations which he deems necessary to alleviate such shortages.

SEC. 108. FEDERAL ACTIONS TO INCREASE AVAILABLE DOMESTIC PETROLEUM SUPPLIES.

(a) The Administrator may, by rule or order, until May 15, 1975, require the following measures to supplement domestic energy supplies:

(1) the production of designated existing domestic oilfields, at their maximum efficient rate of production, which is the maximum rate at which production may be sustained without detriment to the ultimate recovery of oil and gas under sound engineering and economic principles. Such fields are to be designated by the Secretary of the Interior, after consultation with the appropriate State regulatory agency. Data to determine the maximum efficient rate of production shall be supplied to the Secretary of the Interior by the State regulatory agency which determines the maximum efficient rate of production and by the operators who have drilled wells in, or are producing oil and gas from such fields;

(2) if necessary to meet essential energy needs, production of certain designated existing domestic oilfields at rates in excess of

their currently assigned maximum efficient rates. Fields to be so designated, by the Secretary of the Interior or the Secretary of the Navy as to the Federal lands or as to Federal interests in lands under their respective jurisdiction, shall be those fields where the types and quality of reservoirs are such as to permit production at rates in excess of the currently assigned sustainable maximum efficient rate for periods of ninety days or more without excessive risk of losses in recovery;

(3) the adjustment of processing operations of domestic refineries to produce refined products in proportions commensurate with national needs and consistent with the objectives of section 4(b) of the Emergency Petroleum Allocation Act of 1973.

(b) Nothing in this section shall be construed to authorize the production from any Naval Petroleum Reserve now subject to the provisions of chapter 641 of title 10, United States Code.

SEC. 109. OTHER AMENDMENTS TO THE EMERGENCY PETROLEUM ALLOCATION ACT OF 1973.

(a) Section 4 of the Emergency Petroleum Allocations Act of 1973 (as amended by sections 104 and 107 of this Act) is further amended by adding at the end of such section the following new subsection:

"(i) If any provision of the regulation under subsection (a) provides that any allocation of residual fuel oil or refined petroleum products is to be based on use of such a product or amounts of such product supplied during a historical period, the regulation shall contain provisions designed to assure that the historical period can be adjusted (or other adjustments in allocations can be made) in order to reflect regional disparities in use, population growth or unusual factors influencing use (including unusual changes in climatic conditions), of such oil or product in the historical period. This subsection shall take effect 30 days after the date of enactment of the Energy Emergency Act. Adjustments for such purposes shall take effect no later than 6 months after the date of enactment of this subsection. Adjustments to reflect population growth shall be based upon the most current figures available from the United States Bureau of the Census."

(b) Section 4(g)(1) of the Emergency Petroleum Allocation Act of 1973 is amended by striking out "February 28, 1975" in each case the term appears and inserting in each case "May 15, 1975".

SEC. 110. PROHIBITION ON INEQUITABLE PRICES.

(a) Section 4 of the Emergency Petroleum Allocation Act of 1973, as amended by this title, is further amended to prevent inequitable prices with respect to sales of crude oil, residual fuel oil, and refined petroleum products, by adding at the end thereof the following new subsection:

"(j)(1) The President shall exercise his authority under this Act and the Economic Stabilization Act of 1970, as amended, so as to specify (or prescribe a manner for determining) prices for all sales of domestic crude oil, residual fuel oil, and refined petroleum products in accordance with this subsection.

"(2) Except as otherwise provided in paragraphs (3) and (4), the provisions of the regulation under subsection (a) of this section which specified (or prescribed a manner for determining) the price of domestic crude oil, residual fuel oil, and refined petroleum products, and which were in effect on the date of enactment of this subsection shall remain in effect until modified pursuant to paragraph (5) of this subsection.

"(3) Commencing 30 days after the date of enactment of this subsection, and until any other ceiling price becomes effective pursuant to the terms of paragraph (5) hereof, the ceiling price for the first sale or exchange of a particular grade of domestic crude oil in a particular field shall be the sum of—

"(A) the highest posted price at 6:00 a.m., local time, May 15, 1973, for that grade of crude oil at that field, or if there are no posted prices in that field, the related price for that grade of crude oil which is most similar in kind and quality at the nearest field for which prices are posted; and

"(B) a maximum of $1.35 per barrel.

"(4) The regulation under subsection (a) of this section shall be amended so as to provide that any reduction in the price of crude oil (or any classification thereof), of residual fuel oil, or of a refined petroleum product (including propane) resulting from the provisions of this subsection is passed through on a dollar-for-dollar basis to any subsequent purchaser, reseller, or final consumer in the United States. Such pass-through of price reductions shall, to the extent practicable and consistent with the objectives of this section, be allocated among products refined from such crude oil on a proportional basis, taking into consideration historical price relations among such products.

"(5)(A) The President may, in accordance with the procedures and standards provided in this paragraph, amend the regulation under subsection (a) of this section to specify a different price for domestic crude oil, residual fuel oil, or refined petroleum products, or a different manner for determining the price, other than that provided in paragraph (2) or (3) of this subsection, if he finds that such different price or such different manner for determining such price is necessary to permit the attainment of the objectives of this Act and the purposes described in Section 101(b) of the Energy Emergency Act.

"(B) Every price proposed to be specified pursuant to this subsection which specifies a different price or manner for determining the price for domestic crude oil provided for in paragraph (3) of this subsection, and every price specified for (or every prescribed manner for determining the ceiling price of) residual fuel oil and refined petroleum products, shall be transmitted to the Congress and shall be accompanied by a detailed analysis setting forth—

"(i) the additional quantities of crude oil, residual fuel oil, refined petroleum products, or if any, that can reasonably be expected to be produced;

"(ii) the effect, if any, upon the demand for crude oil, residual fuel oil, refined petroleum products, or

"(iii) the impact upon the economy as a whole, including the impact upon consumers and the profitability of and employment in industry and business;

"(iv) any significant problems of enforcement or administration; and

"(v) the impact on the preservation of existing competition within the petroleum industry.

resulting from the proposed change in the price of crude oil or manner for determining the price of residual fuel oil or refined petroleum products. Any change in a price of domestic crude oil (or any classification thereof) which is transmitted to Congress within 30 days after enactment of this subsection, which prescribes a different price or a different manner for determining such price provided in paragraph (3) of this subsection shall not take effect until 15 days after the detailed analysis required by this paragraph has been transmitted to the Congress.

"(C) No price for domestic crude oil, or any classification thereof, specified pursuant to this subsection shall exceed the ceiling price provided in paragraph (3) of this subsection by more than 35 percent.

"(D) Ceiling prices or a manner for determining prices established by or pursuant to this subsection are maximum permissible prices, and any seller may sell domestic crude oil, or residual fuel oil, or any refined petroleum product produced therefrom at any lesser price. In the case of any exchange of domestic crude oil, residual fuel oil, or refined petroleum products, the ceiling price shall apply to the total value of the goods and services asked, given or received in exchange for such crude oil, residual fuel oil, or refined petroleum product.

"(6)(A) Any interested person who has reason to believe that any price or manner for determining prices in the regulation under subsection (a) of this section does not prevent inequitable prices may petition the President for a determination under subparagraph (B) of this paragraph.

"(B) Upon petition of any interested person, the President shall by rule determine whether the price of crude oil, residual fuel oil, or any refined petroleum products does not prevent inequitable prices. The President may either affirm such price, or method for determining such price, or establish a different price, or method of determining such price, upon a finding (accompanied by a detailed analysis of such finding as is required under paragraph (5)(B)) that such price as affirmed or reestablished prevents inequitable prices.

"(7)(A) The President may provide, in his discretion under regulations prescribed by him, for such consolidation of petitions as may be necessary or appropriate to carry out the purposes of this subsection.

"(B) The President may make such rules, regulations, and orders as he deems necessary or appropriate to carry out his functions under this subsection.

"(8) No petition under paragraph (6) of this subsection to determine prices may be filed later than one year after the expiration of this Act or any extension thereof.

"(9) The President may at any time act to establish ceiling prices lower than those provided in paragraphs (2) and (5) if he determines that lower ceiling prices will permit the attainment of the objectives of this Act and the purposes described in section 101(b) of the Energy Emergency Act.

"(10) The provisions of this subsection shall apply to all crude oil notwithstanding the provisions of subsection (e)(2) of this section and section 406 of Public Law 93-153 (87 Stat. 590).

"(11)(A) A proceeding to amend the regulation under subsection (a) of this section with respect to prices as authorized and limited under the terms of paragraph (5) of this subsection and a rulemaking proceeding under paragraph (6) of this subsection shall be governed by section 553 of title 5, United States Code, except that the President shall afford interested persons an opportunity of at least 10 days to present oral and written views, data, and arguments. The 10-day period for presentation of views, data and arguments respecting such action may be postponed until after such action takes effect where the President specifically finds that strict compliance would be likely to cause serious impairment to the operation of the program and such finding and the reasons therefor are set out in detail in the Federal Register at the time of publication.

"(B) Judicial review of an amendment to the regulation under subsection (a) of this section with respect to prices under the terms

of paragraph (5) of this subsection and a rule promulgated under paragraph (6) of this subsection shall be reviewable pursuant to the provisions of section 211 of the Economic Stabilization Act of 1970, as amended, except that any such amendment and rule may not be enjoined or set aside, in whole or in part, unless the court makes a final determination that such amendment or rule is in excess of the President's authority, is arbitrary or capricious, is otherwise unlawful under the criteria set forth in section 706 (2) of title 5, United States Code, or is based on findings required by this subsection which are not supported by substantial evidence.

"(12) For purposes of this subsection—

"(A) the term 'inequitable price' means a price in excess of a price which is reasonable, taking into consideration the price necessary to obtain sufficient supplies of crude oil, residual fuel oil, and refined petroleum products, to permit the attainment of the objectives of this Act and the purposes described in section 101(b) of the Energy Emergency Act;

"(B) the term 'domestic crude oil' means crude oil produced in the United States or from the outer Continental Shelf as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331); and

"(C) the term 'interested person' includes the United States, any State, the District of Columbia, Puerto Rico, and the territories and possessions of the United States."

SEC. 111. PROTECTION OF FRANCHISED DEALERS.

(a) As used in this section:

(1) The term "distributor" means a person engaged in the sale, consignment, or distribution of petroleum products to wholesale or retail outlets whether or not it owns, leases, or in any way controls such outlets.

(2) The term "franchise" means any agreement or contract between a refiner or a distributor and a retailer or between a refiner and a distributor, under which such retailer or distributor is granted authority to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner or distributor, or any agreement or contract between such parties under which such retailer or distributor is granted authority to occupy premises owned, leased, or in any way controlled by a party to such agreement or contract, for the purpose of engaging in the distribution or sale of petroleum products for purposes other than resale.

(3) The term "refiner" means a person engaged in the refining or importing of petroleum products.

(4) The term "retailer" means a person engaged in the sale of any refined petroleum product for purposes other than resale within any State, either under a franchise or independent of any franchise, or who was so engaged at any time after the start of the base period.

(b)(1) A refiner or distributor shall not cancel, fail to renew, or otherwise terminate a franchise unless he furnishes prior notification pursuant to this paragraph to each distributor or retailer affected thereby. Such notification shall be in writing and sent to such distributor or retailer by certified mail not less than ninety days prior to the date on which such franchise will be canceled, not renewed, or otherwise terminated. Such notification shall contain a statement of intention to cancel, not renew, or to terminate together with the reasons therefor, the date on which such action shall take effect, and a statement of the remedy or remedies available to such distributor or retailer under this section together with a summary of the applicable provisions of this section.

(2) A refiner or distributor shall not cancel, fail to renew, or otherwise terminate a franchise unless the retailer or distributor whose franchise is terminated failed to comply substantially with any essential and reasonable requirement of such franchise or failed to act in good faith in carrying out the terms of such franchise, or unless such refiner or distributor withdraws entirely from the sale of refined petroleum products in commerce for sale other than resale in the United States.

(c)(1) If a refiner or distributor engages in conduct prohibited under subsection (b) of this section, a retailer or a distributor may maintain a suit against such refiner or distributor. A retailer may maintain such suit against a distributor or a refiner whose actions affect commerce and whose products with respect to conduct prohibited under paragraph (1) or (2) of subsection (b) of this section, he sells or has sold, directly or indirectly, under a franchise. A distributor may maintain such suit against a refiner whose actions affect commerce and whose products he purchases or has purchased or whose products he distributes or has distributed to retailers.

(2) The court shall grant such equitable relief as is necessary to remedy the effects of conduct prohibited under subsection (b) of this section which it finds to exist including declaratory judgment and mandatory or prohibitive injunctive relief. The court may grant interim equitable relief, and actual and punitive damages (except for actions for a failure to renew) where indicated, in suits under this section, and may, unless such suit is frivolous, direct that costs, including reasonable attorney and expert witness fees, be paid by the defendant. In the case of actions for a failure to renew damages shall be limited to actual damages including the value of the dealer's equity.

(3) A suit under this section may be brought in the district court of the United States for any judicial district in which the distributor or the refiner against whom such suit is maintained resides, is found, or is doing business, without regard to the amount in controversy.

(d) The provisions of this section expire at midnight, May 15, 1975, but such expiration shall not affect any pending action or pending proceeding, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight, May 15, 1975, except that no suit under this section, which is based upon an act committed prior to midnight, May 15, 1975, shall be maintained unless commenced within three years after such act.

SEC. 112. PROHIBITIONS ON UNREASONABLE ACTIONS.

(a) Action taken under authority of this Act, the Emergency Petroleum Allocation Act of 1973, or other Federal law resulting in the allocation of petroleum products and electrical energy among classes of users or resulting in restrictions on use of petroleum products and electrical energy, shall be equitable, shall not be arbitrary or capricious, and shall not unreasonably discriminate among classes of users, except that with respect to allocations of petroleum products no foreign corporation or entity shall receive more favorable treatment in the allocation of petroleum products than that which is accorded by its home country to United States citizens engaged in the same line of commerce, unless the President determines such a policy would be inconsistent with the purposes of this Act and publishes his finding in the Federal Register. Allocations shall contain provisions designed to foster reciprocal and non-discriminatory treatment by foreign countries of United States citizens engaged in commerce.

(b) To the maximum extent practicable, any restriction on the use of energy shall be designed to be carried out in such manner so as to be fair and to create a reasonable distribution of the burden of such restriction on all sectors of the economy, without imposing an unreasonably disproportionate share of such burden on any specific industry, business or commercial enterprise, or on any individual segment thereof and shall give due consideration to the needs of commercial, retail, and service establishments whose normal function is to supply goods and services of an essential convenience nature during times of day other than conventional daytime working hours.

SEC. 113. REGULATED CARRIERS.

(a) The Interstate Commerce Commission (with respect to common or contract carriers subject to economic regulation under the Interstate Commerce Act), the Civil Aeronautics Board, and the Federal Maritime Commission shall, for the duration of the period beginning on the date of enactment of this Act and ending on May 15, 1975, have authority to take any action for the purpose of conserving energy consumption in a manner found by such Commission or Board to be consistent with the objectives and purposes of the Acts administered by such Commission or Board on its own motion or on the petition of the Administrator which existing law permits such Commission or Board to take upon the motion or petition of any regulated common or contract carrier or other person.

(b) The Interstate Commerce Commission shall, by expedited proceedings, adopt appropriate rules under the Interstate Commerce Act which eliminate restrictions on the operating authority of any motor common carrier of property which require excessive travel between points with respect to which such motor common carrier has regularly performed service under authority issued by the Commission. Such rules shall assure continuation of essential service to communities served by any such motor common carrier.

(c) Within 45 days after the date of enactment of this Act, the Civil Aeronautics Board, the Federal Maritime Commission, and the Interstate Commerce Commission shall report separately to the appropriate committees of the Congress on the need for additional regulatory authority in order to conserve fuel during the period beginning on the date of enactment of this Act and ending on May 15, 1975 while continuing to provide for the public convenience and necessity. Each such report shall identify with specificity—

(1) the type of regulatory authority needed;

(2) the reasons why such authority is needed;

(3) the probable impact on fuel conservation of such authority;

(4) the probable effect on the public convenience and necessity of such authority; and

(5) the competitive impact, if any, of such authority.

Each such report shall further make recommendations with respect to changes in any existing fuel allocation programs which are deemed necessary to provide for the public

convenience and necessity during such period.

SEC. 114. ANTITRUST PROVISIONS.

(a) Except as specifically provided in subsection (i), no provision of this Act shall be deemed to convey to any person subject to this Act any immunity from civil and criminal liability or to create defenses to actions, under the antitrust laws.

(b) As used in this section, the term "antitrust laws" means—

(1) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (15 U.S.C. 1 et seq.), as amended;

(2) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12 et seq.), as amended;

(3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.), as amended;

(4) sections 73 and 74 of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes", approved August 27, 1894 (15 U.S.C. 8 and 9), as amended; and

(5) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

(c) (1) To achieve the purposes of this Act, the Administrator may provide for the establishment of such advisory committees as he determines are necessary. Any such advisory committees shall be subject to the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. App. I), whether or not such Act or any of its provisions expires or terminates during the term of this Act or of such committees, and in all cases shall be chaired by a regular full-time Federal employee and shall include representatives of the public. The meetings of such committees shall be open to the public.

(2) A representative of the Federal Government shall be in attendance at all meetings of any advisory committee established pursuant to this section. The Attorney General and the Federal Trade Commission shall have adequate advance notice of any meeting and may have an official representative attend and participate in any such meeting.

(3) A full and complete verbatim transcript shall be kept of all advisory committee meetings, and shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission. Such transcript and agreement shall be made available for public inspection and copying, subject to the provisions of sections 552 (b) (1) and (b) (3) of title 5, United States Code.

(d) The Administrator, subject to the approval of the Attorney General and the Federal Trade Commission, shall promulgate, by rule, standards and procedures by which persons engaged in the business of producing, refining, marketing, or distributing crude oil, residual fuel oil or any refined petroleum product may develop and implement voluntary agreements and plans of action to carry out such agreements which the Administrator determines are necessary to accomplish the objectives stated in section 4(b) of the Emergency Petroleum Allocation Act of 1973.

(e) The standards and procedures under subsection (d) shall be promulgated pursuant to section 553 of title 5, United States Code. They shall provide, among other things, that—

(1) Such agreements and plans of action shall be developed by meetings of committees, councils, or other groups which include representatives of the public, of interested segments of the petroleum industry and of industrial, municipal and private consumers, and shall in all cases be chaired by a regular full-time Federal employee;

(2) Meetings held to develop a voluntary agreement or a plan of action under this subsection shall permit attendance by interested persons and shall be preceded by timely and adequate notice with identification of the agenda of such meeting to the Attorney General, the Federal Trade Commission and to the public in the affected community;

(3) Interested persons shall be afforded an opportunity to present, in writing and orally, data, views and arguments at such meetings;

(4) A full and complete verbatim transcript shall be kept of any meeting, conference or communication held to develop, implement or carry out a voluntary agreement or a plan of action under this subsection and shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission. Such transcript and agreement shall be available for public inspection and copying, subject to provisions of section 552 (b) (1) and (b) (3) of title 5, United States Code.

(f) The Federal Trade Commission may exempt types or classes of meetings, conferences or communications from the requirements of subsections (c) (3) and (e) (4) provided such meetings, conferences, or communications are ministerial in nature and are for the sole purpose of implementing or carrying out a voluntary agreement or plan of action authorized pursuant to this section. Such ministerial meeting, conference or communication may take place in accordance with such requirements as the Federal Trade Commission may prescribe by rule. Such persons participating in such meeting, conference or communication shall cause a record to be made specifying the date such meeting, conference, or communication took place and the persons involved, and summarizing the subject matter discussed. Such record shall be filed with the Federal Trade Commission and the Attorney General, where it shall be made available for public inspection and copying.

(g) (1) The Attorney General and the Federal Trade Commission shall participate from the beginning in the development, implementation, and carrying out of voluntary agreements and plans of action authorized under this section. Each may propose any alternative which would avoid or overcome, to the greatest extent practicable, possible anticompetitive effects while achieving substantially the purposes of this Act. Each shall have the right to review, amend, modify, disapprove, or prospectively revoke, on its own motion or upon the request of any interested person, any plan of action or voluntary agreement at any time, and, if revoked, thereby withdraw prospectively the immunity which may be conferred by subsection (i) of this section.

(2) Any voluntary agreement or plan of action entered into pursuant to this section shall be submitted in writing to the Attorney General and the Federal Trade Commission 20 days before being implemented, where it shall be made available for public inspection and copying.

(h) (1) The Attorney General and the Federal Trade Commission shall monitor the development, implementation and carrying out of plans of action and voluntary agreements authorized under this section to assure the protection and fostering of competition and the prevention of anticompetitive practices and effects.

(2) The Attorney General and the Federal Trade Commission shall promulgate joint regulations concerning the maintenance of necessary and appropriate documents, minutes, transcripts and other records related to the development, implementation or carrying out of plans of action or voluntary agreements authorized pursuant to this Act.

(3) Persons developing, implementing, or carrying out plans of action or voluntary agreements authorized pursuant to this Act shall maintain those records required by such joint regulations. The Attorney General and the Federal Trade Commission shall have access to and the right to copy such records at reasonable times and upon reasonable notice.

(4) The Federal Trade Commission and the Attorney General may each prescribe such rules and regulations as may be necessary or appropriate to carry out their responsibilities under this Act. They may both utilize for such purposes and for purposes of enforcement, any and all powers conferred upon the Federal Trade Commission or the Department of Justice, or both, by any other provision of law, including the antitrust laws; and wherever such provision of law refers to "the purposes of this Act" or like terms, the reference shall be understood to be this Act.

(i) There shall be available as a defense to any civil or criminal action brought under the antitrust laws in respect of actions taken in good faith to develop and implement a voluntary agreement or plan of action to carry out a voluntary agreement by persons engaged in the business of producing, refining, marketing or distributing crude oil, residual fuel oil, for any refined petroleum product that—

(1) such action was—

(A) authorized and approved pursuant to this section, and

(B) undertaken and carried out solely to achieve the purposes of this section and in compliance with the terms and conditions of this section, and the rules promulgated hereunder; and

(2) such persons fully complied with the requirements of this section and the rules and regulations promulgated hereunder.

(j) No provision of this Act shall be construed as granting immunity for, nor as limiting or in any way affecting any remedy or penalty which may result from any legal action or proceeding arising from, any acts or practices which occurred: (1) prior to the enactment of this Act, (2) outside the scope and purpose or not in compliance with the terms and conditions of this Act and this section, or (3) subsequent to its expiration or repeal.

(k) Effective on the date of enactment of this Act, this section shall apply in lieu of section 6(c) of the Emergency Petroleum Allocation Act of 1973. All actions taken and any authority or immunity granted under such section 6(c) shall be hereafter taken or granted, as the case may be, pursuant to this section.

(l) The provisions of section 708 of the Defense Production Act of 1950, as amended, shall not apply to any action authorized to be taken under this Act or the Emergency Petroleum Allocation Act of 1973.

(m) The Attorney General and the Federal Trade Commission shall each submit to the Congress and to the President, at least once every six months, a report on the impact on competition and on small business of actions authorized by this section.

(n) The authority granted by this section (including any immunity under subsection (i)) shall terminate on May 15, 1975.

(o) The exercise of the authority provided in section 113 shall not have as a principal purpose or effect the substantial lessening of competition among carriers affected. Actions taken pursuant to that subsection shall be taken only after providing from the beginning an adequate opportunity for participation by the Federal Trade Commission and the Assistant Attorney General in charge of

the Antitrust Division, who shall propose any alternative which would avoid or overcome, to the greatest extent practicable, any anticompetitive effects while achieving the purposes of this Act.

SEC. 115. EXPORTS.

To the extent necessary to carry out the purpose of this Act, the Administrator may under authority of this Act, by rule, restrict exports of coal, petroleum products, and petrochemical feedstocks, under such terms as he deems appropriate: *Provided*, That the Administrator shall restrict exports of coal, petroleum products, or petrochemical feedstocks if either the Secretary of Commerce or the Secretary of Labor certifies that such exports would contribute to unemployment in the United States. The Secretary of Commerce, pursuant to the Export Administration Act of 1969 (but without regard to the phrase "and to reduce the serious inflationary impact of abnormal foreign demand" in section 3(2)(A) of such Act), may restrict the exports of coal, petroleum products, and petrochemical feedstocks, and of materials and equipment essential to the production, transport, or processing of fuels to the extent necessary to carry out the purpose of this Act and section 4(b) and 4(d) of the Emergency Petroleum Allocation Act of 1973: *Provided*, That in the event that the Administrator certifies to the Secretary of Commerce that export restrictions of products enumerated in this section are necessary to carry out the purpose of this Act, the Secretary of Commerce shall impose such export restrictions. Rules under this section by the Administrator and actions by the Secretary of Commerce under the Export Administration Act of 1969 shall take into account the historical trading relations of the United States with Canada and Mexico and shall not be inconsistent with subsections (b) and (d) of section 4 of the Emergency Petroleum Allocation Act of 1973.

SEC. 116. EMPLOYMENT IMPACT AND UNEMPLOYMENT ASSISTANCE.

(a) The President shall take into consideration and shall minimize, to the fullest extent practicable, any adverse impact of actions taken pursuant to this Act upon employment. All agencies of government shall cooperate fully under their existing statutory authority to minimize any such adverse impact.

(b) The President shall make grants in accordance with regulations prescribed by him to States to provide assistance to any individual unemployed, if such unemployment heretofore or hereafter is the result of the energy crisis and was in no way due to the fault of such individual, while the individual is unemployed. Unemployment resulting from the energy crisis means unemployment which the State determines to be attribuatable to fuel allocations, fuel pricing, consumer buying decisions clearly influenced by the energy crisis, and governmental action associated with the energy crisis. Such assistance as a State under such a grant shall provide for not less than 6 months of eligibility and shall be available to individuals not otherwise eligible for unemployment compensation and individuals who have otherwise exhausted their eligibility for such unemployment compensation, and shall continue as long as such unemployment continues or until the individual is reemployed in a suitable position, but not longer than one year after such individual becomes eligible for such assistance. Such assistance shall not exceed the maximum weekly amount under the unemployment compensation program of the State in which the employment loss occurred.

(c) On or before the sixtieth day following the date of enactment of this Act, the President shall report to the Congress concerning the present and prospective impact of energy shortages upon employment. Such report shall contain an assessment of the adequacy of existing programs in meeting the needs of adversely affected workers and shall include legislative recommendations which the President deems appropriate to meet such needs, including revisions in the unemployment insurance laws.

SEC. 117. USE OF CARPOOLS.

(a) The Secretary of Transportation shall encourage the creation and expansion of the use of carpools as a viable component of our nationwide transportation system. It is the intent of this section to maximize the level of carpool participation in the United States.

(b) The Secretary of Transportation is directed to establish within the Department of Transportation an "Office of Carpool Promotion" whose purpose and responsibilities shall include—

(1) responding to any and all requests for information and technical assistance on carpooling and carpooling systems from units of State and local governments and private groups and employees;

(2) promoting greater participation in carpooling through public information and the preparation of such materials for use by State and local governments;

(3) encouraging and promoting private organizations to organize and operate carpool systems for employees;

(4) promoting the cooperation and sharing of responsibilities between separate, yet proximately close, units of government in coordinating the operations of carpool systems; and

(5) promoting other such measures that the Secretary determines appropriate to achieve the goal of this subsection.

(c) The Secretary of Transportation shall encourage and promote the use of incentives such as special parking privileges, special roadway lanes, toll adjustments, and other incentives as may be found beneficial and administratively feasible to the furtherance of carpool ridership, and consistent with the obligations of the State and local agencies which provide transportation services.

(d) The Secretary of Transportation shall allocate the funds appropriated pursuant to the authorization of subsection (f) according to the following distribution between the Federal and State or local units of government:

(1) The initial planning process—up to 100 percent Federal.

(2) The systems design process—up 100 percent Federal.

(3) The initial startup and operation of a given system—60 percent Federal and 40 percent State or local with the Federal portion not to exceed 1 year.

(e) Within 12 months of the date of enactment of this Act, the Secretary of Transportation shall make a report to Congress of all his activities and expenditures pursuant to this section. Such report shall include any recommendations as to future legislation concerning carpooling.

(f) The sum of $5,000,000 is authorized to be appropriated for the conduct of programs designed to achieve the goals of this section, such authorization to remain available for 2 years.

(g) For purposes of this section, the terms "local governments" and "local units of government" include any metropolitan transportation organization designated as being responsible for carrying out section 134 of title 23, United States Code.

(h) As an example to the rest of our Nation's automobile users, the President of the United States shall take such action as is necessary to require all agencies of Government, where practical, to use economy model motor vehicles.

(i)(1) The President shall take action to require that no Federal official or employee in the executive branch below the level of Cabinet officer be furnished a limousine for individual use. The provisions of this subsection shall not apply to limousines furnished for use by officers or employees of the Federal Bureau of Investigation, or to those persons whose assignments necessitate transportation by limousines because of diplomatic assignment by the Secretary of State.

(2) For purposes of this subsection, the term "limousine" means a type 6 vehicle as defined in the Interim Federal Specifications issued by the General Services Administration, December 1, 1973.

(3)(A) The President shall take action to insure the enforcement of 31 U.S.C. 638a.

(B) No funds shall be expended under authority of this or any other Act for the purpose of furnishing a chauffeur for individual use to any Federal official or employee.

SEC. 118. ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.

(a)(1) Subject to paragraphs (2), (3), and (4) of this subsection, the provisions of subchapter II of chapter 5 of title 5, United States Code, shall apply to any rule, regulation, or order (including a rule, regulation, or order issued by a State or officer thereof) under this title, under section 4(h) of the Emergency Petroleum Allocation Act of 1973; except that this subsection shall not apply to any rule, regulation, or order issued under the Emergency Petroleum Allocation Act of 1973 (as amended by this title) other than section 4(h) thereof, nor to any rule under section 113 of this title.

(2) Notice of any proposed rule or order described in paragraph (1) shall be given by publication of such proposed rule or order in the Federal Register. In each case, a minimum of ten days following such publication shall be provided for opportunity to comment; except that the requirements of this paragraph as to time of notice and opportunity to comment may be waived where strict compliance is found to cause serious impairment to the operation of the program to which such rule or order relates and such findings are set out in detail in such rule or order. In addition, public notice of all rules or orders promulgated by officers of a State or political subdivision thereof or to State or local boards pursuant to this Act shall to the maximum extent practicable be achieved by publication of such rules or orders in a sufficient number of newspapers of statewide circulation calculated to receive widest possible notice.

(3) In addition to the requirements of paragraph (2), if any rule or order described in paragraph (1) is likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses, an opportunity for oral presentation of views, data, and arguments shall be afforded. To the maximum extent practicable, such opportunity shall be afforded prior to the implementation of such rule or order, but in all cases such opportunity shall be afforded no later than 45 days after the implementation of any such rule or order. A transcript shall be kept of any oral presentation.

(4) Any officer or agency authorized to issue rules or orders described in paragraph (1) shall provide for the making of such adjustments, consistent with the other purposes of this Act or the Emergency Petroleum Allocation Act of 1973 (as the case may be), as may be necessary to prevent special hardships, inequity, or an unfair distribution of burdens and shall in rules prescribed by it establish procedures which are available to any person for the purpose of seeking an interpretation, modification, or rescission of, or an exception to or exemption from, such rules and orders. If such person is aggrieved or adversely affected by the denial of a request for such action under

the preceding sentence, he may request a review of such denial by the officer or agency and may obtain judicial review in accordance with subsection (b) or other applicable law when such denial becomes final. The officer or agency shall, in rules prescribed by it, establish appropriate procedures, including a hearing where deemed advisable, for considering such requests for action under this paragraph.

(b)(1) Judicial review of administrative rulemaking of general and national applicability done under this title may be obtained only by filing a petition for review in the United States Court of Appeals for the District of Columbia within thirty days from the date of promulgation of any such rule or regulation, and judicial review of administrative rulemaking of general, but less than national, applicability done under this title may be obtained only by filing a petition for review in the United States Court of Appeals for the appropriate circuit within thirty days from the date of promulgation of any such rule or regulation, the appropriate circuit being defined as the circuit which contains the area or the greater part of the area within which the rule or regulation is to have effect.

(2) Notwithstanding the amount in controversy, the district courts of the United States shall have exclusive original jurisdiction of all other cases or controversies arising under this title, or under regulations or orders issued thereunder, except any actions taken by the Civil Aeronautics Board, the Interstate Commerce Commission, Federal Power Commission, or the Federal Maritime Commission, or any actions taken to implement or enforce any rule or order by any officer of a State or political subdivision thereof or State or local board which has been delegated authority under section 122 of this Act except that nothing in this section affects the power of any court of competent jurisdiction to consider, hear, and determine in any proceeding before it any issue raised by way of defense (other than a defense based on the constitutionality of this title or the validity of action taken by any agency under this title). If in any such proceeding an issue by way of defense is raised based on the constitutionality of this Act or the validity of agency action under this title, the case shall be subject to removal by either party to a district court of the United States in accordance with the applicable provisions of chapter 89 of title 28, United States Code. Cases or controversies arising under any rule or order of any officer of a State or political subdivision thereof or a State or local board may be heard in either (1) any appropriate State court, and (2) without regard to the amount in controversy, the district courts of the United States.

(3) This subsection shall not apply to any rule, regulation, or order issued under the Emergency Petroleum Allocation Act of 1973 nor to any rule under section 113 of this title.

(c) The Administrator may by rule prescribe procedures for State or local boards which carry out functions under this Act or the Emergency Petroleum Allocation Act of 1973. Such procedures shall apply to such boards in lieu of subsection (a), and shall require that prior to taking any action, such boards shall take steps reasonably calculated to provide notice to persons who may be affected by the action, and shall afford an opportunity for presentation of views (including oral presentation of views where practicable) at least 10 days before taking the action. Such boards shall be of balanced composition reflecting the makeup of the community as a whole.

(d) In addition to the requirements of section 552 of title 5, United States Code, any agency authorized by this title of the Emergency Petroleum Allocation Act of 1973 to issue rules or orders shall make available to the public all internal rules and guidelines which may form the basis, in whole or in part, for any rule or order with such modifications as are necessary to insure confidentiality protected under such section 552. Such agency shall, upon written request of a petitioner filed after any grant or denial of a request for exception or exemption from rules or orders furnish the petitioner with a written opinion setting forth applicable facts and the legal basis in support of such grant or denial. Such opinions shall be made available to the petitioner and the public within thirty days of such request and with such modifications as are necessary to insure confidentiality of information protected under such section 552.

SEC. 119. PROHIBITED ACTS.

It shall be unlawful for any person to violate any provision of title I of this Act (other than provisions of this Act which make amendments to the Emergency Petroleum Allocation Act of 1973 and section 113) or to violate any rule, regulation (including an energy conservation plan) or order issued pursuant to any such provision.

SEC. 120. ENFORCEMENT.

(a) Whoever violates any provision of section 119 shall be subject to a civil penalty of not more than $2,500 for each violation.

(b) Whoever willfully violates any provision of section 119 shall be fined not more than $5,000 for each violation.

(c) It shall be unlawful for any person to offer for sale or distribute in commerce any product or commodity in violation of an applicable order or regulation issued pursuant to this Act. Any person who knowingly and willfully violates this subsection after having been subjected to a civil penalty for a prior violation of the same provision of any order or regulation issued pursuant to this Act shall be fined not more than $50,000 or imprisoned not more than six months, or both.

(d) Whenever it appears to any person authorized by the Administrator to exercise authority under this Act that any individual or organization has engaged, is engaged, or is about to engage in acts or practices constituting a violation of section 119, such person may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices, and upon a proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. Any such court may also issue mandatory injunctions commanding any person to comply with any provision, the violation of which is prohibited by section 119.

(e) Any person suffering legal wrong because of any act or practice arising out of any violation of section 119 may bring an action in a district court of the United States, without regard to the amount in controversy, for appropriate relief, including an action for a declaratory judgment or writ of injunction. Nothing in this subsection shall authorize any person to recover damages.

SEC. 121. USE OF FEDERAL FACILITIES.

Whenever practicable, and for the purpose of facilitating the transportation and storage of fuel, agencies or departments of the United States are authorized, during the period beginning on the date of enactment of this Act and ending May 15, 1975, to enter into arrangements for the acquisition or use by domestic public entities and private industries of equipment or facilities which are surplus to the needs of such agency or department and appropriate to the transportation and storage of fuel, except that such arrangements may be made (1) only after the Administrator finds that such equipment or facilities are not available from private sources and (2) only on the basis of compensation for the acquisition or use of such equipment or facilities at fair market value prices or rentals.

SEC. 122. DELEGATION OF AUTHORITY AND EFFECT ON STATE LAW.

(a) The Administrator may delegate any of his functions under the Emergency Petroleum Allocation Act of 1973 or this Act to any officer or employee of the Federal Energy Emergency Administration as he deems appropriate. The Administrator may delegate any of his functions relative to implementation and enforcement of the Emergency Petroleum Allocation Act of 1973 or this Act to officers of a State or political subdivision thereof or to State or local boards of balanced composition reflecting the make-up of the community as a whole. Such officers or boards shall be designated and established in accordance with regulations which the Administration shall promulgate under this Act. Section 5(b) of the Emergency Petroleum Allocation Act of 1973 is repealed effective on the effective date of the transfer of functions under such Act to the Administrator pursuant to section 103 of this Act.

(b) No State law or State program effect on the date of enactment of this Act, or which may become effective thereafter, shall be superseded by any provision of this Act or any regulation, order, or energy conservation plan issued pursuant to this Act except insofar as such State law or State program is inconsistent with the provisions of this Act, or such a regulation, order, or plan.

SEC. 123. GRANTS TO STATES.

Any funds authorized to be appropriated under section 127(b) shall be available for the purpose of making grants to States to which the Administrator has delegated authority under section 122 of this Act, or for the administration of appropriate State or local energy conservation programs which are the basis of an exemption made pursuant to section 105(a)(2) of this Act from a Federal energy conservation plan which has taken effect under section 105 of this Act. The Administrator shall make such grants upon such terms and conditions as he may prescribe by rule.

SEC. 124. REPORTS ON NATIONAL ENERGY RESOURCES.

(a) For the purpose of providing to the Administrator, Congress, the States, and the public, to the maximum extent possible, reliable data on reserves, production, distribution, and use of petroleum products, natural gas, and coal, the Administrator shall promptly publish for public comment a regulation requiring that persons doing business in the United States, who, on the date of enactment of this Act, are engaged in exploring, developing, processing, refining, or transporting by pipeline, and petroleum product, natural gas, or coal, shall provide detailed reports to the Administrator every sixty calendar days. Such reports shall show for the preceding sixty calendar days such person's (1) reserves of crude oil, natural gas, and coal; (2) production and destination of any petroleum product, natural gas, and coal; (3) refinery runs by-product; and (4) other data required by the Administrator for such purpose. Such regulation shall also require that such persons provide to the Administrator such reports for the period from January 1, 1970, to the date of such person's first sixty day report. Such regulation shall be promulgated 30 days after such publication. The Administrator shall publish quarterly in the Federal Register a meaningful summary analysis of the data provided by such reports.

(b) The reporting requirements of this section shall not apply to the retail operations of persons required to file such reports. Where a person shows that all or part of the data required by this section is being reported by such person to another Federal agency, the Administrator may exempt such

person from reporting all or part of such data directly to him, and upon such exemption, such agency shall, notwithstanding any other provision of law, provide such data to the Administrator. The district courts of the United States are authorized, upon application of the Administrator, to require enforcement of such reporting requirements.

(c) Upon a showing satisfactory to the Administrator by any person that any report or part thereof obtained under this section from such person or from a Federal agency would, if made public, divulge methods or processes entitled to protection as trade secrets or other proprietary information of such person, such report, or portion thereof, shall be confidential in accordance with the provisions of section 1905 of title 18 of the United States Code, except that such report or part thereof shall not be deemed confidential for purposes of disclosure to (1) any delegate of the Federal Energy Emergency Administration for the purpose of carrying out this Act, (2) the Attorney General, the Secretary of the Interior, the Federal Trade Commission, the Federal Power Commission, or the General Accounting Office when necessary to carry out those agencies' duties and responsibilities under this and other statutes, and (3) the Congress or any Committee of Congress upon request of the Chairman. The provisions of this section shall expire on May 15, 1975.

SEC. 125. INTRASTATE GAS.

Nothing in this Act shall expand the authority of the Federal Power Commission with respect to sales of non-jurisdictional natural gas.

SEC. 126. EXPIRATION.

The authority under this title to prescribe any rule or order to take other action under this title, or to enforce any such rule or order, shall expire at midnight, May 15, 1975, but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight, May 15, 1975.

SEC. 127. AUTHORIZATIONS OF APPROPRIATIONS.

(a) There are authorized to be appropriated to the Federal Energy Emergency Agency to carry out its functions under this Act and under other laws, and to make grants to States under section 123, $75,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

(b) For the purpose of making payments under grants to States under section 123, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

(c) For the purpose of making payments under grants to States under section 116, there is authorized to be appropriated $500,000,000 for the fiscal year ending June 30, 1974.

SEC. 128. SEVERABILITY.

If any provision of this Act, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 129. IMPORTATION OF LIQUEFIED NATURAL GAS.

Notwithstanding the provisions of section 3 of the Natural Gas Act (or any other provisions of law) the President may by order, on a finding that such action would be consistent to the public interest, authorize on a shipment-by-shipment basis the importation of liquefied natural gas from a foreign country: *Provided, however,* That the authority to act under this section shall not permit the importation of liquefied natural gas which had not been authorized prior to the date of expiration of this Act and which is in transit on such date.

SEC. 130. LOANS TO HOMEOWNERS AND SMALL BUSINESSES.

(a) The Department of Housing and Urban Development and the Small Business Administration are authorized to make low interest loans to homeowners and small businesses for the purpose of installing new and improved insulation, storm windows, and more efficient heating units, and adopt such rules and regulations as are necessary to achieve the objectives of this section.

(b) It is the sense of the Congress that small business enterprises should cooperate to the maximum extent possible in achieving the purposes of the Act and that they should have their varied needs considered by all levels of government in the implementation of the programs provided for by this Act.

(c) In order to carry out the policy stated in subsection (b)—

(1) the Small Business Administration (A) shall to the maximum extent possible provide small business enterprises with full information concerning the provisions of the programs provided for in this Act which particularly affect such enterprises, and the activities of the various departments and agencies under such provisions, and (B) shall, as a part of its annual report, provide to the Congress a summary of the actions taken under programs provided for in this Act which have particularly affected such enterprises;

(2) to the extent feasible, Federal and other governmental bodies shall seek the views of small business in connection with adopting rules and regulations under the programs provided for in this Act and in administering such programs; and

(3) in administering the programs provided for in this Act, special provision shall be made for the expeditious handling of all requests, applications, or appeals from small business enterprises.

(d) Any controls instituted shall be insofar as practicable, equitably applied to all businesses, whether large or small; and due consideration shall be given to the unique problems of retailing establishments and small business so as not to discriminate or cause unnecessary hardship in the administration or implementation of the provisions of this Act.

TITLE II—COORDINATION WITH ENVIRONMENTAL PROTECTION REQUIREMENTS

SEC. 201. SUSPENSION AUTHORITY.

Title I of the Clean Air Act (42 U.S.C. 1857 et seq.) is amended by adding at the end there of the following new section:

"ENERGY EMERGENCY AUTHORITY

"SEC. 119. (a)(1)(A) The Administrator may, for any period beginning on or after the date of enactment of this section and ending on or before November 1, 1974, temporarily suspend any stationary source fuel or emission limitation as it applies to any person, if the Administrator finds that such person will be unable to comply with such limitation during such period solely because of unavailability of types or amounts of fuels. Any suspension under this paragraph and any interim requirement on which such suspension is conditioned under paragraph (3) shall be exempted from any procedural requirements set forth in this Act or in any other provision of local, State, or Federal law; except as provided in subparagraph (B).

"(B) The Administrator shall give notice to the public of a suspension and afford the public an opportunity for written and oral presentation of views prior to granting such suspension unless otherwise provided by the Administrator for good cause found and published in the Federal Register. In any case, before granting such a suspension he shall give actual notice to the Governor of the State, and to the chief executive officer of the local government entity in which the affected source or sources are located. The granting or denial of such suspension and the imposition of an interim requirement shall be subject to judicial review only on the grounds specified in paragraphs (2)(B) and (2)(C) of section 706 of title 5, United States Code, and shall not be subject to any proceeding under section 304(a)(2) or 307(b) and (c) of this Act.

"(2) In issuing any suspension under paragraph (1) the Administrator is authorized to act on his own motion without application by any source or State.

"(3) Any suspension under paragraph (1) shall be conditioned upon compliance with such interim requirements as the Administrator determines are reasonable and practicable. Such interim requirements shall include, but need not be limited to, (A) a requirement that the source receiving the suspension comply with such reporting requirements as the Administrator determines may be necessary, (B) such measures as the Administrator determines are necessary to avoid an imminent and substantial endangerment to health of persons, and (C) requirements that the suspension shall be inapplicable during any period during which fuels which would enable compliance with the suspended stationary source fuel or emission limitations are in fact reasonably available to that person (as determined by the Administrator). For purposes of clause (C) of this paragraph, availability of natural gas or petroleum products which enable compliance shall not make a suspension inapplicable to a source described in subsection (b)(1) of this section.

"(4) For purposes of this section:

"(A) The term 'stationary source fuel or emission limitation' means any emission limitation, schedule, or timetable for compliance, or other requirement, which is prescribed under this Act (other than section 303, 111(b), or 112) or contained in an applicable implementation, plan, and which is designed to limit stationary source emissions resulting from combustion of fuels, including a prohibition on, or specification of, the use of any fuel of any type or grade or pollution characteristic thereof.

"(B) The term 'stationary source' has the same meaning as such term has under section 111(a)(3).

"(b)(1) Except as provided in paragraph (2) of this subsection, any fuel-burning stationary source—

"(A) which is prohibited from using petroleum products or natural gas as fuel by reason of an order issued under section 106(a) of the Energy Emergency Act, or

"(B) which (i) the Administrator of the Environmental Protection Agency determines began conversion to the use of coal as fuel during the 90-day period ending on December 15, 1973, and (ii) the Administrator of the Federal Energy Emergency Administration determines should use coal after November 1, 1974, after balancing on a plant-by-plant basis the environmental effects of such conversion against the need to fulfill the purposes of the Energy Emergency Act, and which converts to the use of coal as fuel, shall not, until January 1, 1979, be prohibited, by reason of the application of any air pollution requirement, from burning coal which is available to such source. For purposes of this paragraph, the term "began conversion" means action by the owner or operator of a source during the 90-day period ending December 15, 1973 (such as entering into a contract binding on the operator of the source for obtaining coal, or equipment or facilities to burn coal; expend-

ing substantial sums to permit such source to burn coal; or applying for an air pollution variance to enable the source to burn coal) which the Administrator finds evidences a decision (made prior to December 15, 1973) to convert to burning coal as a result of the unavailability of an adequate supply of fuels required for compliance with the applicable implementation plan, and a good faith effort to expeditiously carry out such decision.

"(2)(A) Paragraph (1) of this subsection shall apply to a source only if the Administrator finds that emissions from the source will not materially contribute to a significant risk to public health and if the source has submitted to the Administrator a plan for compliance for such source which the Administrator has approved, after notice to interested persons and opportunity for presentation of views (including oral presentation of views). A plan submitted under the preceding sentence shall be approved only if it provides (i) for compliance by the means specified in subparagraph (B), and in accordance with a schedule which meets the requirements of such subparagraph; and (ii) that such source will comply with requirements which the Administrator shall prescribe to assure that emissions from such source will not materially contribute to a significant risk to public health. The Administrator shall approve or disapprove any such plan within 60 days after such plan is submitted.

"(B) The Administrator shall prescribe regulations requiring that any source to which this subsection applies submit and obtain approval of its means for and schedule of compliance. Such regulations shall include requirements that such schedules shall include dates by which such source must—

"(i) enter into contracts (or other enforceable obligations) which have received prior approval of the Administrator as being adequate to effectuate the purposes of this section and which provide for obtaining a long-term supply of coal which enables such source to achieve the emission reduction required by subparagraph (C), or

"(ii) if coal which enables such source to achieve such emission reduction is not available to such source, (I) enter into contracts (or other enforceable obligations) which have received prior approval of the Administrator as being adequate to effectuate the purposes of this section and which provide for obtaining a long-term supply of other coal or coal by-products, and (II) take steps to obtain continuous emission reduction systems necessary to permit such source to burn such coal or coal by-products and to achieve the degree of emission reduction required by subparagraph (C) (which steps and systems must have received prior approval of the Administrator as being adequate to effectuate the purposes of this section).

"(C) Regulations under subparagraph (B) shall require that the source achieve the most stringent degree of emission reduction that such source would have been required to achieve under the applicable implementation plan which was in effect on the date of enactment of this section (or if no applicable implementation plan was in effect on such date, under the first applicable implementation plan which takes effect after such date). Such degree of emission reduction shall be achieved as soon as practicable, but not later than January 1, 1979; except that, in the case a source for which a continuous emission reduction system is required for sulphur-related emissions, reduction of such emissions shall be achieved on a date designated by the Administrator (but not later than January 1, 1979). Such regulations shall also include such interim requirements as the Administrator determines are reasonable and practicable including requirements described in clauses (A) and (B) of subsection (a)(3).

"(D) The Administrator (after notice to interested persons and opportunity for presentation of views, including oral presentations of views, to the extent practicable) (i) may, prior to November 1, 1974, and shall thereafter prohibit the use of coal by a source to which paragraph (1) applies if he determines that the use of coal by such source is likely to materially contribute to a significant risk to public health; and (ii) may require such source to use coal of any particular type, grade, or pollution characteristic if such coal is available to such source. Nothing in this subsection (b) shall prohibit a State or local agency from taking action which the Administrator is authorized to take under this subparagraph.

"(3) For purposes of this subsection, the term 'air pollution requirement' means any emission limitation, schedule, or timetable for compliance, or other requirement, which is prescribed under any Federal, State, or local law or regulation, including this Act (except for any requirement prescribed under this subsection or section 303), and which is designed to limit stationary source emissions resulting from combustion of fuels (including a restriction on the use or content of fuels). A conversion to coal to which this subsection applies shall not be deemed to be a modification for purposes of section 111(a) (2) and (4) of this Act.

"(4) A source to which this subsection applies may, upon the expiration of the exemption under paragraph (1), obtain a one year postponement of the application of any requirement of an applicable implementation plan under the conditions and in the manner provided in section 110(f).

"(c) The Administrator may by rule establish priorities under which manufacturers of continuous emission reduction systems shall provide such systems to users thereof, if he finds that priorities must be imposed in order to assure that such systems are first provided to users in air quality control regions with the most severe air pollution. No rule under this subsection may impair the obligation of any contract entered into before enactment of this section. No State or political subdivision may require any person to use a continuous emission reduction system for which priorities have been established under this subsection except in accordance with such priorities.

"(d) The Administrator shall study, and report to Congress not later than May 31, 1974, with respect to—

"(1) the present and projected impact on the program under this Act of fuel shortages and of allocation and end-use allocation programs;

"(2) availability of continuous emission reduction technology (including projections respecting the time, cost, and number of units available) and the effects that continuous emission reduction systems would have on the total environment and on supplies of fuel and electricity;

"(3) the number of sources and locations which must use such technology based on projected fuel availability data;

"(4) priority schedule for implementation of continuous emission reduction technology, based on public health or air quality;

"(5) evaluation of availability of technology to burn municipal solid waste in these sources; including time schedules, priorities analysis of unregulated pollutants which will be emitted and balancing of health benefits and detriments from burning solid waste and of economic costs;

"(6) projections of air quality impact of fuel shortages and allocations;

"(7) evaluation of alternative control strategies for the attainment and maintenance of national ambient air quality standards of sulfur oxides within the time frames prescribed in the Act, including associated considerations of cost, time frames, feasibility, and effectiveness of such alternative control strategies as compared to stationary source fuel and emission regulations;

"(8) proposed allocations of continuous emission reduction technology for nonsolid waste producing systems to sources which are least able to handle solid waste byproduct, technologically, economically, and without hazard to public health, safety, and welfare; and

"(9) plans for monitoring or requiring sources to which this section applies to monitor the impact of actions under this section on concentration of sulfur dioxide in the ambient air.

"(e) No State or political subdivision may require any person to whom a suspension has been granted under subsection (a) to use any fuel the unavailability of which is the basis of such person's suspension (except that this preemption shall not apply to requirements identical to Federal interim requirements under subsection (a)(1)).

"(f)(1) It shall be unlawful for any person to whom a suspension has been granted under subsection (a)(1) to violate any requirement on which the suspension is conditioned pursuant to subsection (a)(3).

"(2) It shall be unlawful for any person to violate any rule under subsection (c).

"(3) It shall be unlawful for the owner or operator of any source to fail to comply with any requirement under subsection (b) or any regulation, plan, or schedule thereunder.

"(4) It shall be unlawful for any person to fail to comply with an interim requirement under subsection (i)(3).

"(g) Beginning January 1, 1975, the Administrator shall publish at no less than 180-day intervals, in the Federal Register the following:

"(1) A concise summary of progress reports which are required to be filed by any person or source owner or operator to which subsection (b) applies. Such progress reports shall report on the status of compliance with all requirements which have been imposed by the Administrator under such subsections.

"(2) Up-to-date findings on the impact of this section upon—

"(A) applicable implementation plans, and

"(B) ambient air quality.

"(h) Nothing in this section shall affect the power of the Administrator to deal with air pollution presenting an imminent and substantial endangerment to the health of persons under section 303 of this Act.

"(i)(1) In order to reduce the likelihood of early phaseout of existing electric generating facilities during the energy emergency, any electric generating power plant (A) which, because of the age and condition of the plant, is to be taken out of service permanently no later than January 1, 1980, according to the power supply plan (in existence on the date of enactment of the Energy Emergency Act) of the operator of such plant, (B) for which a certification to that effect has been filed by the operator of the plant with the Environmental Protection Agency and the Federal Power Commission, and (C) for which the Commission has determined that the certification has been made in good faith and that the plan to cease operations no later than January 1, 1980, will be carried out as planned in light of existing and prospective power supply requirements, shall be eligible for a single one-year postponement as provided in paragraph (2).

"(2) Prior to the date on which any plant eligible under paragraph (1) is required to comply with any requirement of an applicable implementation plan, such source may apply (with the concurrence of the Governor of the State in which the plant is located) to the Administrator to postpone the applicability of such requirement to such source for not more than one year. If the Administrator determines, after balancing the risk to public health and welfare which

may be associated with a postponement, that compliance with any such requirement is not reasonable in light of the projected useful life of the plant, the availability of rate base increases to pay for such costs, and other appropriate factors, then the Administrator shall grant a postponement of any such requirement.

"(3) The Administrator shall, as a condition of any postponement under paragraph (2), prescribe such interim requirements as are practicable and reasonable in light of the criteria in paragraph (2).

"(j) (1) The Administrator may, after public notice and opportunity for presentation of views in accordance with section 553 of title 5, United States Code, and after consultation with the Federal Energy Emergency Administration, designate persons to whom fuel exchange orders should be issued. The purpose of such designation shall be to avoid or minimize the adverse impact on public health and welfare of any suspension under subsection (a) of this section or conversion to coal to which subsection (b) applies or of any allocation under the Energy Emergency Act or the Emergency Petroleum Allocation Act of 1973.

"(2) The Administrator of the Federal Energy Emergency Administration shall issue exchange orders to such persons as are designated by the Administrator under paragraph (1) requiring the exchange of any fuel subject to allocation under the preceding Acts effective no later than 45 days after the date of the designation under paragraph (1), unless the Administrator of the Federal Energy Emergency Administration determines, after consultation with the Administrator, that the costs or consumption of fuel, resulting from such exchange order, will be excessive.

"(3) Violation of any exchange order issued under paragraph (2) shall be a prohibited act and shall be subject to enforcement action and sanctions in the same manner and to the same extent as a violation of any requirement of the regulation under section 4 of the Emergency Petroleum Allocation Act of 1973".

SEC. 202. IMPLEMENTATION PLAN REVISIONS.

(a) Section 110(a) of the Clean Air Act is amended in paragraph (3) by inserting "(A)" after "(3)" and by adding at the end thereof the following new subparagraph:

"(B) (1) For any air quality control region in which there has been a conversion to coal under section 119(b), the Administrator shall review the applicable implementation plan and no later than one year after the date of such conversion determine whether such plan must be revised in order to achieve the national primary standard which the plan implements. If the Administrator determines that any such plan is inadequate, he shall require that a plan revision be submitted by the State within three months after the date of notice to the State of such determination. Any plan revision which is submitted by the State after notice and public hearing shall be approved or disapproved by the Administrator, after public notice and opportunity for public hearing, but no later than three months after the date required for submission of the revised plan. If a plan provision (or portion thereof) is disapproved (or if a State fails to submit a plan revision), the Administrator shall, after public notice and opportunity for a public hearing promulgate a revised plan (or portion thereof) not later than three months after the date required for approval or disapproval.

"(2) Any requirement for a plan revision under paragraph (1) and any plan requirement promulgated by the Administrator under such paragraph shall include reasonable and practicable measures to minimize the effect on the public health of any conversion to which section 119(b) applies."

(b) Subsection (c) of section 110 of the Clean Air Act (42 U.S.C. 1857 C–5) is amended by inserting "(1)" after "(c)"; by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and by adding the following new paragraph:

"(2) (A) The Administrator shall conduct a study and shall submit a report to the Committee on Interstate and Foreign Commerce of the United States House of Representatives and the Committee on Public Works of the United States Senate not later than May 1, 1974, on the necessity of parking surcharge, management of parking supply, and preferential bus/carpool lane regulations as part of the applicable implementation plans required under this section to achieve and maintain national primary ambient air quality standards. The study shall include an assessment of the economic impact of such regualtions, consideration of alternative means of reducing total vehicle miles traveled, and an assessment of the impact of such regulations on other Federal and State programs dealing with energy or transportation. In the course of such study, the Administrator shall consult with other Federal officials including, but not limited to, the Secretary of Transportation, the Administrator of the Federal Energy Emergency Administration, and the Chairman of the Council of Environmental Quality.

"(B) No parking surcharge regulation may be required by the Administrator under paragraph (1) of this subsection as a part of an applicable implementation plan. All parking surcharge regulations previously required by the Administrator shall be void upon the date of enactment of this subparagraph. This subparagraph shall not prevent the Administrator from approving parking surcharges if they are adopted and submitted by a State as part of an applicable implementation plan. The Administrator may not condition approval of any applicable implementation plan submitted by a State on such plan's including a parking surcharge regulation.

"(C) The Administrator is authorized to suspend until January 1, 1975, the effective date or applicability of any regulations for the management of parking supply or any requirement that such regulations be a part of an applicable implementation plan approved or promulgated under this section. The exercise of the authority under this subparagraph shall not prevent the Administrator from approving such regulations if they are adopted and submitted by a State as part of an applicable implementation plan. If the Administrator exercises the authority under this subparagraph, regulations requiring a review or analysis of the impact of proposed parking facilities before construction which take effect on or after January 1, 1975, shall not apply to parking facilities on which construction has been initiated before January 1, 1975.

"(D) For purposes of this paragraph, the term 'parking surcharge regulation' means a regulation imposing or requiring the imposition of any tax, surcharge, fee, or other charge on parking spaces, or any other area used for the temporary storage of motor vehicles. The term 'management of parking supply' shall include any requirement providing that any new facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations. The term 'preferential bus/carpool lane' shall include any requirement for the setting aside of one or more lanes of a street or highway on a permanent or temporary basis for the exclusive use of buses and/or carpools."

SEC. 203. MOTOR VEHICLE EMISSIONS.

(a) Section 202(b) (1) (A) of the Clean Air Act is amended by striking out "1975" and inserting in lieu thereof "1977"; and by inserting after "(A)" the following: "The regulations under subsection (a) applicable to emissions of carbon monoxide and hydrocarbons from light-duty vehicles and engines manufactured during model years 1975 and 1976 shall contain standards which are identical to the interim standards which were prescribed (as of December 1, 1973) under paragraph (5) (A) of this subsection for light-duty vehicles and engines manufactured during model year 1975."

(b) Section 202(b) (1) (B) of such Act is amended by striking out "1976" and inserting in lieu thereof "1978"; and by inserting after "(B)" the following: "The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light-duty vehicles and engines manufactured during model years 1975 and 1976 shall contain standards which are identical to the standards which were prescribed (as of December 1, 1973) under subsection (a) for light-duty vehicles and engines manufactured during model year 1975. The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light-duty vehicles and engines manufactured during model year 1977 shall contain standards which provide that emissions of such vehicles and engines may not exceed 2.0 grams per vehicle mile."

(c) Section 202(b) (5) (A) of such Act is amended to read as follows:

"(5) (A) At any time after January 1, 1975, any manufacturer may file with the Administrator an application requesting the suspension for one year only of the effective date of any emission standard required by paragraph (1) (A) with respect to such manufacturer for light-duty vehicles and engines manufactured in model year 1977. The Administrator shall make his determination with respect to any such application within 60 days. If he determines, in accordance with the provisions of this subsection, that such suspension should be granted, he shall simultaneously with such determination prescribe by regulation interim emission standards which shall apply (in lieu of the standards required to be prescribed by paragraph (1) (A) of this subsection) to emissions of carbon monoxide or hydrocarbons (or both) from such vehicles and engines manufactured during model year 1977."

(d) Section 202(b) (5) (B) of the Clean Air Act is repealed and the following subparagraphs redesignated accordingly.

SEC. 204. CONFORMING AMENDMENTS.

(a) (1) Section 113(a) (3) of the Clean Air Act is amended by striking out "or" before "112(c)", by inserting a comma in lieu thereof, and by inserting after "hazardous emissions)" the following: ", or 119(f) (relating to priorities and certain other requirements)".

(2) Section 113(b) (3) of such Act is amended by striking out "or 112(c)" and inserting in lieu thereof ", 112(c), or 119(f)".

(3) Section 113(c) (1) (C) of such Act is amended by striking out "or section 112(c)" and inserting in lieu thereof ", section 112 (c), or section 119(f)".

(4) Section 114(a) of such Act is amended by inserting "119 or" before "303".

(b) Section 116 of the Clean Air Act is amended by inserting "119(b), (c) and (e)," before "209".

SEC. 205. PROTECTION OF PUBLIC HEALTH AND ENVIRONMENT.

(a) Any allocation program provided for in title I of this Act or in the Emergency Petroleum Allocation Act of 1973, shall, to the maximum extent practicable, include measures to assure that available low sulfur fuel will be distributed on a priority basis to those areas of the country designated by the Administrator of the Environmental Protection Agency as requiring low sulfur fuel to avoid or minimize adverse impact on public health.

(b) In order to determine the health effects of emissions of sulfur oxides to the air resulting from any conversions to burning coal to which section 119 of the Clean Air Act applies, the Department of Health, Education, and Welfare shall, through the National Institute of Environmental Health Sciences and in cooperation with the Environmental Protection Agency, conduct a study of chronic effects among exposed populations. The sum of $3,500,000 is authorized to be appropriated for such a study. In order to assure that long-term studies can be conducted without interruption, such sums as are appropriated shall be available until expended.

(c) No action taken under this Act shall, for a period of 1 year after initiation of such action, be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 856). However, before any action under this Act that has a significant impact on the environment is taken, if practicable, or in any event within 60 days after such action is taken, an environmental evaluation with analysis equivalent to that required under section 102(2)(C) of the National Environmental Policy Act, to the greatest extent practicable within this time constraint, shall be prepared and circulated to appropriate Federal, State, and local government agencies and to the public for a 30-day comment period after which a public hearing shall be held upon request to review outstanding environmental issues. Such an evaluation shall not be required where the action in question has been preceded by compliance with the National Environmental Policy Act by the appropriate Federal agency. Any action taken under this Act which will be in effect for more than a one year period (other than action taken pursuant to subsection (d) of this section) or any action to extend an action taken under this Act to a total period of more than 1 year shall be subject to the full provisions of the National Environmental Policy Act notwithstanding any other provision of this Act.

(d) Notwithstanding subsection (c) of this section, in order to expedite the prompt construction of facilities for the importation of hydroelectric energy thereby helping to reduce the shortage of petroleum products in the United States, the Federal Power Commission is hereby authorized and directed to issue a Presidential permit pursuant to Executive Order 10485 of September 3, 1953, for the construction, operation, maintenance, and connection of facilities for the transmission of electric energy at the borders of the United States without preparing an environmental impact statement pursuant to section 102 of the National Environmental Policy Act of 1969 (83 Stat. 856) for facilities for the transmission of electric energy between Canada and the United States in the vicinity of Fort Covington, New York.

SEC. 206. ENERGY CONSERVATION STUDY.

(a) The Administrator of the Federal Energy Emergency Administration shall conduct a study on potential methods of energy conservation and, not later than 6 months after the date of enactment of this Act, shall submit to Congress a report on the results of such study. The study shall include, but not be limited to, the following:

(1) the energy conservation potential of restricting exports of fuels or energy-intensive products or goods, including an analysis of balance of payments and foreign relations implications of any such restrictions;

(2) federally sponsored incentives for the use of public transit, including the need for authority to require additional production of buses or other means of public transit and Federal subsidies for the duration of the energy emergency for reduced fares and additional expenses incurred because of increased service;

(3) alternative requirements, incentives, or disincentives for increasing industrial recycling and resource recovery in order to reduce energy demand, including the economic costs and fuel consumption trade-off which may be associated with such recycling and resource recovery in lieu of transportation and use of virgin materials;

(4) the costs and benefits of electrifying rail lines in the United States with a high density of traffic; including (A) the capital costs of such electrification, the oil fuel economies derived from such electrification, the ability of existing power facilities to supply the additional power load, and the amount of coal or other fossil fuels required to generate the power required for railroad electrification, and (B) the advantages to the environment of electrification of railroads in terms of reduced fuel consumption and air pollution and disadvantages to the environment from increased use of fossil fuel such as coal; and

(5) means for incentives or disincentives to increase efficiency of industrial use of energy.

(b) Within 90 days of the date of enactment of this Act, the Secretary of Transportation, after consultation with the Federal Energy Emergency Administrator, shall submit to the Congress for appropriate action an "Emergency Mass Transportation Assistance Plan" for the purpose of conserving energy by expanding and improving public mass transportation systems and encouraging increased ridership as alternatives to automobile travel.

(c) Such plan shall include, but shall not be limited to—

(1) recommendations for emergency temporary grants to assist States and local public bodies and agencies thereof in the payment of operating expenses incurred in connection with the provision of expanded mass transportation service in urban areas;

(2) recommendations for additional emergency assistance for the purchase of buses and rolling stock for fixed rail, including the feasibility of accelerating the timetable for such assistance under section 142(a)(2) of title 23, United States Code (the "Federal Aid Highway Act of 1973"), for the purpose of providing additional capacity for and encouraging increased use of public mass transportation systems;

(3) recommendations for a program of demonstration projects to determine the feasibility of fare-free and low-fare urban mass transportation systems, including reduced rates for elderly and handicapped persons during nonpeak hours of transportation;

(4) recommendations for additional emergency assistance for the construction of fringe and transportation corridor parking facilities to serve bus and other mass transportation passengers;

(5) recommendations on the feasibility of providing tax incentives for persons who use public mass transportation systems.

(d) In consultation with the Federal Energy Emergency Administrator, the Secretary of Transportation shall make an investigation and study for the purpose of conserving energy and assuring that the essential fuel needs of the United States will be met by developing a high-speed ground transportation system between the cities of Tijuana in the State of Baja California, Mexico, and Vancouver in the Province of British Columbia, Canada, by way of the cities of Seattle in the State of Washington, Portland in the State of Oregon, and Sacramento, San Francisco, Fresno, Los Angeles and San Diego in the State of California. In carrying out such investigation and study the Secretary shall consider, but shall not be limited to—

(1) the efficiency of energy utilization and impact on energy resources of such a system, including the future impact of existing transportation systems on energy resources if such a system is not established;

(2) coordination with other studies undertaken on the State and local levels; and

(3) such other matters as he deems appropriate.

The Secretary of Transportation shall report the results of the study and investigation pursuant to this Act, together with his recommendations, to the Congress and the President no later than December 31, 1974.

SEC. 207. REPORTS.

The Administrator of the Environmental Protection Agency shall report to Congress not later than January 31, 1975, on the implementation of sections 201 through 205 of this title.

SEC. 208. FUEL ECONOMY STUDY.

Title II of the Clean Air Act is amended by redesignating section 213 as section 214 and by adding the following new section:

"FUEL ECONOMY IMPROVEMENT FROM NEW MOTOR VEHICLES

SEC. 213. (a)(1) The Administrator and the Secretary of Transportation shall conduct a joint study, and shall report to the Committee on Interstate and Foreign Commerce of the United States House of Representatives and the Committees on Public Works and Commerce of the United States Senate within 120 days following the date of enactment of this section, concerning the practicability of establishing a fuel economy improvement standard of 20 percent for new motor vehicles manufactured during and after model year 1980. Such study and report shall include, but not be limited to, the technological problems of meeting any such standard, including the leadtime involved; the test procedures required to determine compliance; the economic costs associated with such standards, including any beneficial economic impact; the various means of enforcing such standard; the effect on consumption of natural resources, including energy consumed; and the impact of applicable safety and emission standards. In the course of performing such study, the Administrator and the Secretary of Transportation shall utilize the research previously performed in the Department of Transportation, and the Administrator and the Secretary shall consult with the Administrator of the Federal Energy Emergency Administration, the Chairman of the Council on Environmental Quality, and the Secretary of the Treasury. The Office of Management and Budget may review such report before its submission to Congress but the Office may not revise the report or delay its submission beyond the date prescribed for its submission, and may submit to Congress its comments respecting such report. In connection with such study, the Administrator may utilize the authority provided in section 307(a) of this Act to obtain necessary information.

"(2) For the purpose of this section, the term 'fuel economy improvement standard' means a requirement of a percentage increase in the number of miles of transportation provided by a manufacturer's entire annual production of new motor vehicles per unit of fuel consumed, as determined for each manufacturer in accordance with test procedures established by the Administrator pursuant to this Act. Such term shall not include any requirement for any design standard or any other requirement specifying or otherwise limiting the manufacturer's discretion in deciding how to comply with the fuel economy improvement standard by any lawful means."

TITLE III—STUDIES AND REPORTS

SEC. 301. AGENCY STUDIES.

The following studies shall be conducted, with reports on their results submitted to the Congress:

(1) Within 30 days after the date of enactment of this Act:

(A) The Administrator shall conduct a review of all rulings and regulations issued pursuant to the Economic Stabilization Act to determine if such rulings and regulations are contributing to the shortage of fuels and of materials associated with the production of energy supplies.

(B) All Federal departments and agencies, including the Federal regulatory agencies, are directed to undertake a survey of all activities over which they have special expertise or jurisdiction and identify and recommend to the Congress and to the President specific proposals to significantly increase energy supply or to reduce energy demand through conservation programs.

(C) The Secretary of the Treasury and the Director of the Cost of Living Council shall recommend to the Congress specific incentives to increase energy supply, reduce demand, to encourage private industry and individual persons to subscribe to the goals of this Act. This study shall also include an analysis of the price-elasticity of demand for gasoline.

(D) The Administrator shall report to the Congress concerning the present and prospective impact of energy shortages upon employment. Such report shall contain an assessment of the adequacy of existing programs in meeting the needs of adversely affected workers, together with legislative recommendations appropriate to meet such needs, including revisions in the unemployment insurance laws.

(E) The Secretary of the Interior and the Secretary of Commerce are directed to prepare a comprehensive report of (1) United States exports of petroleum products and other energy sources, and (2) foreign investment in production of petroleum products and other energy sources to determine the consistency or lack thereof of the Nation's trade policy and foreign investment policy with domestic energy conservation efforts. Such report shall include recommendations for legislation.

(2) Within 6 months after the date of enactment of this Act:

(A) The Administrator shall develop and submit to the Congress no later than May 15, 1974, a plan for providing incentives for the increased use of public transportation and Federal subsidies for maintained or reduced fares and additional expenses incurred because of increased service for the duration of the Act.

(B) The Administrator shall recommend to the Congress actions to be taken regarding the problem of the siting of energy producing facilities.

(C) The Administrator shall conduct a study of the further development of the hydroelectric power resources of the Nation, including an assessment of present and proposed projects already authorized by Congress and the potential of other hydroelectric power resources, including tidal power and geothermal steam.

(D) The Administrator shall prepare and submit to Congress a plan for encouraging the conversion of coal to crude oil and other liquid and gaseous hydrocarbons.

(E) The Secretary of the Interior shall study methods for accelerating leases of energy resources on public lands including oil and gas leasing onshore and offshore, and geothermal energy leasing.

SEC. 302. REPORTS OF THE PRESIDENT TO CONGRESS.

The President shall report to the Congress every sixty days, beginning April 1, 1974, on the implementation and administration of this Act and the Emergency Petroleum Allocation Act of 1973, together with an assessment of the results attained thereby. Each report shall include specific information, nationally and by region and State, concerning staffing and other administrative arrangements taken to carry out programs under these Acts and may include such recommendations as he deems necessary for amending or extending the authorities granted in this Act or in the Emergency Petroleum Allocation Act of 1973.

And the House agree to the same.

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

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the Senate bill, insert the following: "An Act to assure, through energy conservation, end-use rationing of fuels, and other means, that the essential energy needs of the United States are met, and for other purposes."

And the House agree to the same.

HARLEY O. STAGGERS,
TORBERT H. MACDONALD,
JOHN E. MOSS,
PAUL G. ROGERS,
JAMES T. BROYHILL,
JAMES F. HASTINGS,
Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
LEE METCALF,
JENNINGS RANDOLPH,
EDMUND S. MUSKIE,
HOWARD H. BAKER, Jr.,
ERNEST F. HOLLINGS,
ADLAI STEVENSON III,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2589) to declare by congressional action a nationwide energy emergency; to authorize the President to immediately undertake specific actions to conserve scarce fuels and increase supply; to invite the development of local, State, National, and International contingency plans; to assure the continuation of vital public services; and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendments struck out all of the Senate bill after the enacting clause and inserted a substitute text and provided a new title for the Senate bill.

The committee of conference has agreed to a substitute for both the Senate bill and the House amendment to the text of the bill. Except for clarifying, clerical, and conforming changes, the differences are noted below:

Several general comments should be made concerning the overall pattern of the legislation agreed to by the Conference Committee. The Substitute text agreed to does not contain a number of provisions which were contained in either the House or Senate bill. The Committee wishes to emphasize that it has eliminated these provisions without prejudice. In a number of cases these matters were not agreed to in deference to the jurisdictional prerogatives of other committees of the Congress who were not represented at the Conference. In other cases the Conferees eliminated provisions which in their judgment addressed problems which did not relate to the short term emergency situation. Because of the exigencies of the situation, the Conferees have attempted to confine the scope of this legislation to those matters which were essential and leave to a time which affords more studied consideration those proposals which attempt to deal with the more long term and basic energy supply and demand problems which confront this nation.

EMERGENCY CONSERVATION REGULATIONS

Faced with the emergency situation, on November 8, 1973, the President addressed the nation on the dimensions of the energy crisis. In that address, the President announced that he would request the Congress to vest in him emergency authority to impose restrictions on both the public and private consumption of energy. The legislation which the Conferees have agreed to proposes to give to the Executive a full spectrum of extraordinary powers to cope with the situation. The Conferees fully expect that the Administration, having been granted these authorities under the Act, will use them forthwith, and take strong action to reduce demand for energy during this period of national energy shortages and to expand supply of petroleum products through the conversion of stationary electric power plants now burning oil or natural gas.

The Conferees have not, however, agreed to vest without limitation the all pervasive and ill defined authority to restrict public and private consumption of energy which had been requested by the President. Instead, the Conferees have devised a mechanism for allowing further legislative consideration and control over the exercise of these powers.

Under its terms, the Administrator of the Federal Emergency Energy Administration created by this legislation would be permitted to issue regulations restricting energy use subject to a reservation of Congressional veto power. This control is to be exercised in a manner which closely parallels statutory mechanisms which have been used in various reorganization acts of the Congress over the past thirty years. The Conferees have carefully tailored this mechanism to take into consideration the emergency circumstances which confront the nation. Thus, the Administrator would be permitted to immediately implement conservation regulations prior to March 15, 1974, in order to reduce demand in the harsh winter months of January and February without delay. Such regulations must be submitted to the Congress simultaneously with their promulgation. Thereafter, the Congress would have an opportunity to veto the regulation by simple resolution in either house. If vetoed, the regulation would not continue in effect. The Committee wishes to emphasize that any such regulation would, until vetoed, be given full force and effect. Compliance may be obtained through court injunctive process or through the imposition of civil and criminal penalties for any violation.

Conservation regulations proposed to take effect after March 15, 1974, would be delayed in their implementation until Congress is afforded an opportunity of 15 consecutive days in continuous legislative session to consider disapproval resolutions. If the Congress does not act within that 15-day period, the regulation may be implemented. Lastly, the Conferees have determined that any conservation measure which is proposed to take effect after August 31, 1974, must be submitted to the Congress in the nature of a legislative proposal for appropriate Congressional consideration. Actions of this nature are sufficiently long term in their objective so as to permit the normal legislative process to be observed.

The law passed since the first declared national emergency in 1933 commonly transferred almost unlimited power to the Executive to permit government to act effectively in times of great crisis. A recently issued report of the Special Committee on the Termination of the National Emergency, United States Senate, catalogued over 470 significant statutes which the Congress has passed since 1933 delegating to the President powers that has been "the prerogatives and responsibility

of the Congress since the beginning of the Republic".

Over the course of that 40-year period, the Congress has repeatedly been presented with the problem of finding a means by which a legislative body in a democratic republic may extend extraordinary powers for use by the Executive during times of emergency without imperiling our Constitutional balance of liberty and authority. The Conferees believe that the disapproval mechanism contained in this legislation provides the best opportunity for resolution of this problem.

The veto authority coupled with a termination date which limits the duration of the period within which these powers may be exercised provides assurance that normal legislative processes will be resumed at a time certain and that the Constitutional checks and balance system will be preserved. It is firmly believed that this form of legislative consideration and control gives full effect to the separation of powers principle so fundamental to our system of government while at the same time allowing a vesting of power in the Executive branch to permit actions to be taken expeditiously in order to respond to immediate and changing circumstances during a crisis situation.

Federal emergency energy administration

To exercise the authority granted under this legislation, the Committee has created a temporary Federal Emergency Energy Administration to be directed by an administrator appointed by the President with the advice and consent of the Senate. In addition to its duties under this Act, the Administration is to exercise the authority provided for in the Emergency Petroleum Allocation Act of 1973 previously reported by this Committee and already enacted into law. In so doing the Committee proposes to parallel and give statutory force to the Federal Energy Office created by executive order of the President on Tuesday, December 4, 1973. It is the understanding of the conferees that the office of Administrator came into existence on the effective date of this Act and that vacancies exist in such offices from the time of their creation until they are filled. Accordingly, Article 2, Section 2, Clause 3 of the Constitution is applicable.

The creation of this new administration to deal with the emergency fuels shortages is proposed on the premise that we must focus authority in a single agency head with decisionmaking responsibility for these programs. This agency is to operate within the Executive Department subject to the supervision of the President. Several trappings of independence, however, are given to the Administrator to assure that he may act consonant with the preeminence of his mission free from certain administrative controls which have been ingrafted on agency actions in the name of administrative efficiency. Thus, the Federal Emergency Energy Administration is relieved of the necessity of obtaining prior OMB clearance for information gathering activities. Also to assure that the administration will have high visibility in government, budget requests and legislative recommendations are to be transmitted to the Congress simultaneously with their submission to the Office of Management and Budget. In so doing the Committee seeks to assure that the Congress will know without question or qualification what the Administrator determines to be his fiscal needs in carrying out his legislative assignment and what additional authority may be required to get the job done effectively and expeditiously.

In addition to the powers under the Emergency Petroleum Allocation Act of 1973 and as may be authorized under this Act, the President has proposed to transfer other functions of the Executive Department to a Federal Energy Administration so as to consolidate energy related activities. The Committee has not attempted and does not propose to transfer these functions in this Act. It is understood that some of these proposed transfers, such as the transfer from the Department of Interior of its Office of Oil and Gas and the Outer Continental Shelf authority, require legislative approval. An appropriate bill has been submitted to the Congress and has been considered by the Government Operations Committees of the House and Senate. On December 19 the Senate passed the Administration's proposed bill to establish an FEA.

The conferees wish to emphasize that the creation of a temporary Federal Emergency Energy Administration under this Act does not remove the necessity of the Congress acting upon the legislation reported by the House and Senate Government Operations Committees. The need for statutory creation of an administrative office within the Executive Branch which consolidates energy policy related functions of government remains real and immediate. This Act provides the basic authority to initiate the establishment of such an administrative office.

SAFEGUARDS AGAINST UNREASONABLE DISCRIMINATIONS AND UNEQUITABLE TREATMENT

The authorities contained in this legislation and in the Emergency Petroleum Allocation Act of 1973, which it amends, calls for a major intrusion into the competitive marketplace by the federal government. In allocating fuels so as to maintain essential services during times of shortage and to assure equitable distribution of supplies throughout the nation, decisions will be made which will impact on all regions of the country and all sectors of the economy. Already significant actions have been taken in some cases on questionable legal authority, which have produced dislocations and distortions in the competitive market which have impacted disproportionately on individual groups of competitors offering similar services. In part, this has been the unavoidable result of attempting to cope with a crisis situation without having first developed a decision-making structure which affords government an opportunity to appreciate the full ramifications of its direct and indirect actions. For example, there must be a realization by those in authority that the public good is not served by denying allocations of fuel for certain uses which have the appearance of being nonessential (such as recreational activities or various aspects of general aviation) if to do so would result in significant unemployment and economic recession for some regions of the country. There are, of course, many areas in this nation where recreation and tourism provide the base of the local economy. Careful attention must be given to the needs of these as well as other areas. Moreover, government must equip itself so as to be able to look beyond the immediately affected industry to discover the unforeseen ripple effects of its action on other supportive and relative industry groupings.

Access to adequate supplies of fuels is basic to the survival of virtually every commercial enterprise and, accordingly, government must act with great care to assure that its actions are equitable and do not unreasonably discriminate among users. The Committee has added a separate section to this legislation creating a statutory standard of reasonableness to be observed in the allocation of refined petroleum products and electrical energy among users or in taking actions which result in restrictions on use of such products and electrical energy. The Committee intends the term equitable to be applied in its broadest and most general sense. As such, the term denotes the spirit of fairness, justness, and right dealing. No user or class of users should be called upon during this shortage period to carry an unreasonably disproportionate share of the burden. This is fundamental to the traditional notion of fairness, and equal protection. The Committee expects the President and the Administrator of the Federal Emergency Energy Administration created under this Act to assidiously observe these requirements in the conduct of their functions.

The Committee also adopted a section which requires the preparation of an economic impact analysis of any actions it proposes to take to bring supply and demand into balance. Wherever practicable, this analysis is to be completed prior to implementation of the proposed action. If conditions do not permit full advance preparation of the economic impact analysis in acting to deal with emergency conditions, the analysis is to be prepared contemporaneously with implementation of any proposed action between date of enactment and March 15, 1974.

The committee is concerned about the very real threat of the cutoff of Canadian fuel to the United States, particularly fuel essential for business and heating purposes. A specific example of such an action is the possibility that the Canadian government may stop supplying fuel to the great Northern Paper and Georgia-Pacific plants in the State of Maine. The following amendment was offered in the conference but was subsequently withdrawn in recognition of the desirability of allowing diplomatic endeavors to be pursued:

"Whenever, as a result of action by the Canadian Resources Board, fuel exports to any manufacturing plant in the United States are interrupted, the Administrator shall make an allocation of fuel to such manufacturing plant in accordance with the provisions of the Emergency Petroleum Allocation Act. Where possible, such allocation shall be from fuel which would otherwise be exported from the United States to Canada."

The committee understands that diplomatic efforts are underway to reverse the actions contemplated by the Canadian government and expresses a strong interest in having all diplomatic avenues pursued vigorously to successfully resolve this and other similar situations.

END USE RATIONING AUTHORITY

The conferees have agreed on provisions which authorize the President to develop and implement an end use rationing plan for crude oil, residual fuel oil and refined petroleum products. This authority is to be exercised under the Emergency Petroleum Allocation Act of 1973 and must be consistent with the attainment of the congressionally stated objectives of that Act. Procedural protections are provided to permit users an opportunity to present views respecting the development of the plan. It is the firm intention of the conferees that end use rationing be implemented as a last resort measure. Accordingly it has been provided in the conference substitute that end use rationing may be implemented only upon a finding that all other practicable and authorized actions are insufficient to assure the preservation of public health, safety, and the public welfare and those other defined objectives set forth in section 4(b) of the Emergency Petroleum Allocation Act. Should the President be able to make such a finding, he is authorized to implement end use rationing without further action of the Congress.

The conferees wish to state their intent that in the development of an end use rationing plan, the President shall give special consideration to the transportation needs of our handicapped Americans. Clearly, if the employment, medical, and therapeutic services of our physically handicapped citizens are interrupted as a result of lack of transportation, a hardship for such individuals will be incalculable in its effects. Moreover, the conferees believe that actions taken under the Emergency Petroleum Allocation Act of 1973 shall, where consistent with the objectives of section 4(b) of that Act, give

consideration to providing allocations of petroleum products for the timely completion of Federal construction projects and give consideration to the public welfare needs of meeting the educational or housing requirements of our citizens.

The Conferees also recognize that end use rationing plans should give consideration to the personal transportation needs of American military personnel re-assigned to other duty stations and of those persons who are required to relocate for employment purposes.

PROHIBITION ON INEQUITABLE PRICING

During the protracted congressional consideration of S. 2589, the energy emergency and the problems facing the Nation have become acute. One of the most serious and recent aspects of the emergency has been the meteoric increase in crude oil and petroleum product prices. In the last three months of 1973, the cost of residual fuel oil to utilities rose by 150 percent. In December 1973, fuel price increases accounted for 40 percent of the increase in the wholesale price index. Wholesale gasoline prices increased about four cents a gallon in the last three months of 1973. These increases, under present price controls, can be traced directly to two factors: (1) the great increase in the world crude price since October, and (2) the release of certain categories of domestic crude from price controls.

A year ago, crude oil sold for $3.40 a barrel. Today, imported crude and domestic crude not subject to price ceilings sell for $10.35 a barrel and higher. While it is beyond the Committee's jurisdiction to regulate the world price of crude or the price of crude established by international controls, control of domestic prices was considered in order.

It is indisputable that such prices have led to increased drilling activity in the United States, which is clearly desirable if we are to approach domestic self-sufficiency in energy. However, the Committee understands that, according to oil industry and other recent economic supply studies, the long-run market clearing price needed to assure adequate exploration and development and supply is considerably under the $7.09 a barrel national average price for newly produced crude established under section 110 of this act. The Committee therefore finds little reason for asking consumers to pay increasingly higher prices, when such prices cannot be justified on the grounds of increasing cost.

For example, total sales volume for the seven major oil companies in the U.S. increased about six percent between the first three quarters of 1973. Total revenues increased by 22 percent, and total net earnings by 46 percent. For this reason, the Committee adopted a section which sets an average ceiling price for crude oil of $5.25, with provisions for higher prices for certain classes of crude, up to an absolute ceiling of 35 percent above the $5.25 average price, or an average of $17.09. Dollar-for-dollar passthroughs of all rollbacks are required to be passed through to the ultimate consumers of residual fuel oil or refined petroleum products, including propane.

The Committee intends, in adopting this section, to strike a just balance between the need for equity and the need for adequate incentives to assure a sufficient long-run supply of domestic fuels.

SHORT TITLE

TABLE OF CONTENTS

Senate bill

The Senate bill provided that it could be cited as the "National Energy Emergency Act of 1973". It had no table of contents.

House amendment

The House amendment provided that it could be cited as the "Energy Emergency Act".

The House amendment also included a table of contents of the legislation.

Conference substitute

The conference substitute has the same short title as the House amendment and includes a table of contents.

TITLE I—ENERGY EMERGENCY AUTHORITIES

FINDINGS AND PURPOSES—ENERGY EMERGENCY

FINDINGS

Senate bill

Under section 101 of the Senate bill the Congress would make a determination that a shortage of crude oil, residual fuel oil, and refined petroleum products does now exist. In addition, it would make determinations with respect to the effect of those shortages; what steps should be taken with respect thereto; that primary responsibility for developing and enforcing fuel shortage contingency plans lies with the States and certain local governments, and that, during the energy emergency the protection and fostering of competition and the prevention of anticompetitive practices and effects are vital.

House amendment

No provision.

Conference substitute

Section 101(a)(1) of the conference substitute is in most respects the same as the Senate bill.

DECLARATION OF EMERGENCY

Senate bill

Under section 201 the Congress would declare that current and imminent fuel shortages have created a nationwide energy emergency.

House amendment

No provision.

Conference substitute

Section 101(a)(2) of the conference substitute states that on the basis of the determinations specified in paragraph (1) thereof the Congress hereby finds that current and imminent fuel shortages have created a nationwide energy emergency.

PURPOSES

Senate bill

Section 102 of the Senate bill lists the purposes of the legislation. Among the purposes listed are (1) to declare an energy emergency, (2) to direct the President to take action with regard thereto, (3) to provide a national program to conserve scarce energy resources, (4) to minimize the adverse effects of energy shortages on the economy and industrial capacity of the Nation, and (5) to direct the President and State and local governments to develop contingency plans for making specified reductions in energy consumption.

House amendment

Section 101 of the House amendment sets forth the purpose of the legislation which is to (1) call for proposals for measures which could be taken in order to conserve energy, and (2) authorize specific temporary emergency measures to be taken to assure that the Nation's essential needs for fuel will be met in a manner which to the maximum practicable extent meets certain specified objectives.

Conference substitute

Section 101(b) of the conference substitute provides that the purposes of the legislation are to call for proposals for energy emergency rationing and conservation measures and to authorize specific temporary emergency actions to be exercised, subject to congressional review and right of approval or disapproval, to assure that the essential needs of the United States for fuels will be met in a manner which to the fullest extent practicable meets specified objectives.

DEFINITION

Senate bill

No provision.

House amendment

Section 102 defined the terms "State", "petroleum product", "United States" and "Administration" for purposes of the legislation.

"Administrator" is defined to mean the Administrator of the Federal Energy Administation which is established by section 104 of the House amendment. The term is used with that meaning throughout the House amendment segments of this joint statement unless another intent is specifically indicated.

Conference substitute

Section 102 of the conference substitute is the same as the House amendment, except that "Administrator" is defined to mean the Administrator of the Federal Energy Emergency Administration which is established by section 103 of the conference substitute. That term will be used with that meaning throughout the conference substitute portions of this joint statement unless another intent is specifically indicated.

FEDERAL ENERGY EMERGENCY ADMINISTRATION

Senate bill

No provision.

House amendment

Section 104 would establish a Federal Energy Administration. The Administration would be headed by a Federal Energy Administrator appointed by and with the consent of the Senate who would serve until May 15, 1975. The Administrator would be responsible for the development and implementation of Mandatory Allocation Programs provided for in the Emergency Petroleum Allocation Act of 1973.

Copies of budget estimates and requests, legislative recommendations, testimony, or comments on legislation which are submitted to the President or to the Office of Management and Budget would be concurrently transmitted to the Congress. The Administration would be considered an independent regulatory agency for purposes of the collection of information and as such is exempt from Office of Management and Budget veto of its actions for the collection of necessary information.

Conference substitute

Section 103 of the conference substitute establishes until May 15, 1975, unless superseded prior to that date by law a Federal Emergency Energy Administration (FEEA) which shall be temporary and headed by an Administrator who shall be appointed by the President by and with the advice and consent of the Senate.

It is the understanding of the conferees that the office of Administrator comes into existence on the date of enactment of the legislation and that a vacancy exists in such office from the time of its creation until it is filled. Accordingly, Article II, Section 2, Clause 3 of the Constitution is applicable.

Effective on the date on which the Administrator first takes office (or, if later, on January 1, 1974) certain functions, powers, and duties under specified sections of the Emergency Petroleum Allocation Act of 1973 (other than functions vested by section 6 of such Act in the Federal Trade Commission, the Attorney General, or the Antitrust Division of the Department of Justice) are transferred to the Administrator. Personnel, property, records, obligations, and commitments used primarily with respect to functions transferred to the Administrator are also transferred to him.

Whenever the FEEA submits any (1) budget estimate or request, or (2) legislative recommendations or testimony or comments on legislation, to the Office of Management and Budget it must concurrently transmit a copy thereof to the Congress.

The FEEA shall be an independent regulatory agency for purposes of Chapter 35 of Title 44, United States Code, but not for any other purpose.

ENERGY CONSERVATION, DISTRIBUTION, AND ALLOCATION PROVISIONS—RATIONING AUTHORITY

Senate bill

ENERGY RATIONING AND CONSERVATION PROGRAM

Under subsections (a) and (b) of section 203, the President would be required to promulgate a nationwide emergency energy rationing and conservation program within 15 days after enactment of the legislation. Such program would include (1) a priority system and plan, including a program to be implemented without delay for rationing scarce fuels among distributors and consumers, and (2) measures capable of reducing energy consumption in the affected area by no less than 10% within 10 days, and by no less than 25% within 4 weeks after implementation.

FUEL DISTRIBUTION PLAN

Section 203(c) would require the President within 15 days after enactment of the legislation to determine the fuel needs of the major geographic regions of the United States and to promulgate a plan assuring equitable distribution of available fuel supplies among such regions based on their respective relative needs, including such needs of the States within such regions.

The plan would include allocation of available transport facilities necessary to assure equitable distribution of fuel supplies under the plan.

The fuel distribution plan or plans would be implemented within 30 days after promulgation.

House amendment

ENERGY CONSERVATION PLANS

Section 105 would require the Administrator, within 30 days after enactment of the legislation and from time to time thereafter, to propose one or more energy conservation plans, as defined, to reduce energy consumption to a level which could be supplied from available energy resources. The plans would be submitted to Congress for appropriate action.

Section 105(b) would require such plans to provide for the maintenance of vital services. Section 105(c) would require that proposed restrictions on the use of energy in such plans to be submitted by the Administrator would be designed, to the maximum extent practicable, to be carried out in a manner which is fair and reasonably distributes the burden on all sectors of the economy. Such restrictions should also give due consideration to the needs of commercial, retail, and service establishments with unconventional working hours. Section 105(e) would state that no provision of the Act or the EPAA should be construed as authorizing the imposition of any tax.

AMENDMENTS TO EMERGENCY PETROLEUM ALLOCATION ACT OF 1973 (EPAA)

Section 103(a) would amend section 4 of the EPAA, relating to mandatory allocation of crude oil, residual fuel oil, and refined petroleum products.

Proposed subsection 4(h) would authorize the President to establish rules for the ordering of priorities among users of petroleum products and to assign to such users rights to obtain petroleum products in preference to those assigned a lower priority. Prior to this ordering of priorities and assignment of rights, the President must find that such action is necessary in order to carry out the objectives of subsection 4(b) of the EPAA. (Subsection 4(b) is the section which defines the provisions which must be fulfilled by the regulation providing for the mandatory allocation of petroleum products.)

In the ordering of priorities among users, the maintenance of vital services would be emphasized.

Allocations of products made pursuant to the proposed subsection would be adjusted by the President as necessary to assure that those entitled to receive allotments would actually obtain such allocated products.

The President would be required to establish procedures whereby users may petition for review, reclassification, and modification of priorities and entitlements assigned in accordance with the subsection. These procedures may include procedures with respect to local boards which could be established under section 109(c) of the legislation.

The President would be authorized to require refineries in the United States to adjust their operations with regard to the proportions of products produced in the refining process. These adjustments would be required as necessary to assure that the proportions produced are consistent with the objectives set forth in section 4(b) of the EPAA.

The definition of "allocation" as used in this subsection would be clarified by stating that it "shall not be construed to exclude the end-use allocation of gasoline to individual consumers". Thus, the President would be authorized to ration gasoline.

Section 103(e) would amend section 4 of the EPAA by adding subsection (l) through (n) thereto providing a procedure for Congressional review and disapproval of any rule issued under section 4(h) (which is discussed above) with respect to end-use allocation which is referred to as an "energy action".

Under the procedure, the President would be required to transmit any energy action to both Houses of the Congress on the same day.

An energy action would take effect at the end of the first period of 15 calendar days of continuous session of the Congress after the date on which the energy action is transmitted, unless either House passed a resolution stating that it did not favor the energy action. A detailed disapproval procedure is set out which would be enacted as an exercise of the rulemaking power of each House of Congress. Any energy action which became effective would be printed in the Federal Register.

Proposed section 4(j) of the EPAA would provide that, notwithstanding any other provision of the EPAA, or of any State or local law regarding fuel allocation, provision will be made for adequate supplies of fuels for:

(a) moves of armed services personnel on orders;

(b) household moves related to employment;

(c) household moves rising from displacement due to unemployment; and

(d) moves due to health, educational opportunities, or other good and sufficient reasons.

Conference substitute

END-USE ALLOCATION

Section 104 of the conference substitute amends section 4 of the Emergency Petroleum Allocation Act of 1973 (EPAA) by adding a new subsection (h). This new subsection, agreed to by the conferees on December 20, 1973, authorizes the development and implementation of end use rationing plans for crude oil, residual fuel oil, and refined petroleum products.

Under the new subsection the President may promulgate a rule which shall provide, consistent with the objectives of section 4(b) of that Act, an ordering of priorities among users of crude oil, residual fuel oil, or any refined petroleum product, and for the assignment to such users of rights entitling them to obtain any such oil or product in precedence to other users not similarly entitled. The proposed gasoline rationing plan published for comment by the Federal Energy Office on January 16, 1974 was not reviewed by the conferees. The conference report reflects neither concurrence nor nonconcurrence with the Federal Energy Office plan or with any of the provisions thereof.

Such rule shall take effect only if the President finds that, without such rule, all other practicable and authorized methods to limit energy demand will not achieve the objectives of Emergency Petroleum Allocation Act of 1973, and of this Act.

The President shall, by order, in furtherance of such rule cause such adjustments in the allocations made pursuant to the regulation under section 4(b) of the EPAA as may be necessary to provide for the allocation of crude oil, residual fuel oil, or any refined petroleum product as necessary to attain the objectives established for the Allocation Program in the Emergency Petroleum Allocation Act.

The President must provide for procedures by which any user of such oil or product for which priorities and entitlements are established under this new subsection may petition for service and reclassification or modification of any determination made thereunder with respect to his priority or entitlement. Provision is made for the establishment of local boards to administer allocation or rationing programs. In providing for the implementation of rationing the conferees specifically state that no taxing authority, of any type, is granted.

ENERGY CONSERVATION REGULATIONS

Under section 105 of the conference substitute, the Administrator may propose one or more energy conservation regulations which shall be designed (together with certain other actions) to result in a reduction of energy consumption to a level which can be supplied by available energy resources. The term "energy conservation regulations" is defined to mean limits or such other restrictions on the public or private use of energy (including limitations on operating hours of businesses) which are necessary to reduce energy consumption.

An energy conservation regulation—

(1) may not impose any tax or user fee, or provide for a credit or deduction in computing any tax,

(2) may not provide for taking any action of a kind which may not be taken under this legislation, the Emergency Petroleum Allocation Act of 1973, or the Clean Air Act,

(3) shall apply according to its terms in each State except as otherwise provided in the regulation, and

(4) may not deal with more than one logically consistent subject matter.

An energy conservation regulation may be amended or repealed only in accordance with section 105(b), except that technical or clerical amendments may be made in accordance with section 553 of title 5, United States Code.

Subject to provisions relating to Congressional approval or disapproval, a provision of an energy conservation regulation shall remain in effect for a period specified in the plan but may not remain in effect after May 15, 1975.

The term "energy action" is defined to mean an energy conservation regulation or an amendment (other than a technical or clerical amendment) or repeal of such energy conservation regulation.

The Administrator must transmit any energy action (bearing an identification number) to each House of Congress on the date on which it is promulgated.

If an energy action is transmitted to Congress before March 1, 1974, and provides for an effective date earlier than March 1, 1974, then such action shall take effect on the date provided in the action; but if either House, before the end of the first period of 15 calendar days of continuous session of Congress after the date on which the plan

is transmitted to it, passes a resolution stating in substance that that House does not favor the energy action, such action shall cease to be effective on the date of passage of such resolution.

If an energy action is transmitted to Congress and provides for an effective date on or after March 15, 1974 and before September 1, 1974, such action shall take effect in most cases at the end of the first period of 15 calendar days of continuous session of Congress after the date on which the plan is transmitted to it unless, between the date of transmittal and the end of the 15-day period, either House passes a resolution stating in substance that that House does not favor the energy action.

A plan proposed to be made effective on or after September 1, 1974, shall take effect only if approved by Congress by law.

In carrying out the provisions of this legislation, the Administrator must, to the greatest extent practicable, evaluate the potential economic impacts of proposed regulatory and other actions. This would include but not be limited to the preparation of an analysis of the effects of such actions on certain entities and other things which are enumerated.

The Administrator must also develop analyses of the economic impact of various conservation measures on States or significant sectors thereof, considering the impact on both energy for fuel and energy as feed stock for industry. Such analysis shall, wherever possible, be made explicit and to the extent practicable other Federal agencies and agencies of State and local governments which have special knowledge and expertise relevant to the impact of proposed regulatory or other actions shall be consulted in making the analysis, and all Federal agencies shall cooperate with the Administrator in preparing such analyses.

The Administrator, together with the Secretaries of Labor and Commerce, must monitor the economic impact of any energy actions taken by the Administrator, and must provide the Congress with separate reports every thirty days on the impact of the energy shortage and such emergency actions on employment and the economy.

The conferees, taking cognizance of the fact that there are shortages in petrochemical feedstocks, which if not alleviated may cause disruptions of varying degree among many sectors of our economy, have directed the Administrator to exercise such authority as is granted to him under this Act and under any other Act to alleviate such shortages. The conferees are aware that action has been taken under the Economic Stabilization Act to allow an increase in the price of petrochemical feedstocks in an effort to increase their supply. However, it is the intent of the conferees, in directing the Administrator to exercise the authorities conferred on him, to require that he take such other and additional steps as are necessary to increase the supply and availability of petrochemical feedstocks. Within 30 days from the date of enactment of this Act the Administrator is also directed to report to the Congress with respect to the shortages of petrochemical feedstocks and with respect to such additional steps as have been taken to alleviate such shortages.

Under section 105(b)(3)(A), the conference committee substituted new dates to grant the Administrator immediate authority and time so that it can establish and implement a system subject to congressional veto for the purpose of alleviating the panic-buying now taking place at the retail level. In this regard, special note was made of the success achieved under State programs adopted by the States of Hawaii, Oregon and Massachusetts to manage sales of gasoline at the pump.

The conferees urge the Administrator, in fashioning any energy conservation plan to deal with this problem, to consider preserving State programs for control of gasoline sales which are shown to be workable and which are not inconsistent with this Act.

COAL CONVERSION AND ALLOCATION

Senate bill

Section 204(a) would authorize the President to require that any major fossil fuel burning installation (including existing electric generating plants) which has the ready capability and necessary plant equipment to burn coal or other fuels, convert to burning coal or other fuels as its primary energy source. Any installation so converted could be permitted to use such fuel for more than one year, subject to the provisions of the Clean Air Act. To the extent practicable, plant conversions would first be required where the use of coal would have the least adverse environmental impact. Such conversions would be contingent on the availability of coal and reliability of service.

The President would require that fossil fuel fired electrical powerplants now being planned be designed and constructed so as to have capability of rapid conversion to burn coal.

The President could require that certain fossil fuel fired baseload powerplants (other than combustion turbine and combined cycle units) now being planned be designed and constructed so to be capable of rapid conversion to burn coal.

House amendment

The provisions of section 106 of the House amendment are in most respects the same as in the Senate bill with the following exceptions:

(1) Under the House amendment the powers and duties are vested in the Administrator of the Federal Energy Administration rather than the President.

(2) Any installation limited to burning coal as its primary energy source under the legislation or which converted to the use of coal after beginning such conversion within 90 days before the effective date of the legislation could continue to use coal until January 1, 1980, if the Administrator of the EPA approves a plan submitted by the operator of such installation after notice to interested persons and opportunity for presentation of views. The plan would have to meet requirements spelled out in section 106(b)(1).

(3) The Administrator of EPA or a State or local agency could, after notice to interested persons and an opportunity for presentation of views, (A) prohibit any such installation from using coal if it determines that such use is likely to materially contribute to a significant risk to public health, or (B) require any such installation to use a particular type and grade of coal if such coal is available.

(4) The Administrator would be authorized to prescribe a system for allocation of coal.

Conference substitute

Section 106 of the conference substitute provides that the Administrator shall, to the extent practicable and consistent with the objectives of this Act, by order, after balancing on a plant-by-plant basis the environmental effects of use of coal against the need to fulfill the purposes of this legislation, prohibit, as its primary energy source, the burning of natural gas or petroleum products by any major fuel-burning installation (including any existing electric powerplant) which, on the date of enactment of this legislation, has the capability and necessary plant equipment to burn coal. Any installation to which such an order applies is permitted to continue to use coal and coal by-products as provided in section 119(b) of the Clean Air Act. To the extent coal supplies are limited to less than the aggregate amount of coal supplies which may be necessary to satisfy the requirements of those installations which can be expected to use coal (including installations to which orders may apply under this subsection), the Administrator shall prohibit the use of natural gas and petroleum products for those installations where the use of coal will have the least adverse environmental impact. A prohibition on use of natural gas and petroleum products hereunder is contingent upon the availability of coal, coal transportation facilities, and the maintenance of reliability of service in a given service area. Assessment of the availability of coal would take into consideration the physical and economic feasibility of its production, transportation to the powerplant, and any state laws or policies limiting its extraction or use.

The administrator must require that fossil-fuel-fired electric powerplants in the early planning process, other than combustion gas turbine and combined cycle units, be designed and constructed so as to be capable of using coal as a primary energy source instead of or in addition to other fossil fuels. No fossil-fuel-fired electric powerplant is required to be so designed and constructed, if (1) to do so would result in an impairment of reliability or adequacy of service, or (2) if an adequate and reliable supply of coal is not available and is not expected to be available. In considering whether to impose a design or construction requirement, the Administrator shall consider the existence and effects of any contractual commitment for the construction of such facilities and the capability of the owner or operator to recover any capital investment made as a result of the conversion requirements of this section.

The Administrator is authorized by rule to prescribe a system for allocation of coal to users thereof in order to attain the objectives specified in this section.

MATERIALS ALLOCATION

Senate bill

The first paragraph of section 313 would authorize the President to allocate supplies of materials, equipment, and fuel associated with exploration, production, refining, and required transportation of energy supplies to maintain and increase the production of coal, crude oil, natural gas, and other fuels.

Under section 606 the President would be authorized to allocate residual fuel oil and refined petroleum products for the maintenance of exploration for, and production or extraction and processing of, minerals, and for transportation related thereto.

House amendment

Section 103(b) would amend section 4(b) of the EPAA to provide for such allocation for maintenance of exploration for, and production or extraction of fuels and minerals essential to the requirements of the United States, and for required transportation related thereto.

Section 210 would allow the formulation of rules to provide the necessary fuels for all operations of any project or enterprise authorized by the Federal Government.

Conference substitute

Under section 107(a) of the conference substitute, the Administrator must within 30 days after enactment of the legislation propose and publish a contingency plan for allocation of supplies of materials and equipment necessary for exploration, production, refining, and required transportation of energy supplies and for the construction and maintenance of energy facilities. When he finds it necessary to put all or part of the plan into effect, he must transmit the plan or portion thereof to Congress and such plan or portion thereof shall take effect in the same manner as an energy conservation plan prescribed under section 105.

Section 107(b) of the conference substitute is the same as section 103(b) of the House amendment which is described above.

FEDERAL ACTIONS TO INCREASE AVAILABLE DOMESTIC PETROLEUM SUPPLIES

Senate bill

Section 207 would authorize the President—

(a) to require that existing domestic oil fields produce at their maximum efficient rate (MER). MER is a level of production fixed by State agency regulation at which it is estimated that production can be sustained without detriment to the ultimate recovery;

(b) to require certain designated oilfields, on lands in which there is a Federal interest, to produce in excess of their maximum efficient rate. Such fields would be those in which production in excess of their currently assigned maximum efficient rate would not result in excessive risk of losses of recovery;

(c) to require adjustment of product mix in domestic refinery operations, in accordance with national needs and priorities; and

(d) to order acceleration of oil and gas leasing programs, both onshore and offshore, and for geothermal leasing. Such an accelerated program would be subject to the provisions of all existing laws, including the National Environmental Policy Act.

House amendment

Section 103(a) would add a new section 4(h)(4) to the EPAA which would vest the President with the same authority with respect to refineries as provided in section 207 (c) of the Senate bill.

Section 103(a) would also add new section 4(i) to the EPAA. This new section would authorize the President to require the production of crude oil at the MER. He would consult with the Department of the Interior and with State governments in order to determine which producers shall be so required. The MER would be as determined by the State in which the field is located. However, after consultation with such State or with the Department of the Interior, the President may set a higher rate if he determines that in doing so the ultimate recovery of crude oil and natural gas is not unreasonably impaired.

Existing and future development plans for the production of crude oil on Federal lands would include or be amended to include provisions for the secondary recovery and, insofar as possible, the tertiary recovery of crude oil before the well was abandoned.

Conference substitute

Section 108(a) of the conference substitute is substantially the same as the provisions of the Senate bill described above, except that section 108 vests the authority in the Administrator of FEEA rather than the President, and the provisions for accelerated leasing programs are not included.

Section 180(b) of the conference substitute provides that nothing in this section shall be construed to authorize the production of any Naval Petroleum Reserve now subject to chapter 641 of title 10 of the U.S.C.

OTHER AMENDMENT TO THE EMERGENCY PETROLEUM ALLOCATION ACT OF 1973

Senate bill

No provision.

House amendment

Section 103(a) of the House amendment would have added a new subsection (1) to section 4 of the Emergency Petroleum Allocation Act. Such new subsection would require that, if any allocation of residual fuel oil or refined petroleum products under section 4(a) of the EPAA is based on the amount used or supplied during a historical period, adjustments could be made reflecting regional disparities in use, or unusual factors influencing use, in the historical period. This subsection would take effect 30 days after enactment of the legislation.

Section 103(c) would amend section 4(c)(3) of the EPAA to direct the President, when requiring adjustments in allocations, to take into account lessened use of crude oil, residual fuel oil, and refined petroleum products prior to enactment as a result of unusual regional climatic variations.

Section 103(d) would amend section 4(g)(1) of the EPAA to change the termination date in each case to May 15, 1975.

Conference substitute

Section 109 of the conference substitute is the same as the House amendment, except that—

(1) the new subsection which would be added to section 4 of the EPAA would be designated as subsection (1),

(2) population growth and unusual changes in climate conditions are added as factors on which adjustments under the subsection can be based, and such adjustments to reflect population growth will be based on the most current figures available from the Bureau of the Census,

(3) a specific provision has been added so that adjustments under the subsection shall take effect no later than 6 months after the date of enactment of the legislation, and

(4) the amendment to section 4(c)(3) is omitted.

PROHIBITION ON INEQUITABLE PRICING

Senate bill

No provision.

House amendment

Section 117 amended the Emergency Petroleum Allocation Act to require the President to set prices for crude oil, residual fuel oil and refined petroleum products at such a level as to prevent windfall profits to sellers. If, upon petition by an interested party, the Renegotiation Board (established by section 107(a) of the Renegotiation Act of 1951) determines that a price permits windfall profits, the Board may specify a price which does not result in such profits, and may order the refund to purchases of an amount equal to the windfall profits gained.

For the purposes of this section, windfall profits were defined as either profits in excess of a reasonable profit with respect to the particular seller, considering volume of production, net worth, risk, efficiency, etc.; or, the average profit for the firm or the industry in the period 1967 through 1971.

Conference substitute

The conference substitute rewrites the provisions of the House amendment. The House amendment included provisions designed to prohibit windfall profits-price gouging. The thrust of these provisions was to provide pricing protection for industrial and individual consumers of petroleum products. Under its terms, the President was *directed* to exercise his pricing authority under the Economic Stabilization Act of 1970 and the Emergency Petroleum Allocation Act of 1973 to specify prices for crude oil, residual fuel oil, and refined petroleum products to prevent windfall profits and price gouging by sellers. This was to be accomplished by specifically directing the President to establish prices which avoid windfall profits; by providing a procedure before the Renegotiation Board by which interested persons could obtain review of established prices and, in certain events, a rollback of such prices; and by including procedures permitting consumers to force individual companies to return windfall profits resulting from excessive prices. These provisions were incorporated in the House amendment out of a sense of dissatisfaction with the lack of limitations in existing law on the exercise of the President's pricing authority. This situation had permitted the President to adopt pricing policies which were producing unreasonably high profits for persons engaged in the petroleum industry in what a majority of House members believed to be a misdirected effort to allow the prices for short supplies to rise to levels which would discourage demand. The Senate bill contained no specific control on the exercise of the President's pricing authority similar to that of the House amendment.

The Conference substitute has shifted the emphasis away from a concentration on the profits produced by such prices to instead concentrate on the reasonableness of the levels of such prices. Here the conferees have refined the direction to the President to specifically require that the President specify equitable prices for domestic crude oil, all residual oil, and all refined petroleum products. This section further provides that, within 30 days after enactment of this Act, the ceiling price for all crude oil be the price for that grade of oil in that field at 6:00 a.m., May 15, 1973, plus $1.35. On a national average basis, this new price would be approximately $5.25. If this new price results in a rollback, as it would for oil not now subject to price controls, any such savings must be passed on to the ultimate consumers of residual oil or refined petroleum products, on a dollar-for-dollar passthrough, in an equitable and proportional manner among the consumers of different products.

Such proportional distribution of the passthrough shall be established on the basis of historical sales, using as the base period 1972, the same as that set out under the Emergency Petroleum Allocation Act.

For certain classes of crude, the President may establish a ceiling price up to 35 percent above the general ceiling price, upon transmittal to Congress of an explanation thereof and justification therefor.

Categories which the conferees envision could be granted at ceiling price above the average ceiling price of $5.25, would be crude oil produced from stripper wells, oil produced by secondary or tertiary recovery, and other sources of crude which require higher prices to permit recovery of costs and to provide additional incentives to maintain production and stimulate new development.

With certain exceptions, the conference substitute provides that in making any future change in the regulation which establishes a price or method for determining the price of crude oil, residual fuel oil, and refined petroleum products, the President shall afford interested persons an opportunity of not less than 10 days to present oral and written views on the proposed change. In certain crucial circumstances, the President is entitled to waive the 10 day comment period and make price changes immediately effective. It is the express and deliberate intent of the conferees, however, that such waivers occur in only emergency circumstances and that even in such an event the President would be directed to afford an opportunity of comment following implementation of the amendment to the regulation.

Moreover, in addition to the procedural protections provided in this section the conference substitute has incorporated separate procedures governing the judicial review of amendments to the pricing regulation.

Section 110 also provides for procedure whereby persons may petition the President to obtain administrative review of prices established by regulation.

PROTECTION OF FRANCHISED DEALERS

Senate bill

Section 607 would provide for protection of franchised dealers. The term "franchise" would mean any agreement or contract between a refiner or a distributor and a retailer or between a refiner and a distributor, as these terms were defined by the section. A refiner or distributor was prohibited from terminating a franchise unless he furnished prior notification to each affected distributor or retailer in writing by certified mail not less than 90 days prior to the date on which

such franchise would be canceled. Such notification must contain a statement of intention to terminate with the reasons therefor, the date on which such action would take effect, and a statement of the remedy or remedies available to such distributor or retailer. This franchise could not be terminated by the refiner or distributor unless the affected retailer or distributor failed to comply substantially with any essential and reasonable requirement of such franchise or failed to act in good faith in carrying out its terms, or unless such refiner or distributor withdrew entirely from the sale of petroleum products in commerce for sale other than resale in the United States.

A retailer with a franchise agreement could bring suit against a distributor or refiner whose actions affected commerce and who has engaged in conduct prohibited by this section. Similarly, a distributor could bring suit against a refiner. Such suits could be brought in a United States district court if commenced within three years after the cancellation, failure to renew, or termination of a franchise. The district court was empowered to grant the necessary equitable relief including declaratory judgment and injunctive relief. The court could grant an award for actual and punitive damages as well as reasonable attorney and expert witness fees.

House amendment

Section 113 amended the Emergency Petroleum Allocation Act of 1973 to provide for fair marketing of petroleum products. Certain terms were defined, including "commerce" to mean commerce between a state and a point outside such state; "marketing agreement" to mean a specified portion of an agreement or contract between a refiner and a branded independent marketer.

The notice and termination requirements would be the same as those in the Senate bill except that termination could not be made for withdrawal from the market unless the refiner did not for three years after termination engage in the sale of petroleum products in the same relevant market area within which the terminated marketer operated. Another difference required a terminated marketer to bring suit in district court against a refiner within four years after the date of termination of such marketing agreement.

Conference substitute

Section 111 of the conference substitute is the same as the Senate bill, except that—

(1) the terms "distributor," "refiner" and "retailer" are defined in terms of a *person* engaged in certain acts, rather than in terms of an *oil company* engaged in certain acts as in the Senate bill, and

(2) in the case of an action for failure to renew a franchise, damages would be limited to actual damages including the value of the dealer's equity. The provisions of this section shall expire with the expiration of the Act, except for pending actions or proceedings, or claims based on actions prior to that expiration date.

PROHIBITIONS ON UNREASONABLE ACTIONS

Senate bill

No provision.

House amendment

Section 115 provides that actions taken under the legislation, the Emergency Petroleum Allocation Act of 1973, or other Federal law resulting in allocation or restriction on the use of refined petroleum products and electrical energy must be equitable and not arbitrary or capricious or unreasonably discriminate among users.

In the case of allocations of petroleum products applicable to foreign commerce no foreign entity would receive more favorable treatment than that which is accorded by its home country to U.S. citizens in the same line of commerce. Allocations would include provisions designed to foster reciprocal and nondiscriminatory treatment by foreign countries of U.S. citizens engaged in foreign commerce.

Section 105(c) would provide that, to the maximum extent practicable, restrictions on the use of energy shall be designed to be carried out in such manner so as to be fair and to create a reasonable distribution of the burden on all sectors of the economy, without imposing an unreasonably disproportionate share on any specific industry, business, or commercial enterprise, and shall give due consideration to the needs of commercial, retail, and service establishments with unconventional working hours.

Conference substitute

Section 112 of the conference substitute is the same as the House amendment except that section 112(a) refers to allocation of petroleum products and electrical energy among classes of users. Section 112(b) incorporates the provisions of section 105(c) of the House amendment.

It is the intent of the conferees that foreign corporations be accorded treatment under allocation programs comparable to that accorded United States corporations which operate in their respective countries of origin or incorporation. The President is granted discretion to waive this provision if he determines its strict application would be contrary to the purposes of the Act, and publishes his finding to that effect in the Federal Register. Examples might be allocation of fuels for activities such as petroleum exploration and development, or construction of pipelines or refineries in the United States, by a foreign corporation to serve United States needs, or the use of allocation authority as an economic bargaining tool with foreign nations.

REGULATED CARRIERS

Senate bill

Under section 204(b)(1), the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission with respect to certain carriers which they regulate could make reasonable and necessary adjustments in the operating authority of such carriers in order to conserve fuel.

Section 204(b)(2) would require each of these agencies to report to the appropriate Committees of Congress within 15 days after enactment of the legislation on the need for additional regulatory authority to conserve fuel.

House amendment

Sections 107(a) and 107(d) of the House amendment are substantially the same as the provisions of the Senate bill described above, except that the reports of the ICC, CAB, and FMC would not have to be submitted until 60 days after the date of enactment of the legislation.

In additon, section 107(b) would require the ICC to eliminate restrictions on the operating authority of any motor common carrier of property which requires excessive travel between points. This would be done without disrupting essential service to communities served by any such carrier.

Section 107(c) would require the ICC to adopt rules which contribute to conserving energy by eliminating discrimination against the shipment of recyclable materials in rate structures and Commission practices.

Conference substitute

Section 113 of the conference substitute is the same as the House amendment with two exceptions. The reports of the ICC, CAB, and FMC must be submitted within 45 days after enactment and section 107(c) of the House amendment is deleted.

ANTITRUST LAWS

Senate bill

Under section 314, the President would develop plans of action and could authorize voluntary agreements which are necessary to achieve the purposes of the legislation. In addition, the President could provide for the establishment of interagency committees and advisory committees.

Advisory committees would be subject to the Federal Advisory Committee Act of 1972 and would be chaired by a regular full-time Federal employee.

An appropriate representative of the Federal Government would attend each meeting of any advisory committee or interagency committee established under the legislation. The Attorney General and the Federal Trade Commission would be given advance notice of any meeting and could have an official representative attend and participate in any such meeting.

A verbatim transcript would be kept of all advisory committee meetings, and subject to existing law concerning the national security and proprietary information, would be deposited together with any agreement resulting therefrom with the Attorney General and the Federal Trade Commission. The transcript would be available for public inspection.

The Attorney General and the Federal Trade Commission would participate in the preparation of any plans of action or voluntary agreement and could propose any alternative which would avoid, to the greatest extent practicable, any anticompetitive effects while achieving the purposes of the legislation. They would also review, amend, modify, disapprove or prospectively revoke any plan of action or voluntary agreement which they determined was contrary to the purposes of section 314 or not necessary to achieve the purposes of the legislation.

If necessary to achieve the purposes of the legislation, owners, directors, officers, agents, employees, or representatives of two or more persons engaged in the business of producing, transporting, refining, marketing, or distributing crude oil or any petroleum product would meet, confer, or communicate in accordance with the provisions of section 314 and solely to achieve the objectives of the legislation. In those instances, such persons would have a defense against any civil or criminal action brought under the antitrust laws.

The Attorney General would be granted authority to exempt certain meetings, conferences, or communications from being chaired by a regular full-time Federal employee or from the requirement that a verbatim transcript be kept, deposited with the Attorney General and Federal Trade Commission and made available for public inspection.

The President could delegate the functions of developing plans of action, authorizing voluntary agreements, and providing for the establishment of interagency committees and advisory committees.

Section 708 of the Defense Production Act of 1950 would not apply to any action taken under this legislation or the Emergency Petroleum Allocation Act of 1973. The provisions of sections 314 would apply to the latter Act, notwithstanding any inconsistent provisions of section 6(c) thereof.

There would be a defense available to any civil or criminal action brought under the antitrust laws arising from any course of action, meeting, conference, communication or agreement which was held or made in compliance with the provision of this section.

The Attorney General and the Federal Trade Commission would be responsible for monitoring any plan of action, voluntary agreement, regulation, or order approved under section 314 to prevent anticompetitive practices and promote competition.

The Attorney General and the Federal Trade Commission would promulgate joint regulations concerning maintenance of documents, minutes, transcripts, and other records relating to the implementation of any plan of action, voluntary agreement, regulation, or order approved under the legislation.

Persons involved in any such implementation would be required to maintain the record required by any such joint regulation and make them available for inspection by the Attorney General and the Federal Trade Commission at reasonable times on reasonable notice.

Actions taken by the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission under section 204(b)(1) would not have as their principal purpose or effect the substantial lessening of competition among the carriers affected. Actions taken under that section would be taken only after providing an opportunity for participation to the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division.

House amendment

The provisions of section 120 are similar to the provisions in the Senate bill described immediately above. However, the following differences should be noted:

The House version vests various powers and duties in the Administrator of the Federal Energy Administration. In the Senate version powers and duties were vested in the President.

The House version requires that advisory committees include representatives of the public and be open to the public.

The Administrator, subject to the approval of the Attorney General and the Federal Trade Commission would by rule promulgate standards and procedures by which persons engaged in the business of producing, refining, marketing, or distributing crude oil, residual fuel oil, or any refined petroleum product could develop and implement voluntary agreements and plans of action to carry out such agreements which the Administrator determines are necessary to accomplish the objectives of section 4(b) of the EPAA. Such standards and procedures would be promulgated under the section 553 of title 5, United States Code. Several standards and procedures are set forth and required by the legislation.

The Federal Trade Commission instead of the Attorney General could exempt types or classes of meetings, conferences, or communications from the requirement that a verbatim transcript be kept and deposited with the Attorney General and Federal Trade Commission and made available for public inspection and copying.

Any voluntary agreement or plan of action entered into under the section would have to be submitted in writing to the Attorney General and the Federal Trade Commission 20 days before being implemented and would be available for public inspection and copying.

The Attorney General and the Federal Trade Commission could each prescribe rules and regulations necessary or appropriate to carrying out their responsibilities under the legislation.

The Attorney General and the Federal Trade Commission would each submit to the Congress and the President at least once every 6 months a report on the impact on competition and on small business of actions authorized by section 120.

The authority granted under section 120 and any immunity from the antitrust laws thereunder would terminate on December 31, 1974.

RETAIL AND SERVICE ESTABLISHMENTS—VOLUNTARY ENERGY CONSERVATION AGREEMENTS

Section 114 of the House amendment would provide that within fifteen days of enactment of the legislation, the Administrator, in consultation with the Attorney General and the Federal Trade Commission, would promulgate standards and procedures for retail or service establishments to enter into voluntary agreements to limit operating hours, adjust retail-store delivery schedules and take such other action as the Administrator, after consultation with the Attorney General and the Federal Trade Commission, determines to be necessary and appropriate to accomplish the objectives of this Act.

Such standards and procedures would be promulgated pursuant to section 553 of title 5 of the United States Code. Among these standards and procedures would be provision for the filing of a copy of any agreement with the Attorney General and the Federal Trade Commission, which would be available for public inspection. Meetings held to develop and implement a voluntary agreement could be attended by interested persons, who would be afforded opportunity to make oral and written presentations, and such meetings shall be preceded by timely notice to the Attorney General, the Federal Trade Commission and be available to the public in the affected community. A summary of such meeting, along with any written presentation of interested persons, would be submitted to the Attorney General and the Federal Trade Commission and be available for public inspection. Actions in good faith which are taken by firms in conformity with this section to develop and implement a voluntary energy conservation agreement shall not be construed to be within the prohibitions of the antitrust laws of the United States, the Federal Trade Commission Act or similar State statutes.

Any voluntary agreement entered into under this section would be submitted to the Attorney General 10 days before being implemented. The Attorney General at any time on his own motion or upon request of any interested person could disapprove any voluntary agreement under section 114 and thereby withdraw prospectively any immunity from the antitrust laws.

No voluntary agreement under this section would pertain to activities relating to marketing and distribution of crude oil, residual fuel oil or refined petroleum products, which are matters dealt with under section 120. Also, this section is limited to those voluntary agreements in which all members have 75 per cent of their annual sales not for resale and recognized as retail in the particular industry, as determined by the Attorney General.

The Attorney General and the Federal Trade Commission would be required to submit to Congress and the President at least once every six months a report on the impact on competition and on small business of agreements authorized by this section.

Conference substitute

Section 114 of the conference substitute is the same as section 120 of the House amendment, except that the authority granted and any immunity from the antitrust laws thereunder would terminate on May 15, 1975.

EXPORTS

Senate bill

Subsection (e) of section 207 authorized the President to limit the export of gasoline, number 2 fuel oil, residual fuel oil, or any other petroleum product, pursuant to the Export Administration Act of 1969, to achieve the purposes of the Act.

House amendment

To the extent necessary to carry out the purposes of the Act, section 123 authorized the Administrator by rule to restrict exports of coal, petroleum products, and petrochemical feedstocks, under such terms as he deems appropriate. He must restrict exports of such commodities if the Secretary of Commerce or the Secretary of Labor certified that such exports would contribute to unemployment in the United States. The Administrator could use, but was not limited to, existing statutes such as the Export Administration Act of 1969. Rules should take into account the historical trading relations with Canada and Mexico and should not be inconsistent with section 4(b) and (d) of the Environmental Protection Agency Act.

Conference substitute

Section 115 of the conference substitute follows the provisions of the House amendment. The authority of the Administrator to set appropriate terms for the restriction of exports of coal, petroleum products, and petrochemical feedstocks and the requirement that he do so upon certification by the Secretary of Commerce or the Secretary of Labor is the same as in section 123 of the House amendment.

In addition, the Secretary of Commerce, pursuant to the Export Administration Act of 1969 may restrict the exports of coal, petroleum products, and petrochemical feedstocks, and of materials and equipment essential to the production, transport, or processing of fuels to the extent necessary to carry out the purpose of this legislation and sections 4(b) and 4(d) of the Emergency Petroleum Allocation Act of 1973. If the Administrator certifies to the Secretary of Commerce that export restrictions of such commodities are necessary to carry out the purposes of this legislation, the Secretary of Commerce shall impose such export restrictions. The requirements for rules in the House amendment are also applied to actions taken by the Secretary of Commerce under the Export Administration Act of 1969.

The Committee has confined the export control authority to petrochemical feedstocks, coal, and petroleum products which are subject to allocation under the Emergency Petroleum Allocation Act of 1973. In using the term "petrochemical feedstocks" the Committee intends to identify the basic hydrocarbon derivatives of crude oil such as propane, butane, naphtha, olefins such as ethylene and propylene, aromatics such as benzene, toluene and the xylenes, extender oil used in the manufacture of rubber, and aromatic oils used in the manufacture of carbon black.

The Committee has vested separate authority in both the Administrator and the Secretary of Commerce in connection with the administration of the Export Administration Act. This will insure that the essential needs of American consumers will be met and that private enterprises will not be permitted to export energy in a manner not in accord with the national interest.

EMPLOYMENT IMPACT AND WORKER ASSISTANCE

Senate bill

Section 208 would direct the President to take into consideration and minimize, to the fullest extent practicable, any adverse impact of actions taken under this Act upon employment. All government agencies would be directed to cooperate fully to minimize any such adverse impact.

Section 501 would direct the President to make grants to states to provide unemployment assistance to individuals as he deemed appropriate during the individual's unemployment. The individual must be not otherwise eligible for unemployment compensation or have exhausted his eligibility for it. There is a two-year limitation on the eligibility for such assistance and a limitation on the amount.

This section would also authorize the President to prescribe terms and conditions for the distribution of food stamps through the Secretary of Agriculture pursuant to the provisions of the Food Stamp Act of 1964, as amended, for so long as he determined necessary. The Secretary of Labor would be directed to provide reemployment assistance services under other laws to any unemployed individual, including assistance to relocate in another area where employment was available.

The President would be directed, acting through the Small Business Administration, to make loans to aid in financing domestic

projects required by the Administration for administration or enforcement of the Act for approved private and public applicants. The President would determine the terms and conditions of such financial assistance subject to stated exceptions.

The authorization of such appropriations as might be necessary to carry out the provisions of this section would be included. The Secretary of Labor must report to Congress on the implementation of this section no later than six months after enactment and annually thereafter. The report must include an estimate of the funds necessary in each of the succeeding three years.

House amendment

Section 122 included provisions very similar to those in the Senate bill except that the distribution of food stamps and reemployment assistance and Small Business loans would not be provided for. Also, the President was required to report to Congress within 60 days of enactment on the present and prospective impact of energy shortages upon employment, the adequacy of existing programs to deal with such impact, and recommendations for legislation needed to adequately meet the needs of adversely affected workers.

Conference substitute

Section 116 of the Conference report provides for grants to be made to the States to enable them to extend the coverage of their unemployment compensation to persons adversely affected by the implementation of this Act as well as those directly and adversely affected by energy allocations, energy shortages, energy conservation measures and changes in consumption patterns as a result of the energy emergency. Such coverage would be available beyond the duration provided ordinarily under State law, and would extend to persons not otherwise covered by unemployment insurance programs, up to a period not to exceed one year. In adopting this provision, the Conferees recognized that energy-related unemployment will be severe in the coming months—perhaps reaching recessionary levels—and will touch virtually all sectors of the economy.

The Committee believes that, at a time when the American people are being asked to bear the burden of the shortage, the government should also act to provide programs to assist persons and families who face hardships as a result of unemployment caused by the energy shortage.

The authorization for this section is limited to $500,000,000 each year.

The conferees wish to make some specific notations of their understanding of how this section is to operate. It is to be emphasized that this action requires the President to make grants to the states to provide unemployment compensation for persons who have exhausted their state rights to unemployment compensation and for others engaged in classes of employment not otherwise entitled to unemployment compensation under state programs. In giving rule making authority to the President to govern the issuance of such grants, the conferees intend that the President exercise that authority to define the nature of the criteria or formula pursuant to which states receive grants-in-aid under this section. Within the dimensions of the assistance program as established by the President's regulations, the state is to administer the program. Grants to the states may include reimbursement for the costs of administration of this program. It is also to be emphasized that the states are to determine whether the unemployment is attributable to the energy crisis and may also determine whether an unemployed person continues to be eligible for compensation under this section.

USE OF CARPOOLS AND GOVERNMENT MOTOR VEHICLES

Senate bill

Section 605 directs the Secretary of Transportation to encourage the creation and expansion of the use of carpools and to establish within DOT an Office of Carpool Promotion and authorizes an appropriation of $25,000,000 for the conduct of programs to promote carpools. Appropriated funds would be allocated to State and local governments in fixed proportions to carry out the promotion of carpooling. The Secretary would make a report to the Congress within one year after enactment of the legislation on his activities and expenditures under section 605.

Section 603 would generally preclude the use of funds for passenger motor vehicles or to pay the salaries of drivers of such vehicles unless they are operated out of carpools.

This would not apply to vehicles for the use of the President and one each for the Chief Justice, members of the President's Cabinet, and the elected leaders of Congress, or to vehicles operated to provide regularly scheduled service on a fixed route.

House amendment

Section 116(a)–(f) of the House amendment is generally the same as the provisions of section 605 of the Senate bill with respect to carpools, except that only $1 million is authorized to carry out the provisions of the section. Section 116(g) would define local governments and local units of government.

The President under section 116(h) would be required to take action to require all agencies of the Government, where practicable, to use economy model motor vehicles.

Section 116(h) would also specify the number of "fuel inefficient" motor vehicles which could be purchased for the Federal Government in fiscal years 1975 and 1976.

Section 116(i) would direct the President to take action to prevent with specified exceptions any officer or employee in the Executive Branch below the rank of Cabinet officer from being furnished a limousine for his individual use.

Conference substitute

Section 117 (a) through (h) of the conference substitute is the same as section 116 (a) through (h) of the House amendment with two exceptions. The sum of $5 million, not $1 million, is authorized to be appropriated for the conduct of programs to promote carpools, such authorization to remain available for two years. Also, the provisions in section 116(h) of the House amendment on government motor vehicles specifying the number of "fuel inefficient" motor vehicles which could be purchased has been deleted. With regard to the use of limousines by Federal officials, the conferees adopted language from both the Senate and House provisions. The report provides among other things that no funds be expended for chauffeurs for individual use by government officials.

ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

Senate bill

Section 311(a) would waive the more time-consuming procedures of the Administrative Procedure Act, notably the requirements of adjudicatory hearings according to section 554 of title 5, United States Code, which could otherwise apply to functions exercised under the Act. However, the requirements of sections 552, 553 (as modified by section 311(b) of the Act), 555 (c) and (e), and 702 would apply to such functions.

Section 311(b) would require that all rules, regulations, or orders promulgated pursuant to the Act be subject to the provisions of section 553 of title 5, United States Code, with the following exceptions: (1) Notice and opportunity to comment (a minimum of five days) by publication in the Federal Register on all proposed general rules, regulations or orders (this requirement could be waived upon a finding that strict compliance would cause grievous injury); (2) public notice of State rules, regulations, or orders promulgated pursuant to section 203 of the Act by widespread publication in newspapers of statewide circulation, and (3) public hearings on those rules, regulations, or orders issued by authorized agencies and determined to have substantial impact, to be held prior to implementation to the maximum extent practicable and no later than sixty days following implementation.

Section 311(c)(1) would require, in addition to the requirements of section 552 of title 5, United States Code, any agency authorized to issue rules or orders to make available to the public all internal rules and guidelines upon which they are based, modified as necessary to insure confidentiality protected under such section 552. Such agency must publish written opinions on any grant or denial of a petition requesting exemption or exception within thirty days with appropriate modifications to insure confidentiality.

Authorized agencies would also be required to make adjustments to prevent hardships and establish procedures available to any person making appropriate requests.

Section 311(d) would require the President's proposals submitted pursuant to section 301 of the Act to include findings of fact and explanation of the rationale for each provision, proposed procedures for the removal of restrictions imposed, and a schedule for implementing the provisions of section 552 of title 5, United States Code.

Section 312 contained judicial review provisions. National programs required by the Act and regulations establishing such national programs could be challenged only in the United States Court of Appeals for the District of Columbia within 30 days of the promulgation of the regulations. Programs and regulations of general, not national, applicability (to a State, or several States, or portions thereof) could be challenged only in the United States Court of Appeals for the appropriate circuit within 30 days of promulgation. Otherwise, the United States district courts would have original jurisdiction of all other litigation arising under the Act.

However, this section would not apply to actions taken under the act by the Civil Aeronautics Board, the Interstate Commerce Commission, the Federal Power Commission, or the Federal Maritime Commission. The judicial review provisions in their respective organic acts would apply for the sake of uniformity.

House amendment

Section 109(a) would provide for the streamlining of administrative procedures for actions taken pursuant to this Act and the Emergency Petroleum Allocation Act, including the formulation of energy conservation plans.

Actions taken under title I of the bill and under the allocation exchange authority in section 205 would be subject to special administrative procedure and judicial review provisions. Section 109 would provide expedited administrative procedures for Federal actions. These same procedures would also apply to State actions unless the Federal Energy Administrator specified different but comparable procedures for the State. Included among the procedures are publication and notice and an opportunity for comment on agency rules and orders. All rules and orders issued by Federal and State agencies both under title I and under the new subsections (h) and (i) of section 4 of the Emergency Petroleum Allocation Act would

be required to include provisions for making adjustments in hardship cases.

Section 109(b) would provide judicial review of rules issued under these provisions in the Temporary Emergency Court of Appeals which was created under the Economic Stabilization Act. Orders issued in individual cases would be reviewed first in the United States district court and then in the Temporary Emergency Court of Appeals.

Section 109(c) would authorize the Administrator to prescribe by rule procedures for State or local boards carrying out functions under the Act or the Emergency Petroleum Allocation. Such procedures would apply in lieu of those in section 109(a) and would require notice to affected persons and an opportunity for presentation of views. Such boards must be of balanced composition reflecting the makeup of the community as a whole.

The bill would not alter the judicial review provisions of the Clean Air Act. These would continue to apply to actions taken by the Administrator of EPA under that Act, including the amendments made to that Act by the Energy Emergency Act.

Conference substitute

Section 118 of the conference substitute incorporated provisions of both the Senate bill and the House amendment. The administrative procedures of section 118(a) are the same as the streamlined administrative procedures of section 109(a) of the House amendment, with the addition of section 311(c)(1) of the Senate bill as section 118(a)(5) of the conference substitute.

Section 118(b) on judicial review is the same as section 312 of the Senate bill, except that any actions taken by any State or local officer who has been delegated authority under section 122 of the conference substitute would be subject either to district court jurisdiction or to appropriate State courts.

PROHIBITED ACTS

Senate bill

No provision.

House amendment

Section 110 stated that the following acts would be prohibited under the Act: (1) to deny full fillups of diesel fuel to trucks, unless a rationing program is in effect which restricts such full fillups to trucks or if the diesel fuel is not available for sale; (2) to violate any order concerning the use of coal as a primary energy source pursuant to section 106; (3) to violate export restrictions established under section 123; (4) to violate any order of the Renegotiation Board issued pursuant to its authority under section 117.

Conference substitute

Section 119 of the conference substitute makes it unlawful for any person to violate any provision of Title I of this legislation (except provisions making amendments to the Emergency Petroleum Allocation Act and section 113) or to violate any rule, regulation (including an energy conservation plan), or order issued pursuant to such provisions.

ENFORCEMENT

Senate bill

Section 306 provides for application by the Attorney General to the appropriate United States district court to restrain violation of the Act or regulations or orders issued thereunder by issuing a temporary restraining order, preliminary or permanent injunction.

Section 307 provided for criminal penalty of not more than $5,000 for each willful violation of any order or regulation issued pursuant to the Act and a civil penalty of not more than $2,500 for each day of each violation of any order or regulation issued pursuant to the Act. In addition, subsection (c) made it unlawful to sell or distribute in commerce any product or commodity in violation of an applicable order or regulation. Any person who knowingly and willfully, after having been subjected to a civil penalty for a prior violation of any order or regulation violated the same provision of that order or regulation would be fined not more than $50,000 or imprisoned not more than six months or both.

House amendment

Section III provided for fines up to $5,000 for each willful criminal violation of the Act, and civil penalties up to $2,500 for each violation of any provision of a prohibited act.

The Attorney General was authorized by this section to obtain temporary restraining orders or preliminary injunctions against actual or impending violations of this Act. It also provided for the private injunction actions.

Conference substitute

Section 120 of the conference substitute is the same as the House amendment. In addition, the provisions of subsection (c) of section 307 of the Senate bill are included.

USE OF FEDERAL FACILITIES

Senate bill

Section 305 would provide for the use of surplus government equipment or facilities, whenever practicable and to facilitate the transportation and storage of fuel, by domestic public entities and private industries for the duration of the emergency. Arrangements for such use with Federal agencies or departments must be made at fair market prices and only if such facilities or equipment would be needed, otherwise unavailable, and not required by the Federal government.

House amendment

No provision.

Conference substitute

Section 121 of the conference substitute is the same as the Senate bill, except that such government equipment or facilities must also be appropriate to the transportation and storage of fuel and can be acquired as well as used by domestic public entities and private industries. The use of Federal facilities is authorized during the period beginning on the date of enactment and ending May 15, 1975.

This provision was adopted by the conferees primarily for the purpose of freeing for use tankers now being kept in "mothballs" by the Armed Services. Such tanks, largely left over from World War II, could be used by private carriers for storing oil or for transporting oil in coastwise trade where the Jones Act would otherwise prohibit the use of foreign tankers. It was the express intent of the conferees that any use of such surplus Federal equipment would not put the Federal government in the transportation business. The Navy, for example, would not be required to operate any tankers used for private shipment of oil.

DELEGATION OF AUTHORITY AND EFFECT ON STATE LAWS

Senate bill

Section 304 would provide that only State laws or programs which are inconsistent with this legislation would be superseded by it.

House amendment

Section 108 would permit the Administrator to delegate all or any of his functions under the Act or the EPAA to any officer or employee of the Federal Energy Administration. He could also delegate any of his functions relative to implementation of regulations and energy conservation plans under either of such Acts to State officers or State and local boards of balanced composition. This section would also repeal section 5(b) of the EPAA, effective on the date of transfer of functions under such Act to the Administrator.

Conference substitute

Subsection (a) of section 122 of the conference substitute is the same as the House amendment except that the Administrator may only delegate any of his functions relative to implementation of energy conservation regulations to officers of a state or locality.

Subsection (b) is the same as the Senate bill, except that a technical amendment is made reflecting the fact that the terms "regulation", "order" and "energy conservation plan" are used in the legislation rather than "program".

The Administrative mechanism for the implementation of the conservation and rationing program provided for in the Act must be such as to insure equity on a nationwide basis. At the same time it is imperative that it be responsive to the varying conditions and unique problems of the several States and regions of the Nation. For that reason, the conferees drew from both the House and Senate bills in drafting sections 104 and 122 which authorizes the Administrator to delegate functions assigned to him. Such delegation may be to either State and regional officers of the Administration or to the officers of a State or locality. For the implementation of rationing programs the establishment and use of State or local boards to handle hardship appeals and perform other functions is authorized. To insure that any rationing program is as just and equitable as possible, section 122 specifically requires that State or local boards must be of balanced composition so as to reflect the makeup of the community as a whole. This provision is intended to insure that the interests of all classes of users are both represented and protected. The Act authorizes the appropriation of funds from which the Administrator may make grants to the States for the exercise of such authority as he may delegate or for the Administrator of State or local energy conservation measures which are independent of the authority in this Act.

GRANTS TO STATES

Senate bill

Section 315 would authorize the President to make grants to any State or major metropolitan government, in accordance with but not limited to, section 302 for the purpose of assisting, developing, administering, and enforcing emergency fuel shortage contingency plans under the Act and fuel allocation programs authorized under the Emergency Petroleum Allocation Act of 1973.

House amendment

Section 112 authorized to be appropriated such sums as might be necessary for the purpose of making grants to States to which the Federal Energy Administrator has delegated authority under section 109. The Administrator would prescribe the terms and conditions for such grants.

Conference substitute

Section 123 of the conference substitute authorizes funds for the Administrator of the Federal Energy Emergency Administration to make grants to States for the purposes of implementing authority he has delegated to them, or for the administration of appropriate State or local conservation measures where exempted from Federal conservation regulations under section 105 of the Act.

In authorizing grants to States for the purpose of carrying out their responsibilities implementing this Act, it was the express intent of the conferees that, if a rationing program were implemented, additional sums would need to be appropriated for grants in aid to the States for their participation in the rationing program.

REPORTS ON NATIONAL ENERGY RESOURCES

Senate bill

No provision.

House amendment

Section 126 would require the Administrator to issue regulations requiring persons doing business in the United States who on the effective date of the legislation are engaged in exploring, developing, processing, refining, or transporting by pipeline, any petroleum product, natural gas, or coal, to provide reports to the Administrator.

Such reports would be submitted every 60 days and a report would be required to cover the period from January 1, 1970, to the date covered by the first 60-day report.

Each report would show for the period covered the person's (1) reserves of crude oil, natural gas, and coal, (2) production and destination of any petroleum product, natural gas, and coal, (3) refinery runs by-product, and (4) other data required by the Administrator.

The Administrator would publish quarterly in the *Federal Register* a summary analysis of the data provided by such reports.

These reporting requirements would not apply to retail establishments.

Where any person is reporting all or part of the required data to another Federal agency, the Administrator could exempt the person from reporting all or part of the data to him and such other Federal agency would provide the data to the Administrator.

Provisions are included to protect trade secrets and proprietary information.

Conference substitute

Section 124 of the Conference substitute is the same as the House amendment.

INTERSTATE GAS

Senate bill

Section 210 of the Senate bill would require the President, within 90 days after enactment of the legislation, to promulgate a plan for the development of hydroelectric resources. Such plan would provide for expeditious completion of projects authorized by Congress and for the planning of other projects designed to utilize available hydroelectric resources, including tidal power.

House amendment

Section 119 is the same as the Senate provision except that it would also apply to solar energy, geothermal resources, and pumped storage.

Conference substitute

Section 125 of the conference substitute provides that nothing in the legislation shall expand the authority of the Federal Power Commission with respect to non-jurisdictional natural gas.

EXPIRATION

Senate bill

Subsection (d) of section 202 would provide in part that the nationwide energy emergency and the authority granted by the Act would terminate one year after the date of enactment.

House amendment

Subsection (b) of section 125 would provide for the expiration of all authorities granted under Title I of the Act or under the Emergency Petroleum Allocation Act on May 15, 1975.

Conference substitute

Section 126 of the conference substitute follows the House amendment by providing that the authority under Title I to prescribe any rule or order or take other action shall expire on midnight, May 15, 1975. In addition, the authority under Title I to enforce any such rule or order shall likewise expire; however, such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight, May 15, 1975.

AUTHORIZATION OF APPROPRIATIONS

Senate bill

Section 318 would authorize to be appropriated such funds as were necessary for purposes of the Act.

There were authorizations of appropriations for particular provisions which have been considered in the appropriate sections of this statement.

House amendment

The House amendment contained no provision for the authorization of funds to carry out all provisions of the Act but included authorizations of appropriations for particular provisions which have also been considered in the appropriate sections of this statement.

Conference substitute

Section 127 of the conference substitute authorizes an appropriation to the Federal Energy Emergency Agency to carry out its functions under this legislation and under other laws, and to make grants to states under section 123, of $75,000,000 for each of the fiscal years 1974 and 1975. In addition, for the purpose of making payments under grants to States to carry out energy conservation measures under section 123, $50,000,000 is authorized to be appropriated for fiscal year 1974 and $75,000,000 is authorized to be appropriated for fiscal year 1975. Also, for the purpose of making payments under grants to States under section 116, $500,000,000 is authorized to be appropriated for fiscal year 1974.

SEVERABILITY

Senate bill

Section 319 would provide that if any provision of the legislation or the applicability thereof is held invalid, the remainder of legislation would not be affected thereby.

House amendment

No provision.

Conference substitute

Section 128 of conference substitute follows the Senate bill and also specifies that if the application of any provision to any person or circumstance shall be held invalid, such application to other persons or circumstances shall not be affected thereby.

IMPORTATION OF LIQUEFIED NATURAL GAS

Senate bill

No provision.

House amendment

Section 118 would amend the Emergency Petroleum Allocation Act of 1973 by adding a new section 9. This new section 9 would authorize the President to permit liquefied natural gas imports on a shipment-by-shipment basis until the expiration of the legislation.

Conference substitute

The Senate recedes.

ASSISTANCE TO HOMEOWNERS AND SMALL BUSINESSES

Senate bill

Section 308 of the Senate bill provided for the Federal Housing Administration and the Small Business Administration to make low-interest loans to homeowners and small business for the purpose of making energy-saving improvements on their homes or business establishments. The section further provided that maximum assistance and consideration be given to small business in the implementation of energy conservation measures.

House amendment

The House amendment contained no such provision.

Conference substitute

Section 130 of the conference substitute adopted the Senate language, except that loans to homeowners are to be made by the Department of Housing and Urban Development rather than through the Federal Housing Administration.

In adopting this provision it was the intent of the conferees that such low-interest loans would be available to those already eligible for assistance under existing agency programs: it was not the intent of the committee to broaden the base of eligibility for loans, but rather to increase the scope of uses to which such loans would be put by eligible persons. It is the anticipation that the availability of such loans will facilitate inculcation of the energy conservation ethic in the American people.

PROHIBITION AGAINST FUEL ALLOCATION FOR CERTAIN SCHOOL BUSING

Senate bill

No provision.

House amendment

Section 103 would add a new section 4(k) to the Emergency Petroleum Allocation Act of 1973. Under the section no refined petroleum product could be allocated under a mandatory fuel allocation regulation made under section 4(a) of that Act to be used to transport any public school student to a school farther than the public school closest to his home offering the courses for the grade level and course of study of the student which is within the school attendance district where the student resides.

This would not prevent the allocation of refined petroleum products for transportation to relieve overcrowding, to meet needs for special education, or if the transportation is within the regularly established neighborhood school attendance areas.

These provisions would not take effect until August 1, 1974.

Conference report

The House recedes.

NATIONAL ENERGY EMERGENCY ADVISORY COMMITTEE

Senate bill

Section 310 would establish a National Energy Emergency Advisory Committee to advise the President with regard to implementation of this legislation. The Chairman of the Committee would be the Director of the Office of Energy Policy.

The Committee would consist of 20 members (in addition to the chairman) appointed by the President representing specified interests.

The heads of listed Federal departments, agencies, and instrumentalities would designate a representative to serve as an observer at each meeting of the Committee and to assist the Committee in performing its functions.

House amendment

No provision.

Conference substitute

The Senate recedes.

HOMEOWNER TAX DEDUCTIONS

Senate bill

Section 209 would amend the Internal Revenue Code to allow a taxpayer to deduct an energy-conserving residential improvement expense, not to exceed $1,000, paid or incurred by him during the taxable year on his tax return for such year. These amendments apply to taxable years ending after the date of enactment of the Act and expire on termination of the Act.

House amendment

No provision.

Conference substitute

The Senate recedes.

INTERNATIONAL AGREEMENTS

Senate bill

Section 202(b) would authorize the President to enter into agreements with foreign entities, or to take such other action as he deems necessary, with respect to trade in

fossil fuels, to achieve the purposes of the legislation. Any formal agreement would be submitted to the Senate and would be operative but not final until the Senate had 15 days, at least 7 of which were legislative days, to disapprove the agreement.

Section 202(c) expresses the sense of Congress that the energy crisis is also an international problem and therefore the United States should attempt to reach an agreement with other member nations of the Organization for Economic Cooperation and Development with respect to supplies of energy available to the industralized nations of the free world with special reference to joint or cooperative research and development of alternative sources of power.

House amendment

No provision.

Conference substitute

The Senate recedes.

Although the Senate receded on these provisions because of a jurisdictional problem on the House side, the conferees wish to make clear that the section was dropped without prejudice from the bill.

CONSULTATIONS WITH CANADA

Senate bill

Section 601 would direct the President to convene consultations with the Government of Canada at the earliest possible date to safeguard joint national interests through consultations on encouraging trade in natural gas, petroleum, and petroleum products between the two nations. The President must make an interim report to Congress on the progress of such consultations within forty-five days after enactment and a final report with legislative recommendations ninety days after enactment.

House amendment

No provision.

Conference substitute

The Senate recedes.

TITLE II—COORDINATION WITH ENVIRONMENTAL PROTECTION REQUIREMENTS

SHORT-TERM AND LONG-TERM SUSPENSIONS

SHORT TERM

Senate bill

The Senate bill would have allowed temporary suspensions of any emission limitation requirement or compliance schedule contained in a state implementation plan, regardless of whether the origin of the suspended provision was in State, Federal, or local law. Suspensions could only be granted during the period commencing November 15, 1973, and ending August 15, 1974, and no suspension could last beyond November 1, 1974. Only currently existing stationary fuel-burning sources which had been deprived of their supplies of clean fuel by actions taken by the President under the Senate bill itself would have been eligible to receive suspensions, and no suspension could be granted unless the Administrator of EPA found either (i) that a suspension was essential to enable clean fuels to be redistributed to another area in order to avoid or minimize violations of primary air quality standards, or (ii) that the source in question was not likely to have available a sufficient supply of clean fuels even after all practicable steps to allocate such fuels had been taken. Suspension would only last for as long as clean fuels were unavailable. Where practicable, a suspension would be conditioned on the source's agreeing to keep on hand an emergency supply of clean fuel to burn during periods of air stagnation. The Administrator could deny any suspension request if he found that an imminent and substantial endangerment to the health of persons would result from granting it.

Suspension applications would be heard under abbreviated administrative procedures, and would not be subject to judicial review under Sections 304 or 307 of the Clean Air Act.

SHORT TERM

House amendment

The House amendment would have allowed the Administrator of EPA during the period between enactment and May 15, 1973, to suspend any fuel or emission limitation (including compliance schedules) contained in an applicable implementation plan. The only ground for granting such a suspension would be inability to comply with the suspended requirement due to unavailability of types or amounts of fuels. Interim requirements of emission control could be imposed as a condition of suspension.

No procedural requirements would apply to suspension applications under the terms of any law, and judicial review of their grant or denial would be severely restricted.

LONG TERM

Senate bill

The Senate bill provided for revisions of State implementation plans, which could be requested by either individual sources or by a State. The Administrator would be required to approve or disapprove suspension applications within 60 days if requested by a source, or within 120 days if requested by a State. For a revision requested by a source to be approved, the Administrator would have to determine, after notice and opportunity for presentation of views, (1) that the source was able to enter into a contract either for a permanent continuous emission reduction system which the Administrator determined to have been adequately demonstrated or for a long term supply of low sulfur fuel, and (2) that the revision was consistent with the implementation plan so that ambient air quality standards would still be attained. The Administrator's approval would have to be conditioned on the source actually entering into such contract. Any plan revision, whether requested by a source or a State, would have to include legally enforceable compliance schedules for the fuel burning sources affected by the revision. The schedule would establish continuous emission reduction measures to be employed by the sources, including interim steps of progress toward implementation of such measures, and would provide for alternate emission control measures that could be employed during the interim period before final compliance with the applicable emission limitations to minimize pollutant emissions. Any such revisions could defer compliance only until July 1, 1977, although a one-year extension pursuant to section 110 (f) of the Act would be authorized.

LONG TERM

House amendment

The House amendment provided that the Administrator could suspend fuel or emission limitations upon his own motion or upon the application of a source or a State (1) if he found that the source could not comply because of the unavailability of types and amounts of fuels, (2) if the suspension would not cause violations of a primary ambient air quality standard beyond the time provided for attainment of such standard in the plan, and (3) if the source were placed on a compliance schedule, with increments of progress, which would provide for the source to use methods of emission control that would assure continuing compliance with a natural ambient air quality standard as expeditiously as practicable. No such suspension could defer compliance beyond June 30, 1979. Notice and opportunity for presentation of views would be required before approval of any such suspension. The compliance schedule would have to include a date for entering into a contractual obligation for an emission reduction system which the Administrator had determined to be adequately demonstrated. A source could also construct and install such a system itself if it provided plans and specifications for installation of such a system. Sources were given the option of not providing a compliance schedule with a contract date, or plans for an emission reduction system, if the source elected (prior to May 15, 1977) not to provide one, and established to the satisfaction of the Administrator that it had binding, enforceable rights to sufficient low polluting fuels or other means of insuring long-term compliance. If such an election were made, the amendment would limit the suspension to no later than May 15, 1977. In granting suspensions, the Administrator could impose interim requirements to minimize adverse health effects before the primary ambient air quality standard was achieved and to assure maintenance of the standard where the suspension extended beyond the attainment date deadline.

The House amendment specifically provided that such interim requirements could include intermittent control measures which the Administrator determined to be reliable and enforceable and which would permit attainment and maintenance of primary ambient air quality standards during the suspension. The interim requirements would include the obligation to utilize fuels or emission reduction systems that would permit compliance with the suspended fuel or emission limitation when such fuels or systems became available. However, use of such fuel would not be required if the costs of changing the source to permit it to burn the fuel would be unreasonable.

The House amendment also provided additional provisions making the terms of such suspensions enforceable under the Clean Air Act and to require the Administrator to publish reports at 180-day intervals on the status and effect of such suspensions. Limited judicial review of any suspension was also specified.

A specific exemption of certain coal-fired steam electric generating plants from fuel or emission limitations was provided for in the House amendment. Only facilities which were to be permanently taken out of service by December 31, 1980, and which had certified such fact to the satisfaction of the Federal Power Commission would be eligible for such exemption. Interim requirements could, however, be imposed in such facilities. The suspension would be authorized whenever the Administrator determined that compliance was unreasonable in light of (1) the useful life of the facility, (2) the availability of rate increases, and (3) the risk to the public health and the environment of such exemption.

The House Amendment also contained a separate provision in section 106(b) which provided for suspension of fuel or emission limitations that would prohibit the use of coal with respect to any source which was ordered to convert to coal by the Administrator of the Federal Energy Administration pursuant to section 106(a) of the House bill or which had voluntarily begun to convert to coal prior to the effective date of the Act. The suspension would have extended to January 1, 1980, and would have been available only if the Administrator of the Environmental Protection Agency approved, after notice and opportunity for presentation of oral views, a plan submitted by the source. The plan would, in order to be approved, have to provide (1) that the power plant would use the control technology necessary to permit the source to comply with national ambient air quality standards as expeditiously as practicable; (2) that the power plant was placed on a schedule providing for the use of emission reduction systems as soon as

practicable but no later than June 30, 1979, and (3) that the power plant would comply with such interim requirements as the Administrator of the Environmental Protection Agency prescribed to insure that the power plant would not contribute to a substantial risk to public health. Such plans were to be approved before May 15, 1974, or within 60 days after submittal if submitted after that date.

The Administrator of the Environmental Protection Agency was, however, authorized, after notice and opportunity for presentation of oral views, to prohibit the use of coal if he determined that the use of coal would be likely to materially contribute to a significant risk to public health, or to require the use of a particular grade of coal if it were available to the power plant.

Conference substitute

Several changes have been made in the language of title II and in the conference report statement of managers since the original conference report was filed on January 22, 1974 (H. Rep. No. 93-763). These changes do not represent substantial changes in policy; rather they are intended to cure inadvertent omissions, to clarify ambiguities, to make the statutory language conform more closely to the intent of the conferees, and to correct certain printing errors.

The conference substitute provides for short term suspension of stationary source fuel or emission limitations but, with one exception, does not authorize long term delay of such limitations. The conference substitute adds a new section 119 to the Clean Air Act which will permit the Administrator of the Environmental Protection Agency to suspend until November 1, 1974, any stationary source fuel or emission limitation, either upon his own motion or upon the application of a source or a State, if the source cannot comply with such limitations because of the unavailability of fuel. The Administrator of the Environmental Protection Agency is directed to give prior notice to the Governor of the State and the chief executive of the local governmental unit where the source is located. He is also directed to give notice to the public and to allow for the expression of views on the suspension prior to granting it unless he finds that good cause exists for not providing such opportunity. Judicial review of such suspension would be restricted to certain specified grounds.

The Administrator is required to condition the granting of any suspension upon adoption of any interim requirements that he determines are reasonable and practicable. These interim requirements must include necessary reporting requirements, and a provision that the suspension would be inapplicable during any period when clean fuels were available to such source. The Administrator would be required to determine when such fuels were in fact available. It is the intent of the conferees that the Administrator in making such determination take into consideration the costs associated with any changes that would be required to be made by the source to enable it to utilize such fuel. No source which has converted to coal under section 119, however, could be required under this provision to return to the use of oil or natural gas.

The suspension would also be conditioned on adoption of such measures as the Administrator determines are necessary to avoid an imminent and substantial endangerment to the health of persons. This would authorize not only requirements that a facility shut down during air pollution emergencies, but also (for example) a requirement that it keep a reserve supply of clean fuels on hand to be burned to avoid such emergencies.

The purpose of the short term suspension provision is to enable sources to continue operation during the immediate fuel shortage while at the same time limiting as much as possible the impact on air quality. In rejecting the provisions for long term suspensions, the conferees were of the opinion that more information and experience should be acquired before any long term postponement of emission limitations was authorized. If additional tools for dealing with energy shortages are needed by the end of 1974, the Congress can address the issue prior to that time. For this reason both the provisions in section 402 of S. 2589 and comparable provisions in the House bill were rejected.

In recognition of the need to balance energy needs with environmental requirements and the unique problems facing any source which converts to coal in response to the emergency, the conferees adopted a provision which provides that no air pollution requirement (as defined in the conference substitute) could have the effect of prohibiting any such source from burning coal, except as provided in section 119(b)(1)(C). The conference bill would prohibit the application of such requirements to sources which are either ordered to convert to coal or which began to convert to coal during the 90-day period prior to December 15, 1973. This prohibition against application of such requirements to such source could in some instances continue until as late as January 1, 1979. The prohibition would only apply if the source were placed, after notice and opportunity for oral presentation of views, on a schedule approved by the Administrator of the Environmental Protection Agency. The schedule must provide a timetable for compliance with the fuel or emission limitations of the applicable implementation plan no later than January 1, 1979.

One problem which the language of the new conference agreement is intended to remedy relates to use of the phrase "by the applicable implementation plan in effect on the date of enactment of this section" in section 119(b)(2)(B). This phrase poses no problem in states other than Ohio and Kentucky. However, in these two states, there is no applicable implementation plan in effect. This is so, because of the Sixth Circuit Court of Appeals' opinion and order in *Buckeye Power Inc.*, v. *Environmental Protection Agency*, No. 72-1628 (6th Circ. 1973) and consolidated cases. The conferees do not intend to preclude sources located in Ohio or Kentucky from eligibility for the exemption provided in section 119(b)(1). Therefore, the language of section 119(b)(2)(B) has been modified to permit the Administrator to approve a plan for a source located in either of these states if the plan provides a compliance schedule to achieve "the most stringent degree of emission reduction that such source would have been required to achieve . . . under the first applicable implementation plan which takes effect after" the date of enactment.

All compliance schedules under section 119(b) must also provide for compliance with interim requirements that will assure that the source will not materially contribute to a significant risk to public health.

The conference committee wishes to emphasize that the Administrator would not be able to approve a plan under section 119(b) for a utility generally. Rather, each plan approval must be for a specific plant. Moreover, before ordering the source to convert under section 106 of the Energy Emergency Act, the Federal Energy Emergency Administrator would be expected to make a careful, case-by-case balancing analysis of the energy need and environmental harm which might result from such an order. The same type analysis must be made by the FEEA Administrator prior to permitting a source which began conversion to coal in the 90 days prior to December 15, 1973, to continue to burn coal under a section 119(b) exemption. The FEEA Administrator in making such an analysis is expected to consult and cooperate with the Administrator of EPA.

There are three basic reasons for the conferees' decision to encourage continued burning of coal until at least 1979. First, in order to encourage the opening of new coal mines to increase energy supplies, the conferees intend to encourage an on-going substantial demand for such coal. Without reasonable likelihood that new coal mines will be able to market their new production, the opening of new mines and expansion of existing mine capacity may be regarded too risky. Second, to the extent that electric generating power plants can be encouraged to cease burning oil and natural gas, these fuels would be available to meet other energy needs, such as production of gasoline and home heating oil. Finally, since continuous emission reduction technology is available for major sources such as power plants, but is not available for sources such as homes, apartment houses, and small businesses, the purposes of the Clean Air Act can be better effectuated by having low pollution oil and natural gas burned to the maximum extent feasible, in sources for which no effective clean up technology is available.

The conferees believe that the priority effort of each source which is subject to section 119(b) should be to obtain low sulfur coal. If an adequate, long-term supply of low sulfur coal is available to such a source, the Administrator should only approve a plan which requires its use (and thus compliance with air pollution requirements) as expeditiously as practicable. In such a case, the Administrator would have to disapprove a plan which proposed to wait until January 1, 1979, before beginning to burn low sulfur coal. The conferees believe that requiring priority consideration to the use of nonmetallurgical low sulfur coal will reduce the likelihood of extended violation of applicable emission standards.

If a source is unable to obtain an adequate long-term supply of low sulfur coal, it may seek to come into compliance by use of a continuous emission reduction system or by use of coal byproducts which would achieve the required degree of emission reduction. In such case, the source would still be required to act expeditiously to obtain an adequate supply of coal. However, compliance with all air pollution requirements would be required "not later than January 1, 1979" and "by a date established by the Administrator".

It is expected that the Administrator would include, but would not be limited to, the following requirements in any compliance schedule:

(1) the dates by which the source will solicit bids and enter into binding contractual agreements (or other equally binding commitment) for the procurement of an adequate fuel supply to permit continued long term operation of the source;

(2) where the coal obtained by the source has sulfur content which will require installation of continuous emission reduction equipment to enable the source to comply with emission limitations, the dates for soliciting bids for such equipment, contracting for such equipment, and installation and start-up of such equipment by a date that will permit a reasonable time for necessary adjustments of the equipment to maximize the reliability and efficiency of the system prior to January 1, 1979; and

(3) reasonable interim measures which the source should employ to minimize the adverse impact on air quality.

In establishing dates for contracting for coal, the Administrator should determine the earliest date that is reasonable and which will permit compliance by the time specified in this section. Because the dates for obtaining coal or continuous emission reduction systems may occur at approximately the same time for more than one source which

may overburden suppliers, the Administrator is specifically authorized to establish differing dates for obtaining coal for such systems to insure availability of supplies of such coal or equipment. In making such decisions, it is expected that the Administrator will provide the earliest date for those sources in areas with the most serious pollution problems.

It is the intent of the conferees that when the coal available to the source necessitates the use of continuous emission reduction equipment for control of sulfur-related emissions, the source will have as much time as necessary to install the equipment and achieve timely compliance, in order to permit the orderly development of technology.

In recognition of the complex factors involved in determining schedules for the various sources, the conferees intend that the Administrator have broad discretion in prescribing and approving schedules of compliance to insure that sources meet the requirements of this section without overburdening production capacity for continuous emission reduction systems for sulfur control or causing unacceptable disruption in energy production capacity.

The conference committee does not intend to permit delay of existing compliance schedules for control of particulate emissions. Some slight delay may be necessary in light of revised compliance schedules for control of sulfur-related emissions. However, only such minor adjustments as the Administrator determines to be unavoidable should be permitted in existing compliance schedules and emission limitations for control of particulates.

The provision relating to conversions under section 119(b) does not apply to fuel burning stationary sources which would propose to reconvert to oil or natural gas by November 1, 1974. Only fuel burning stationary sources which select coal, receive EPA approval and submit a new compliance schedule which will achieve applicable emission limitations no later than January 1, 1979, can take advantage of section 119(b) beyond November 1, 1974. After November 1, 1974, fuel burning stationary sources which choose to reconvert to oil or natural gas remain subject to compliance schedules which were applicable prior to the temporary suspension or exemption.

The conference bill does provide for two exceptions to the prohibition on enforcing air pollution requirements. The Administrator, or a State or local governmental unit, may, after notice and opportunity for presentation of oral views, prohibit the use of coal if it is determined that such use will materially contribute to a significant risk to public health. The Administrator, or a State or local government unit, may also require that a source use a particular grade of coal or coal with particular pollutant characteristics if such coal is in fact available to such source.

The term "significant risk to public health" is used in several instances in section 119. The conferees are aware that the Environmental Protection Agency, taking its lead from the Senate Committee Report on section 303 of the Clean Air Amendments of 1970, has defined "imminent and substantial endangerment" by regulation as a significant risk to the health of persons and has specified levels for various pollutants which reflect its judgment as to where those risks occur. The conferees emphasized that the language which is used in section 119 is not used in the same sense as in the EPA regulations. Rather, the language of the conference substitute, as with the House-passed bill, deals with risks to health which are less severe than those specified by the Agency's "endangerment" regulations. What is intended is that some violation of the national primary ambient air quality standards can be permitted so long as any of the public would not be exposed to significant health risks.

The conference bill makes explicit that the period of inapplicability under section 119 (b) of State implementation plan requirements may be extended for one year under the procedures of section 110(f) of the Clean Air Act. It is the intent of the conferees, however, that the requirement of that section be clearly satisfied before any one year suspension is granted; the conferees believe that requiring compliance by 1979 should permit adequate time for all sources to achieve compliance. The additional one year postponement to 1980 should only be necessary to accommodate strikes, natural disasters or other unanticipated occurrences that may prevent compliance by that time.

The House-passed bill would have permitted the use of so-called intermittent or alternative control strategies as a means of meeting ambient air quality standards if such strategies were determined by the Administrator to be reliable and enforceable. This permission would have applied to both existing sources not affected directly by the energy emergency and sources required to convert to coal under the emergency legislation.

The Senate bill would have permitted revision of existing implementation plans to require use of continuous emission reduction systems on any fuel-burning stationary sources affected by shortages of fuels, suspensions or conversions.

The conference agreement does not include either of the foregoing broad provisions. Instead, the conferees decided to limit the application of this provision to those sources which convert to combustion of coal as a result of the energy emergency. The conference substitute requires these converting sources to come into compliance with all plan requirements by 1979 (or 1980, if a postponement is obtained under section 110(f)) in accordance with a schedule which meets requirements of regulations of EPA. These requirements would require incremental steps toward compliance by utilization of low sulfur coal or coal by-products, or by continuous emission reduction systems to permit the combustion of high sulfur coal (or coal with high ash content) in compliance with such plan requirements.

The opportunity to continue to burn coal until January 1, 1979, would extend to sources which began converting to coal use at any time between September 17 and December 15, 1973. The language of section 119(b)(1) and the conference report printed on January 22, 1974 (H. Rept. No. 93-763) was subject to various conflicting interpretations as to what was meant by "began conversion." In order to clarify the intent of the conference bill, an amendment has been added to define this term. The intent of this amendment is to indicate that in order to be eligible for the exemption of section 119(b)(1), the source must do more than merely create a contingency capability to burn coal. Rather, the source must have made a firm determination to cease burning oil or natural gas and to burn coal instead. Moreover, the source must carry out this determination expeditiously and in good faith. Thus, the mere solicitation of bids for a coal supply would not necessarily in and of itself constitute action to begin conversion to the use of coal. The new amendment retains the intent of the conferees to permit the Administrator of the Environmental Protection Agency to exercise his discretion in deciding whether any particular source "began conversion to the use of coal" within the meaning of section 119(b)(1).

The conferees intend that all limitation of State and local authority which is contained in section 119(b) would cease to be effective on January 1, 1979.

The conference bill includes the House amendment provision which authorizes the Administrator of the Environmental Protection Agency to allocate continuous emission reduction systems among users where supplies are less than demand. This provision is modified in the conference substitute to include the stipulation in the Senate bill that such allocation authority shall not impair the obligation of any contract entered into prior to the enactment of this Act.

STUDY AND REPORTS

The conference bill also adopts the provisions of the House bill which required the Administrator of the Environmental Protection Agency to report to Congress on the impact of fuel shortages on the Clean Air Act programs as well as other factors, including the availability of continuous emission control equipment. The Administrator would also have to publish periodic reports on compliance with requirements imposed as part of any suspension or coal conversion, and other information on the impact of the section. The only change from the House version was to provide for reports on all continuous emission reduction systems and not limit the report to scrubbers. The conference bill also retained the House bill provisions making the violation of any requirement imposed as part of the new section 119 subject to enforcement under section 113 of the Act. Finally, the conference version adopts the House bill provision preempting any State or local government from enforcing a fuel or emission limitation against a source granted a suspension under the section because of the availability of fuel to permit the source to comply with such fuel or emission limitation. Such preemption does not apply with respect to requirements which are identical to Federal interim requirements.

The conference bill adopts a provision similar to that in the House bill, which provided a specific exemption for electric generating plants which are scheduled to be permanently taken out of service by 1980. Unlike the House bill, the conference substitute authorizes a one year postponement of applicable plan requirements for certain power plants. To be eligible, the power plant must be on a schedule to cease operations by January 1, 1980. The Federal Power Commission must also determine that the facility will in good faith carry out such plan.

To obtain the one year postponement of an emission limitation which is part of a State implementation plan, the Governor of the State must concur in the application to the Administrator of the Environmental Protection Agency. The Administrator shall consider the risk to the public health and welfare and only grant the postponement if he determines that compliance is not reasonable in light of the projected useful life of the plant and availability of rate increases, as well as other factors. He may prescribe such interim requirements as may be reasonable. The conferees limited this suspension to one year since it is intended that this bill only address the immediate energy emergency and the conferees do not intend for any electric generating facility to be shut down in the near future because of the infeasibility of employing required emission control measures due to the age of the facility. The Congress intends to review the long term energy problems and environmental needs during the next year and will consider such relief as may be justified to alleviate the problems presented to facilities, including power plants, which are scheduled to be phased out.

FUEL EXCHANGE AUTHORITY

House amendment

Section 205 of the House amendment would have directed the Administrator in establishing any allocation program to allocate low sulfur fuels to those areas of the country designated by the Administrator of

EPA as requiring such fuels to avoid or minimize adverse health effects. This provision would have taken effect after May 15, 1974 and after such an allocation program had been established.

Section 205 would have further authorized the Administrator of EPA by rulemaking after informal hearings to issue binding exchange orders to persons subject to it. Such exchange orders would have been designed to avoid or minimize the adverse effects of any allocation program on public health. They would only have been authorized if substantial emission reduction would have resulted.

By virtue of Section 106(c), the House amendment would have explicitly authorized the Administrator to establish allocation programs for coal. If such a program were established, it would have been subject to the provisions of Section 205.

Section 119(c), of the Clean Air Act, added by Section 201 of the House amendment, would have allowed the Administrator of EPA to establish by rule priorities for the supply of emission reduction systems so that they could be routed to users in regions with the most severe air pollution.

Senate bill

Section 203 of the Senate bill would have required any general priority and rationing program to provide to the extent practicable for allocation of low sulfur fuels to areas of the country designated by the Administrator of EPA as needing such fuels in order to avoid or minimize adverse impacts on public health.

The Administrator of EPA would be authorized under Section 402 of the Senate bill to further allocate low sulfur fuels within any such area. He would also be authorized to allocate emission reduction systems first to users in air quality control regions with the most severe air pollution (except that no such action could affect existing controls).

Conference substitute

In order to assure the Administrator of the Environment Protection Agency an adequate supply of information on the types, amounts, price, pollution characteristics and allocation of available fuels, it is expected that he will have access to all data available to the Administrator of the Federal Energy Emergency Administration.

Such information will assist in effective and timely performance of the Administrator of EPA's function under this section as well as those provisions relating to suspensions, conversions, enforcement, and other responsibilities of EPA.

The conferees expect that both the FEEA and EPA Administrators will facilitate interagency cooperation and information exchange. EPA is expected to establish a permanent liaison in the office of the FEEA Administrator for the duration of the emergency and the FEEA Administrator is expected to do the same at EPA. This may reduce the confusion which can otherwise be expected to result from those decisions each agency is required to make under statutory authorization.

REVISIONS OF IMPLEMENTATION PLANS

Senate bill

The Senate bill provided that the Administrator of the Environmental Protection Agency was to review by May 1, 1974, all State implementation plans to determine if shortages of fuels or emission reduction systems, or any suspensions of emission limitations provided for in the bill (including future anticipated suspensions) would result in any plan failing to achieve the national ambient air quality standards within the time provided for in section 110 of the Clean Air Act. Where the results of review indicate that a plan would be inadequate, the Administrator would be directed to order those States to submit revisions to their plans by July 1, 1974, which would achieve the standards within the time limits. Two months were provided for the Administrator to review and approve or disapprove the plan revisions, and an additional two months were provided for him to promulgate regulations if a revision were not approvable.

House amendment

The House amendment contained a similar provision.

Conference substitute

The conference substitute provides that the Administrator will only review those plans for regions in which coal conversion under section 119(b) of the Clean Air Act may result in a failure to achieve a primary ambient air quality standard on schedule. The conference substitute directs the Administrator to order necessary plan revisions within one year after such conversion that would set forth any additional reasonable and practicable measures required to achieve ambient air quality standards. The plan revision would have to consider whether, despite the coal conversions, the standards could be achieved through the use of additional reasonable and practicable measures (which may include energy conservation measures) that were not included in the original plan. In allowing up to a year for the Administrator of the Environmental Protection Agency to act, it is the intent of the conferees to permit both the Administrator and the States sufficient leadtime to develop adequate information on the impact of coal conversions, both effected and anticipated, and to permit accurate assessment of the additional measures required for State implementation plans.

The conferees expect that revisions under this section will be required only after careful consideration of a number of factors to assure that existing sources which do not convert will not be subjected to new requirements where such requirements are unreasonable or impractical. In determining reasonability and practicability, the Administrator shall consider whether the source is presently subject to requirements, is on schedule and has expended or is expending funds to comply. In this event, no requirement shall be imposed under this section which will require unreasonable additional expenditures. However, where reasonable measures can be imposed, without penalizing sources which are in compliance or are in the process of complying with the law, the Administrator shall impose such requirements.

TRANSPORTATION CONTROL PLANS

Senate bill

The Senate bill contained no provision relating to transportation control plans.

House amendment

The House amendment would have directed the Administrator, upon application by the Governor concerned, to extend until June 1, 1977, the date for achieving primary air quality standards in any air quality region subject to transportation controls which mandated a 20% or greater reduction in vehicle miles travelled by June 1, 1977, or imposed any transportation controls that could not be practicably implemented by that date. The Administrator could grant further extensions until January 1, 1985. These further extensions would be conditioned both on the application of all practicable interim control measures and on the attainment of at least a 10% annual improvement in air quality.

The House amendment would also have directed the Administrator to conduct a study of the necessity of parking surcharges, review of new parking facilities, and preferential bus/carpool lanes to achieve air quality standards. The Administrator would be required to report to the appropriate committees of the Congress within six months after enactment. Until such measures had been explicitly authorized by the Congress in subsequently enacted legislation, the Administrator could not require them to be included in an implementation plan, although he could approve such measures if they were submitted by the State. Previously promulgated regulations requiring such measures would be declared null and void.

Conference substitute

The conference substitute does not contain the provisions of the House amendment allowing modifications of the date by which primary ambient air quality standards must be achieved. The conferees expect the appropriate committees of the Congress to include in their re-examination of the Clean Air Act scheduled for the next session of the Congress, consideration of the effect modifications in new motor vehicle emission standards will have on the ability to achieve the primary standards by statutory deadlines, as well as the practicability of various transportation control strategies within the time available.

The other related provision of the House amendment has been modified to provide that only parking surcharges (rather than surcharges, management of parking supply, and bus/carpool lanes) must receive the explicit authorization of the Congress before they may legally be imposed by the Environmental Protection Agency. The conference substitute would therefore continue to permit preferential bus/carpool lanes to be implemented by the Environmental Protection Agency as set forth in current transportation control plans. In implementing requirements for bus/carpool lanes, the basic responsibility rests with State and local governments and transportation agencies, and local hearings should be considered for specific proposals.

The conferees note that the appropriate committees with jurisdiction over the Clean Air Act will be reviewing the issues involved in transportation controls in hearings during the next session. The study mandated by this bill of the necessity and impact of these specific transportation controls will be useful to the committees in their inquiry.

In addition, the conferees direct the Administrator of the Environmental Protection Agency to review all the transportation controls which have been promulgated or proposed as to their efficacy and practicability, and to provide the appropriate committees with the results of that review in connection with hearings during 1974.

The conference substitute would also empower the Administrator of the Environmental Protection Agency to suspend for one year the review of new parking facilities. In response to inquiries by the conferees, the Administrator has provided a letter stating his intention to suspend these regulations under this authority.

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
OFFICE OF THE ADMINISTRATOR,
Washington, D.C., December 19, 1973.

Senator JENNINGS RANDOLPH,
Chairman, Senate Committee on Public Works, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I would like to reaffirm for the record my understanding of our conversation yesterday on the subject of the "parking management" portions of EPA transportation control plans. I hope this letter will help to clarify EPA's position and that it will be useful to you in your continuing deliberations in the Senate-House conference on the Emergency Energy Bill.

I understand that based on provisions in the House Bill the conference committee has considered provisions which would by statute postpone requirements of parking management plans for at least one year and that consideration has also been given to an al-

ternative provision which would simply authorize EPA to grant such an extension. You have asked what action EPA would take pursuant to such a grant of authority. As I stated to you, our position if such authority were granted would be to delay for one year from enactment (i.e. until December 1974) the effective date of parking management plans promulgated by EPA which would otherwise go into effect at an earlier date.

During this year-long suspension, EPA would continue to work with the States and localities and to provide assistance to them in developing plans which will result in the necessary reductions of vehicle miles traveled by automobiles which are required to meet the ambient air standards and thereby to achieve compliance with the Clean Air Act. During this year, EPA would not impose any postponement or restraint on action by the States and localities in furtherance of parking management plans of their own, and it is our hope that we can assist the States and localities in developing long-term strategies to achieve clean air in urban centers.

We believe that parking management plans can provide an effective tool toward meeting air quality needs. Effective use of this tool, however, does depend largely on the understanding and support of State and local officials and the general public in the individual cities in question. Further review during the one year suspension contemplated by the committee would facilitate better understanding and support for such measures

I want to thank you for the courtesy and hospitality you extended to me and my EPA colleagues yesterday.

Sincerely yours,

JOHN R. QUARLES, Jr.,
Deputy Administrator.

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
OFFICE OF THE ADMINISTRATOR,
Washington, D.C., December 20, 1973.

Hon. PAUL G. ROGERS,
House of Representatives,
Washington, D C.

DEAR MR. ROGERS: I am writing pursuant to our telephone conversation this morning concerning my letter to Senator Randolph dated yesterday (with a copy to you) about the parking management plans. In that letter I indicated that if granted authority under the Emergency Energy Act EPA would delay until one year from now the effective date of parking management plans.

You have expressed concern that I referred to parking management plans only in relationship to transportation control plans, whereas the proposed legislation would apply also to review of parking facilities under our proposed indirect source regulations. As I explained to you, our position with regard to both is the same.

Very truly yours,

JOHN R. QUARLES, Jr.,
Deputy Administrator.

Although the conferees do not believe that regulations on the management of parking supply should be made subject to prior congressional approval, they did conclude that a period for refining the criteria which will be used in the review of such facilities and establishing the administrative machinery to review them should be permitted before the program is placed in operation. The conference substitute provides that when the suspension authority is exercised, no parking facility on which construction is initiated before January 1, 1975, would be subject to review for its impact on air quality as a result of any Environmental Protection Agency regulations on the management of parking supply.

In adopting these aspects of the conference substitute, the conferees do not intend to question either the need for, or the authority of the Administrator of the Environmental Protection Agency to impose transportation control plans.

AUTO EMISSIONS

Senate bill

S. 2589, as passed by the Senate, would not have affected section 202 of the Clean Air Act. The conference committee notes, however, that on December 17, 1973, the Senate passed a bill, S. 2772, which would have extended through 1976 the interim hydrocarbon, carbon monoxide, and oxides of nitrogen emission standards established by the Administrator for model year 1975 vehicles.

House amendment

The House amendment would have amended section 202 of the Clean Air Act to defer the date for achieving the statutorily required 90% reduction in hydrocarbon and carbon monoxide automobile emissions. The date would have been deferred from model year 1976 until model year 1978. The House amendment would have required the interim hydrocarbon and carbon monoxide emission standards established by the Administrator for 1975 model year automobiles to also be applied in model years 1976 and 1977. Under the House amendment, the nitrogen oxides emission standards for 1976 model year automobiles could not exceed 3.1 grams per mile; for 1977 and subsequent model year automobiles emissions of oxides of nitrogen could not exceed 2.0 grams per mile.

In addition, the Administrator of the Environmental Protection Agency would be authorized to extend the deadline for achieving the ambient air quality standards in any air quality control region for up to two years to the extent he determined that an inability to achieve the standards on schedule would result solely from the modifications of the statutorily mandated auto emission levels and the deadlines for achieving those standards.

Conference substitute

The conference substitute amends section 202 of the Clean Air Act to continue the emission standards established by the Administrator for 1975 model year automobiles during the 1976 model year. The effect of this provision is to maintain in the 1976 model year a Federal 49-State standard of 1.5 grams per mile of hydrocarbons, 15.0 grams per mile of carbon monoxide and 3.1 grams per mile of oxides of nitrogen, and a standard for California of 0.9 grams per mile of hydrocarbons, 9.0 grams per mile of carbon monoxide, and 2.0 grams per mile of oxides of nitrogen. These standards apply to automobiles produced by all manufacturers, whether or not any individual manufacturer had applied for or received a suspension under section 202(b)(5) previous to the enactment of this Act.

The conference substitute provides that after January 1, 1975, an automobile manufacturer may seek a single one-year suspension of the statutory standards for hydrocarbons and carbon monoxide applicable to the 1977 model year. The Administrator would be required to establish interim emission standards for 1977 model automobiles for hydrocarbons and carbon monoxide if he grants the suspension.

In authorizing the suspension for the 1977 model year, the conferees point out that one of the considerations advanced by Judge Levanthall in remanding EPA's decision not to authorize a suspension of the 1975 standards for one year was that adverse fuel economy would deter consumer purchasing of new automobiles, resulting in greater retention of old automobiles with inefficient pollution control devices. As Judge Levanthall pointed out, this might lead to a situation whereby denial of a suspension would result in greater total actual emissions of all cars in use than would be the case if a suspension were authorized. See *International Harvester Company, et al.* v. *Ruckelshaus,* 478 F.2d 615, 633–634 (February 20, 1973). If the Administrator is asked to authorize a suspension for HC and CO for model year 1977, and if the country is experiencing an energy crisis at the time a suspension is requested, the conferees would expect the Administrator to weigh carefully whether the application of the statutory standard would result in significant increase in fuel consumption.

The conference substitute amends section 202(b)(1)(B) of the Clean Air Act to establish a maximum emission standard for oxides of nitrogen of 2.0 grams per mile applicable nationwide to 1977 model year automobiles. This defers the previous statutory standard of 0.4 grams per mile of oxides of nitrogen until the 1978 model year. No administrative suspensions would be possible from either the 1977 or 1978 standard. While the 1977 model year standard is a maximum of 2.0 grams per mile nationwide, under the conference substitute California retains the right under section 209 of the Clean Air Act to seek a waiver for a more stringent standard.

The conferees are concerned with what may be unwarranted or, at least, untimely changes in EPA's certification test procedures for new automobile emissions. It is intended that uncertainty as to requirements for compliance with such standards be minimized. Any changes in test procedures shall be kept to an absolute minimum and should occur only where such changes improve instrumentation, reduce cost of testing or improve the reliability and validity of the test results.

The conference substitute does not contain the language of the House amendment providing for extensions of implementation plan deadlines in response to the changed standards and deadlines for automobile emission.

REPORT LANGUAGE: FUEL ECONOMY STUDY

The fuel economy study requirement was amended to provide for joint conduct of the study with the Department of Transportation. The conferees insisted on a joint study to eliminate duplication with current, ongoing fuel economy studies.

The conferees expect, of course, that any current DOT studies will be coordinated with this study to eliminate any potential duplication and minimize waste of funds.

At the same time, the conferees agree that EPA must be actively involved in any fuel economy analysis to assure consistency between the findings of the study and the statutory requirements for automobile emission reductions.

The conferees recognize that DOT has an equally important safety responsibility but does not have either established test procedures, testing facilities or the expertise on engine technology to perform an independent review.

The conferees expect this study to utilize EPA's established emission test procedures in order to avoid inconsistency in any subsequent legislative recommendation.

TITLE III—REPORTS AND STUDIES

Senate bill

Section 204(c) would direct the President to develop and implement incentives for the use of public transportation. In addition, the Federal share of expenditures for buses and rail cars from the Highway Trust Fund increased to 80 percent.

Section 210 of the Senate bill would require the President, within 90 days after enactment of the legislation, to promulgate a plan for the development of hydroelectric resources. Such plan would provide for expeditious completion of projects authorized by Congress and for the planning of other projects designed to utilize available hydroelectric resources, including tidal power.

Under section 211, within 30 days of enactment of the legislation, the Secretaries of the Interior and of Commerce would prepare

and submit to Congress a comprehensive review of U.S. export policies for energy sources. The purpose of this study would be to determine any inconsistencies between national energy trade policies and domestic fuel conservation efforts.

Section 303 would direct the Secretary of the Treasury and the Director of the Cost of living Council to provide the Congress with recommended economic incentives to encourage both individuals and industry to subscribe to the purposes of the Act. An analysis of actions needed to effect payment by producers and users of the full cost of producing incremental energy supplies would also be required.

Under the second paragraph of section 313, the President would review all rulings and regulations issued under the Economic Stabilization Act to determine if they are contributing to the shortage of materials associated with the production of energy supplies and equipment necessary to maintain and increase the production of coal, crude oil, and other fuels.

The results of this review would be submitted to the Congress within 30 days after the date of enactment of this legislation.

Section 316 would require the Department of Health, Education, and Welfare, in cooperation with the EPA, to conduct a study of the health effects of emissions of sulphur oxide to the air resulting from any conversion to burning coal pursuant to section 204(a) of the Act.

The sum of $5 million would be authorized to be appropriated for such a study.

Section 317 would require the Council of Economic Advisors, in cooperation with other agencies and departments, to submit an Emergency Energy Economic Impact Report to the Congress which must include, but was not limited to, certain assessments of the impact of the energy shortage on employment, agriculture, various industries, commerce, and public services, as well as projections of its impact on the economy. A preliminary report would be filed thirty days after enactment and a final report no later than sixty days after enactment.

Section 402 would amend the Clean Air Act, as amended, to require the Administrator of the EPA to report to the Congress by May 1, 1974, on the extent to which any applicable State or local air pollution requirement or deadline may adversely affect the implementation of the National Energy Emergency Act or of the proposed amendments to the Clean Air Act.

House amendment

The provisions of section 104(d) of the House amendment parallel Section 313 of the Senate bill are almost the same, except that the responsibility for conducting the review would be vested in the President and the Administrator of the Federal Energy Administration.

Section 105(d) would require energy conservation plans to include proposals to provide for Federally sponsored incentives for the use of public transportation and Federal subsidies to maintain or reduce existing fares and additional expenses incurred because of increased service.

Section 121 of the House amendment is the same as the provision of Section 211 in the Senate bill, except that (1) the report under the House version would also cover foreign investment in production of energy sources and be included for the purpose of determining any inconsistencies between such investment and domestic conservation efforts, and (2) the report would have to be submitted within 90 days of enactment of the legislation rather than 30 days.

Under section 127 the Administrator would be required to prepare and submit within 90 days after enactment of the legislation a plan for encouraging the conversion of coal to crude oil and other liquid and gaseous hydrocarbons.

Section 207 would require the Administrator of the Environmental Protection Agency to report to the Congress by January 31, 1975, on the implementation of sections 201–205 of this title.

(Additional language to come.)

of Health, Education, and Welfare and the Environmental Protection Agency of the health effects of sulphur oxide conversions, except that the sum authorized was $2 million.

Section 206(a) would direct the Federal Energy Administration to conduct a study on energy conservation methods and to report the results to the Congress within six months of enactment. The study must address the energy conservation potential of restrictions on export of fuels and energy-intensive products (including balance of payments and foreign relations implications); federally sponsored incentives for public transit use and Federal authority to increase public transit facilities; alternative requirements, incentives, or disincentives for increasing recycling and resource recovery to reduce demands on energy (including a comparison of the economic and fuel impacts of such recycling and resource recovery with the transportation and use of virgin materials); the costs and benefits of electrifying high traffic rail lines; and means for incentives or disincentives to decrease industrial use of energy.

Section 206(b) would require the Secretary of Transportation, after consulting with the Federal Energy Administrator, to submit to the Congress within 90 days of enactment an "Emergency Mass Transportation Assistance Plan" to expand and improve public mass transportation systems and encourage increased ridership. This plan must include, but is not limited to recommendations for: emergency temporary grants to assist States and local public bodies in payment of operating expenses for expanded urban mass transportation service; additional emergency assistance for the purchase of buses and rolling stock and the construction of fringe parking facilities; demonstration projects to determine feasibility of fare-free and low-fare urban mass transportation system; and the feasibility of providing tax incentives for users of urban mass transportation systems.

Section 206(a) would provide that no later than December 31, 1974, the Secretary of Transportation, in consultation with the Federal Energy Administrator, must also study and report to the Congress on the development of a high-speed ground transportation system between the cities of Tijuana, Mexico and Vancouver, British Columbia, Canada.

Section 208 would direct the President, within 90 days following enactment, to recommend to the Congress actions to be taken by the Executive and the Congress regarding siting of all types of energy producing facilities.

Section 209 would amend the Clean Air Act by directing the Administrator of EPA to conduct a study of the feasibility of establishing a fuel economy improvement standard of 20% for 1980 and subsequent model year new motor vehicles. A report on the study must be submitted to the Congress within 120 days after enactment, and the Administrator must consult with designated Federal agencies in the course of the performance of the study. The Administrator would be directed to fully examine the problems associated with obtaining a 20% improvement in fuel economy. The study must include technological problems, costs, relation to safety and emission standards as well as energy impact and enforcement. The agency would be authorized to obtain information for the study under its section 307(a) powers.

Conference substitute

Title III contains a number of provisions for studies to be conducted. Recognizing the merit of these provisions, the Conferees included them in this bill although they will not necessarily contribute to the relief of the immediate energy emergency.

The Conferees provided for three categories of studies and reports to be made to Congress. The first provides for immediate recommendations on means for near term increases in energy supply or reductions in energy consumption. The second set of studies and reports deal with longer term methods for achieving these same objectives. The third class of reports essentially reserve to the Congress an oversight function on the implementation of this Act, by requiring reports from the President to the Congress every 60 days on the implementation and administration of this Act and the Emergency Petroleum Allocation Act of 1973, and an assessment of the results attained thereby.

The conferees recognize that increased use of mass transit is essential to energy conservation both in the short term and in the longer run. For this reason, the conferees wish to call attention to the adoption of several studies dealing with the major energy conservation measures. The first is a Senate-sponsored provision to provide for plans for Federal subsidies to mass transit systems for reduced fares and operating costs. The conferees believe that such incentives to greater use of mass transit coupled with reduced use of personal vehicles, can result in significant energy saving.

In addition, to reflect the need for improving mass transit in the longer run as well the conferees adopted a number of provisions providing for study of various mass transit systems.

In the first class of studies which are to be completed with a report submitted to Congress within 30 days after enactment of the Act, the conference substitute adopted the following studies:

From the Senate bill—

Of the rulings and regulations issued pursuant to the Economic Stabilization Act, by the Administrator of the FEEA on methods of energy conservation and production by all Federal agencies.

On specific incentives to increase energy supply and reduce consumption, by the Secretary of the Treasury and the Director of the Cost of Living Council.

On the impact of energy shortages on employment, by the Administrator of the FEEA.

From the House amendment:

A comprehensive review of United States exports and foreign investment policies by the Secretaries of the Interior and Commerce.

The second group of studies adopted in the Conference substitute, to be completed with a report submitted to Congress within 6 months from the date of enactment, include the following:

From the Senate bill:

From section 204(c) of the Senate bill, a plan to be submitted to the Congress for approval, to provide federally-sponsored incentives for increased use of mass transit, by the Administrator of the Federal Energy Emergency Administration.

Of the potential for further development of hydroelectric power resources, by the Administrator of Federal Energy Emergency Administration.

From Section 207(d) of methods for accelerated leasing of energy resources on public lands, by the Secretary of the Interior.

From the House amendment:

Of energy facility siting problem, by the Administrator of the Federal Energy Emergency Administration.

On the potential for conversion of coal to synthetic oil or gas, by the Administrator of the Federal Energy Emergency Administration.

HARLEY O. STAGGERS,
TORBERT H. MACDONALD,
JOHN E. MOSS,
PAUL G. ROGERS,
JAMES T. BROYHILL,
JAMES F. HASTINGS,
Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
LEE METCALF,
JENNINGS RANDOLPH,
EDMUND S. MUSKIE,
HOWARD H. BAKER, Jr.,
ERNEST F. HOLLINGS,
ADLAI E. STEVENSON III,
TED STEVENS,
Managers on the Part of the Senate.

INTERNATIONAL ECONOMIC REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency:

To the Congress of the United States:

Last year, when I submitted my first International Economic Report, the Nation had just concluded its involvement in a lengthy and tragic war. We were thus able to turn greater energies to building a more lasting and secure world peace.

A major part of our peace-building effort lies in resolving international economic problems, and today we can look back upon a year of progress on that front. We have strengthened our competitive position in the world. We have moved ahead toward vitally needed reforms of the world economic structure and we have improved our trade balance beyond our expectations, reflecting our ability to compete more effectively at home and abroad with foreign producers. Our strengthened trade position has in turn contributed significantly to the expansion of jobs and income for our people, and has led to renewed confidence in the dollar in the world's money markets.

One of the greatest challenges facing the international community is to overhaul our world monetary and trading systems. During this past year, I have been heartened by the progress that the Committee of Twenty, under the auspices of the International Monetary Fund, has made toward reforming the international monetary system and by the way that transitional monetary arrangements have proven effective under conditions of stress. Meanwhile, over 100 nations, meeting in Tokyo this past September, opened a new round of international trade negotiations. And the trade legislation we submitted last April has moved through the House for further consideration in the Senate.

Despite this significant progress, 1973 was also a year in which new problems vividly brought home to us the degree to which our own economy is affected by developments elsewhere. This past year the major industrial nations experienced simultaneous boom conditions for the first time since 1951. This complicated economic policy-making, demonstrating that the same interdependence which can contribute so much to world prosperity through trade can also contribute to national problems. One such problem is inflation. While we continue to attack the causes of excessive price increases within the United States, we must also realize that inflation has been a worldwide problem driving up the cost of world-traded goods.

Two new problems also arose in 1973, reminding us of the impact that other economies have upon our own: last summer's food shortages and the current oil crisis. There was an unprecedented and unforeseen surge in international demand for American agricultural products last year. The causes ranged from poor harvests abroad to food policy shifts by foreign governments, affecting their demand for agricultural imports. These significant shifts could not help but have a strong impact upon our domestic economy: on the one hand, expanded sales helped the recovery of our trade balance and helped ensure our position as a reliable world supplier of agricultural goods; but on the other hand, world-wide shortages caused our food prices to rise significantly. A number of measures have now been taken at home and abroad to help prevent a recurrence of such problems. We have brought land back into production, we have taken every step we can to expand our harvests, and we have established an agricultural export monitoring system. In addition, we have called for a World Food Conference to meet in Rome this year, where the newly developing problems of agricultural supply and demand can be addressed by both producer and consumer nations.

The second major problem—the oil embargo and its accompanying price increases—has given us further evidence of our interdependence with other nations. While our country is relatively less dependent upon foreign supplies for our energy than are most industrial nations, these developments are adversely affecting many sectors of our economy. Again, as we have done with regard to food shortages, we have taken vigorous actions to meet energy shortages. The actions taken by the Executive, the Congress, and especially by the American people have enabled us to make significant progress. The consumption of almost every form of energy has been dramatically reduced. But much more needs to be done in order not only to alleviate the current emergency but also to assure that the United States can develop greater energy resources of its own. This January, I submitted to the Congress my third special message on energy, outlining further needed legislation. I have also invited the foreign ministers of the major oil-consuming nations to Washington this month, initiating cooperative discussions on these problems. Those who will attend this conference recognize that the large price increases announced late last year can only create hardships for the major industrialized economies and could have a disastrous impact upon the world's poorest nations.

The new problems we face are of such enormity that there may be a temptation to delay further progress toward trade and monetary reform. Nothing could be more foolish. It is particularly important that we move forward in a multinational attempt to reduce trade barriers so that individual nations are not tempted to "go it alone" in seeking solutions. I consider it essential that we continue to construct a consultative framework in which new as well as old issues can be addressed. The current trade and monetary discussions provide such a framework and also allow us to continue our long-term effort to build a more effective world economic order. To make this possible, the Trade Reform Act should be promptly passed without restrictions upon our ability to end trade discrimination against other nations.

The Annual Report of the Council on International Economic Policy provides background and analysis which should be highly useful to the Congress as it considers these complex and important issues.

RICHARD NIXON.

THE WHITE HOUSE, *February 7, 1974.*

THIRD ANNUAL REPORT OF EXECUTIVE DEPARTMENTS AND AGENCIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Public Works:

To the Congress of the United States:

I am transmitting today the third annual report of each Executive department and agency on their activities during fiscal year 1973 under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

In general, the agencies' reports indicate that the Uniform Act has been well received by those displaced by Federal and federally-assisted projects and by the affected communities. The assistance provided by the Uniform Act largely compensates persons for the disruptions and inconveniences resulting from public acquisition. The payments made to persons who relocate have had a generally favorable impact on the public, and the down payment assistance provisions of the Uniform Act have resulted in increased home ownership opportunities for some displaced persons.

The agencies' reports indicate that the primary criticism directed toward the Uniform Act has been expressed on behalf of displaced small businesses. Agencies are not able to deal with the problems of displaced businesses as successfully as they can deal with those of individuals displaced from their homes. This matter will be reviewed to determine possible solutions.

During the past year, I transferred responsibility for executive branch leadership in the implementation of the

Uniform Act to the General Services Administration. The Administrator has recently reported to me concerning accomplishments under this program and has also outlined plans to assure continuation of programs initiated by the Office of Management and Budget and to further improve the administration of the Uniform Act. I endorse these efforts and include his report as an attachment to this transmittal.

RICHARD NIXON.

THE WHITE HOUSE, *February 7, 1974.*

ANIMAL HEALTH RESEARCH ACT

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 824 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 824

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11873) to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Florida (Mr. PEPPER) is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. DEL CLAWSON) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 824 provides for an open rule with 1 hour of general debate on H.R. 11873, a bill providing for a program of animal health research.

H.R. 11873 authorizes the Secretary of Agriculture to encourage and assist the States in carrying out a program of animal health research through grants for research facilities for health problems of livestock, poultry and companion animals.

The assistance would be accomplished through an advisory board appointed by the Secretary of Agriculture, which would make recommendations concerning relative animal health research capacities of eligible institutions. There would also be a formula for distribution of funds based on the value of and income generated by livestock and poultry.

H.R. 11873 adopts a "State-sharing" formula under which the amount paid annually by the Federal Government to any eligible institution in excess of $100,000 would generally be matched from non-Federal sources on a 50–50 basis.

Mr. Speaker, I urge the adoption of House Resolution 824 in order that we may discuss and debate H.R. 11873.

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

Mr. Speaker, House Resolution 824 is the rule providing for the consideration of H.R. 11873, Animal Health Research Act. This is an open rule with 1 hour of general debate.

The purpose of H.R. 11873 is to increase animal health research within the structure of Federal-State university veterinary medicine institutions, by authorizing the Secretary of Agriculture to encourage and assist the States in carrying out programs of animal health research through grants for research and research facilities needed to solve health problems of livestock, poultry, and companion animals.

The main provisions of the bill include: First, the recipients of these grants would be the 18 colleges of veterinary medicine and 38 State agricultural experiment stations now conducting animal health research. Second, the distribution of funds would be through a formula based on the value of and income generated by livestock and poultry and research capacity for research programs and facilities at the eligible institutions. Third, grants would also be made for research on specific national or regional animal health problems. Fourth, an advisory board would be appointed by the Secretary to make recommendations concerning relative animal health research capacity of eligible institutions, animal health research priorities, and other matters related to administration of the act.

The committee realizes that the Department of Agriculture currently supports animal health research through the Agricultural Research Service and the Cooperative State Research Service but because of testimony showing that animal disease losses cost farmers, ranchers, and consumers at least $3.6 billion annually, they feel this bill should be enacted.

The committee estimates the cost of this legislation for the current year and subsequent 5 fiscal years would not exceed $45 million, the total appropriations ceiling set in H.R. 11873. They estimate that the proposed program would probably require funding of $5 million in fiscal year 1975, increasing $5 million in each of 2 succeeding years to a level of $15 million for continuing program support.

Mr. Speaker, I urge the adoption of this rule.

Mr. Speaker, I have no requests for time.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FOLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11873) to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11873, with Mrs. GREEN of Oregon in the Chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from Washington (Mr. FOLEY) will be recognized for 30 minutes, and the gentleman from Iowa (Mr. MAYNE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. FOLEY. Madam Chairman, I yield such time as he may consume to the gentleman from Montana (Mr. MELCHER).

Mr. MELCHER. Madam Chairman, as far as I know, this bill comes to the floor with only minor objection, so I will not take up the time of the committee with a detailed explanation, but I will be glad to yield to any Member to answer questions.

When we consider that the Department of Agriculture tells us that in 1972 there was loss from livestock diseases totaling $3.6 billion, it jars us so we must do a better job in trying to prevent animal disease, first of all, or to cure it quickly to prevent death losses. The 1972 Terry Report by the National Academy of Sciences told us that there were 423,000 animals or animal parts condemned in our slaughterhouses, and that in our poultry plants there were 404 million pounds of poultry condemned. If we are going to assure more meat production to this country and hopefully to arrive at stable meat prices, then we are going to have to do one or more of the following: First of all, there is a possibility we could have more live births, more animals born, second we could have fewer animals become sick by the prevention of disease and third by the prevention of loss of weight while the animals are sick. It is going to take research to show us the better ways of doing these things to eliminate disease and to prevent diseases. This bill is aimed in that direction. It would coordinate between Federal and State research laboratories, animal research laboratories, and the veterinary colleges all of the animal research that is done. It does not mean that there would not be a great deal of animal research done at Beltsville and at Ames, and continuing at Federal research centers. But the bill would coordinate unused research facilities and unused research opportunities in animal health among all of our veterinary colleges and all of our animal research institutions scattered all across the country. That is what this bill would do.

It would keep track of all of the research, coordinate it, and gear us up more to use some unused facilities that

are not operating to their full opportunity.

We tell consumers now who are very much alarmed at the sometimes scarcity of food supplies, particularly meats, and who are also alarmed at the prices of meats, the end result would be, hopefully, that using research directly, we can look down the road a number of years and see ourselves producing more meat, by allowing less death loss, and allowing less loss of weight or loss of condition from disease that is in the best interests of both consumers and producers.

The benefits that accrue to human health from animal research cannot be ignored. Controlling and eradicating diseases in cattle such as tuberculosis and brucellosis has eliminated most of the human cases of these diseases.

Animal research is basic and all mankind benefits from it.

In addition, there is the humanitarian element of elminating animal diseases and suffering of all types as much as we can. For all these reasons, we need this bill.

Madam Chairman, I hope the committee will consider the bill favorably.

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

Several days of hearings on this important matter were held before our Subcommittee on Livestock and Grains and we were told by the Deputy Assistant Secretary of Agriculture Vander Myde that animal diseases are still a very significant cost factor in our food supply system. He estimated that annual losses from diseases and parasites in livestock alone exceed $3.6 billion annually, and with meat and poultry already in short supply our country simply cannot afford to sustain losses of food to diseases in that magnitude.

The recent clamor around the world for more meat and projections for continued strong demand both at home and abroad point to a need for much greater efficiency in our system of supplying foods of animal origin.

Currently the tremendous losses due to animal disease are being borne by the consumer who must pay increasingly high costs for meat, poultry, milk, and eggs. In his statement before our subcommittee the Deputy Secretary pointed out that these losses in livestock of some $3.6 billion account for 15 to 20 percent of all animals in this country. In 1972 the Animal and Plant Health Inspection Service reported a total of 423,000 animals and animal parts and 404 million pounds of poultry condemned for disease. Specific diseases exact a severe total each year, including such diseases as bovine mastitis which causes losses of about $500 million annually, and bovine respiratory diseases which cause losses of about $200 million, and those from swine dysentery which causes about $34 million of losses, to name just a few.

There are many other losses of unknown causes, including one of the most costly, shipping fever. Approximately 70 percent of livestock abortions also are of unknown cause.

Animal disease research has been in progress for a long time throughout the Nation. As a result, many once severe diseases, such as hog cholera, have been brought under control and we have been able to maintain profitable production of meat, dairy and poultry animals. But this would not have been possible without the money spent on research to combat diseases in the past and disease problems continue to plague producers. Just in 1973 the Department of Agriculture programed about $23.4 million for animal health research. When we are talking about trying to combat losses of $3.6 billion, that is too modest an effort. Only about $1.7 million was allocated to colleges of veterinary medicine, $2 million to State agricultural experiment stations, and $19.7 million to Federal laboratories. The States and industry invested additional large sums in animal health research. We do not have complete information, but the funding of research on animal diseases, pests, parasites, and toxins by USDA, the State agricultural experiment stations, and other cooperating institutions alone exceeds $40 million annually. In terms of cash receipts from livestock—which will probably exceed $35 billion this year—this is indeed a modest investment for value received.

The colleges of veterinary medicine currently receive about $15 million in total from Federal agencies. Nearly two-thirds of this amount is human-health related research grants of 1 to 5 years' duration from the Department of Health, Education, and Welfare.

The bill before us today would establish a new program to support animal health research in the Federal colleges and agricultural experiment stations through formula funding administered by the Department of Agriculture.

The funds would be allocated to eligible institutions in the States on recommendation of an advisory board as follows: 48 percent on the basis of the value of livestock and poultry in each State; 38 percent in proportion to animal health research capacity; and, 10 percent on the basis of need for expanded research capacity. The balance of 4 percent would be used for administration, program assistance to the States and program coordination.

The intent of the new program is to assure more continuous and stable funding of animal health research in these institutions, as well as to increase the total research effort. Indirectly, of course, the additional funding would stimulate the training and development of new animal health scientists and technicians. Many graduate students, for example, would obtain valuable experience by assisting on the research projects as a part of their training. This has been demonstrated in our continuing research support programs with the State agricultural experiment stations under the Hatch Act as schools of forestry under the McIntire-Stennis Act of 1962. Animal health-related research currently is supported under both of these programs. In addition, the Department of Agriculture awards special research grants under Public Law 89–106 in support of the programs of the Department, including animal health research.

Thus, while animal disease research is, indeed, being supported to a considerable extent, there is no uniformity of such support among the colleges and universities and the total effort clearly is inadequate to cope with a truly gigantic problem.

I am sure that many Members here in the Chamber have heard from their own colleges of veterinary medicine and leaders of the livestock and poultry industry in support of this bill.

Our subcommittee received the following very strong statement in support of the bill from Dean P. T. Pearson of the College of Veterinary Medicine at Iowa State University at Ames, Iowa, representing the feelings of his entire faculty:

The mission of veterinary medicine is to assist with the protection and improvement of the health and economic welfare of our State, Nation and world. This entails responsibilities in teaching, research, and service to safeguard the health and productivity of food-producing animals, control diseases in livestock and pets that are transmissible to man, provide medical care for companion animals, and provide healthy laboratory animals essential to research. Veterinarians also cooperate with others in comparative medicine to help conquer major medical threats such as cancer and heart disease, assist in the protection of the quality of the environment, and other vital areas of public health.

H.R. 11873, would provide critically needed research support for areas vital to the health and welfare of the Nation and the world. In the past great strides have been made in the control and prevention of many animal diseases and public health problems. However, there are still urgent needs for additional funds to support research programs directed towards eliminating or controlling the animal diseases and parasite problems that cause the United States an estimated three billion dollars each year. This Animal Health Research Act if passed and funded should be very effective in providing more adequate support for research vital to making more animal protein available to the world and to improving the health and environment of both mankind and animals.

I have also received a letter under date of October 31, 1973, from Larry Kallem, executive vice president of the Iowa Cattlemen's Association, which strongly endorses this bill and urges me to support it, saying:

This bill, if passed and funded, can provide some much needed research funding for the benefit of the Iowa livestock industry.

David Roth, the president of the Iowa Turkey Federation, sent me the following letter, which takes a similar position in strong support:

IOWA TURKEY FEDERATION.

Hon. WILEY MAYNE,
House of Representatives,
Washington, D.C.

DEAR MR. MAYNE: The turkey industry of Iowa, representing 7 million Iowa grown turkeys, strongly urge the Congress of the United States to enact enabling legislation that will increase research on animal diseases. There is currently great concern about the availability and cost of animal protein. Increased availability of poultry meat at a minimum cost can best be achieved by increased efficiency of production. Control or elimination of poultry and animal diseases is a strong factor in that efficiency.

Salmonella infections in poultry is a serious public health problem. Iowa has been

one of the leaders in programs to eradicate Salmonella in turkeys. A great deal more work needs to be done in research to understand the transmissions and control of this disease.

Exotic Newcastle disease outbreaks in the past year have indicated a necessity for more research in methods of control and development of new vaccines for this disastrous disease. Research money to study control of this disease could be a great saving to the Government in indemnities paid for eradication of this disease.

House Bill 11873, a bill "To authorize the Secretary of Agriculture to encourage and assist the several states in carrying out a program of animal health research", could provide the necessary funding. We encourage you to take strong action in order to get it out of committee and passed by the House.

This enabling legislation could provide much needed funds for disease research in animals and poultry.

Sincerely,

DAVID ROTH, *President.*

Bill McMillen, executive vice president of the American National Cattlemen Association, who testified before our subcommittee has also written, advising that breed associations, artificial insemination firms, and others in the private sector of the livestock industry are spending approximately $100 million annually in the attempt to resolve many of these animal disease problems.

The bill has been adequately discussed by the distinguished gentleman from Montana, Dr. MELCHER, who is himself a veterinarian. I will not go into it in more detail, but I do want to point out that considering the relatively modest investment which this bill proposes to protect livestock and poultry health, it should certainly pay handsome dividends in reducing consumer prices and consumer losses in the years ahead. I urge my colleagues to support this bill in the best interest of the consumers, producers, and taxpayers of this country.

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

Mr. MAYNE. Madam Chairman, I yield to the gentleman from Minnesota, a member of the Subcommittee on Livestock and Grain.

Mr. ZWACH. Madam Chairman, I thank the gentleman for yielding to me. I want to associate myself with all that those who have spoken in support of this measure have said.

I rise in support of it and urge its passage.

Mr. MAYNE. Madam Chairman, I thank the gentleman from Minnesota for his contribution, and I am happy to yield to the ranking minority Member of the Agriculture Committee, the gentleman from Virginia (Mr. WAMPLER).

Mr. WAMPLER. Madam Chairman, I rise in support of H.R. 11873. The basic purpose of this bill is to put a greater emphasis on animal health research.

The bill proposes to do so by using the facilities and the talents of the 18 colleges of veterinary medicine and the 38 State agricultural experiment stations. It establishes, through the conventional appropriations process, a formula generally patterned after existing Federal-State research efforts, and it specifically aims at finding new and better ways to protect the health of animals.

In recognition of the serious problem of over-population of predators and domestic pets, the bill also allows these institutions to seek and search for new ways to control the birth of predators as well as domestic pets.

This bill also represents a constructive effort to meet a problem that affects both farmers and consumers—the problem of animal health.

It is easy to understand that animal health affects the livestock producers, but what, one may ask, does animal health have to do with consumers?

During the testimony on the legislation the Department of Agriculture pointed out that livestock losses run at least $3.6 billion per year.

Naturally, the farmer suffers when his livestock are sick or die, but, Madam Chairman, so does the consumer.

That same sick animal, if cured, would go to market and some day be on the grocer's shelf. If that animal dies from a disease that could be controlled, it will never reach the grocer's shelf, and the housewife's price at the check-out counter will reflect that fact.

Another aspect of consumer impact lies in the research needed to improve livestock yields or breeding. Yes, the roast beef eater will also benefit if the steer from which that roast came arrives at the market earlier and heavier than he now does.

In brief, Madam Chairman, the additional authorization for research expenditures contemplated by this bill, probably around $5 million next year, can very usefully be used to find new and better ways to reduce animal deaths, to hold down livestock illness, and to find better breeding and production techniques.

This bill, Madam Chairman, has broad bipartisan support from the Committee on Agriculture. All eight minority members of the Livestock and Grains Subcommittee are cosponsors of this bill together with the gentleman from Montana (Mr. MELCHER).

In summary, this bill is one which can benefit all Americans; it has been carefully and thoroughly considered by the Committee on Agriculture; it has strong bipartisan support; it moves to meet the predator and pet population problem; and it is indeed worthy of favorable consideration by the House.

Mr. MAYNE. Madam Chairman, I yield 8 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Madam Chairman, I want to thank the gentleman from Iowa for yielding this time to me. I realize that what I am about to do is a complete exercise in fultility. It is a complete waste of time; I realize also, a waste of energy. I might add, I am short on time but I have an abundant supply of energy.

Madam Chairman, let me review just very briefly some of the things we heard on this floor this week. I want to digress for just a few minutes, get away from what we are considering here today, and point out some of the things that to me are far more important to this country than the bill we are considering right now.

Chairman MAHON reported to us Monday or Tuesday that the budget for fiscal 1974 will be some $304 plus billion. I did a little research after that. I asked Chairman MAHON a few other questions off the floor. He told me that when he came to the Congress in 1934, our entire budget was $6 billion.

Then, I looked a little further. I looked at 1941, which was the last prewar year. Our budget that year was $24.8 billion. He also said something, and I wish each Member would pay attention to this if you have not already done so. By the end of this fiscal year, our national debt now—pay attention to this, please; to me, this is frightening—by the end of fiscal 1974 the interest on our national debt will be $29.1 billion.

Then I did a little bit of Albert Einstein figuring, and I hope my figures are correct since I am not used to dealing in figures quite this large. I called the Department of the Treasury and asked what the average interest charge is we pay for money today. I was told that the average charge is about 6.2 percent.

I am not at all certain that that figure is not too low. Here is a very interesting figure: You Members who are big spenders, take this home and tell your constituents: This interest on our national debt will be costing us $55,365.29 for every minute of every day of every week of the year. If that does not shake you up, I say it should. To me, that is frightening. Let me repeat that figure: Every minute our national debt at the end of this fiscal year is going to cost us in interest charges alone $55,365.29 per minute.

I said that this is a complete exercise in futility, but I think it is necessary that some of us point this out so all know what we have been doing.

To me, in recent years this Congress has lost all sense of fiscal responsibility. All one needs to do is to look at the RECORD to prove that statement. Practically every authorization bill and practically every appropriation bill that has reached this floor in recent Congresses has been increased considerably right here on this floor.

Madam Chairman, if we are to survive—and I surely trust that we will survive—I think it is time that this Congress return to some sense of fiscal sanity.

I think we have become completely insane in this field. I hesitate to say that, but I believe it is a fact of life and I propose to tell it like it is.

I want to say quite frankly that I am not opposed to research. Research is responsible for the United States having the greatest agricultural production of any country on Earth. My profession would not have survived without research. But here we are providing for a complete duplication of effort.

What does this bill do that cannot already be done under existing legislation? My answer to that question is: "Nothing."

Animal health research programs are presently being funded and carried out under several existing laws, namely through the State agricultural experiment stations under the Hatch Act, as amended, through the State schools of forestry under the McIntire-Stennis Act, and in addition, special research grants are being awarded under Public Law 89–106, in support of animal health research.

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

Mr. GOODLING. Yes, I will be glad to yield to the gentleman from California.

Mr. ROUSSELOT. Madam Chairman, I appreciate the remarks of the gentleman today about the fact that constantly we bring before this Congress bills that authorize money in a sense of overpromise that we know full well the Committee on Appropriations cannot fund.

Although this bill seems small in dollar amounts, compared to the type of bills that we bring onto the floor almost daily amounting to billions of dollars, the point that the gentleman from Pennsylvania is making is a very real and positive one.

Although the gentleman started out in his remarks by saying that none of the Members in this Congress will pay much attention to what he said, I can assure the gentleman that the American people are beginning to pay a lot more attention to the very concept the gentleman has developed.

I know the gentleman has announced that he is retiring from these halls and will not run for reelection, but he has been one of those very responsible Members of Congress who has constantly tried to remind us, when we are authorizing large numbers of dollars, far beyond what we are able to appropriate, what the long-range meaning will be.

That is that our children and our grandchildren some day will have to be accountable for this in additional tax dollars.

Madam Chairman, I wish to compliment my colleague for the point he has tried to make. Whether or not this Congress is listening is not important. The fact is that eventually the Members will have to listen, because their constituents will demand it of them.

Mr. GOODLING. Madam Chairman, I thank the gentleman from California for his contribution.

There is just one more item I wish to cover from my dissenting views.

IN 1973 the Department of Agriculture programed about $23.4 million for animal health research. States and industry invested additional large sums in animal health research.

Finally, I would like to point out to this House that we are starting this session with a bad precedent. Here we are, about to authorize—and I realize that we are going to authorize this expenditure—but we are going to authorize an expenditure of $45 million, and not one penny of it is budgeted.

Now, this hardly appears to me, at least, to be a proper way to run a railroad.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAYNE. I yield the gentleman from Pennsylvania 1 additional minute.

Mr. GOODLING. I said it hardly appears to be a proper way to run a railroad, but on second thought, railroads are bankrupt right now, and I am not at all certain that we are not on the same bankrupt track. I hope I am wrong, but I am extremely fearful for the financial condition of this country.

Mr. MAYNE. Madam Chairman, I thank the gentleman for his statement.

I join with my colleague from California in his remarks about the very distinguished gentleman from Pennsylvania and his service in the Congress and specifically on the Committee on Agriculture where he has been one of our most effective and capable members.

Now I yield 2 minutes to the gentleman from Nebraska (Mr. THONE) a member of the committee.

Mr. THONE. Madam Chairman, first I would like to acknowledge the leadership on this legislation of Dr. MELCHER, our distinguished colleague from Montana.

In my opinion, H.R. 11873, of which I am a cosponsor, rightly places increased emphasis on animal health research. This legislation would authorize the U.S. Department of Agriculture to work with and assist the States in carrying out a program of animal health research through grants for research and research facilities.

Without a doubt an increased effort must be made in the area of animal health research. As our colleague from Iowa, WILEY MAYNE, pointed out, animal disease losses are currently running at the rate of nearly $4 billion a year, and, as he also pointed out, this bill will be a real investment that will pay dividends for many, many years to come.

This legislation will assure continuous stable funding in this most critical area. It establishes a needed priority and in a most practical way. I strongly urge its passage.

Mr. FOLEY. Madam Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. JONES).

Mr. JONES of Tennessee. Thank you.

Madam Chairman, I rise in support of this bill. I think it is a very fine piece of legislation. A lot of work has been done on it in the committee, and I see a lot of need for it throughout our country.

I urge my friends to support this piece of legislation.

Mr. FOLEY. Madam Chairman, I yield myself 1 minute for the purpose of saying that I commend this legislation to the Members not only for the impact it can have on improved animal health and the possibility of a substantial lowering of the cost of livestock production, but also I wish to remind the Members there have been important steps made in the protection of human health which have arisen out of corollary studies on animal health.

Madam Chairman, I have no further requests for time.

Mr. GUNTER. Madam Chairman, with the great concern that exists relative to both food prices and food shortages, the Animal Health Research Act, which I have cosponsored, is both timely and important.

Farmers, ranchers and consumers annually lose an estimated $3.6 billion as a result of animal disease.

While the Department of Agriculture, through the Agricultural Research Service and the Cooperative State Research Service, currently programs roughly $23.4 million for research into the causes and alleviation of animal disease, experience indicates that when the funds are broken down, one of the most promising research areas is receiving only modest financial support.

These are the colleges of veterinary medicine and State agricultural experiment stations.

Over $19.7 million of the total funds programed went to support work at Federal laboratories, while only $1.7 million supported research at colleges of veterinary medicine and $2 million for research work at State agricultural experiment stations.

The pending bill, reported favorably by the Committee on Agriculture under the leadership of Chairman POAGE, would authorize the Secretary of Agriculture to encourage the various States to make fuller use of these research resources by allocating additional funds for the purpose.

The program would provide an estimated $5 million in fiscal year 1975 and increase the amount by $5 million in each succeeding fiscal year until a $15 million level is reached.

These funds, in my view, would represent not so much an expense but a wise investment, in the hopes that some portion of the enormous cost to consumers, farmers and ranchers as a result of staggering losses due to animal disease, can be reduced through further and more diversified research.

I urge the House to act favorably and commend my colleagues on the Agriculture Committee for their expression of active concern over this matter.

Mr. LEGGETT. Madam Chairman, coming as I do from an area with strong interests in the livestock industry, I take a correspondingly strong interest in the Animal Health Research Act. The School of Veterinary Medicine at the University of California at Davis in my district has long been a leader in animal disease research, and its internationally renowned faculty has time and again brought to my attention the need for greater emphasis on such programs. I would like to point out that animal disease is in no small part responsible for the 25-percent increase in food prices last year, so money spent now in research programs on animal disease is money saved later in the consumer's budget. There are other effects, of course, of such diseases. Hog

cholera and newcastle disease can literally wipe out a small livestock man, and in times of rising food shortages we can ill afford to lose even one producer.

That this legislation is timely is also not disputable. In hearings before the Livestock and Grains Subcommittee, Doctors Leo Bustad and James Henson of Washington State University made reference to a bulletin entitled "Problems and Practices of American Cattleman," which was published in the midfifties. To quote the statement of these distinguished gentlemen:

Although almost 20 years have passed since this well done survey that succinctly defined the problems, we must confess that the same serious disease and parasite problems that plagued the industry at that time are still with us.

I can assure you that this state of affairs is not confined to the cattle industry, but is evident among other sectors of the livestock industry as well. Such delay in protecting so important a segment of our food supply is simply intolerable.

We in California, of course, have our parochial interest in such a bill as this. We have well-developed equine, chicken, cattle, and other livestock industries which will benefit from this act; however, there is a strong national interest in our own, because California is a net exporter of food to the rest of the country. We are prepared, through our outstanding research facilities at Davis and elsewhere in the State, to do our part in meeting the challenge of suppressing animal disease; but Federal dollars are necessary to help us mount the kind of effort needed to see that we do not face the same problems 20 years from now that we faced 20 years ago.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the Animal Health Research Act.

SECTION 1. PURPOSE.—It is the purpose of this Act to promote the general welfare through improved health and productivity of domestic livestock, poultry, and other income-producing animals so essential to the Nation's food supply and the welfare of producers and consumers of animal products; to prevent disease epidemics that would be disastrous to the American livestock and poultry industries and our food supply; to minimize losses due to sicknesses and diseases of livestock and poultry; to protect human health through control of animal diseases transmissible to humans; to improve the health of companion animals which support an industry of major economic importance and which contribute significantly to the quality of family life; to improve methods of controlling the births of predators and other animals; and otherwise to promote the general welfare through expanded programs of research to improve animal health. It is recognized that the total animal health research efforts of the several State colleges and universities and of the Federal Government are more fully effective if there is a close coordination between such programs, and it is further recognized that colleges of veterinary medicine and departments of veterinary sciences and animal pathology, and similar units conducting animal health research in the agricultural experiment stations, are especially vital in the training of research workers in animal health.

SEC. 2. In order to carry out the purposes of this Act, the Secretary of Agriculture is hereby authorized to cooperate with the several States for the purpose of encouraging and assisting them in carrying out programs of animal health research at eligible institutions.

SEC. 3. DEFINITIONS.—As used in this Act:

(a) "Eligible institutions" shall include all accredited colleges of veterinary medicine and at institutions where there is no college of veterinary medicine, agricultural experiment stations eligible to receive assistance under the Hatch Act, as amended in 1955 (69 Stat. 671), which have departments of veterinary science or animal pathology, or similar units conducting animal health research: *Provided, however,* That when a new college of veterinary medicine is formed, the Secretary, after consultation with the advisory board, shall provide for the orderly transfer or support from the agricultural experiment station to the college of veterinary medicine in that institution.

(b) "Dean" shall mean the dean of a college of veterinary medicine. "Director" shall mean director of an agricultural experiment station at institutions where there is no college of veterinary medicine.

(c) "State" shall mean all States, Guam, Puerto Rico, and the Virgin Islands.

(d) "Secretary" shall mean the Secretary of Agriculture.

(e) "Advisory Board" shall mean a Veterinary Medical Science Research Board appointed by the Secretary of Agriculture which shall be constituted of not less than nine nor more than twelve members selected from individuals nominated by and selected so as to give equal representation to respectively: (1) accredited colleges of veterinary medicine, (2) veterinary science or animal pathology departments or similar units conducting animal health research at other eligible institutions, and (3) to representatives of national livestock and poultry organizations.

(f) "Animal health research capacity" shall mean the capacity of an eligible institution to conduct research on animal diseases as measured by a formula to be developed and applied by the Secretary with the advice of the advisory board. The Secretary's formula will provide a figure for each eligible institution which will be used in determining that institution's relative capacity to perform such research as a percentage of the total national capacity of all such institutions to conduct animal health research.

SEC. 4. (a) To support continuing research programs at eligible institutions, the Congress is hereby authorized to appropriate such funds, not to exceed $20,000,000 annually, as it may determine to be necessary. Funds appropriated under this section shall be used to meet expenses of conducting research, publishing and disseminating the results of such research, of contributing to retirement of employees subject to the provisions of an Act approved March 4, 1940 (54 Stat. 39), of administrative planning and direction, and for the purchase of needed equipment and supplies and the alteration or renovation of buildings necessary for conducting research.

(b) Funds appropriated under this section shall be apportioned as follows:

(1) Four per centum shall be retained by United States Department of Agriculture for administration, program assistance to the States, and program coordination.

(2) Forty-eight per centum shall be distributed to eligible institutions in the proportion that the value and income of domestic livestock and poultry in each State where such institution is located, bears to the total value and income of domestic livestock and poultry in the United States according to the latest published United States Department of Agriculture statistics. The Secretary will determine the total value and income and the proportionate value and income of domestic livestock and poultry for each State with guidance of the Advisory Board from the latest inventory of all cattle, sheep, swine, horses, and poultry published by the United States Department of Agriculture.

(3) Forty-eight per centum shall be distributed among the eligible institutions of the States in proportion to the animal health research capacity of the eligible institution or institutions in each State.

(c) When the amount available under this section for allotment to any eligible institution on the basis of livestock values and income exceeds the amount for which such institution is eligible on the basis of animal health research capacity, the excess may be used for remodeling of old facilities, construction of new facilities, or to increase staffing proportionate to the need for added research capacity.

(d) When a State has two or more eligible institutions, the funds available for such institutions in that State under this section shall be apportioned between or among those institutions in proportion to their animal health research capacity as defined in section 3(f).

(e) The sums distributed on the basis of proportionate value and income of domestic livestock and poultry (b)(2) above and proportionate animal health research capacity (b)(3) above in the first appropriation under this Act and like sums appropriated in subsequent years shall be based on the latest available data on National and State livestock values and income and research capacities, and any sums in addition to the initial appropriation level appropriated in subsequent years shall be distributed on the basis of domestic livestock and poultry values and income and animal health research capacities in the years those additional sums are first appropriated: *Provided,* That sums available to an eligible institution will not be decreased because of subsequent changes in the proportionate distribution of domestic livestock and poultry values and income and animal health research capacities.

SEC. 5. (a) To support research on specific national or regional animal health problems, the Congress is hereby authorized to appropriate such funds, not to exceed $15,000,000 annually, as it shall determine to be necessary. Funds appropriated under this section shall be used to pay costs of conducting research and other costs provided for in section 4(a).

(b) Funds appropriated under this section shall be allocated by the Secretary to eligible institutions for work to be done as mutually agreed upon between the Secretary and the eligible institutions. In developing plans for the use of these funds, the Secretary shall consult the advisory board.

SEC. 6. (a) To support cost of providing veterinary medical science research facilities, the Congress is hereby authorized to appropriate such sums, not to exceed $10,000,000 annually, as it determines to be necessary. Funds provided under this section shall be used to purchase land, construct or remodel buildings, and to buy and install necessary research and research-related equipment.

(b) Funds appropriated under this section shall be apportioned among eligible institutions in the same manner as funds apportioned under section 4(b), except that, to meet specific national or regional animal health research needs, additional funds may be appropriated to provide animal health research facilities at one or more eligible institutions as mutually agreed upon in each case between the Secretary and the eligible institution: *Provided,* That, in developing plans for the use of these additional funds,

the Secretary shall consult the advisory board.

SEC. 7. Sums available for allotment under the terms of this Act shall be paid to each eligible institution at such times and in such amounts as shall be determined by the Secretary. Funds shall remain available for payment of unliquidated obligations for one additional fiscal year following the year of appropriation, except that funds appropriated under section 6 shall remain available for payment, at the option of an eligible institution, for a period of not more than two fiscal years following the fiscal year of appropriation plus the one additional year for payment or unliquidated obligations.

SEC. 8. When the Secretary determines that an eligible institution is not eligible to receive its allotment of funds because of a failure to satisfy requirements of this Act or regulations issued under it, the Secretary shall withhold such amounts; the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress. If the next Congress shall not direct such sum to be paid it shall be carried to surplus.

SEC. 9. At a time and in a manner to be designated by the Secretary, the dean and director of each eligible institution will be directed to appoint a local committee to review local project proposals for research on priority problems of animal health which comply with the purpose in section 1 and for use as specified in section 4(a) and with general guidelines for project eligibility to be provided by the Secretary with the advice of the Advisory Board. Research proposals reviewed by the local committees and approved by the dean or director will be submitted to the Secretary with a brief outline abstract summary which will reveal compliance with the purpose of this Act and the Secretary's general outlines.

Each dean or director shall also submit a brief annual report of research accomplishments on a project-by-project basis and he shall account for all funds allotted to his institution under the provisions of this Act at such times and on such forms as the Secretary shall prescribe. If any portion of the allotted moneys received shall by any action or contingency be diminished, lost, or misapplied, it shall be replaced by the State concerned and until so replaced, no subsequent appropriation shall be allotted or paid to said college or university.

SEC. 10. The Secretary is authorized to prescribe such rules and regulations as may be necessary to carry out the provisions of this Act and to furnish such advice and assistance as will best promote the purposes of this Act. The Secretary is further directed to appoint the Advisory Board.

The Advisory Board in addition to providing consultation and advice to the Secretary as provided elsewhere in this Act shall meet at least annually to advise the Secretary with respect to administration and implementation of this Act and to recommend priorities for conduct of research programs authorized under this Act. The Advisory Board shall continue for the duration of this Act.

SEC. 11. The amount paid by the Federal Government to any eligible institution for assistance under this Act, exclusive of the funds paid for research on specific national or regional animal health problems authorized by sections 5 and 6, shall be in an amount not to excede $100,000 in addition to an amount not to exceed during any fiscal year the amount available to and budgeted for expenditure by such institution during the same fiscal year for animal health research from non-Federal sources. The Secretary is authorized to make such expenditures on the certificate of the appropriate official of the institution having charge of the animal health research for which the expenditures as herein provided are to be made. If any or all of the institutions certified for receipt of funds under this Act fails to make available and budget for expenditure for animal health research in any fiscal year sums at least as much as the amount for which it would be eligible for such year under this Act, the difference between the Federal funds available and the funds made available and budgeted for expenditure by the institution shall be reapportioned by the Secretary to other eligible institutions of the same State if there be any which qualify therefor and, if there be none, the Secretary shall reapportion such differences to the qualifying institutions of other States participating in the animal health research program.

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

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

There was no objection.

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

I would like to ask the gentleman from Washington who just spoke how much of this money is to go to the inspection service that is directly related to human health?

Mr. FOLEY. Madam Chairman, if the gentleman will yield, none of the funds that are authorized under this bill would go to the inspection service, that is covered under a separate line item in the appropriation bill. Funds that would be authorized here would be for the purpose of assisting the States and their colleges of veterinary medicine on a cost-sharing basis. There would be a basic Federal grant of $100,000 to each State college of veterinary medicine that cooperates in the program, or to the various State research entities if there is no college of veterinary medicine.

Mr. GROSS. Is this a matching fund program?

Mr. FOLEY. Yes, for each $100,000 there would be a cost-sharing program.

Mr. GROSS. Are not some of the States already pleading poverty?

Mr. FOLEY. Yes. States are pleading poverty. But I think we have had a record of rather substantial State support of research programs, especially to the programs with the Federal Government.

Madam Chairman, if the gentleman will yield further, I think the States can see the value of these programs in economic terms in improving animal health; the direct cost effectiveness of this research is well understood. And as the gentleman from Iowa (Mr. MAYNE) and others pointed out, and the distinguished gentleman from Montana (Mr. MELCHER) has pointed out, there is a need to eliminate the $3.5 billion loss from farm animal diseases, and if we can reduce that 10 percent we would be talking about $700 million.

Mr. GROSS. Do I understand we are already spending about $23.5 or $24 million annually for animal research?

Mr. FOLEY. The gentleman is correct, but not a significant amount of this goes to direct Federal research, and a rather modest amount goes to State veterinary colleges and research programs.

Mr. GROSS. And this bill calls for $45 million?

Mr. FOLEY. The gentleman is correct. $20 million is authorized under title IV, $15 million under title V, and $10 million under title VI.

Mr. GROSS. Now let me ask the vital question: Where is it planned to go to get the $45 million?

Mr. FOLEY. It is supposed to come from appropriated funds, and the gentleman from Iowa knows that that is a matter for the Committee on Appropriations to determine.

Mr. GROSS. And, at this time, as the gentleman from Pennsylvania (Mr. GOODLING) pointed out a moment ago, we are confronted with a $304 billion budget—an all-time record budget, whether in war or peace, plus a built-in deficit of $10 billion, and there is not a Member on the House floor at this moment who would bet one plugged nickel that the deficit will not be far more before fiscal year 1975 is over.

I would be pleased to make a sociable bet that it will be twice that amount in view of what is going on today to the economy of this country.

Somewhere, somehow, we are going to have to start saving $45 million and like amounts if we are going to save this country from the bankruptcy the gentleman from Pennsylvania was talking about. There is no other way.

Yet this bill appropriates $45 million, and calls upon the States again to come up with more matching funds, which some of the States cannot afford to do, and the gentleman from Washington knows it.

Mr. FOLEY. Madam Chairman, I will respond to the gentleman from Iowa, if the gentleman will yield still further, that of course that is a matter for the States to determine whether they wish to participate in this program. They are not required to do so.

It is true that we face a possible deficit. Of course, that argument can be made against any single authorization presented to the House under any particular authority of the Congress; it can be made against every appropriation.

I do not dispute the concern of the gentleman from Iowa about the deficit, but it always seems to me rather odd that here we have a relatively modest request for an authorization of appropriations, and where, as in this case, they are strongly cost-effective in terms of what would be produced by the Government expenditure in this kind of a program——

Mr. GROSS. Madam Chairman, I am not qualified to speak either for or on behalf of the people of the State of Washington, but I can tell the Members that the people of the State of Iowa still have a high regard for $45 million. I do not think it is a relatively modest amount. To the people of Iowa $45 million is still a hell of a lot of money, I would say to my friend, the gentleman from Washington.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOLEY. Madam Chairman, I move to strike the necessary number of words.

Just to continue, I do not want to minimize the amount of money involved here. I was going to say, though, it always strikes me as rather strange that it is never on the $18 billion supplemental appropriation bills; it is never on the hundreds of millions of dollar proposals, or millions of dollar proposals that are so often before this House that we have the argument about the national debt that the gentleman from Pennsylvania made so eloquently. I think there is kind of a rule of law that applies that if a bill does not carry an authorization for more than $100 million, it is one where we start to talk about the problems of the budget.

I think that this legislation can be defended in terms of its real value, that is, its monetary economic value. The cost we are now paying in animal disease runs into the millions every year. If we make any substantial reduction through these research efforts in animal disease, that saving will accrue to the benefit of every taxpayer in this country. The value of this research on human health is, I should mention, beyond evaluation.

I do not have any apology to make for this legislation. The Committee on Agriculture all but unanimously reported it, and I believe it merits the support of every Member of the House.

Mr. GOODLING. Madam Chairman, will the gentleman yield?

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

Mr. GOODLING. I thank the gentleman for yielding.

The gentleman knows I am not on his subcommittee. I did not hear the testimony. I admit that I have not read the report. Did the Department of Agriculture testify in favor of this bill?

Mr. FOLEY. The Department did not support the bill, but at the same time suggested that 16 amendments be added to the original proposal. All but one of these was adopted.

Mr. GOODLING. Can the gentleman tell me if the Department is in favor of this bill as presently written?

Mr. FOLEY. Although to my knowledge we have received no recent written communication from the Department of Agriculture, I believe it will support the bill.

Mr. MAYNE. Madam Chairman, will the gentleman yield?

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

Mr. MAYNE. I thank the gentleman for yielding. I think the gentleman from Washington is substantially correct that the committee did make all but one of the changes requested by the Department, but I do not believe that they have actually taken a position in favor of the bill. However, I am confident that the adoption of all of these amendments has very substantially reduced their lack of enthusiasm for it.

Mr. FOLEY. I thank the gentleman from Iowa.

The CHAIRMAN. Are there any amendments to be offered? If not, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair (Mrs. GREEN of Oregon) 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. 11873) to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research, pursuant to House Resolution 824, she reported the bill back to the House.

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

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

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

MOTION TO RECOMMIT

Mr. GOODLING. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GOODLING. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GOODLING moves to recommit the bill H.R. 11873 to the Committee on Agriculture.

The SPEAKER. Without objection the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

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

Mr. ANNUNZIO. 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 27, nays 328, not voting 74, as follows:

[Roll No. 30]

YEAS—27

Annunzio	Evins, Tenn.	Metcalfe
Biaggi	Goodling	Miller
Clawson, Del	Green, Oreg.	Parris
Collins, Tex.	Gross	Rousselot
Crane	Hosmer	Schneebeli
Delaney	Jones, Okla.	Shuster
Dennis	Landgrebe	Steelman
Edwards, Calif.	Long, Md.	Treen
Erlenborn	Martin, N.C.	Wydler

NAYS—328

Abdnor	Bergland	Burke, Fla.
Abzug	Bevill	Burke, Mass.
Adams	Biester	Burleson, Tex.
Addabbo	Bingham	Burlison, Mo.
Anderson, Calif.	Blackburn	Burton
Anderson, Ill.	Blatnik	Butler
Andrews, N. Dak.	Boggs	Byron
Archer	Bolling	Camp
Arends	Bowen	Carney, Ohio
Armstrong	Brademas	Carter
Ashbrook	Brasco	Casey, Tex.
Ashley	Bray	Cederberg
Aspin	Breaux	Chamberlain
Badillo	Breckinridge	Chappell
Bafalis	Brinkley	Chisholm
Baker	Brooks	Clancy
Barrett	Brotzman	Clark
Bauman	Brown, Mich.	Cleveland
Beard	Broyhill, N.C.	Cochran
Bennett	Broyhill, Va.	Cohen
	Burgener	Conable
	Burke, Calif.	Conlan
Corman	Kemp	Rose
Cotter	Ketchum	Rosenthal
Coughlin	King	Roush
Cronin	Kluczynski	Roybal
Culver	Koch	Runnels
Daniel, Dan	Kuykendall	Ruppe
Daniel, Robert W., Jr.	Kyros	Ruth
Daniels, Dominick V.	Latta	Ryan
Danielson	Lent	St Germain
Davis, S.C.	Litton	Sandman
Davis, Wis.	Long, La.	Sarasin
de la Garza	Lott	Sarbanes
Dellenback	Lujan	Satterfield
Dellums	McClory	Scherle
Dickinson	McCloskey	Schroeder
Dingell	McCollister	Sebelius
Donohue	McCormack	Selberling
Downing	McDade	Shipley
Drinan	McEwen	Shoup
Duiski	McFall	Shriver
Duncan	McKay	Sikes
du Pont	McKinney	Sisk
Eckhardt	Macdonald	Skubitz
Edwards, Ala.	Madden	Slack
Eilberg	Mahon	Smith, Iowa
Esch	Maraziti	Snyder
Eshleman	Martin, Nebr.	Spence
Findley	Mathis, Ga.	Staggers
Fisher	Matsunaga	Stanton, J. William
Flood	Mayne	Stanton, James V.
Flowers	Mazzoli	Stark
Foley	Meeds	Steed
Ford	Melcher	Steele
Fountain	Mezvinsky	Steiger, Ariz.
Fraser	Michel	Steiger, Wis.
Frelinghuysen	Milford	Stephens
Frey	Minish	Stokes
Froehlich	Mink	Stratton
Fulton	Minshall, Ohio	Stubblefield
Fuqua	Mitchell, N.Y.	Stuckey
Gaydos	Moakley	Studds
Gettys	Mollohan	Sullivan
Giaimo	Montgomery	Talcott
Gibbons	Moorhead, Calif.	Taylor, Mo.
Gilman	Moorhead, Pa.	Taylor, N.C.
Ginn	Morgan	Thompson, N.J.
Gonzalez	Mosher	Thomson, Wis.
Grasso	Moss	Thone
Green, Pa.	Murphy, Ill.	Thornton
Grover	Murphy, N.Y.	Tiernan
Gubser	Myers	Towell, Nev.
Gude	Natcher	Udall
Gunter	Nedzi	Ullman
Hamilton	Nelsen	Van Deerlin
Hammer-schmidt	Nichols	Vander Jagt
Hanley	Nix	Vanik
Hanna	Obey	Veysey
Hansen, Idaho	O'Brien	Waggonner
Hansen, Wash.	O'Hara	Waldie
Harsha	Passman	Walsh
Hastings	Patman	Wampler
Hawkins	Patten	Ware
Hays	Perkins	Whalen
Hébert	Pettis	White
Hechler, W. Va.	Peyser	Whitten
Heckler, Mass.	Pickle	Widnall
Heinz	Pike	Wiggins
Helstoski	Poage	Williams
Henderson	Podell	Wilson, Bob
Hicks	Powell, Ohio	Wilson, Charles H., Calif.
Hinshaw	Preyer	Wilson, Charles, Tex.
Hogan	Price, Ill.	Winn
Holt	Price, Tex.	Wolff
Horton	Pritchard	Wright
Howard	Quie	Wyatt
Huber	Railsback	Wylie
Hungate	Rangel	Wyman
Hunt	Rarick	Yatron
Hutchinson	Rees	Young, Alaska
Ichord	Regula	Young, Fla.
Jarman	Rhodes	Young, Ga.
Johnson, Calif.	Riegle	Young, Ill.
Johnson, Colo.	Rinaldo	Young, S.C.
Jones, N.C.	Robinson, Va.	Young, Tex.
Jones, Tenn.	Robison, N.Y.	Zablocki
Jordan	Rodino	Zion
Kastenmeier	Roe	
Kazen	Rogers	
	Rooney, Pa.	

NOT VOTING—74

Alexander	Clay	Dorn
Andrews, N.C.	Collier	Evans, Colo.
Bell	Collins, Ill.	Fascell
Boland	Conte	Fish
Broomfield	Conyers	Flynt
Brown, Calif.	Davis, Ga.	Forsythe
Brown, Ohio	Denholm	Frenzel
Buchanan	Dent	Goldwater
Carey, N.Y.	Derwinski	Gray
Clausen, Don H.	Devine	Griffiths
	Diggs	Guyer

Haley
Hanrahan
Harrington
Hillis
Holifield
Holtzman
Hudnut
Johnson, Pa.
Jones, Ala.
Karth
Landrum
Leggett
Lehman
McSpadden
Madigan
Mailliard
Mallary
Mann
Mathias, Calif.
Mills
Mitchell, Md.
O'Neill
Owens
Pepper
Quillen
Randall
Reid
Reuss
Roberts
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Rostenkowski
Roy
Smith, N.Y.
Symington
Symms
Teague
Vigorito
Whitehurst
Yates
Zwach

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. O'Neill with Mr. Vigorito.
Mr. Rooney of New York with Mr. Alexander.
Mr. Boland with Mr. Denholm.
Mr. Holifield with Mr. McSpadden.
Mr. Teague with Mr. Zwach.
Mr. Rostenkowski with Mr. Smith of New York.
Mr. Gray with Mr. Roncallo of New York.
Mr. Reid with Mr. Bell.
Mr. Roberts with Mr. Mallary.
Mr. Roncalio of Wyoming with Mr. Broomfield.
Mr. Carey of New York with Mr. Guyer.
Mr. Dent with Mr. Fish.
Mr. Fascell with Mr. Brown of Ohio.
Mr. Diggs with Mr. Reuss.
Mr. Jones of Alabama with Mr. Symms.
Ms. Holtzman with Mr. Clay.
Mr. Haley with Mr. Buchanan.
Mr. Mills with Mr. Devine.
Mr. Andrews of North Carolina with Mr. Quillen.
Mr. Conyers with Mr. Brown of California.
Mr. Dorn with Mr. Derwinski.
Mrs. Collins of Illinois with Mr. Evans of Colorado.
Mr. Leggett with Mr. Hanrahan.
Mr. Mann with Mr. Don H. Clausen.
Mr. Randall with Mr. Hillis.
Mrs. Griffiths with Mr. Conte.
Mr. Flynt with Mr. Mathias of California.
Mr. Pepper with Mr. Collier.
Mr. Symington with Mr. Hudnut.
Mr. Yates with Mr. Forsythe.
Mr. Harrington with Mr. Johnson of Pennsylvania.
Mr. Lehman with Mr. Madigan.
Mr. Roy with Mr. Frenzel.
Mr. Landrum with Mr. Mailliard.
Mr. Karth with Mr. Goldwater.
Mr. Davis of Georgia with Mr. Whitehurst.
Mr. Mitchell of Maryland with Mr. Owens.

The result of the vote was announced as above recorded.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 324, nays 23, not voting 82, as follows:

[Roll No. 31]

YEAS—324

Abdnor
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Baker
Barrett
Bauman
Bennett
Bergland
Bevill
Biester
Bingham
Blackburn
Blatnik
Boggs
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clawson, Del
Cleveland
Cochran
Cohen
Conable
Conlan
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Dickinson
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Esch
Eshleman
Evins, Tenn.
Findley
Fisher
Flood
Flowers
Foley
Ford
Fountain
Fraser
Frelinghuysen
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Pa.
Grover
Gubser
Gude
Gunter
Hamilton
Hammer-schmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hinshaw
Hogan
Holt
Horton
Howard
Huber
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kastenmeier
Kazen
Kemp
Ketchum
King
Koch
Kuykendall
Kyros
Latta
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
Macdonald
Madden
Mahon
Maraziti
Martin, Nebr.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mezvinsky
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Morgan
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
Passman
Patman
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Railsback
Rangel
Rarick
Rees
Regula
Rhodes
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Rooney, Pa.
Rose
Rosenthal
Roush
Rousselot
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Scherle
Schroeder
Sebelius
Seiberling
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Studds
Sullivan
Talcott
Taylor, Mo.
Taylor, N.C.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wyman
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—23

Annunzio
Beard
Biaggi
Collins, Tex.
Crane
Edwards, Calif.
Erlenborn
Goodling
Green, Oreg.
Gross
Hosmer
Kluczynski
Landgrebe
Martin, N.C.
Michel
Murphy, Ill.
Parris
Satterfield
Schneebeli
Shuster
Steelman
Treen
Wydler

NOT VOTING—82

Abzug
Alexander
Andrews, N.C.
Badillo
Bell
Boland
Broomfield
Brown, Calif.
Brown, Ohio
Buchanan
Carey, N.Y.
Clausen, Don H.
Clay
Collier
Collins, Ill.
Conte
Conyers
Davis, Ga.
Denholm
Dennis
Dent
Derwinski
Devine
Diggs
Dorn
Evans, Colo.
Fascell
Fish
Flynt
Forsythe
Frenzel
Goldwater
Griffiths
Guyer
Haley
Hanrahan
Harrington
Hillis
Holifield
Holtzman
Hudnut
Johnson, Pa.
Jones, Ala.
Karth
Landrum
Leggett
Lehman
McSpadden
Madigan
Mailliard
Mallary
Mann
Mathias, Calif.
Metcalfe
Mills
Mitchell, Md.
Moorhead, Pa.
O'Neill
Owens
Pepper
Quillen
Randall
Reid
Reuss
Roberts
Roncallo, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Rostenkowski
Roy
Roybal
Sandman
Shoup
Smith, N.Y.
Stuckey
Symington
Symms
Teague
Vigorito
Whitehurst
Wylie
Yates

So the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill with Mr. Wylie.
Mr. Rooney of New York with Mr. Smith of New York.
Mr. Boland with Ms. Abzug.
Mr. Holifield with Mr. Shoup.
Mr. Teague with Mr. Sandman.
Mr. Reid with Mr. Mitchell of Maryland.
Mr. Roncalio of Wyoming with Mr. Roncallo of New York.
Mr. Carey of New York with Mr. Devine.
Mr. Dent with Mr. Mallary.
Mr. Fascell with Mr. Bell.
Mr. Diggs with Mr. Reuss.
Mr. Jones of Alabama with Mr. Quillen.
Ms. Holtzman with Mr. Forsythe.
Mr. Haley with Mr. Derwinski.
Mr. Mills with Mr. Mathias of California.
Mr. Andrews of North Carolina with Mr. Broomfield.
Mr. Conyers with Mr. Roybal.
Mr. Dorn with Mr. Mailliard.
Mrs. Collins of Illinois with Mr. McSpadden.
Mr. Leggett with Mr. Fish.
Mr. Mann with Mr. Madigan.
Mr. Randall with Mr. Brown of Ohio.
Mrs. Griffiths with Mr. Hudnut.
Mr. Flynt with Mr. Frenzel.
Mr. Pepper with Mr. Buchanan.
Mr. Symington with Mr. Don H. Clausen.
Mr. Yates with Mr. Johnson of Pennsylvania.
Mr. Harrington with Mr. Metcalfe.
Mr. Lehman with Mr. Clay.
Mr. Roy with Mr. Goldwater.
Mr. Landrum with Mr. Collier.
Mr. Karth with Mr. Hillis.
Mr. Davis of Georgia with Mr. Dennis.
Mr. Rostenkowski with Mr. Conte.
Mr. Vigorito with Mr. Hanrahan.
Mr. Roberts with Mr. Guyer.
Mr. Alexander with Mr. Symms.
Mr. Brown of California with Mr. Whitehurst.
Mr. Badillo with Mr. Evans of Colorado.
Mr. Moorhead of Pennsylvania with Mr. Owens.
Mr. Stuckey with Mr. Denholm.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to re-

vise and extend their remarks on the bill just passed.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. BAUMAN. Mr. Speaker, I take this time to ask the distinguished majority whip the program for next week.

Mr. McFALL. I will be happy to respond to the gentleman's inquiry. There is no further legislative business for today.

As the gentleman knows, we have already adopted the recess resolution to adjourn until noon, Wednesday, February 13, 1974.

The program for the House of Representatives for the week of February 11, 1974, is as follows:

Monday and Tuesday, of course, will be the Lincoln recess.

Wednesday and the balance of the week we have:

H.R. 11864, Solar Heating and Cooling Demonstration Act, open rule, with 1 hour of debate; and

H.R. 11035, Metric Conversion Act, subject to a rule being granted.

Conference reports may be brought up at any time.

Any further program will be announced later.

Of course, as the gentleman understands, Calendar Wednesday may possibly come up because the unanimous-consent request to dispense with Calendar Wednesday business on Wednesday of next week was objected to.

Mr. BAUMAN. I thank the gentleman from California.

PANAMA CANAL NEGOTIATIONS

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

Mrs. SULLIVAN. Mr. Speaker, today I am introducing a resolution which is similar to resolutions already introduced by some of my colleagues which would express the sense of the House of Representatives that the sovereignty and jurisdiction of the United States in the Panama Canal and in the Canal Zone should be preserved and not relinquished in any fashion and that there should be no ceding to Panama or other divestiture of any U.S. owned property without prior authorization by the Congress as provided in article IV, section 3, clause 2, of the U.S. Constitution.

In my long years of work and service both as chairman of the Subcommittee on Panama Canal from 1957 to 1971, and as chairman of the full Committee on Merchant Marine and Fisheries at the present time, I have always worked for what was best for the Canal Zone and the Panama Canal and to maintain the integrity and identity of our position in that area. I, and I am certain the members of the entire committee, look with great concern on the treaty negotiations which are in progress at the present time between the Republic of Panama and representatives of the U.S. Government.

While we have been assured by Ambassador Bunker and other State Department officials that we will be kept advised as to the progress of these ongoing negotiations, we cannot participate in them and events in the past in this regard do not completely convince me that the Congress will be appraised of all developments. The Congress never did receive the 1967 treaty drafts, while they were available on the streets of Panama City.

I am sure that there are many in the Congress who will join with me in my warning as well as my fears with respect to the results of any kind of agreement with the Republic of Panama which may weaken the position of the United States in the Canal Zone and work to the detriment of our operation of the Panama Canal.

I believe we must all be alert to the dangers of these negotiations as they might weaken or destroy our sovereign rights and jurisdiction over this waterway which is so necessary to ocean commerce and our national security.

TAX HELP FOR ELDERLY

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

Mr. MEZVINSKY. Mr. Speaker, within the next few weeks, millions of Americans will be filling out their income tax returns to pay for the operation of this Government.

The latest figures indicate that nearly 9 million citizens age 65 and over will be among the ranks of those filing returns this year.

In recent years, the Congress has in many ways been responsive to the tax relief needs of the elderly. Recognizing that far too many older Americans must face the battle of inflation with fixed and low incomes, efforts have been made to ease the tax bite into their incomes. Our tax code now provides an additional personal exemption for age, special provisions for taxing the gain an elderly citizen receives from the sale of his personal residence, and a special retirement income credit.

Unfortunately, these provisions do not aid all those they were intended to help. Many older taxpayers are unaware of the existence of the helpful tax measures made available to them when they reach age 65. The result is that many senior citizens unwittingly overpay their taxes. It has been estimated that as many as half of the taxpayers eligible to use the retirement income credit do not claim this credit on their tax returns.

The problem is simply that the intricacies of tax return forms—which boggle the minds of millions of us regardless of age—often camouflage helpful provision in complexity.

Today, I am introducing legislation which should help correct this situation. The bill I propose is identical to legislation introduced in the Senate by Senator CHURCH and several of his colleagues.

It would build upon the successful base of a tax-aide program for the elderly now administered by the Institute of Lifetime Learning of the National Retired Teachers Association–American Association of Retired Persons.

Under this program, volunteers—usually retired men and women themselves—provide valuable counseling services for elderly taxpayers. Last year, about 2,500 volunteers trained by the Internal Revenue Service counseled more than 100,000 aged taxpayers throughout the Nation. They were someone to turn to with questions about the complexities of the Internal Revenue Code, such as computation of the retired income credit, medical expense deductions and other tax relief provisions.

The volunteers do not engage in tax preparation. Their functions are basically to counsel senior citizens about sections of tax law and advise them about common deductions and exemptions.

This program has proven successful as a safeguard against income tax overpayment by the elderly. The bill I am introducing today proposes to build on this base to insure that tax relief measures enacted by Congress can be more effectively used by older taxpayers.

The legislation would permit the IRS to expand tax counseling assistance for older Americans by making additional training and technical assistance available for volunteer tax consultants. Retired Americans—who have a special understanding of the problems faced by older citizens—would receive preference in the selection of volunteers. The bill would also allow the volunteers to be reimbursed for the expenses incurred by them in training or providing counseling assistance.

For the present, there are means to assist senior citizens identify and take advantage of tax relief measures available to them. Three pamphlets—two published by the IRS and one by the American Association of Retired Persons—provide the details of many potential tax benefits. I have made these publications available in each of the three congressional Outreach Offices in the First District of Iowa.

None of the tax relief measures enacted by Congress are of any value to the elderly unless they are put to use. For this reason, I urge prompt and favorable action on the legislation I am introducing today.

The bill follows:

H.R. 12737

A bill to provide for tax counseling to the elderly in the preparation of their Federal income tax returns

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Older Americans Tax Counseling Assistance Act".

(b) For purposes of this Act, the term—

(1) "Secretary" means the Secretary of the Treasury or his delegate;

(2) "elderly individual" means an individual who has attained the age of sixty years as of the close of his taxable year;

(3) "Federal income tax return" means any return required under chapter 61 of the

Internal Revenue Code of 1954 with respect to the tax imposed on an individual under chapter 1 of such Code.

SEC. 2. (a) The Secretary, through the Internal Revenue Service, is authorized to enter into agreements with private or public nonprofit agencies or organizations for the purpose of providing training and technical assistance to prepare volunteers to provide tax counseling assistance for elderly individuals in the preparation of their Federal income tax returns. The program shall utilize the services of volunteers with preference given in the selection of such volunteers to individuals who have retired from participation in the work force as full-time employees.

(b) The Secretary is authorized—

(1) to establish the qualifications an individual must have in order to serve as a volunteer under the program authorized by this Act and to prescribe the terms and conditions of service as a volunteer, including training, hours of work, and other terms and conditions of service as a volunteer;

(2) to provide for the training of such volunteers and for the certification of volunteers who qualify to provide tax counseling assistance to elderly individuals;

(3) to provide reimbursement to volunteers for transportation, meals, and other expenses incurred by them in training or providing tax counseling assistance under that program, and such other support and assistance as he determines to be appropriate in carrying out the provisions of this Act;

(4) to provide for the use of services, personnel, and facilities of Federal executive agencies and of State and local public agencies with their consent, with or without reimbursement therefor; and

(5) to prescribe such rules and regulations as he deems necessary to carry out the provisions of this Act.

SEC. 3. Service as a volunteer in any program carried out under this Act shall not be considered service as an employee of the United States. Volunteers under such a program shall not be considered Federal employees and shall not be subject to the provisions of law relating to Federal employment, except that the provisions of section 1905 of title 18, United States Code, shall apply to volunteers as if they were employees of the United States.

SEC. 4. The Secretary shall, from time to time, undertake to direct the attention of elderly individuals to those provisions of the Internal Revenue Code of 1954 which are particularly important to taxpayers who are elderly individuals, such as the provisions of section 37 (relating to credit against tax for retirement income) and section 121 (relating to gain from the sale or exchange of his residence by an individual who has attained age sixty-five).

SEC. 5. There are authorized to be appropriated to the Secretary for the purpose of carrying out the provisions of this Act $ for the fiscal year ending June 30, 1974, and $ for the fiscal year ending June 30, 1975.

CARDINAL MINDSZENTY

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

Mr. SCHERLE. Mr. Speaker, the world viewed with shock and dismay the outrageous removal of Cardinal Mindszenty from his office as the primate of Hungary and archbishop of Esztergom. This alarming move is seen by the Hungarian Freedom Fighters as a capitulation by the Vatican to Communist encroachment. I concur in this viewpoint and present for my colleagues' perusal their statement of concern:

WASHINGTON, D.C.,
February 6, 1974.

STATEMENT OF THE HUNGARIAN FREEDOM FIGHTERS FEDERATION CONCERNING CARDINAL MINDSZENTY'S REMOVAL BY THE POPE AS ARCHBISHOP OF ESZTERGOM

The Hungarian Freedom Fighters Federation is stunned by the Pope's action with which he removed Jozsef Cardinal Mindszenty as Primate of Hungary and Archbishop of Esztergom. The Federation's dsmay over the fact is overriden only by the alarm caused by the circumstances and timing of the Vatican's announcement.

In early January the Communist Hungarian Government—through its Office of Church Affairs—notified the Vatican that the meeting of some specific demands is essential to create an atmosphere in which discussions of "normalization of relationship" between Budapest and Rome can proceed. These specific demands were:

The removal of Cardinal Mindszenty as Primate of Hungary and Archbishop of Esztergom.

"The neutralization" of the Cardinal's Memoirs by the Vatican before publication.

"The withdrawal of the Cardinal's passport, issued by the Vatican."

In mid January Archbishop Luigi Poggi, representing the Vatican, traveled to Budapest in order to discuss the Hungarian Communist Government's demands.

The initial results of that discussion became evident on February 5, when Pope Paul IV declared the archdiocese of Esztergom—the main Roman Catholic Church position in Hungary, held by Cardinal Mindszenty since 1946—vacant.

The Cardinal's removal indicates that the Vatican is unable to resist blackmail, it lacks courage to stand up for one of its Princes and it is unwilling to fulfill the implied conditions of the Cardinal's 1971 voluntary departure from the U.S. Embassy in Budapest.

The timing of the Pope's announcement—which came in addition to the time of Communist demands, on the eve of the 25th anniversary of the Cardinal's ordeal of trial and life sentence delivered by the Communists in Hungary and a few weeks before his 82nd birthday—displays a blatant disregard for the sensitivities of a man who deserves more.

The Federation fears that the unprecedented Communist demands of posing limitations on the Cardinal's rights of free speech and free movement will also be met by the Vatican.

The action taken by Rome causes concern for the Federation. Concern not only for the Cardinal but concern for all of us. Seemingly the time has come when blackmail, disregard for basic human rights and the quality of life are rampant and unrestricted.

The Communist world successfully extends its influence behind the "Gulag Archipelago"! Its attempt to censor, silence and paralyze Solzhenitsyn is being challenged by courageous men everywhere. Its attempts to censor, silence and paralyze Cardinal Mindszenty should be rejected by all principled men and women of the Free World.

Dr. ANDRAS POGANY
President.
ISTVAN B. GEREBEN,
Co-President.

ECONOMIC STABILIZATION ACT

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

Mr. ANDERSON of Illinois. Mr. Speaker, I was greatly encouraged by yesterday's announcement that the administration will not seek a renewal of the Economic Stabilization Act when it expires on April 30. I think it should be amply clear that the conditions which made the initation of a stabilization program necessary back in August of 1971 have now changed drastically. At that time we were confronted with substantial underutilization of our industrial capacity, strong cost-push inflationary pressure in many basic sectors of the economy, and a pervasive inflationary psychology. While there is considerable dispute as to just how successful the original freeze and subsequent phases were in dealing with these problems, it is nevertheless true that a good economic justification could be made for the path we chose.

Today, however, nearly diametrically opposite economic conditions are present. During the latter half of 1972 and most of last year the economy operated at near capacity. According to the Federal Reserve Board Index, the basic industrial materials industries are operating at a higher capacity rate than any time since the Korean war. Business orders are backlogged to a degree not even attained during the boom of the mid-1960's. Although we have experienced 2 years of rapid growth in real GNP, inventory levels are still at historic lows for the this stage of the business cycle. In many sectors such severe supply bottlemecks have developed that they threaten to retard or even halt production in entire industries which are dependent upon them for raw and intermediate goods.

Mr. Speaker, I think it is imperative that under these conditions we recognize the importance of allowing the private market maximum freedom to bring about the proper adjustments, expansion of capacity, and new supplies that will be necessary to stay on the full-employment track. Wage, price and profit controls under current conditions will only interefere with this adjustment process and cause the shortages and bottlenecks to worsen.

We have already seen much evidence of this last year. In the case of a number of commodities, such as copper and fertilizer, the world price rose so high above the domestic price that exports skyrocketed in a very short period of time. In other cases such as steel reinforcing bars and oil-field tubular products, low profit margins due to controls provided a strong disincentive for increased production of these vital intermediate goods.

The list of distortions and interferences like these could be extended indefinitely, but I think the point should be clear: the stabilization program has outlived its usefulness, perhaps with the exceptions of the petroleum and health sectors, and unless phased out may cause severe economic damage during the next year or two. For this reason I hope that this House will have the foresight and prudence to comply with the administration's request and make a general extension of the Stabilization Act when it expires 3 months from now.

ADDRESS OF CARL SANDBURG BEFORE JOINT SESSION OF CONGRESS, FEBRUARY 12, 1959, TO COMMEMORATE THE 150TH ANNIVERSARY OF ABRAHAM LINCOLN'S BIRTH

(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, one of the most moving and eloquent addresses I have ever had the privilege of hearing was delivered on February 12, 1959, before a joint session of Congress by the great American writer, Carl Sandburg, on the occasion of the 150th anniversary of the birth of Abraham Lincoln.

Many Members of the 93d Congress were present for this extraordinary address, and I believe that they, as well as others who were not present on that occasion, will, in light of the observation of Lincoln's birthday next week, read with interest Carl Sandburg's address of 15 years ago.

Presiding over the joint session on February 12, 1959, was the distinguished late Speaker of the House of Representatives, the Honorable Sam Rayburn.

Mr. Speaker, I insert at this point in the RECORD the text of the address of Carl Sandburg to which I have referred.

CARL SANDBURG'S ADDRESS BEFORE JOINT SESSION OF CONGRESS, FEBRUARY 12, 1959, TO COMMEMORATE THE 150TH ANNIVERSARY OF ABRAHAM LINCOLN'S BIRTH

The SPEAKER. And now it becomes my great pleasure, and I deem it a high privilege, to be able to present to you the man who in all probability knows more about the life, the times, the hopes, and the aspirations of Abraham Lincoln than any other human being. He has studied and has put on paper his conceptions of the towering figure of this great and this good man. I take pleasure and I deem it an honor to be able to present to you this great writer, this great historian, Carl Sandburg.

[Applause, the Members rising.]

Mr. SANDBURG. Before beginning this prepared address, I must make the remark that this introduction, this reception here calls for humility rather than pride. I am well aware of that.

Not often in the story of mankind does a man arrive on earth who is both steel and velvet, who is as hard as rock and soft as drifting fog, who holds in his heart and mind the paradox of terrible storm and peace unspeakable and perfect. Here and there across centuries come reports of men alleged to have these contrasts. And the incomparable Abraham Lincoln born 150 years ago this day, is an approach if not a perfect realization of this character. In the time of the April lilacs in the year 1865, on his death, the casket with his body was carried north and west a thousand miles; and the American people wept as never before; bells sobbed, cities wore crepe; people stood in tears and with hats off as the railroad burial car paused in the leading cities of seven States ending its journey at Springfield, Ill., the hometown. During the 4 years he was President he at times, especially in the first 3 months, took to himself the powers of a dictator; he commanded the most powerful armies till then assembled in modern warfare; he enforced conscription of soldiers for the first time in American history; under imperative necessity he abolished the right of habeas corpus; he directed politically and spiritually the wild, massive turbulent forces let loose in civil war, a war he argued and pleaded for compensated emancipation of the slaves. The slaves were property, they were on the tax books along with horses and cattle, the valuation of each slave written next to his name on the tax assessor's books. Failing to get action on compensated emancipation, as a Chief Executive having war powers he issued the paper by which he declared the slaves to be free under military necessity. In the end nearly $4 million worth of property was taken away from those who were legal owners of it, property confiscated, wiped out as by fire and turned to ashes, at his instigation and executive direction. Chattel property recognized and lawful for 300 years was expropriated, seized without payment.

In the month the war began he told his secretary, John Hay:

My policy is to have no policy.

Three years later in a letter to a Kentucky friend made public, he confessed plainly:

"I have been controlled by events."

His words at Gettysburg were sacred, yet strange with a color of the familiar:

"We cannot consecrate—we cannot hallow—this ground. The brave men, living and dead, who struggled here, have consecrated it, far beyond our poor power to add or detract."

He could have said "the brave Union men." Did he have a purpose in omitting the word "Union?" Was he keeping himself and his utterance clear of the passion that would not be good to look back on when the time came for peace and reconciliation? Did he mean to leave an implication that there were brave Union men and brave Confederate men, living and dead, who had struggled there? We do not know, of a certainty. Was he thinking of the Kentucky father whose two sons died in battle, one in Union blue, the other in Confederate gray, the father inscribing on the stone over their double grave, "God knows which was right"? We do not know. His changing policies from time to time aimed at saving the Union. In the end his armies won and his Nation became a world power. In August of 1864 he wrote a memorandum that he expected in view of the national situation, he expected to lose the next November election. That month of August was so dark. Sudden military victory brought the tide his way; the vote was 2,200,000 for him and 1,800,000 against him. Among his bitter opponents were such figures as Samuel F. B. Morse, inventor of the telegraph, and Cyrus H. McCormick, inventor of the farm reaper. In all its essential propositions the southern Confederacy had the moral support of powerful, respectable elements throughout the north, probably more than a million voters believing in the justice of the southern cause. While the war winds howled he insisted that the Mississippi was one river meant to belong to one country, that railroad connection from coast to coast must be pushed through and the Union Pacific Railroad made a reality. While the luck of war wavered and broke and came again, as generals failed and campaigns were lost, he held enough forces of the north together to raise new armies and supply them, until generals were found who made war as victorious war has always been made, with terror, frightfulness, destruction, and on both sides, North and South, valor and sacrifice past words of man to tell.

In the mixed shame and blame of the immense wrongs of two crashing civilizations, often with nothing to say, he said nothing, slept not at all, and on occasions he was seen to weep in a way that made weeping appropriate, decent, majestic. As he rode alone on horseback near Soldiers Home on the edge of Washington one night his hat was shot off; a son he loved died as he watched at the bed; his wife was accused of betraying information to the enemy, until denials from him were necessary. An Indiana man at the White House heard him say, "Voorhees, don't it seem strange to you that I, who could never so much as cut off the head of a chicken, should be elected, or selected, into the midst of all this blood?" He tried to guide General Nathaniel Prentiss Banks, a Democrat, three times Governor of Massachusetts, in the governing of some 17 of the 48 parishes of Louisiana controlled by the Union armies, an area holding a fourth of the slaves of Louisiana. He would like to see the State recognize the emancipation proclamation:

"And while she is at it, I think it would not be objectionable for her to adopt some practical system by which the two races could gradually live themselves out of their old relation to each other, and both come out better prepared for the new. Education for the young blacks should be included in the plan."

To Gov. Michel Hahn, elected in 1864 by a majority of the 11,000 white male voters who had taken the oath of allegiance to the Union, Lincoln wrote:

"Now you are about to have a convention which, among other things, will probably define the elective franchise, I barely suggest for your private consideration, whether some of the colored people may not be let in—as for instance the very intelligent and especially those who have fought gallantly in our ranks."

Among the million words in the Lincoln utterance record, he interprets himself with a more keen precision than someone else offering to explain him. His simple opening of the House divided speech in 1858 serves for today:

"If we could first know where we are, and wither we are tending we could better judge what to do, and how to do it."

To his Kentucky friend, Joshua P. Speed, he wrote in 1855:

"Our progress in degeneracy appears to me to be pretty rapid. As a Nation we began by declaring that 'all men are created equal, except Negroes.' When the know-nothings get control, it will read 'all men are created equal except Negroes and foreigners and Catholics.' When it comes to this, I shall prefer emigrating to some country where they make no pretense of loving liberty."

Infinitely tender was his word from a White House balcony to a crowd on the White House lawn:

"I have not willingly planted a thorn in any man's bosom."

Or to a military Governor:

"I shall do nothing through malice; what I deal with is too vast for malice."

He wrote for Congress to read on December 1, 1862:

"In times like the present men should utter nothing for which they would not willingly be responsible through time and eternity."

Like an ancient psalmist he warned Congress:

"Fellow citizens, we cannot escape history. We will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down in honor or dishonor to the latest generation."

Wanting Congress to break and forget past traditions his words came keen and flashing:

"The dogmas of the quiet past is inadequate for the stormy present. We must think anew, we must act anew, we must disenthrall ourselves."

They are the sort of words that actuated the mind and will of the men who crated and navigated that marvel of the sea, the *Nautilus*, and her voyage from Pearl Harbor and under the North Pole icecap.

The people of many other countries take Lincoln now for their own. He belongs to them. He stands for decency, honest dealing, plain talk, and funny stories. "Look where

he came from—don't he know all us strugglers and wasn't he a kind of tough struggler all his life right up to the finish?" Something like that you can hear in any nearby neighborhood and across the seas. Millions there are who take him as a personal treasure. He had something they would like to see spread everywhere over the world. Democracy? We cannot say exactly what it is, but he had it. In his blood and bones he carried it. In the breath of his speeches and writings it is there. Popular government? Republican institutions? Government where the people have the say-so, one way or another telling their elected leaders what they want? He had the idea. It is there in the lights and shadows of his personality, a mystery that can be lived but never fully spoken in words.

Our good friend, the poet and playwright Mark Van Doren, tells us:

"To me, Lincoln seems, in some ways, the most interesting man who ever lived. He was gentle but this gentleness was combined with a terrific toughness, an iron strength."

And how did Lincoln say he would like to be remembered? Something of it is in this present occasion, the atmosphere of this room. His beloved friend, Representative Owen Lovejoy, of Illinois, had died in May of 1864, and friends wrote to Lincoln and he replied that the pressure of duties kept him from joining them in efforts for a marble monument to Lovejoy, the last sentence of Lincoln's letter, saying:

"Let him have the marble monument along with the well-assured and more enduring one in the hearts of those who love liberty, unselfishly, for all men."

Today we may say, perhaps, that the well-assured and most enduring memorial to Lincoln is invisibly there, today, tomorrow, and for a long time yet to come. It is there in the hearts of lovers of liberty, men and women—this country has always had them in crisis—men and women who understand that wherever there is freedom there have been those who fought, toiled, and sacrificed for it.

I thank you. [Applause, the Members rising.]

WHAT ARE THE AMERICAN PEOPLE TO BELIEVE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. THOMPSON) is recognized for 10 minutes.

Mr. THOMPSON of New Jersey. Mr. Speaker, on January 30, President Nixon stood before this body and presented his view of the state of this Nation. That same morning, I waited in line for 35 minutes to get $2 worth of gasoline so I might come to work and hear Mr. Nixon.

Mr. Speaker, those lines, in front of the few open gasoline stations, say more to me about the state of this Nation than all of President Nixon's worn rhetoric.

President Nixon talked about the progress his administration is making toward a healthy agricultural economy.

Mr. Speaker, yesterday my wife went to the supermarket. In 1 week, the price of pork chops had gone from 90 cents a pound to $1.70 a pound. She went back to that same supermarket today and there were no pork chops available—at any price.

Mr. Speaker, what are we to believe: Mr. Nixon's visions and promises or our very own eyes?

What is the housewife who finds no meat in the grocery store to believe?

What is the unemployed autoworker in Trenton to believe?

What are the thousands of Americans who cannot get a mortgage to buy a home to believe?

And, Mr. Speaker, what are the young people of this country to believe:

When nine tapes become seven;

When 18 minutes mysteriously disappear from a vital piece of evidence;

When Presidential pronouncements become inoperative when inconvenient;

When economic chaos abounds and one can see it and feel it;

And when, Mr. Speaker, our President stands before this Congress and tells the people of this country that in his view—albeit through rose-colored glasses—things really are not that bad.

I have just returned from my district. People there want only some very basic things—to which they have every right:

They want food that is affordable;

They want gasoline at their local stations;

They want honesty in government;

And they want a President that will make decisions and lead.

They do not want, and they will not tolerate, more of Mr. Nixon's pious platitudes.

COMMENTS ON STATE OF THE UNION MESSAGE

The SPEAKER pro tempore (Mr. MCFALL). Under a previous order of the House, the gentleman from New Jersey (Mr. DOMINICK V. DANIELS) is recognized for 10 minutes.

Mr. DOMINICK V. DANIELS. Mr. Speaker, I am pleased to have this opportunity on behalf of the Committee on Education and Labor to comment upon certain portions of the President's state of the Union message.

On Wednesday evening, January 30, 1974, we sat in this Chamber and listened intently to the President's glowing and sometimes eloquent descriptions of unparalleled national prosperity and wealth. We were told in unqualified fashion that "overall Americans are living more abundantly than ever before today."

But, the President's rhetoric could not conceal the regrettable fact, supported by overwhelming statistical evidence, that unemployment is rising and the economy is coming to a stand still despite the erratic efforts of the administration to prevent just those developments.

The sad truth reflected so vividly in the number of jobless workers is intensified by the awareness that so many disadvantaged Americans will continue to live as second-class citizens and be joined in that unenviable state by many other American workers displaced by a sagging economy.

As an author of the Comprehensive Employment and Training Act of 1973, and chairman of the Select Subcommittee on Labor from which it was first reported, I was personally satisfied by the President's statement that this law was "one of the most significant legislative achievements of 1973". I could take pride in the fact that this body through the passage of that legislation took the initiative in creating a mechanism for the employment of many Americans who had long been deprived of the dignity of a decent job at a fair wage.

At the same time, however, I was displeased that this same administration, which now so boldly brought this law to center stage as one of its significant triumphs, had, during negotiations, fought so vigorously against specific funding levels for the only part of the legislation which would directly and immediately create jobs for those most in need—the public service employment title.

But this administration's attitude should not have surprised the many Members of Congress who fought so doggedly for employment legislation in the face of Executive indifference. It was not long ago that the Congress in response to the need for the development of a new manpower policy passed the Employment and Manpower Act of 1970 which would have allocated $9.5 billion for manpower training and employment. The President vetoed that bill despite its strong support in Congress and among city officials and workers. Six months later, however, Congress again responded to the pleas of the American workingman for some relief from the throes of unemployment and substandard living conditions. We passed the Emergency Employment Act, authorizing $2.25 billion for public service employment over a 2-year period. The President reluctantly signed this legislation, which ultimately provided over 300,000 jobs.

Again, in 1973, it was Congress that took the initiative in the area of manpower reform and employment legislation. The result was the Comprehensive Employment and Training Act of 1973.

To a very creditable extent, the Comprehensive Employment and Training Act of 1973 became law in spite of White House opposition. While the committee worked hard to maintain a spirit of compromise with minority Members of the House and Senate and officials of the Department of Labor, the reluctant cooperation of the White House did not result from a genuine belief in the goals of manpower reform and public service employment. Rather, the White House made a realistic appraisal that—in light of increasing domestic problems, decreasing public confidence in Government, and a spiraling unemployment date—a positive, appealing piece of legislation was a political necessity.

The Comprehensive Employment and Training Act of 1973 can be a significant piece of social legislation. But none of us should be blind to the fact that it is not a panacea for all our Nation's economic ills—particularly at the present level of funding. However, this new law does provide an effective and potent weapon in our arsenal of constructive methods for relieving the burden of unemployment from the shoulders of those Americans least able to cope with it. If implemented effectively, it could soothe the wounds added to the injured American economy by the energy crisis by providing public service jobs to those occupationally displaced Americans.

The sponsors of the Comprehensive Employment and Training Act, recogniz-

ing well in advance the potential additions to the unemployment rolls created by the energy drain—which additions have come to fruition as reflected in the new 5.2 percent unemployment rate—insisted that there be a guaranteed minimum level of funding for public service employment in fiscal year 1974 and fiscal year 1975. This minimum combined with an open ended authorization provides the flexibility of funding through the process of supplemental appropriations, required to meet unexpected and unpredictable worker displacement.

I would earnestly hope—and in the strongest terms urge—that the President act on the mandate of the Congress to relieve the extraordinary burden cast upon the American worker by spiraling prices and plumetting job opportunities. I can assure you that I will exert strenuous efforts through this new law to improve the lot of those Americans who want to work but cannot find employment. Only if this goal is achieved will the Comprehensive Employment and Training Act of 1973 truly be a significant piece of legislation.

RESPONSE TO PRESIDENT'S STATE OF THE UNION MESSAGE

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

Mr. HAWKINS. Mr. Speaker, the ignoble watershed for the ideas of this administration as expressed in the state of the Union message goes back to the era of Harding, Coolidge, and Hoover. In his acceptance speech of 1928, President Hoover, as quoted by Stephen Bailey in his book, "Congress Makes a Law," triumphantly pronounced that:

> We in America are nearer to the final triumph over poverty than ever before . . . and given a chance to go forward with the policies of the last eight years, we shall soon with the help of God be in sight of the day when poverty will be banished from this nation.

President Hoover did go forward with the same policies being used today and in 1929 the economy collapsed. As Bailey noted the kindest commentary is that God refused to cooperate.

In the same tradition the Nixon economic policies omit responsibility for "taking direct action to mitigate the effects of economic depression" or to "alleviate widespread economic suffering," caused by inflation, concentration of economic power, maldistribution in income, and the energy crisis.

Instead of positive measures to meet the problems of insecurity, debt, hunger, and poverty this administration spends its energies on denying any responsibility for their existence.

On Mr. Nixon's budget, Treasury Secretary George P. Shultz says—

> We must have the patience and the cool not to be stampeded into action by every little thing that may come along.

Well may we ask in return: Is the rising unemployment rate which has resulted in over 350,000 job losses since November a little thing that has come along? Is an 8 percent inflation rate a little thing? How long do we ask the 25 million officially unemployed persons to cool it? And how long do we ask the millions who now spend 75 percent of their family income on food to wait?

We did not ask Lockheed and Penn Central to wait.

Mr. Shultz again says "whether an economic slump is . . . a recession . . . is a kind of political exercise—and in the end—the President will turn out to be right"—and then he added as they themselves define it. So it really does not matter how many people are unemployed or in poverty as long as unemployed statistics can be fictitiously manipulated and "poverty" can be redefined to conceal the actual number.

When the official unemployment rate approached 4.5 percent, the administration defined "full employment" as being a 4-percent rate; now, when it is rising, the administraiton says the 4-percent goal was not accurate in the first place and that a new definition is now needed. This decay in the accuracy of economic information epitomizes the credibility of the President's Council of Economic Advisers and other economists upon whom this administration depend for the formulation of policy. On this basis, the President can safely predict there will be no recession, for regardless of how much economic decline we experience, a new methodology can cover up the facts.

For fully a quarter of the population there is already a recession or depression.

At this point I insert the findings of the Senate Committee on Labor and Public Welfare showing the subemployment index of the central areas of 68 American cities revealing an unemployment rate of 9.6 percent in 1970 when the national rate was 4.9 percent.

Vol. No., city	Percent of city in CES survey area	Survey area unemployment (percent)	Labor market (SMSA) rate for 1970	Subemployment index ($80 a week) (percent)	Subemployment index (percent) ($3.50 an hour)	BLS lower family budget spring 1970
1 Nation as a whole, all cities surveyed	33.5	9.6	4.9–15.0	16.9–30.5	35.1–61.2	
2 New York, N.Y., all survey areas	31.2	8.1	4.4	22.1	59.4	7,831
4 Manhattan Borough		8.4		23.3	56.3	
5 Area I		8.1		24.5	63.5	
6 Area II		8.6		22.7	39.9	
7 Brooklyn Borough, NYC		7.6		19.3	59.5	
11 Bronx Borough, NYC		8.5		25.9	66.0	
12 Queens Borough, NYC		9.6		20.0	53.2	
13 Los Angeles, Calif.	26.3	12.5	7.2	33.1	61.6	7,507
14 Area I		10.9		29.4	58.6	
15 Area II		13.1		34.6	62.9	
16 Chicago, Ill	27.2	10.6	3.6	27.7	62.4	7,273
17 Area I		11.0		28.2	67.0	
18 Area II				27.0	56.5	
19 Philadelphia, Pa.	40.4	8.7	4.3	27.0	55.2	6,958
20 Area I		8.2		25.5	52.5	
21 Area II		9.2		28.5	58.2	
22 Detriot, Mich.	35.3	14.0	7.0	34.7	57.5	6,931
23 San Francisco, Calif.	35.4	12.5	6.7	27.0	54.8	7,686
24 Washington, D.C.	51.9	4.8	3.2	21.6	59.3	7,242
25 Boston, Mass.	56.7	8.5	3.9	22.0	52.2	7,351
26 Pittsburgh, Pa.	41.6	9.8	5.2	29.4	59.6	6,701
27 St. Louis, Mo.	50.2	10.5	4.6	34.2	62.0	6,987
28 Baltimore, Md.	58.7	8.5	4.0	30.9	62.0	7,018
29 Cleveland, Ohio	43.0	8.9	4.7	28.8	58.8	7,080
30 Houston, Tex.	39.8	5.9	4.0	31.8	61.7	6,481
31 Newark, N.J.	58.6	10.7	4.3	30.0	63.5	
32 Dallas, Tex.	25.7	9.0	3.8	37.2	69.3	6,683
33 Minneapolis, Minn.	36.4	7.1	5.2	25.6	56.9	7,140
34 St. Paul, Minn.	36.8	8.1	5.2	22.4	49.5	7,140
35 Milwaukee, Wis.	25.6	11.8	4.6	22.5	57.7	7,079
36 Atlanta, Ga.	40.5	8.2	3.7	38.2	68.6	6,424
37 Cincinnati, Ohio	36.0	8.4	4.3	32.2	61.6	6,611
38 Buffalo, N.Y.	29.0	9.7	8.8	30.0	56.7	7,022
39 San Diego, Calif.	9.0	15.9	6.4	39.9	65.0	7,166
40 Miami, Fla.	57.2	10.3	5.1	38.2	68.1	
41 Kansas City, Mo.	27.0	10.0	5.7	35.2	66.1	6,981
42 Denver, Colo.	25.5	8.5	3.5	32.5	64.0	6,697
43 Indianapolis, Ind.	22.5	9.0	4.8	32.3	64.8	7,101
44 New Orleans, La.	59.4	12.5	6.2	41.1	65.2	
45 Oakland, Calif.	37.8	17.6	5.4	35.0	59.0	7,686
46 Tampa, Fla.	39.6	7.7	3.2	40.6	69.4	
47 Portland, Oreg.	1.81	11.9	5.8	32.8	59.8	
48 Phoenix, Ariz.	24.7	9.6	4.7	33.1	61.8	
49 Columbus, Ohio	18.7	8.3	3.3	28.5	63.9	
50 San Antonio, Tex.	43.7	9.6	5.4	45.9	72.6	
51 Dayton, Ohio	25.1	12.9	4.6	36.0	59.6	6.712
52 Rochester	26.2	11.3	5.3	30.3	62.5	
53 Louisville, Ky.	37.3	11.6	4.3	39.2	66.0	
54 Memphis, Tenn.	38.3	11.3	3.9	44.1	70.9	
55 Fort Worth, Tex.	27.3	10.6	4.5	39.0	67.2	
56 Birmingham, Ala.	51.2	10.1	4.8	41.0	65.9	
57 Toledo, Ohio	22.9	9.2	5.4	30.0	57.7	
58 Akron, Ohio	33.7	10.0	4.4	29.4	55.5	
59 Norfolk, Va.	27.2	8.7	3.9	42.7	67.0	
60 Oklahoma City, Okla.	16.2	8.1	3.8	34.8	61.2	
61 Jersey City, N.J.	46.6	7.2	6.2	22.6	61.5	
62 Providence, R.I.	53.4	7.0	6.0	21.9	57.7	
63 Omaha, Nebr.	20.5	7.9	3.6	29.9	58.8	
64 Youngstown, Ohio	30.7	11.7	6.5	34.6	57.1	
65 Tulsa, Okla.	15.1	10.0	4.9	37.5	64.2	
66 Charlotte, N.C.	30.4	8.3	3.2	39.2	70.5	
67 Wichita, Kans.	21.5	13.9	10.1	37.0	65.0	6,772
68 Bridgeport, Conn.	39.3	13.7	8.2	29.9	66.7	

[1]Average.

Indian unemployment is 61,678 or a 37-percent rate and black unemployment is 884,000 with a rate of 9.6 percent, up 1.2 percent since October, a 14-percent increase.

Surveying specific industries affected by the energy crisis is even more alarming. Petrochemical, for example, may not be as spectacular as the trucking industry or as widespread as housing but the estimated loss of jobs is expected to reach 1.6–1.8 million—based on a 15-percent reduction in output.

Also in dismantling the Office of Economci Opportunity, Mr. Nixon is throwing out of employment over 94,000 persons who were previously poor and on welfare.

He then restates an old faith in low-paying, bedpan jobs by the assertion "there will be no government program which makes it more profitable to go on welfare than to go to work." Had he not just vetoed the minimum wage bill he might have said we should make it more profitable to work than to depend on meager welfare budgets.

The recently passed Comprehensive Manpower Development and Training Act, on which the President's economic security programs heavily depends, will be augmented he says to achieve a total of $2 billion in the coming year.

At first blush this may seem a generous move to meet the employment problems resulting from economic decline and the energy crisis. Actually, it represents not a positive move but a cutback in current funding of what was three separate manpower programs, one of which—the Emergency Employment Act of 1971—contained $1 billion for this fiscal year and the three together had a comparable appropriation in fiscal year 1973 of $2.8 billion.

Although a point may be made the act is open-ended in authorizing "such funds as may be necessary," reservations under the public service employment program provide for only about 40,000 jobs this fiscal year and 50,000 for 1975 fiscal year.

Theoretically, Congress acting upon appropriations may recommend to the executive branch a much larger amount. Practically, this is complex and uncertain depending on: First, overcoming limits specified by the conference at this time despite demonstrated need—350,000 persons, for example, have lost jobs since November 1973; second, overall spending limitations; and third, threat of a veto.

Also the 50,000 figure actually reduces quantitatively the jobs available as compared with the 187,000 public service jobs authorized under the Emergency Employment Act of 1971 which President Nixon terminated on July 1, 1973.

As to the point that title I of the act in addition to mere training, education, and numerous special programs and services—also may include "jobs"—it must be obvious that a conservative estimate would place the number at no more than 100,000, which together with the 50,000 above, add up to less than the 187,000 "jobs" lost by terminating the Emergency Employment Act.

In the shadow of Watergate, President Nixon might have conducted himself with some dignity had he set to rest rumors of his resignation not in political tones as he did but in programmatic and policy declaration on the state of the Union in terms of national economic and social goals achievable between now and 1976 on the anniversary of the 200th year of American independence which falls during his administration.

Instead he chose to clothe himself in a mantle of political salvation while condemning the economy to a climate of uncertainties and disjointed, uncoordinated programs yet to be devised. He has invited us on a blind date with destiny using a credit card which expired during the Harding-Coolidge-Hoover era.

Further, and more specific he might have responded to the immediate recession by urging the approval of a national program of public service employment of a minimum of 1 million jobs to be phased in over a 3-year period and supported by an annual appropriation, when fully operative, of $10 billion. Fifty percent of the estimated cost of unemployment compensation benefits for the coming fiscal year.

But even beyond that he might have announced that by 1975—on the 200th anniversary of independence—the national goal would be to achieve real full employment quantitatively and qualitatively—not in terms of phony percentages and fictitious bookkeeping but by a government guarantee—as we have done in the case of financial institutions and with corporate profits—that every American able and willing to work would be assured such opportunity as part of an Economic Bill of Rights.

In lieu of such positive programs the inescapable conclusion from the state of the Union address is simple: President Nixon is being ill advised; and the economy is being mismanaged. How the people react to such truths will surely become more evident as the President's promises evaporate in the cold realities of developing problems.

RESPONSE TO THE PRESIDENT'S STATE OF THE UNION MESSAGE

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

Mr. FORD. Mr. Speaker, on January 30, President Nixon appeared before this body and delivered his annual state of the Union message.

After carefully reviewing this message, one thing became immediately apparent to me. The speech was totally devoid of any reference to the needs or problems of this Nation's 2.8 million farmworkers and their families. As chairman of the Subcommittee on Agricultural Labor, the problems of these people are of particular interest to me.

The President's failure to address the problems of our farmworkers is deplorable—but in light of his past practices, his failure to acknowledge them is certainly not surprising.

If the President did discuss his policies with respect to the Nation's farmworkers, he would have to say that they have all been negative. During the past 5 years, the Nixon administration has been under constant attack for its failure to administer and enforce laws which protect farmworkers. In carrying out these practices, the administration has demonstrated time and time again its calculated and callous policy of totally ignoring the concerns and needs of the politically and economically powerless people in this country.

If the President were to mention the migrants and farmworkers in that part of the speech which he devoted to education, he would have to mention that he opposed the full funding of the migrant education program—a program designed to meet the special educational needs of the children of migrant workers.

If the President made reference to the farmworker in that part of his speech which he devoted to minimum wage, he would have to say that he opposed extending minimum wage coverage to all farmworkers and raising the present minimum wage for certain farmworkers from $1.30 an hour. He would have to admit that he evidently feels that farmworkers can afford to pay 1974 Nixon administration prices on 1930 Hoover administration wages.

If the President referred to our agricultural workers in that part of his speech which he devoted to the health of our nation, he would have to mention that he opposed the continuation of the migrant health program. He would also have to say that his new health proposal would do virtually nothing for the migrant farmworker employed for short periods of time at low pay in diverse geographical locations.

If the President discussed the agricultural workers in that part of his speech in which he talked about social security benefits, he would have to say that his administration has failed to vigorously enforce the Farm Labor Contractor Registration Act and that his failure to effectively enforce this act has resulted in millions of dollars of lost social security benefits to farmworkers.

Mr. Nixon made no mention whatsoever of agricultural workers in that part of his speech which he devoted to manpower programs. The President could have mentioned how one of his former top aides deliberately planned to scatter and destroy the migrant programs authorized by title III–B of the Economic Opportunity Act, which are now under the jurisdiction of the Manpower Division of the Department of Labor. He also could have mentioned that the grantees of this program from all over the country have experienced nothing but trouble and frustration in obtaining the urgently needed funds to which they are legally entitled.

When he discussed the housing programs, Mr. Nixon made no specific reference to the housing needs of our farmworkers, and in this area the record of his administration has been particularly deplorable. He has requested no funds whatsoever for fiscal year 1975 for farm labor housing, and he has impounded almost $10 million in funds from previous years which are drastically needed to provide housing for hundreds of thou-

sands of homeless migratory workers and their families.

Mr. Speaker, the total omission of any mention of the needs of the hardworking men, women, and children involved in harvesting the food which feeds the Nation is typical of the administration's callous attitude toward the underprivileged and powerless. Farmworkers are not looking for free handouts; they are among the hardest working of any group in this country. They are only looking to the Federal Government for fair and equal treatment, but they will continue to suffer until this administration acknowledges their existence.

ABERDEEN PROVING GROUND AND THE ORDNANCE SCHOOL—THEY MUST REMAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. BAUMAN) is recognized for 60 minutes.

Mr. BAUMAN. Mr. Speaker, it is not with joy that I am forced to launch a frontal attack on the Department of Defense. On our defense forces and their efficiency depend not only our strategic position in the world but ultimately our very existence as a Nation. That efficiency in its turn depends upon a system which insures the very highest standards of training. If this decade's goal of a wholly professional Army is to be realized—and it must be if we are to respond adequately to the systematic probing of our global commitments which will be our lot for the foreseeable future—then the Army must be given the latitude to streamline and improve that training. On goals, therefore, I have no disagreements with the Army. Indeed, my voting record in the House shows unwaivering support of our national defense.

THE RIGHT TO KNOW

But to indicate our basic agreement is not to give the military carte blanche in carrying out their responsibilities. Those very responsibilities include the necessity of constant accounting to the Congress and the public on the scope, nature, and costs of military projects. And it is in that area, for a variety of reasons, that the Army is most prone to command silence or enforce ignorance, to classify rather than to clarify, and ultimately to arrange statistics to suit bureaucratic or parochial Army ends. It would seem to be the least prerogative of a Member of Congress to be informed well in advance of impending decisions which appreciably affect the welfare of his constituents, and to have access to the calculations which underlie those decisions. But Army planners, like any of us, do not want to be told that their facts are inaccurate or their figures are incomplete. Such decisions and their data are therefore consigned to the uttermost levels of the Pentagon until that day when factual refutation will become an irritation rather than an impediment to the Army's plans. Then, mirabile dictu, the plans are unearthed, and it is impossible to follow any but the Army's plan.

As a Member of Congress, I obviously cannot and I will not accept that kind of procedure. My predecessor in the House, the late Bill Mills, was given 24-hour notice on the Navy's closing of the Bainbridge Naval Training Center, and then witnessed the spectacle of the Defense Department producing an area economic impact report on the move a year after the decision was made.

Fortunately, we have stolen a march on the Army's arrangements for Aberdeen Proving Ground in Harford County. This was due in large part to quick citizen response, to informed constituents quickly getting in touch with my office to point out the facts, the fallacies, and inconsistencies in Army planning.

ORDNANCE—A HISTORIC MISSION

First of all, Mr. Speaker, we should put Aberdeen Proving Ground and Edgewood Arsenal—with which it was merged in 1971—in the proper prospective. Aberdeen Proving Ground (APG) has been recognized for more than half a century as one of the foremost U.S. Army testing and research facilities in the world. It is the leader in the broad field of military vehicle, weaponry, and ammunition testing. Now in its 56th year of operation APG long has been considered the center for the Ordnance Corps. Indeed Aberdeen has become known as "The Ordnance Town." The first gun was fired at APG in a blinding snowstorm on January 2, 1918. From that day to this APG has been considered one of the major Army installations and now includes the headquarters post of the U.S. Test and Evaluation Command. As the major subordinate element of the Army Materiel Command, APG is 1 of 14 proving grounds, environmental test centers and sites for special test activities that comprise the Army's principal materiel testing organization.

In addition, there are 21 tenant organizations dispersed throughout a land and water area embracing more than 82,000 acres in Harford County, Md., on the Chesapeake Bay.

APG is not the outgrowth of a major U.S. military involvement abroad but rather a recognition of the need for a permanent facility of this type in the United States. Thus, it was prior to the Second World War that APG continued to expand. During and since that War, APG has continued as one of the major U.S. military installations, now with a civilian and military population in excess of 15,000 persons.

Of special pride to the people of Harford County and the city of Aberdeen is the Ordnance School. The school's origins date back to the very founding of APG in 1917 and only within the last 2 years the Ordnance Museum has been completed and draws visitors from all over the United States and the world.

Indeed APG has become a large part of the life of Harford County and produces more than 70 percent of the real income either directly or indirectly within the county. Its employees live in adjpoining areas as well, such as Baltimore County, Cecil County, and as far away as Delaware and Pennsylvania.

RUMORS AND FACTS

Because of this historic background, you can imagine my surprise, and that of the personnel at APG, when early last November we began to hear rumors of possible Army plans to transfer the Ordnance School away from APG. My Harford County assistant, Bob Waters, who runs my full time Bel Air office, received authoritative comments from knowledgeable persons, the gist of which was that the Army was conducting a major evaluation of APG and its mission. Concern was strongly expressed to Mr. Waters and he immediately contacted me. I, in turn, contacted the Secretary of the Army, Howard "Bo" Callaway, whom I have known for almost a decade. In early December at my request Secretary Callaway came to my office, and I presented him the substance of the rumors concerning APG. I also gave him a detailed explanation of the importance of APG in the Harford County economic picture.

The Secretary of the Army assured me that no final decision regarding APG had been made, many options were being considered, and no final recommendation by him to the Secretary of Defense would be made immediately. He also assured me that APG was only one of hundreds of facilities being generally evaluated. I subsequently learned that on December 15, 1973, Secretary Callaway made his recommendations to the Secretary of Defense. I then sought information from the Pentagon and found that supposedly nobody knew anything about the proposals. They could neither confirm nor deny my information. I was informed that Defense policy apparently precluded a Congressman from having access to facts regarding the vital economic life of his own district.

At that point I asked a former NATO expert, a resident of my district, to assist me by devoting his entire time to dispersing the Army smokescreen around Aberdeen. The facts I have to report are as yet incomplete, but hardly pleasing either for their news value to the people of Harford County, or for their commentary on the adequacy of Army accounting and planning procedures. But facts, however unpleasant, are preferable to the rumors which have been rampant in Harford County since the Army began its deliberations.

Indeed the people of Harford County have been rightfully up in arms due to the rumors concerning APG. These are the facts as I have been able to determine:

First, it is apparently the Army's recommendation that the entire Ordnance Center and School move from APG. This would be done in a Solomon-like fashion with the helicopter-oriented training facilities—involving some 125 enlisted men and warrant officers—going to Fort Eustis in Virginia, the tank-oriented facilities to Fort Knox in Kentucky—some 600 men—and the remainder of the school going to Redstone Arsenal in Huntsville, Ala. In toto, these transfers would produce a manpower loss to APG of between 4,000 and 5,000 personnel—both military and civilian—the final figure depending on how many APG support personnel are asked to transfer.

Second, the Land Warfare Laboratory

is to be phased out, and its employees absorbed into other Army research and development facilities. This will represent a loss to APG of 116 employees and was finally announced on February 4, 1974.

Third, the Chemical and Coating Laboratory is to be transferred to Fort Belvoir, with the loss of another 40 people to APG. This move is scheduled for June 1974.

Fourth, the RADCOM Nike-Hercules unit at APG is to be deactivated, jettisoning 224 men. This was announced on February 4, 1974, as well.

Last, in line with reducing the production functions of Edgewood Arsenal and with the reorganization of Army procurement facilities some 375 people may be transferred away from Edgewood by June 1975. The first of the units is rumored to be transferred to the Chemical Munitions Procurement Agency. The 265 people in that unit may go to ARMCOM in Rock Island, Ill.

UNJUSTIFIED PROPOSALS

As one who is definitely concerned with saving the taxpayers money, I can hardly object to Army plans which will completely phase out unneeded military installations. But I am not going to stand idly by and allow the rape of APG when these proposals consist of no more than the transfer to other areas of the country of existing operations at APG. Indeed it is almost impossible to judge whether or not any savings are contemplated by the Army's plans because no justification has been given to anyone outside the Pentagon.

It is difficult to counter the Army's proposal—as they well know—with piecemeal information, but I have obtained and am continuing to get masses of both indirect information from Army sources and non-Army figures on every aspect of their proposals. Even without the full figures it seems evident that to some extent the Army's proposed move of the Ordnance School is capricious and due as much to advancement ploys of certain senior officers as it is to real reorganization needs.

But more important, it is clear that the Army marshaled only a very narrow spectrum of evidence to support their proposed moves, and that they have not as yet found any use for the empty facilities at APG when the game of musical chairs is over. We therefore have the possibility of a transfer of over one-third of the 15,000 personnel at APG with no more than the possibility of the transfer there of some unnamed research and development facilities.

Apart from the historical reasons for the ordnance school's remaining at APG, the sheer cost of the move would have deterred anyone but the Army bureaucracy.

The Army's analysis of these transfers initially indicated a cost reduction of $28,253,000. This figure produced a full head of steam behind the move, and the momentum thus created was undiminished by their subsequent accounting efforts. These indicated both that their earlier figures were incorrect and that they had ignored some major duplication costs. While the original study results forecast a $28.2 million saving, the subsequent addition of forgotten technical requirements at the gaining bases and the long-range facility requirements added $30,632,000 to the bill for the move. The proposed move therefore would cost the Army $2,279,000 more than it would to allow it to remain at APG. The plans nonetheless have not been shelved.

These estimates, however, are only the Army's in-house figures. My information indicates that they are woefully understated. For example, to house the instructional engine laboratories alone would require at a minimum transformation of three buildings equipped with fuel, exhaust, and high pressure air facilities. Assuming a 100-engine facility such modifications alone would run in excess of $1 million. The same facilities, moreover, will require at least two 20-ton overhead cranes. The current cost of these is unavailable but is clearly of an order to far exceed the $20,000 to $50,000 delegated authority for unusual expenditures available to the post commander and would have to be appropriated by Congress. Classroom facilities would similarly have to be created by large outlays from existing waste space. Waste space at Huntsville would therefore be modified at great public cost to create waste space at Aberdeen. Such is Army efficiency.

DUPLICATION AND WASTE

While the technical facilities possibly could be accommodated at Huntsville, personnel housing facilities are another story. APG now has 2,200 barracks spaces with a new bachelor officers quarters—150 units—currently under construction. Huntsville by way of comparison has only 1,150 units and they are already 90 percent occupied.

Of the unoccupied units there, over 50 percent are being renovated and are only technically empty as the would-be occupants are off-post on a per diem basis. The current Huntsville facilities therefore could not possibly absorb even the major part of the ordnance school. And any construction of major new facilities avoids the important question of what figure to use to represent the accompanying waste at Aberdeen.

Family housing at Huntsville presents a still bleaker picture. The on-base quarters there are minimal while APG enjoys some 700 sets of married quarters, built in large measure to reflect ordnance school needs. The practical end result of the overall housing situation in the event of a transfer would be either that the Government would be forced to spend millions of dollars to reproduce Aberdeen facilities in Alabama, or that ordnance school personnel would be put out on the town with the resulting quantum loss in Army supervision and discipline. The irony of the move is that while it ostensibly would be made to improve efficiency, collateral problems such as housing might produce a reduction in efficiency.

In any case, the Army's figures do not touch the real cost figures even on housing. Assuming that some practical solution can be found at Huntsville, what would then happen to federally supported housing associated with Aberdeen? The Army's figures presumably included military approved home loans. But they obviously did not include FHA and HUD approved loans related directly to Aberdeen. Between rent subsidies and FHA insured loans the figure for APG related housing units currently comes to $33.2 million in Harford County alone. HUD, I need hardly add, was given no more advance word on the impending move than were Members of Congress, and I can see the possibility of hundreds of unoccupied housing units and resulting mortgage defaults at a cost to the taxpayers.

LOCAL IMPACT IGNORED

But those figures are, of course, only the beginning of the calculation the Army missed. Consider both the past and proposed expansions of the Aberdeen municipal water and sewage system to serve the Army's stated needs for the progressive expansion of APG. Consider the effects of a 35-percent scaling down of APG on the Harford County school system. It would cause loss of some 2,500 students from the system and an accompanying loss of just under a million dollars in federally impacted aid funds. While the superfluous teaching staff might then be incorporated elsewhere in the system, the loss would create empty classroom space in new buildings which were built by the taxpayers of Maryland to servce APG's expressed needs. The million-dollar shortfall is bad enough in itself, but its secondary effect would be to push up local property taxes by a large fraction of that amount. This kind of multiplier effect would occur in every area of county and municipal relations with APG. The loss of APG employees in substantial numbers would at once deprive the area of sizable Government revenue, and heavily erode the tax base of every local government—those very governments who have spent a disproportionate amount of their time and effort for half a century anticipating every need of APG.

But if these proposals go through, the long-range prospects are bleak—15,000 is apparently the magic figure at which the cost of supporting personnel becomes economic in the mangement of a military base. When the figure drops to, say, 9,500, the Army's tendency is to phase a base out as uneconomic. APG has enjoyed privileged status as a result of its uniqueness. What is clear now is that the value of that uniqueness is being challenged. If this move is permitted we are likely to be fighting another battle on the same grounds very soon.

UNITED DELEGATION ACTION

I want to especially thank my colleagues in the Maryland delegation for their support in this matter. Senator J. GLENN BEALL has worked together with me throughout this period in an effort to obtain the information we needed and to protest the Army's plans. I circulated a letter which the Maryland congressional delegation sent to the Secretary of Defense supporting the retention of all the existing facilities at APG and demanding a full disclosure of supporting data. Whether this collective approach proves more effective than an individual one remains to be seen.

Congressional pressure can, however,

be exerted through the purse strings. Over the past two decades, hundreds of millions of dollars have been appropriated for APG on the basis of Army projections of its growth. Seven million dollars in appropriations for Aberdeen currently remain frozen by the Army and if they think those funds can be readily transferred elsewhere, they have another thought coming. For many years Army officials have been appearing before the Appropriation Subcommittees of the House and Senate justifying increased spending at APG on the grounds of a long-term commitment to the facility. Indeed a 25-year development plan was drawn up filled with promises and projections about APG's future.

The past promises should be studied with care before an additional dime is appropriated for the movement of any of its facilities elsewhere. Logic would indicate that if there are moves projected in the ordnance field, they should be to APG and not away from APG. Logic would indicate that if non-nuclear research and development facilities are to be centralized, they should be grouped at APG. We have to get away from the chess board mentality which equates square footage in different bases and which assumes that effectiveness can be maintained through any and all moves. In the end, however, the Army does not pretend to rely fully on its statistical analysis.

The Comptroller General's report assessing the entire Army reorganization noted their overall shortcomings, saying:

Because we did not have sufficient documentation, we could not determine how (the Army) assured itself that the consolidation was justified in terms of costs, savings, and the impact on civilan personnel. (Army) officials stated that it was impossible for them to document every analysis and that the improvements in effectiveness following consolidation involved subjective factors which were not susceptible to measurement.

I am not against the Army or its reorganization. But I am against arbitrary and inaccurately researched decisions which affect the welfare of my constituents. It is clear now that the Army research was narrowly gaged. It must be our collective responsibility to be sure that their vision is widened so that when a decision is made it will reflect all the costs here and elsewhere and not just some planners desire to make a pretty organizational diagram. If we can bring the true facts to bear, there is little question that the proposals will be killed and that APG's fitness for its historic tasks will be underscored and its projected role for the future enlarged rather than cut back.

ORDNANCE SCHOOL MUST STAY

I intend to remain in the forefront of the constructive and effective opposition to any unreasonable proposals affecting the future of APG. This facility must remain and prosper and no other region can be allowed to snatch it or its components away for political reasons. I have been bitterly disappointed by the refusal of the Defense Department to cooperate in providing a Member of Congress with the confirmation of the plans which I have detailed in my remarks today, but I have gone beyond the Defense Department, and I think I can say with reasonable certainty that the Army plans I have outlined are not going to come to pass. The ordnance school will remain at APG. If this is to be the case, it will be because of the united and effective opposition of those of us in Congress, but just as importantly, the work of the many people in Harford County and in the military itself who have helped us in this struggle.

GENERAL LEAVE

Mr. BAUMAN. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the subject of my special order today.

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

There was no objection.

RESPONSE TO THE PRESIDENT'S STATE OF THE UNION MESSAGE

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

Mr. DENT. Mr. Speaker, it was interesting to note—tucked away in the bowels of the President's state of the Union message—his support for legislation to raise the minimum wage. I can understand his reluctance to make specific reference in the speech he delivered to that support, since it would have evidenced yet another credibility issue. After all, was this not the same President who vetoed legislation overwhelmingly approved by the Congress last year to raise the minimum wage? But I will leave to future generations of scholars the incredible risk of seeking to reconcile what the President says with what the President does.

Suffice it to say that I introduced, prior to the President's speech, a revised minimum wage proposal I have knowingly described as our "final compromise." I did not attend this description to the bill out of a steadfast reluctance to be unyielding with respect to that controversial legislation; but rather, to indicate clearly that we are at the end of hypocrisy on this matter. It is time to either enact a meaningful minimum wage law or to move on to other pressing issues that demand our attention. To lend our stamp of approval to that which the President seeks, would be to strip the Federal minimum wage law of any vestige of integrity and remedial import. It would be assent to misrepresentation and mirage. And, most importantly, it would be an empty bag for the millions of impoverished working Americans who look hopefully to the Congress as their collective bargaining agents.

What more can be said in support of our various minimum wage proposals? We have exhausted our reservoir of compelling logic and remain confronted with the immobile posturing of the opposition. It is said we seek a political issue, and yet, we have time-after-time sought to effect improvements in our minimum wage law, only to be repelled by one procedural resistance after another—up to and including a Presidential veto.

The cost-of-livng index has increased 40 percent since the last time—1966—the Congress amended the minimum wage law. Notwithstanding this dramatic economic reality, we are told we are unreasonable in proposing a minimum wage increase which, at best, will yield income far below the so-called poverty level of income. We are told we are denying jobs to our Nation's youth, and asked to make special provison for them to be employed at subminimum wage rates.

Mr. Speaker, this is a not-so-subtle way of returning to the squalid and shameful days of child labor in this country. Anyone who lived during that period, when children were economic carnage to fuel our industries and businesses, should recoil in horror at such a suggestion. Some have cynically described the administration's approach in this regard as the "McDonald's hamburger provision," and looked upon it as the administration's fulfillment of a political obligation to one of his more generous benefactors. I will withhold judgment on that observation, but simply note that even the Department of Labor's exhaustive study of youth employment draws no conclusion to support the administration's argument that low, low wages encourage the employment of youth.

In summary, Mr. Speaker, the President's state of the Union message shows the same insensitivity and disdain—yes, even contempt—for the Nations' working poor that his administration's performance has shown over the past 5 years. Apparently, it is to be "more-of-the-same" or "let them eat cake" with respect to that great segment of national concern.

IVAN HILL—PIONEER IN ETHICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 5 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, we are all familiar with the term Watergate—a word whose connotations invoke controversy and debate wherever it is spoken. More importantly, it is the embodiment of the moral and ethical dilemma confronting all Americans.

It is the end result of a long, pervasive process of ethical decay that has been affecting the body of American institutions for many years.

The symptoms of this moral disease are painful to observe—white collar crime, corporate corruption, cheating on our campuses, an epidemic of shoplifting and bad checks, and political payoffs and kickbacks.

The prognosis for recovery depends on a restoration and revitalization of ethical and moral values lost along the path of our headlong rush toward affluence and comfort.

One individual in this country is working diligently to provoke the collective American conscience into action. I refer, of course, to the fine efforts being made by Ivan Hill, president of American Viewpoint, Inc. Mr. Hill has concerned

himself with the "ethics crisis" for many years, and has pointed out the need for developing codes of ethics in our professions, corporations, and government that will effectively elevate the ethical standards in those sectors. Mr. Hill has also stressed the importance of inculcating ethical values in the young people of America, and has advocated an ethics curriculum that would extend from grade school to graduate school. Later in this session, I intend to introduce legislation to implement such a national ethics curriculum.

Roscoe Drummond has written an article emphasizing the need for an ethics consciousness in this country, and he cites the work being done by Mr. Hill. I include Mr. Drummond's article in the RECORD:

HONEST ENOUGH TO STAY FREE?

(By Roscoe Drummond)

WASHINGTON.—Based on the latest poll of the University of Michigan's Institute for Social Research, the headline reads: 66% feel distrust in government.

This is the highest and most perilous level of public distrust in memory. And not just distrust in government but in almost everything—in business and industry, in labor unions, in advertising, in merchandising, in the media, in politics and the whole election process.

It is easy to assume that government and politics have a kind of monopoly on sleazy ethics and dishonesty. But consider signs of the times like these:

A Chicago meatpacker handles $15 million worth of meat a month but can't show a profit because of an employee theft ring.

A New Orleans architect finds that public officials consider a 10% kickback normal—a widespread practice.

A San Diego bank goes bankrupt because its principal stockholders were making dubious loans to themselves.

A hot insurance company collapses after inventing thousands of fictitious policyholders.

In cities, shoplifters are stealing billions upon billions of dollars of merchandise.

* * * * *

This is a fair sample of the mounting and pervasive dishonesty and decaying ethics cited by a nonprofit and public-spirited organization called American Viewpoint, Inc., located at University Square, Chapel Hill, N.C., which is setting out to do something about it.

It is not too late but it is surely not too soon. Hopefully, what it is saying and what it is beginning to do will find a responsive public.

There is no doubt that Watergate in all its related crimes and offenses against decent government has weakened the moral fiber of those who were looking for an excuse for their own misconduct. Watergate has impaired our faith in each other and in all our institutions.

The need is to arrest and reverse the downward trend of ethical standards.

"Maybe it's too late," says Ivan Hill, a former advertising and business executive who is the energizing president of American Viewpoint, Inc. "Maybe there are already too many people who simply don't care about having a bundle of freedoms. Maybe faith in one another is a thing of the past. But we don't think so. And we propose to help bring back honesty, ethics and self-respect. Our simple aim is to make honesty a working social principle rather than a moral issue apart from our daily lives."

* * * * *

The most valuable thing which Mr. Hill and American Viewpoint is doing is to relate ethics to the survival of freedom in the United States. They are indispensable to each other.

Honesty and ethics form the cement which holds together our whole free society, and without a recovery of a higher standard of ethics and honesty we will lose both our democracy and our freedom.

Ethics cannot be legislated and the end result of social decay, which comes from pervasive dishonesty, is enforced discipline, and down the road from there is political dictatorship.

This is why Alan L. Otten warns in an article in The Wall Street Journal that "Americans may be ripe for a man on horseback."

This is why America must make itself honest enough to stay free.

PANAMA CANAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 30 minutes.

Mr. MURPHY of New York. Mr. Speaker, I think this is an appropriate occasion to discuss some important aspects of the Panama Canal in view of a significant event that is taking place today. I refer to the visit to Panama by Secretary of State Henry Kissinger, who I understand will sign an initial agreement of principles with Panamanian officials for a new treaty involving the Panama Canal and the Canal Zone.

As a member of the Panama Canal Subcommittee for 12 years, and as chairman during the critical years of 1970–71, I am compelled to make some observations on the current United States-Panamanian situation and to place before my colleagues information that I feel will be of importance in their future decisions regarding U.S. policy and the Republic of Panama.

Subjects that I consider of great moment at this point in time include the stability and integrity of the Panamanian Government; the role of the House of Representatives in any major change in the 1903 Hay-Bunau-Varila Treaty; the importance of the canal, the zone, and the southern command in our hemispheric defense picture; and the obvious conspiracy of certain elements in this country to stampede the U.S. Government into taking a course of action that I feel borders on insanity.

ELEMENTS OF CONSPIRACY

Some few newspapers and organizations have, with increasing cresendo, played fast and loose with the facts and with the truth in recent weeks. They consider the Canal Zone as "arbitrarily occupied," and that it should be returned to Panama forthwith because the United States somehow duped the Panamanians on the original treaty.

That action cannot be taken any more than can the return of the 1853 Gadsden Purchase to Mexico, for the Canal Zone is U.S.-owned territory, the title to which has been recognized as valid by the U.S. Supreme Court. Moreover, the Hay-Pauncefote Treaty of 1901, under which the United States undertook to construct and operate the canal, has been accepted by all nations that use it.

These elements in the press, in searching for excuses to give away the Panama Canal, which as of June 30, 1971 represented a U.S. investment in the neighborhood of $5,700 million, have been quoting Secretary of State John Hay when he said that the 1903 treaty was, in effect, a good deal for the United States and not such a good deal for the Panamanians.

I might ask since when has it been considered offensive for this country to get a good deal in treaty negotiations. However, I would prefer to refer these people to the policy of another Secretary of State, Charles Evans Hughes, who, when faced with a problem in 1923 similar to that which faces the United States today, called on the Panamanian Minister and warned him that:

It was an absolute fatality for the Panamanian Government to expect any American administration, any President, or any Secretary of State, ever to surrender any part of (the) rights which the United States had acquired under the Treaty of 1903.

But, of course, they seldom print statements that do not fit their own peculiar predictions.

THE SOUTHERN COMMAND

Another aspect of concern to me is the importance of the U.S. military presence in the Canal Zone, the Canal Zone military training schools, and the existence of the Southern Command. I have read, this morning, of the decision of the Secretary of Defense to eliminate the Southern Command as part of the Defense Department policy of dissipating our Armed Forces, while I do not know the full details of this plan, I view any diminution of the U.S. military presence in the Canal Zone with great trepidation.

The Southern Command is the only force that protects the United States from the southward approaches.

It is necessary for local and hemispheric defense.

I think it is ironic that the original timing of the recent Bunker-Tack announcement of the new principles came on the 10th anniversary of the Communist-led Panamanian mob assault on the Canal Zone of January 9–12, 1964. This situation required the intervention of U.S. Armed Forces stationed in the Canal Zone to protect the lives of 40,000 U.S. citizens there and the safety of the canal itself. How any responsible U.S. official can recommend the removal, if this be true, of U.S. troops from this troubled spot is beyond my comprehension.

I intend to obtain a full and immediate explanation from the Secretary on this issue. As those of us in this chamber know, soon after the 1964 assault on the Canal Zone, President Lyndon Johnson took the correct legal position that the United States has treaty obligations to operate the Panama Canal under the Hay-Pauncefote Treaty of 1901, and that the United States intended to meet those obligations.

Especially in view of the makeup of the current Panamanian Government, I can see no reason to change that position.

THE STABILITY AND INTEGRITY OF THE PANAMANIAN GOVERNMENT

Mr. Speaker, during the 92d Congress, while serving as chairman of the Sub-

committee on the Panama Canal of the House Committee on Merchant Marine and Fisheries, that subcommittee probed deeply into certain aspects of the interoceanic canal problem. One of the subjects covered was: "An Overview of the Narcotics Problem in Panama," which was summarized on pages 26–31 in the full committee's report on its activities during 1972 (House Report No. 92–1629). To normal law-abiding citizens, some of the revelations were incredible and the subject is still far from resolved.

In an article in the New York Times, of September 23, 1973, entitled "Panama Praised for Drug Curbs," a number of erroneous statements were published. Most notable was the statement that I had disrupted relations with Panama by accusing the current Panamanian Foreign Minister, Juan Tack, of involvement in the international narcotics traffic. The implication was that I had done this on my own, with no basis in fact or verification of the charge.

This, of course, was patently untrue, and something the Times should have known inasmuch as they printed extensive stories on reports of the then Bureau of Narcotics and Dangerous Drugs and the Customs Bureau which contained the original charges against Tack and others in the Panamanian Government.

To correct those statements, I promptly wrote the editor of the New York Times. I received a reply to my letter from James L. Greenfield, the foreign editor of the Times. As his reply was not responsive and contained remarks I knew to be false, and others I found to be offensive, I wrote him a second time to set the record straight. I also provided him with further information of a confidential nature in an effort to verify what I know to be the truth. Neither of my letters was published.

The Times, I fear, suborned their own reporter and foreign editor in this case because it might hurt their stated position that the Panama Canal and the Canal Zone should be turned over to a government that was conceived in a military conspiracy, nurtured by terror, and born through revolution.

I happen to disagree with the Times on this issue.

They editorially deprecate those of us in Congress who hesitate at negotiating a treaty with a government that came into power by throwing out a duly elected President, through force of arms, by referring to us as advocates of the outdated concept of "manifest destiny."

Nothing could be further from the truth.

We simply do not wish to give this vital world waterway over to an unstable government that, aside from dabbling in the narcotics traffic, might be overthrown tomorrow.

As former chairman of the Panama Canal Committee, and the ranking majority member, I still have access to accurate intelligence in Panama. I have only recently received information from a source of the highest integrity of not one but two plots currently underway to overthrow the current military dictatorship. One plot involves a military overthrow of General Omar Torrijos—similar to the unsuccessful one that was attempted several years ago—and the other involves a conspiracy of Panamanian businessmen—who are wooing ex-Panamanian military men in exile—because they are disenchanted with the current economic situation in Panama.

The position is so precarious, is so serious for General Torrijos, that he has actually plotted to prevent a coup by negotiating a return to Panama of the popular ex-President, Arnulfo Arias—the very man that the general deposed. Torrijos offered the presidency to Arias in return for Arias' support of Torrijos' continued role as the Panamanian strong-man. Arias reply to Torrijos' emissary was that he will only return to Panama when Torrijos leaves the country—permanently.

What the elements in the United States are overlooking in their eagerness to placate the wild charges of "U.S. imperialism," by Panamanian radicals in the Torrijos government, is the fact that we are now dealing with the 59th Panamanian President in the last 70 years, some of whom only served a few days. That is a turbulent history in anyone's book. During that same period of time, the United States had 12 Presidents.

The only stable entity keeping the Canal operating has been, is, and will continue to be, the U.S. presence there.

I learned yesterday that my distinguished colleague, Congressman GENE SNYDER, was appointed to travel to Panama to observe the Kissinger visit. I would remind Members of Mr. SNYDER's comments in the RECORD of September 26, 1973, concerning his August 1973 visit to Panama and his assessment of the Torrijos regime. I would quote a portion of Mr. SNYDER's remarks which I feel reflect the stability of the Torrijos government:

> Just last month, I was privileged to spend some time with General Torrijos and be with him in some of his day-to-day operations of government . . . It was my observation that he is in such a situation there now that he has very few around him upon whom he can depend. He has been standing almost alone . . . I would not want to pass judgment on, (his downfall) but it is going to come and it is not going to be too long.
>
> I saw General Torrijos standing with a .38 strapped on his side, and his guards out there with their machineguns standing around as he attempted to mediate a dispute between two labor groups, taxi drivers who were having a dispute in Panama City.
>
> I went with him to the Chiriqui Province, and he himself actually went to see whether or not some people were painting a school on a deal he had made with them that if they would paint the school, he would get up a new school bus.
>
> He did not trust anybody to go and make these observations for him.
>
> I went with him to a small community . . . near the Costa Rican border, where they dedicated a waterline. It goes into the plaza, the town square, and not into the homes.
>
> I asked, "What size waterlines do you have here?" The Ambassador to the United States said that nobody knew what size the waterline was. General Torrijos, he tells them what it is. Whether he is making it up, I do not know, but the point I am making is that in none of these instances did he have anyone around him to whom he delegated authority.

Since yesterday, I have learned that Mr. SNYDER, the ranking minority member of the Panama Canal Subcommittee has refused the invitation to fly to Panama today to observe the signing of the U.S. Panama agreement of principles. He gave as his reason an unwillingness to witness the surrender of U.S. sovereignty and control of the canal to "a handful of leftists in Panama."

I hope he is wrong in his assessment of U.S. goals.

I know he is right in his analysis of Panamanian goals.

But, I cannot blame him for feeling as he does on the U.S. position after reading headlines concerning the canal issue while Congress was out of session. For example, I read a page-1 story in a major newspaper on January 10, 1974, with the headline "U.S., Panama Agree to Return of Canal and Zone." The story under the caption, as incorrect as it was, bore little relationship to the headline. A member of my staff called the author of the article to question his sources of information and the reason for the headline. In brief, the reporter told my office he was upset over the fact that the paper had "overplayed" his story, that the headline, in fact, had "nothing to do" with what he had written, and that what had been written was based on information given him by the Department of State. When apprised of the history of State's efforts to give in to the extremists in Panama, he indicated he thought he "had been had." The reporter further stated he knew that the editors disagree with my position on the canal question.

Mr. Speaker, I only point this out as a means of clarifying my evaluation of the Kissinger-Bunker efforts.

I am convinced that as intelligent men they realize that any deviation from a basic position of U.S. operation, sovereign control, and the defense of the canal and the Canal Zone is inimical to the interests of the United States, the people of Panama, and the countries of the world who depend on the canal for what it is: A vital part of the worldwide system of merchant marine commerce.

HOUSE JURISDICTION

What I have just said was realized by the Panama Canal Subcommittee when I, as chairman, conducted hearings on the treaty as it was being discussed through the 1970–72 period.

In the opinion of the members of the subcommittee, the executive branch would have preferred to overlook the role of the House of Representatives in the treaty negotiations which were then underway with the Republic of Panama. Attempts to bypass the jurisdiction of the House became apparent when—on an informal basis and during formal hearings of the Panama Canal Subcommittee—attorneys for both the State and Justice Departments took the position that the then planned disposal of U.S. property rights envisioned in any new treaty with Panama could be executed without implementing legislation by the

House of Representatives. An exhaustive examination of the legal basis for this position and a review of the constitutional issues involved during the hearings convinced not only the members of the subcommittee, but apparently the executive branch as it was then constituted, that such a position was unjustified. Accordingly, 2 years ago, it was the firm conviction of the subcommittee that no treaty involving the appropriation of U.S. moneys or the transferral of territory or other property owned by the United States would be effected without due consideration of the jurisdiction of the House over these matters.

The Panama Canal Subcommittee recognized this as part of its oversight function; that is, its duty to uphold the authority of the Congress. As chairman of the subcommittee, I announced this premise in my opening statement of December 6, 1971, when I said:

> This duty transcends the treaty with Panama, as important as it is, and goes to the very core of the purpose and power of the House of Representatives.

Mr. Speaker, based on our interpretation of the law at that time, there is no question or equivocation—the authority of the U.S. House of Representatives is required before real and other property paid for from appropriated funds is given up or conveyed by treaty as the executive branch sought to do then, and is apparently seeking to do now in the proposed treaty with Panama.

By way of this statement, I am reminding the executive branch—both old members and new—of the firm resolve of those of us in the House who will insist that this body play the proper role vested in us by article IV, section 3, clause 2, of the Constitution of the United States.

Mr. Speaker, I am certain that Secretary Henry Kissinger and Ambassador Elsworth Bunker are aware of the above, and will act accordingly. They are both highly intelligent men and can assess the situation and respond in the best interests of the American and Panamanian people. And they can do so without the hysterical jabbering that has characterized the efforts of some elements of the press during the past few weeks who appear to be trying to push these two and the United States into a corner.

For my own part, I feel that the statements made about me in the New York Times are unfair.

I know they are untrue.

For that reason, I insert in the RECORD the September 23, 1973, article, and the entire exchange of correspondence I have referred to above. My letter of November 26, 1973, contains what I had hoped would remain private conversations. However, I feel so strongly about this issue that I have recorded them in the letter, and now in the RECORD, for Members to take into account when they judge the quality and nature of the Government in Panama with whom this Nation is now engaging in such important and historic negotiations.

Mr. Speaker, the documents I referred to are as follows:

[From the New York Times, Sept. 23, 1973]

PANAMA PRAISED FOR DRUG CURBS

(By Richard Severo)

PANAMA CITY, September 22.—A year or so ago, Panama was being criticized both inside and outside the United States Government as having failed to stop the narcotics trade here. Now, it is receiving nothing but praise.

United States Drug Enforcement Administration sources say that Panamanian anti-narcotics efforts have been so successful lately that heroin traffickers have begun to avoid Panama City, which had been singled out previously as a major transshipment point for narcotics en route to the United States. Officials do not expect the heroin traffickers to stay away indefinitely, however, since one of their ploys is to diversify their routes to the United States.

The change in the effectiveness of police work here has become increasingly apparent in recent months, the officials say, as Panamanian authorities have made major seizures of cocaine and marijuana. Marijuana grows in abundance in this country The cocaine originates in South America and passes through Panama in a refined state.

Previously, Panamanian authorities expressed sympathy with the United States drug-abuse problem but maintained that the volume of marine and air traffic through this country made detection work very difficult. Now, they apparently have a different attitude.

TRAINING COURSE FOR AGENTS

Last week, at the opening of a training course for 42 Panamanian narcotics agents conducted by instructors from the United States, Lieut. Col. Manuel Noriega of Panama's National Guard emphasized that any indifference in Panama was over and pledged a "war to the death" against traffickers.

United States officials are publicizing their satisfaction at the latest events in Panama. A major part of the reason is the deep resentment two years ago when Representative John M. Murphy, Democrat of Staten Island, charged that high-ranking Panamanian Government officials were engaged in one way or another in narcotics smuggling. One of the names mentioned was that of Juan Antonio Tack, Panama's Foreign Minister.

United States sources now say that no real evidence against Mr. Tack or any other Panamanian Government official was ever turned up, and the United States officials have reportedly apologized to Mr. Tack.

Mr. Tack is frequently an outspoken critic of the United States. He has been among the leaders insisting on a new treaty for the Panama Canal to give Panama full sovereignty over the zone, which the United States has administered since the opening of the Canal in 1914. The accusations against Mr. Tack are known to have hurt him deeply, and they came at a time when both the United States and Panama were saying that a new treaty had to be written but without agreement on what it should provide.

DIRECTOR MAKES ARREST

There is also a feeling that Panama decided to act more vigorously on the narcotics issue because they wanted to avoid an international reputation for laxity.

Dario Arosemena, director general of the National Department of Investigations—the Panamanian counterpart of the Federal Bureau of Investigation—has taken a personal role in drug investigations and raids, working with agents in actually making arrests.

Among those arrested have been Americans accused of jumping bail on drug charges in the United States.

In Panama now sellers of drugs classified as narcotics can get a maximum of five years in prison. Most of those convicted receive about two years. Possession of heroin, cocaine, or marijuana, can bring up to two years, but sentences are normally lighter.

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 26, 1973.

The EDITOR,
The New York Times,
New York, N.Y.

DEAR SIR: I am writing to correct what I consider inaccuracies and insinuations concerning my conduct contained in a New York Times Sunday, September 23, 1973, article entitled "Panama Praised for Drug Curbs," written by Richard Severo. There are three points in the article that are made in reference to my investigation of the Panamanian drug traffic as Chairman of the House Panama Canal Committee which are misleading and inaccurate.

Mr. Severo first states that I caused deep resentment two years ago by charging that high ranking Panamanian government officials were involved in narcotics smuggling. The facts are, it was not I but investigative agencies of the United States government that made these charges in a special report prepared for the Panama Canal Subcommittee in November of 1971. The Bureau of Narcotics and Dangerous Drugs concluded in that report: "It is clear that the Republic of Panama has not and is not paying sufficient attention to narcotic enforcement activities to achieve noticeable results. This may be due to high level apathy, ignorance and/or collusion."

A year later when Colonel Manuel Noriega issued a highly publicized statement announcing an ambitious anti-narcotics program by the Panamanian government that same month an intelligence report prepared for Congress by the General Accounting Office asserted that "Panamanian officials and security agents" are involved in the traffic in narcotics. In late 1972 a report supplied to the Subcommittee compiled from information and intelligence gathered by the several agencies with responsibility for international narcotics law enforcement reached the following conclusion on the so-called "Latin Connection:" "Generally speaking, the greatest detriment to effective enforcement in Latin America is corruption. The corruption goes all the way to the top of some Latin American governments. One of the more glaring examples of official corruption is the country of Panama where General Omar Torrijos and President Lakas appear to be controlling factors in the narcotics traffic."

This government report concluded: "Because of the known involvement of Panamanian government officials in the international narcotics traffic, the U.S. Government should take a firm stand in the current negotiation of a new treaty for the continued use of the Panama Canal Zone."

As a matter of record, the New York Times carried stories on these reports when they were released by the Panama Canal Committee.

Mr. Severo then implies that I identified Panama's Foreign Minister Juan Antonio Tack as being involved in the narcotics traffic. The facts are, the allegations against Mr. Tack were made by BNDD officers in the Republic of Panama on February 23, 1972, during a subcommittee briefing in that country. Tack became so incensed he had three BNDD agents expelled from the country on 24 hours notice. Senor Tack's name originally arose during a briefing for Members of the Panama Canal Committee by Customs agents on a case that reached into the highest levels of Panamanian officialdom including Moises Torrijos, the brother of Panama's dictator and Foreign Minister Tack. One of the expelled BNDD agents testified before me in Executive Session and confirmed not only that he had told the committee of Minister Tack's involvement, but that he had been forced to sign a letter to Mr. Tack written

by the State Department denying that he had so informed the committee. Inasmuch as the State Department has had a historic policy of frequently ignoring or denying the involvement of high ranking officials of friendly governments in the narcotics traffic it is not difficult to determine the source of Mr. Severo's information for his article.

All of which leads to the third and most mischievous statement in the article which claims that U.S. sources say that no real evidence against Mr. Torrijos or any other Panamanian government official was ever turned up. The facts are that Joaquin Him Gonzalez, a high ranking Panamanian official and notorious smuggler was arrested in the Canal Zone by U.S. authorities on February 6, 1971. Within two weeks he was brought to Dallas, Texas, for his active participation in the drug market and tried for conspiracy. Him Gonzalez was international transit chief at Panama's Tocumen Airport and he used his high position to protect shipments of drugs to the United States. He was accused on this occasion of sending to Dallas somewhat over a million dollars worth of heroin. Gonzalez was a Torrijos protege and this relationship was made clear when the Panamanian Government mobilized all its resources, something it had not done until that point, for the offender to be returned to Panama. Reports in the press cited the "angry outburst" and "outraged" protest of the Panamanian government—led by Juan Tack—over the arrest of Gonzalez.

The rupture became so great over the arrest of this high ranking Panamanian official the Attorney General of the United States was forced to dispatch a personal envoy to Panama to calm the situation down and write a letter of apology to Panama's President Lakas. Of even more significance, John Ingersoll testified before the Panama Canal Subcommittee in Executive Session that because of State Department pressure over the arrest of Him Gonzalez there would never again be a Panamanian official arrested for narcotics by U.S. narcotic enforcement agencies. And this is just one of the documented cases of official Panamanian involvement in the drug traffic.

I believe Mr. Severo did make one correct observation when he claimed that perhaps Panama finally decided to act more vigorously against the narcotic traffic because they wanted to avoid an international reputation for laxity. I am convinced that the reason this has come about, if indeed it has, is due to the efforts of the House Panama Canal Committee in exposing the fact of "high level apathy, ignorance and/or collusion" on the part of the government of the Republic of Panama in international drug running.

Sincerely,

JOHN M. MURPHY,
Member of Congress.

THE NEW YORK TIMES,
New York, N.Y., October 11, 1973.

Hon. JOHN M. MURPHY,
U.S. House of Representatives,
House Office Building, Washington, D.C.

DEAR MR. MURPHY: Thank you for your letter of September 26 in response to Richard Severo's article of September 23 which carried the headline "Panama Praised for Drug Curbs."

With all due regard to your sensitivities on the issues raised in the article, it would appear that there are neither "insinuations" nor "inaccuracies" in the article.

As chairman of the House Panama Canal Committee, you were the public spokesman making certain allegations about the drug traffic in and through Panama and were thus identified with them not only by the Panamanians but by others. If you were merely reciting information supplied you by the Bureau of Narcotics and Dangerous Drugs and/or the General Accounting Office, it does not negate the fact that you stated these allegations publicly and were thus identified with them in Panama and elsewhere. Thus, Mr. Severo was only reporting fact: that in Panama, your public pronouncements on the drug traffic were attributable to you and caused resentment within the Panamanian government. That is only the reporting of reality as it exists in Panama.

It is also a fact that the United States Government is not presenting and has not presented specific charges against Mr. Tack and that several different sources in Panama corroborated the fact that the U.S. officials have, in fact, apologized to Mr. Tack.

The New York Times has not made any comment or judgment on either your allegations or those of the Bureau of Narcotics and Dangerous Drugs or of the Panamanians. We have only reported what has happened in Panama.

If you wish to repudiate earlier charges based on any source, or you wish to make new charges supported by specific evidence and recommendations, The Times will be glad to consider these and evaluate your assertions as it would any other news story.

We must take exception to your assertion that there was anything "mischievous" in Mr. Severo's article. The article quoted reliable U.S. Government sources as saying there was no "real evidence against Mr. Tack or any other Panamanian government official."

If you wish to dispute the assertion, it would seem to us your argument is with other branches of the U.S. Government, not with The New York Times.

However, let me repeat that if you have specific information of a legally verifiable nature that can be considered as evidential in a court of law against any individual engaged anywhere in the traffic of narcotics, The Times will be glad to receive such information and evaluate it carefully and fairly. Moreover, I know I need not remind you that if any public official anywhere is indicted, tried and convicted for trafficking in drugs and we know about it, we will certainly consider it for publication.

Very truly yours,

JAMES L. GREENFIELD,
Foreign Editor.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., November 28, 1973.

Mr. JAMES L. GREENFIELD,
Foreign Editor,
The New York Times,
New York, N.Y.

DEAR MR. GREENFIELD: Upon returning from out of country on government business, I found your letter of October 11, 1973, concerning my letter to the Editor of the New York Times of September 26, 1973. My communication was in reference to an article of September 23, 1973, by Richard Severo entitled, "Panama Praised for Drug Curbs". While I can find nothing in your letter with which I can agree, relative to your analysis of my activities in this area, since you have the last word on whether or not I have the right to present my side of the case, I assume the possibility of my getting "equal time" is a dead issue. For your information, however, I would point out certain statements you make that I consider unfortunate, at best, and which do not comport with the facts as I know them.

Your reference to my "sensitivities" on the issues raised in the article are somewhat misguided. My "sensitivities" are more nearly directed to such issues as the following:

I am sensitive to the fact that the Rafael Richard/Nicholas Polanco/Guillermo Gonzalez operation, which utilized a Panamanian diplomatic passport to cover its activities, brought enough pure heroin into the City of New York to keep 20,000 addicts going for a full year.

I am sensitive to the fact that on an average, 1,200 people—mostly young people—die each year in New York City from heroin overdoses. A great deal of this heroin came into New York for a period of time because of the corruption of a high Panamanian official who had to be "abducted" out of the Canal Zone by the United States Government in order to bring him to trial, and who is now serving a prison sentence in this country.

I am sensitive to the fact that the former head of the Bureau of Narcotics and Dangerous Drugs testified that because of the furor raised by Panama's Foreign Minister, Mr. Juan Tack, over this arrest, he would, in all probability, never again arrest a Panamanian drug trafficker in the Canal Zone.

I am sensitive to the fact that Mr. Tack personally signed a diplomatic passport for a 21-year old drug trafficker who, under Panamanian law, had no credentials to receive such a document, a document which he produced at Kennedy Airport in a vigorous attempt to prevent Customs agents from searching his luggage. This was the Richard case which involved 350–400 pounds of pure heroin.

I am sensitive to the fact that the Attorney General of the United States, both in writing and through a personal envoy, had to apologize to the likes of Mr. Tack, for having removed a major narcotics trafficker (and high Panamanian official) from circulation.

Finally, I am sensitive to the fact that our State Department, through our Ambassador to Panama, forced two Bureau of Narcotics and Dangerous Drugs agents to sign a letter of apology to Mr. Tack and deny they had briefed me on the involvement of Panamanian officials with narcotics. One of the agents subsequently testified that the letter was inaccurate and untrue.

Your statement that my public pronouncements on the drug traffic were attributable to me and, therefore, caused resentment within the Panamanian Government as "a reality of the situation" is absurd, and again, runs contrary to the facts. The facts are, my original release of the BNDD document occurred in November/December 1971. I visited Panama in February 1972, without incident. In fact, I spoke to General Torrijos and was warmly welcomed by the people of Panama. In March of 1972, after corroborating the report of their superiors concerning official Panamanian corruption, three BNDD agents were declared persona non grata and expelled from Panama. Senor Tack interrupted national television in Panama and gave our agents 24 hours to leave the country. It was not Murphy who was kicked out of Panama—it was the BNDD contingent in that country.

You further state, "It is also a fact that the United States Government is not presenting and has not presented specific charges against Mr. Tack and that several different sources in Panama corroborated the fact that U.S. officials have, in fact, apologized to Mr. Tack." Any apology given to Mr. Tack by the State Department I would put in the same category as the letter which the American Embassy forced the two BNDD agents to sign apologizing to Mr. Tack for doing their duty. It is an obsequious attempt to smooth the ruffled feathers of a man who has virtually—all by himself—wrecked the friendly relations that have existed between Panama and the United States for 70 years.

Further on in your letter you say, "The article quoted reliable U.S. Government sources as saying there was no 'real evidence against Mr. Tack or any other Panamanian Government officials'." I can only attribute this remarkable statement to your ignorance of the facts. You should be aware of the number of Panamanian officials who have been, as a matter of record, involved in and arrested and indicted for narcotics trafficking. These facts were carried in numerous news stories in the New York Times.

My convictions in this area are further justified based on information that I obtained as the Chairman of the Panama Canal Subcommittee and which I now relate to you concerning that particular comment.

In late 1971, I was visited by a member of the United States treaty negotiating team who was concerned over my release of the BNDD report citing high level Panamanian involvement in the international narcotics traffic. This gentleman told me that "the State Department as well as the United States treaty team was well aware of the involvement of members of the Panamanian Government in drug smuggling." He stated further that "there was a lengthy debate within the Department of State as to whether the United States should negotiate a new treaty with the Panamanian Government knowing full well that certain of its members were engaged in the narcotics traffic. At the end of several weeks of agonizing, the Department decided that if it eliminated dialogue with all Latin American governments that might have high officials involved in the narcotics traffic, very little dialogue would take place at all. The government proceeded with the treaty talks with the full knowledge that the disclosures made in the BNDD report might surface and as a matter of fact, the betting at the State Department favored another Congressional Committee for exposing this situation."

Further, on the date the agents were expelled from Panama, my office was called by a high ranking official in the Justice Department and was apologetically told that "the Bureau of Narcotics and Dangerous Drugs would be putting out a cover story on orders from the State Department to try to smooth the situation over. I was told further that if the BNDD cover story did not "fly", I was to "go after the Panamanian officials (involved) and give them hell because we know the bastards are nothing but a bunch of crooks and dope peddlers".

In summation, I might say that your letter displays a vast lack of knowledge of the events that have transpired during the last four years in that part of the world. One would think that the New York Times with its deep interest in protecting the lives and property of the citizens of New York City would be interested in printing a letter from one of its Congressmen who spent a major part of his time for a two year period attempting to put a dent in the flow of pure heroin pouring into that City.

This was a situation in which the United States Government was, in part, one of the conspirators in the operation inasmuch as it chose to overlook this trafficking in order to negotiate a new treaty with persons it knew to be in the drug business. To make matters worse, the government, after the release of damaging information by its two major drug investigation agencies, the Bureau of Narcotics and Dangerous Drugs and the Bureau of Customs, repudiated the findings of its own agents. I would think that the New York Times with its great tradition of investigative reporting would be more interested in ferreting out the facts in this case than in lamely participating in the conspiracy.

With kind personal regards, I am

Sincerely,

JOHN M. MURPHY,
Member of Congress.

Mr. Speaker, in keeping with my convictions on this matter, I introduce for appropriate reference a resolution in support of continued U.S. control over the canal and the Canal Zone, and ask that it be printed at this point in the RECORD.

H. RES. —

Resolution in support of continued undiluted United States Sovereignty and Jurisdiction over the United States-owned Canal Zone on the Isthmus of Panama

Whereas United States diplomatic representatives are presently engaged in negotiations with representatives of the *de facto* Revolutionary Government of Panama, under a declared purpose to surrender to Panama, now or on some future date, U.S. sovereign rights and treaty obligations, as defined below, to maintain, operate, protect and otherwise govern the United States-owned Canal and its protective frame of the Canal Zone, herein designated as the "Canal" and the "Zone", respectively, situated within the Isthmus of Panama; and

Whereas title to and ownership of the Canal Zone, under the right "in perpetuity" to exercise sovereign control thereof, were vested absolutely in the United States and recognized to have been so vested in certain solemnly ratified treaties by the United States with Great Britain, Panama, and Colombia, to wit:

(1) The Hays-Pauncefote Treaty of 1901 between the United States and Great Britain, under which the United States adopted the principles of the Convention of Constantinople of 1888 as the rules for operation, regulation, and management of the Canal; and

(2) The Hay-Bunau-Varilla Treaty of 1903 between the Republic of Panama and the United States, by the terms of which the Republic of Panama granted full sovereign rights, power, and authority in perpetuity to the United States over the Zone for the construction, maintenance, operation, sanitation, and protection of the Canal to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority; and

(3) The Thomson-Urrutia Treaty of April 6, 1914, proclaimed March 30, 1922 between the Republic of Colombia and the United States, under which the Republic of Colombia recognized that the title to the Canal and the Panama Railroad is vested "entirely and absolutely" in the United States which treaty granted important rights in the use of the Canal and Railroad to Colombia; and

Whereas the United States, in addition to having so acquired title to and ownership of the Canal Zone, purchased all privately owned land and property in the Zone, from individual owners, making the Zone the most costly United States territorial possession; and

Whereas the United States since 1903 has continuously occupied and exercised sovereign control over the Zone, constructed the Canal, and, since 1914, for a period of 60 years, operated the Canal in a highly efficient manner without interruption, under the terms of the above mentioned treaties thereby honoring their obligations, at reasonable toll rates to the ships of all nations without discrimination; and

Whereas from 1904 through June 30, 1971, the United States made a total investment in the Canal, including defense, at a cost to the taxpayers of the United States of over $5,695,745,000; and

Whereas Panama has, under the terms of the 1903 treaty and the 1936 and 1955 revisions thereof, been adequately compensated for the rights it granted to the United States, in such significantly beneficial manner that said compensation and correlated benefits has constituted the major portion of the economy of Panama giving it the highest per capita income in all of Central America; and

Whereas the Canal is of vital and imperative importance to Hemispheric defense and to the security of the United States and Panama; and

Whereas approximately 70 percent of Canal traffic either originates or terminates in United States ports, making the continued operation of the Canal by the United States vital to its economy; and

Whereas the present negotiations, and a recently disclosed statement of "principles of agreement" by our treaty negotiator, Ambassador Ellsworth Bunker, and Panamanian Foreign Minister Juan Tack, Panama treaty negotiator constitute a clear and present danger to Hemispheric security and the successful operation of the Canal by the United States under its treaty obligations; and

Whereas the present treaty negotiations are being conducted by our diplomatic representatives under a cloak of unwarranted secrecy, thus withholding from our people and their representatives in Congress information vital to the security of the United States and its legitimate economic development; and

Whereas the United States House of Representatives, on February 2, 1960, adopted House Concurrent Resolution 459, 86th Congress, reaffirming the sovereignty of the United States over the Zone territory by the overwhelming vote of 382 to 12, thus demonstrating the firm determination of our people that the United States maintain its indispensable sovereignty and jurisdiction over the Canal and the Zone; and

Whereas under Article IV, Section 3, Clause 2 of the United States Constitution, the power to dispose of territory or other property of the United States is specifically vested in the Congress, which includes the House of Representatives. Now, therefore be it

Resolved, That it is the sense of the House of Representatives that:

(1) the government of the United States should maintain and protect its sovereign rights and jurisdiction over the Canal and Zone, and should in no way cede, dilute, forfeit, negotiate, or transfer any of these sovereign rights, power, authority, jurisdiction, territory, or property that are indispensably necessary for the protection and security of the United States and the entire Western Hemisphere; and

(2) That there be no relinquishment or surrender of any presently vested United States sovereign right, power or authority or property, tangible or intangible, except by treaty authorized by the Congress and duly ratified by the United States; and

(3) That there be no recession to Panama, or other divestiture of any United States-owned property, tangible or intangible, without prior authorization by the Congress (House and Senate), as provided in Article IV, Section 3, Clause 2 of the United States Constitution.

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

Mr. MURPHY of New York. Mr. Speaker, I yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Speaker, I want to compliment the gentleman on bringing this to the attention of the House, particularly today, when the situation in Panama is as it is.

Speaking to the issue of instability of the Panamanian Government generally, my research indicates that since 1904 there have been 59 changes of government. Only four Presidents since 1904 have served their full 4-year term. By comparison, we in the United States have had 12 Presidents in the same period of time.

Mr. MURPHY of New York. Mr. Speaker, the gentleman's facts are correct.

Mr. SNYDER. Will the gentleman yield further?

Mr. MURPHY of New York. I am happy to yield.

Mr. SNYDER. I want again to say, as I said earlier, I think the gentleman in the well is certainly to be commended for speaking out today. I think that everything he has said in his prepared statement is so accurate and so true.

The necessity of our retaining the

Panama Canal both from the military and economic standpoints just cannot be questioned. I have grave and serious doubts the integrity of that canal can be maintained and that it can be operated, period, as it were, under the control of the Panamanians.

The gentleman, of course, has much more experience and expertise, having served as chairman of the subcommittee for some time. I was thinking as he was speaking and quoting from some statements I made in an exchange, I believe, with Congressman FLOOD after I was in Panama in August.

Torrijos, as you alluded to in your remarks, almost lost out once before when he was up in Mexico and they got him back down into the Cherokee Province, and he took the El Guardia Nacionale and marched on Panama and was successful in retaining control on that occasion.

I think they took the two generals—no, they were not generals, because there is only one general—so they took the two colonels who were attempting to pull that coup off, and put them in a couple of mail bags and sent them up to Miami. I think maybe they were pumping gas in Miami until the gas shortage, and they may be out of a job down there now.

But the question was posed to General Torrijos, as I understand it, of "Why did you just exile them? Why didn't you execute them?" And he said, "Because next time they might be successful."

Of course, I think that is the thinking of most of the folks in Panama. We have seen their government change, as we have referred to it, 59 times in the past 70 years, which shows, certainly, a definite lack of stability in the government there.

The Panama Canal is so vital, and is so important that even if we did not have sound legal basis with our treaty, that we should have such a national interest that we would not want to turn over the canal to that kind of an unstable government anyway.

Ambassador Bunker sent the preliminary letter, and outlined the basic principles that were going into the new document that is being signed in Panama today by Secretary Kissinger, and he said in his letter to me:

If you have any comments I will be glad to have them.

I did not know much of what else to say, but I did respond, and I said:

My only comment on it, Mr. Ambassador, is that we have a treaty, period. It is a good one, and we ought to rely upon it.

I think as I look at my mail, after the publicity that has come out about what has been going on down there, I think that short statement pretty well reflects the opinion of the American people.

I certainly would hope that the remarks made by the gentleman in the well will be read by the striped-pants people over in the State Department, and that they will get the message that they had better tread pretty carefully because, in my opinion, and I hope the gentleman in the well agree, they will have their work cut out for them when they try to get a new treaty looking toward a termination of our sovereignty—and I know they do not like that word down there—but looking toward a termination of our sovereignty down there, and giving the Canal to the Panamanian Government in the future. They surely will have their work cut out for them so far as getting such a treaty as outlined through the Congress of the United States.

So, Mr. Speaker, I commend the gentleman in the well. I believe the gentleman is rendering a great service, not only to his district as he works here in the Congress but, particularly upon this issue, to the United States, and, I presume, more than that, to the free world. My congratulations to the gentleman.

Mr. MURPHY of New York. I might say to my colleagues that the last free elections in Panama were the elections of President Arias. His regime was overthrown by the present military dictatorship, and there have been no free elections in that country since then.

In our country when a treaty is negotiated the executive branch follows a procedure for ratification of that treaty, and will do so with respect to the treaty which we are discussing. But I would like to know who ratifies the treaty in Panama if Torrijos is overthrown in 6 months. What if another regime comes in and makes further treaty demands, saying that the current treaty does not go far enough, which has been the custom in Panama over the past 50 years of treaty negotiations. How can we possibly get a mandate from the Panamanian people under the current revolutionary government? How can we possibly get a treaty that has the integrity of that country behind it?

Mr. SNYDER. Of course, I think the question implies the answer, and that is it is whoever happens to get their name written into the new constitution after the next overthrow.

As the gentleman from New York has stated, there are no free elections there so far as the head of the government is concerned, because he had the constitution written, and it does not say the head of the army shall be the head of the government, it says that Omar Torrijos shall be the head of the government. It names him.

So there are no free elections, and the will of the Panamanian Government will be the will of whomever happens to be successful in any given coup. We are going to stand, I guess as we have in the past, committed to bow somewhat to the whims of whatever general might happen to take over in a coup.

Mr. YOUNG of Georgia. Mr. Speaker, will the gentleman yield?

Mr. MURPHY of New York. I yield to the gentleman from Georgia.

Mr. YOUNG of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I just happened to have been down in Panama in August of 1973 myself as part of the delegation of Presbyterian preachers. There were a couple of things that I just wanted to register as additional comments.

I agree with what the gentleman says, but one of the things that I sensed was that there were also, in addition to the chaos in the general political situation, some very fine young men, one of whom was a student of Secretary of the Treasury Shultz at the University of Chicago, Mr. Nick Barletta, who is serving as Administrator of Planning and Development, whom I saw doing an outstanding job of developing a banking industry in that country, of spreading housing, and extending the food supplies in cooperation with Dr. Milton Taylor of Michigan State University. It is because of what our people are trying to do in terms of feeding the hungry and building housing that I intended to support an adequate payment to the country of Panama for the use of the land, that is, the canal. I also heard figures running as high as possibly $200 million in revenue for the canal, and that if the toll fees through the canal were regulated, or if the country of Panama were not subsidizing the markets of the world with the canal, that the additional $25, $50, or perhaps even $100 million revenue could be accrued from the canal with no cost to the Congress, but it would depend on some cooperation on our part through Ambassador Bunker and others.

One other thing is the movies that I saw of the so-called uprising in 1964 seemed to indicate to me that it was much more like a student uprising, much more akin to Kent State. I do not question the fact that there were Communists involved and that it was Communist-led. I saw in the movies and newsreel footage no evidence that it was an armed attack on the canal. In fact, it just seemed to be an attempt by a group of students to hang a Panama flag. It seemed to me that it would have been appropriate just to lower the flag and keep the American flag in place rather than to shoot down a student off of the flagpole who was unarmed.

Our record in Panama is one I should like to keep as clean as possible, and I would just like to record my comments as kind of a minority report on the special order.

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

Mr. MURPHY of New York. I yield to the gentleman from Kentucky.

Mr. SNYDER. I thank the gentleman for yielding.

Would the gentleman from Georgia want to speculate on what the economy of the Republic of Panama might be if the canal were not there?

Mr. YOUNG of Georgia. Oh, no. It certainly would be nonexistent.

Mr. SNYDER. I think the gentleman from Georgia is right. I think that has to be the only observation to be reached. This country made the Republic of Panama everything that it is, and we deserve credit for that. We have done everything we have been required to do under our treaties, plus we have gone mile after mile after mile beyond that.

Mr. YOUNG of Georgia. There is no question about that.

Mr. Speaker, will the gentleman yield further?

Mr. MURPHY of New York. I yield to the gentleman from Georgia.

Mr. YOUNG of Georgia. I thank the gentleman for yielding. I remember the cost that we are now paying for even the rental of the land in the zone is certainly a very minimal amount, and I think it is somewhere around $2 million; is that correct?

Mr. MURPHY of New York. We do not rent any of the land in the zone. We bought and purchased every square foot of that property from the original property owners, not once but twice. We first paid a $10 million lump sum for the entire canal zone. We then paid for it again by purchasing the individual tracts from their owners. Our hearings are replete and include every single parcel of land bought and purchased with appropriated funds from the U.S. Congress. It is the most expensive land purchase ever made by the United States. Panama is paid an additional $1.9 million simply for the use of the canal.

It is really a token payment. We put over $180 million in AID into Panama as a country last year for the purpose of building roads and fostering their schools and assisting their economy. Panama gets more U.S. aid per capita than any other nation in the world. I am sure the gentleman has seen the increases in housing. Of course, I alluded to the question of the banking industry. Panama has become a major banking center, of course, because of the particular banking law that makes it advantageous for bankers to operate in that country.

We have said for so many years that Panama does have a "canal mentality," that Panama should work to develop its own resources and to develop particularly its agricultural industry, the way its neighboring countries have developed their agricultural industries. Nicaragua will export over $400 million in agricultural products just next year.

This is the type of leadership the United States has been expecting to get from Panama. Over the past decade we have economically turned completely from the people who run and manage the zone, to move every economic area into the economy of Panama. We have closed the dairy so we would be buying milk from Panama. The Panamanian contractors are being used. We started in 1960 our attempt to scale the payment of Panamanian workers up to the American workers so as to bring them up to parity.

We do know it is a technical problem. The United States is not opposed and I personally am not opposed and members of the committee were not opposed to releasing certain lands that were not necessary for defense or operation of that canal. We were ready to do it in 1967. The offer of France Field, which is a very large piece of real estate, was refused by the Panamanian Government because they wanted all or nothing, and that was their attitude at the time.

Mr. YOUNG of Georgia. Mr. Speaker, will the gentleman yield?

Mr. MURPHY of New York. I yield to the gentleman from Georgia.

Mr. YOUNG of Georgia. Mr. Speaker, in my week there talking with people from the far left and the far right I heard nobody say they wanted the United States to get out of Panama. All I did hear, largely from students, was the talk that the only resource Panama had was the canal and its geography and that in an attempt to develop the rest of the country they thought it was necessary for them to receive more than $2 million or $1.9 million for the use of the canal.

I got the impression that our Government was talking in terms of a possible $30 million payment which could be financed through increased canal revenues, and I just want to be on record as saying I think that might be a good idea.

Mr. MURPHY of New York. The gentleman is probably helping the negotiations right now.

I might say to my colleagues that Ambassador Scali of the United Nations was placed in the most embarrassing position in which any diplomat of the United States has ever been placed.

The Security Council went to Panama late last year and the Panamanians made the issue the U.S. sovereignty in the canal. The United States had tried to get a resolution of that matter that was agreeable to Panama and to the United States and the other country users involved. The agreement had been reached. Then the final session was arranged in Panama to sign a resolution that would be agreed on, that expressed the interest of the United States and the maritime nations of the world.

Two hours before that meeting the Panamanian diplomats turned around and they rewrote the resolution with such language that the United States could never agree to it.

Then, Colonel Noriega, the head of El Guardia Nacionale intelligence unit, sent a message to Ambassador John Scali that if he was going to veto that resolution he had better do it from Tocumen Airport and get out of the country.

Naturally, Mr. Scali being a very, very staunch American, disregarded that blatant threat. He vetoed that resolution, as he had to veto it and he did it on the floor of that Convention. Of course, that is the mentality of the Government we are dealing with. And it was only 3 months ago that this incident took place.

We go now to Panama, and I want to congratulate my colleague, Mr. Snyder, for not wanting to be a part of the team that is going to arrange a giveaway of America's canal responsibility and America's right to defend that canal and thereby defend America's interest in this hemisphere.

Mr. Speaker, I yield back the balance of my time.

COMMUNICATION FROM HON. LEONOR K. SULLIVAN, CHAIRMAN OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

The SPEAKER laid before the House the following communication from the chairman of the Committee on Merchant Marine and Fisheries:

COMMITTEE ON
MERCHANT MARINE AND FISHERIES,
Washington, D.C., January 30, 1974.

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

DEAR MR. SPEAKER: Pursuant to Public Law 301 of the 78th Congress, I have appointed the following Members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the United States Merchant Marine Academy for the year 1974.

The Honorable Thomas N. Downing of Virginia.

The Honorable Bob Eckhardt of Texas.

The Honorable Charles A. Mosher of Ohio.

As Chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex officio member of the Board.

Sincerely,

LEONOR K. (Mrs. John B.) SULLIVAN,
Chairman.

COMMUNICATION FROM HON. LEONOR K. SULLIVAN, CHAIRMAN OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

The SPEAKER laid before the House the following communication from the chairman of the Committee on Merchant Marine and Fisheries:

COMMITTEE ON
MERCHANT MARINE AND FISHERIES,
Washington, D.C., January 30, 1974.

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

DEAR MR. SPEAKER: Pursuant to section 194 of title 14 of the United States Code, I have appointed the following Members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the United States Coast Guard Academy for the year 1974.

The Honorable John M. Murphy of New York.

The Honorable Eligio de la Garza of Texas.

The Honorable William S. Cohen of Maine.

As Chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex officio member of the Board.

Sincerely,

LEONOR K. (Mrs. John B.) SULLIVAN,
Chairman.

The SPEAKER pro tempore. The Clerk will notify the Senate.

ON INTRODUCTION OF A BILL TO PROHIBIT THE PRIVATE POSSESSION OF HANDGUNS

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, the matter of guns in America has disturbed me since before I entered Congress. For the last 8 months, I have been inserting newspaper accounts into the CONGRESSIONAL RECORD which describe deaths attributable to firearms. My intent has been to document the slaughter which stems from having guns, especially handguns, around as much as we Americans do—not only in the possession of criminals, but all of us.

The President's Commission on the Causes and Prevention of Violence—the Eisenhower Commission—has estimated that there are probably as many as 210 million firearms in the United States today. Included among these are 25 to 40 million handguns, while an additional 2.5 million handguns are sold every year. From the size of this arsenal, I can only conclude that in our domestic affairs, as in our international relations, we Americans have become part of an arms race whose goal is genuine security, but whose actual result is a spiral of growing inse-

curity and mutual destructiveness. In order to reverse this spiral, I propose, in effect, that we ratify a disarmament pact among ourselves.

Today I am therefore submitting a bill to prohibit the possession of handguns by the general public. I realize this approach puts me at odds not only with the so-called gun lobby but with many of my colleagues who have sponsored bills to ban the "Saturday night special" pistol or institute other kinds of limited measures to deal with the gun problem. But I have come to realize that we can save thousands of lives if we prohibit possession of all handguns, except for military personnel, the police, approved security guards, licensed pistol clubs, and collectors of inoperable antiques. My bill would not affect long guns in any way, and would create a 6-month "amnesty" period in which handgun owners could turn their firearms in to a law enforcement agency and receive the fair market value of the pistol.

I realize the arguments and counterarguments swirling around the gun issue make the extraction of dependable conclusions rather difficult. To me, however, the case for banning private possession of handguns rests on the following points:

It is more precise to say that we, as a nation, have a handgun problem, rather than a problem with guns in general. The FBI reports that of the 18,520 murders in the United States in 1972, fully 54 percent were accomplished by handguns, compared to 12 percent by long guns, and 34 percent by all other means combined. Of the 721 law-enforcement officers killed between 1962 and 1971, 73 percent were killed by handguns, 22.2 percent by other firearms, and only 4.4 percent by all other means.

As to the blame for this country's mayhem by firearms, we cannot look primarily to the typical "criminal." The FBI tells us that an unbelievable 31 percent of all murders in 1972 occurred within families, or between estranged lovers. Another 41 percent grew out of disputes and arguments, presumably, in many cases, between people who knew each other.

About 27 percent of the murders in 1972 resulted from violent confrontations with criminals—in robberies, sex assaults, and other felonies. The greatest single fallacy in the notion that we should keep our handguns under the pillow, on the shelf, and otherwise at the ready, rests in the refrain, "If guns are outlawed, only outlaws will have guns." Crime does pose a considerable threat to our welfare and our lives, but the fact remains that 73 percent of America's murders are not the work of "outlaws."

"Only outlaws will have guns." The idea implies two additional conclusions—that criminals would obtain handguns even if we could not, and that we ought, therefore, to retain them for defensive purposes.

The first of these two notions ignores the implications of our pumping those additional 2.5 million handguns into the population every year, and permitting existing ones to circulate. The result is that handguns originally residing with good owners find their way to criminals via theft, robbery, gift, or purchase, and become instruments in illegal acts.

The conviction that criminals will always find guns also ignores the apparent effect of local handgun control laws. New York and Massachusetts have the two strictest handgun control systems in the country. As a result, in New York City, 83 percent of a sample of handguns confiscated by the police were found to have been acquired outside the State. Similarly, in Massachusetts, a 10-year study by the State police traced 87 percent of the guns used in crimes in that State to purchases in other States.

The figures suggest that handgun laws in New York and Massachusetts may well have reduced the local availability of handguns, and that if handgun commerce in other States were restricted, the Nation's overall glut of pistols would diminish and produce a related diminution in handgun-related crime.

I would add that we can more effectively separate outlaws from their weapons if this bill becomes law, making possession of handguns a crime and permitting law enforcement officials to confiscate them before they are ever misused.

As for the value of handguns in self-defense, having them nearby for such purposes is understandably appealing to American citizens who live in justifiable fear of their own communities after dark. It is just that I believe we lose more lives than we save, and that owning pistols for self-defense is an investment with tragically negative returns. For example, in 1968, a staff report to the Eisenhower Commission, weighing the assertion that citizens should have access to handguns for self-protection, discovered that for every thief stopped by a homeowner with a handgun, four homeowners or their relatives were killed in handgun accidents. The Commission, in studies of Detroit and Los Angeles, concluded also that only 2 percent of home robberies result in the trespasser being shot by the homeowner.

The other major fallacy to the argument for handgun availability lurks in the words, "Guns don't kill, people do." Solutions to complex issues can never be boiled down to bumper-sticker size, and the scorn for thorough reasoning implied by epigrams like these is always a regrettable facet of public dialog. This particular aphorism ignores the critical role played by man's tools; without the concealable and portable handgun, people would not be able to kill as much—an opinion put forth within the last 7 years by a dizzying succession of experts, including the National Commission on Civil Disorders, the President's Commission on Law Enforcement and the Administration of Justice, the National Commission on the Causes and Prevention of Violence, the National Commission on the Reform of Federal Criminal Laws, the National Advisory Commission on Criminal Justice Standards and Goals, J. Edgar Hoover, Mayor Richard Daley, and the police chiefs of Detroit, New York City, and Boston, all of whom have stated that controlling or eliminating handguns would lead to a reduction in the Nation's murder rate.

I believe this would be true not only for handgun homicides, but other forms of death by pistols. Take the fact that in 1972, there were 2,900 accidental gun deaths, 10,000 gun suicides, and 200,000 accidental gun injuries. It is reasonable to assume that handguns were a considerable part of each category. Would those people who perished accidentally by handgunds have died by another weapon? Reason tells us that it is simply more difficult to kill oneself playing with a knife, and that if many of these people had not located or stumbled upon a handgun, they would not have found an alternative weapon at all. Would all those 10,000 people who committed suicide with guns—half of our country's total suicides in 1972—have done so with another weapon? I am afraid that in many cases the simple convenience of guns made possible an irrevocable expression of anguish.

"Guns don't kill, people do." Measure this idea from a different perspective: assaults with firearms are five times more likely to cause death than assaults with any other instrument. You can run from an assailant with a knife, but you cannot outdistance a bullet. If a diminished supply of handguns forces criminals to resort to other weapons, it is likely that more crimes will be thwarted, and that more crime victims will survive their experiences.

SATURDAY NIGHT SPECIALS: WRONG DIAGNOSIS, WRONG SOLUTION

I have attempted to demonstrate that regulating all guns, rather than handguns, would be an over-reaction to the firearms problem. It seems to me also that regulating only the Saturday night special—a cheap, poorly manufactured handgun which is the favorite target of legislation now before the House—represents an under-reaction to the problem.

Congress and the media have been deeply concerned with the Saturday night special, but statistics indicate that they should consider a broader range of concerns. In December, the New York Police Department and the New York Mayor's Office reported in a study entitled, "The Case for Federal Firearms Control":

> In a 15-day period beginning Saturday, June 2 [1972], seven police officers were assaulted with handguns. . . . Three of the officers were killed, all with handguns. None of the handguns has yet been identified as a 'Saturday Night Special.'"

The same study, in its chapter on "Suggested Federal Firearms Control Legislation," emphasized:

> . . . the experience in New York and elsewhere indicates that while these cheap handguns [Saturday Night Specials] are an important aspect of the handgun abuse problem faced by law-abiding citizens and police officers, eliminating them will not come close to fully eliminating the problem. Recent surveys conducted by the New York City Police Department of guns seized from arrested perpetrators determined that less than 30 percent of the firearms seized were "Saturday Night Specials." Similarly, a survey of all handguns seized in the first six months of

1973 in the City's highest crime precinct found that even in this poverty neighborhood, approximately half of the classifiable handguns used by alleged perpetrators were high-quality, expensive weapons.

Similar findings were reported by Mr. David Strumwasser in a staff report to Mr. Charles Morgan, Jr., director of the national legislative office of the American Civil Liberties Union. Mr. Strumwasser corresponded with the police departments of 9 large cities around the country, and discovered that .22 or .25 caliber pistols—which account for most Saturday night specials—were responsible for only 43 percent of the handgun murders in those cities. Costlier and better-crafted handguns, which would not be affected by the Saturday night special bills in the House, produced a majority of the homicides.

These numbers were cited by Mr. Morgan in a speech to the National Urban League, setting forth his personal views, in which he said that—

All handguns, not merely the cheap ones which are essentially weapons of the poor, must be banned if we are to combat murder....

Measures geared solely to the Saturday night special, in short, will not save most of the lives snuffed out by handguns. Moreover, in some ways Saturday night special legislation might be counter-productive. Robert Sherrill, in a recent book on the gun problem in the United States, was extremely suspicious of these proposals:

. . . as a matter of fact, there is no proof that the Special is more of a threat to society than a gun of superior quality. . . . So why pick on the Special? Apparently those who do the most aggressive picking . . . are motivated by the fact that the cheapest Saturday Night Special increasingly became, after World War II, an irritating competition to the major gun manufacturers. . . . They [the makers of the Specials] were taking trade away from the elite gun manufacturers, who, naturally, went to Congress to have the hole in their pocket sewed up.

Even from a tactical view, fighting to ban the special does not appear a promising fight for gun control advocates to make. For one thing, coming up with a definition of a "Saturday Night Special," so as to distinguish it from other handguns, has already preoccupied the executive branch for 4½ years—more time than it took for the administration to go to China, dismantle OEO, and win the greatest Presidential landslide in American history. Since July 1969, when an administration official promised a bill to regulate Saturday night specials to a congressional committee, the executive branch has joined with the National Rifle Association in offering tantalizing near-commitments and rueful announcements of delay to expectant control advocates. Meanwhile, discussion of any truly important gun control reforms has been sidetracked and shuffled into the background.

To summarize my feelings about Saturday night special bills, I would suggest that the effort to define the special, to the satisfaction of those who essentially oppose all forms of firearms controls, has been wastefully spread out over far too great a period, perhaps not without design. In the absence of any explicit approval from the White House and the NRA, it seems unlikely that any of the current special bills will move successfully through Congress.

And, as I have indicated, even if a bill were to become law, it would not affect the sources of the majority of handgun fatalities, and would merely make murder a somewhat more expensive proposition.

BANNING ALL HANDGUNS: THE DIFFICULT BUT SENSIBLE RECOURSE

When all the evidence and arguments are examined, it seems to me that legislation to prohibit private possession of all handguns is the only sensible recourse.

At the same time, I do not mean to minimize the genuine shortcomings to this approach. Fear of crime is an entirely reasonable sentiment and reciting statistics is an understandably less appealing source of security to a homeowner than the tangible, if terribly dangerous, possession of a handgun.

Fear of Government misconduct is also thoroughly comprehensible. As I wrote in the Nation:

Recent evidence has emerged of the government's illegally wiretapping newspapermen and its own officials, misusing data-bank information, burglarizing private offices, and spying on dissident groups. It isn't altogether surprising that many people might hestitate to accept assurances that the federal government would never abuse its regulatory powers over firearms.

To some extent, I hope the bill itself makes certain problems unlikely. As I have mentioned, licensed pistol clubs will be allowed to continue operations, and long guns, the most important weapons for sportsmen, would not be restricted in any way.

I do not claim that this bill will end access to handguns by criminals, though it will help. For a long time to come, criminals will continue to possess handguns, despite any law—that is why the bill permits law enforcement officials and licensed security guards to use handguns as well. The crux of my support for this legislation rests in the belief that it would aid us in considerably reducing the 73 percent of this country's murders which are unrelated to the typical criminal and the typical crime.

I am under no illusions that the public and their representatives in Congress will accept these arguments immediately, and, though I submit this bill today, I do not believe that it has a realistic chance of passage this session. But there is no value in pursuing ineffective alternatives because they seem easily attainable. The present role of gun control advocates, in my view, must be to identify the options which are genuinely desirable, analyze and reject the options which are not, and strive to educate public opinion about the issues and approaches to it.

It may well be that in order to gain acceptance for the type of handgun control we need, broader social policies will have to be implemented first. I believe, for example, that gun control should be made part of a tough, effective anti-crime program for the Nation. Gun control advocates should also work to elect a President who will curb the Federal Government's increasing incursions into individual rights and liberties. And in all efforts to promote the bill, its supporters should proceed with awareness of the gun issue's complexities, and especially with respect for the concerns which motivate the grassroots opposition to gun controls of any kind.

While the effort is likely to be difficult, securing congressional approval of a bill prohibiting private handgun possession is by no means hopeless. A Gallup poll conducted in April, 1972, on the question of completely outlawing possession of handguns by the general public listed 43 percent of those polled as being favorable, 52 percent as being opposed. This means that if the question were decided today, we would lose. On the other hand, if we are accused of merely tilting at windmills, then we can reply that two out of every five Americans is willing to tilt with us, which is not a bad beginning.

I am an optimist on the issue of gun control, like Mr. Morgan. His personal opinion is that if Americans "knew that all handguns had been outlawed; that the handgun laws were strictly and speedily enforced; that after payment of just compensation therefor, handguns had been removed from American life . . .; they would be willing to lay down this weapon."

I agree and hope that submission of the bill will bring us a little closer to the time when we all will be content to undertake the laying down of weapons he describes.

SMALL BUSINESSES AND THE ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, the unemployment figures released Friday show the adverse effects the energy shortage is having on our economy. Many of these workers have been laid off jobs with the giant auto producers. While these large companies are hurt by the energy crisis, I am afraid that once again the brunt of the problem will be felt by small businesses.

I have introduced legislation to allow the Small Business Administration to make or refinance loans to companies which are "directly and seriously affected" by the fuel shortage. These loans would bear a lower rate of interest than conventional bank loans to small business and have a repayment period of up to 30 years.

Seventy-one colleagues have cosponsored this proposal which amends the Small Business Act section on natural disasters. This is appropriate. The fuel shortage could not have been predicted by the small concerns. For them it was as unexpected as a flood or an earthquake.

We cannot afford to lose any more independent, owner-operated businesses. They provide a vital element of competition in an economy dominated by large

firms. They provide jobs for millions of workers. Congress must take action so that these companies can continue to provide much needed goods and services. If we can guarantee loans to giant companies like Lockheed, we must provide some assistance for small businesses.

The text of the bill follows:

H.R. 12159

A bill to amend the Small Business Act to provide for loans to small business concerns affected by the energy shortage

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section (7)(b)(7) of the Small Business Act is amended—

(1) by inserting "(A)" before "by the significant reduction"; and

(2) by inserting "or (B) by a shortage of energy-producing materials," before "if the Administration determines.".

I am pleased to list my colleagues who are cosponsors of this proposal:

Glenn M. Anderson, Thomas Ashley, Herman Badillo, Edward Biester, Lindy Boggs, Edward P. Boland, John Brademas, George E. Brown, Yvonne Burke, Charles J. Carney, Shirley Chisholm.

Cardiss Collins, John Conyers, James C. Corman, Paul W. Cronin, John C. Culver, John H. Dent, Wm. Jennings Bryan Dorn, Robert F. Drinan, Bob Eckhardt.

Don Edwards, Joshua Eilberg, William D. Ford, Edwin Forsythe, Donald M. Fraser, Harold Froehlich, Joseph Gaydos, Ella Grasso, Gilbert Gude, Bill Gunter.

Michael Harrington, Ken Hechler, Henry Helstoski, Elizabeth Holtzman, Richard H. Ichord, Albert Johnson, Jack F. Kemp, Peter Kyros, Robert Leggett, William Lehman.

Norman F. Lent, Romano Mazzoli, Parren Mitchell, Joe Moakley, Thomas E. Morgan, John E. Moss, Lucien N. Nedzi, Robert Nix, Wayne Owens, Claude Pepper.

Carl Perkins, Bertram Podell, John Rarick, Thomas Rees, Donald Riegle, Peter Rodino, Benjamin Rosenthal, William Roy, Edward Roybal, Leo Ryan, Ronald Sarasin.

Paul Sarbanes, Fortney (Pete) Stark, Louis Stokes, Gerry Studds, Frank Thompson, David Towell, G. William Whitehurst, Larry Winn, Lester Wolff, Antonio Won Pat, Andrew Young.

CONGRESSMAN JAMES G. O'HARA: GOOD FRIEND TO POSTSECONDARY EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, since assuming the chairmanship of the Special Subcommittee on Education a year ago, my good friend, the distinguished gentleman from Michigan, the Honorable JAMES G. O'HARA, has established a solid reputation as a thoughtful and effective friend of postsecondary education in the United States.

In his speeches and writings, Congressman O'HARA has demonstrated a firm grasp of the postsecondary education needs of the American people and of the colleges and universities and other institutions they attend.

Under Mr. O'HARA's leadership, the Special Education Subcommittee of the House Committee on Education and Labor, which he chairs, has carried out what many consider to be a model of congressional oversight hearings, especially with respect to the operation of the federally insured student loan program.

Mr. Speaker, the January 28, 1974, issue of the Chronicle of Higher Education contained a most perceptive and recent article on the subject of Mr. O'HARA's work on the Special Subcommittee. I include the article at this point in the RECORD and commend it to the attention of Members of the House:

HOUSE SUBCOMMITTEE HEAD GIVES TOP PRIORITY TO STUDENT AID

(By Cheryl M. Fields)

WASHINGTON.—Rep. James G. O'Hara of Michigan, a "big-league" liberal Democrat with powerful labor-union ties, might have been excused if he had sat back and relaxed for a while when he took over the House of Representatives' higher education subcommittee a year ago.

The House panel and its Senate counterpart had just completed two bruising years of work on a giant measure designed to expand and redirect the flow of federal aid to higher education.

If Congress and the Administration ever got around to implementing and financing all the complex provisions of the new law, the Education Amendments of 1972, it would cost the federal treasury an estimated $19-billion.

Mr. O'Hara, who had formerly headed a small subcommittee on agricultural labor, also had to fill the shoes of Rep. Edith Green (D-Ore.), a woman who had chaired the subcommittee for a decade and who had become the best-known Congressional authority and power in writing higher-education laws before she switched to the Committee on Appropriations.

Indeed, Mr. O'Hara has told audiences he spent much of his first 10 months as subcommittee chairman "beginning to learn my way around and through the secret passages, hidden trapdoors, and other Gothic trappings of the Higher Education Act and its auxiliary statutes."

NO "GRUDGES" OR "OBLIGATIONS"

When problems partially created by the bill began arising, however, Mr. O'Hara, a tall, quiet-voiced man with a friendly, down-to-earth manner, was not afraid to plunge into the tortuous requirements and controversies of his new subject—into such areas as state postsecondary education commissions and the tangle of federal student-aid programs.

"I have a great advantage coming to the subcommittee," he said. "I haven't made any allies or any enemies in the postsecondary field. I don't have any grudges to settle. I have no obligations to anyone.

"I wouldn't have that advantage if I had gotten the manpower subcommittee [of the Committee on Education and Labor], for example. I'd been working there since 1962 and there I do have old enmities. . . .

"It makes me think there may be something to proposals to limit the time served heading committees or subcommittees," said Mr. O'Hara. He has proved his interest in political reform by heading the Democratic party's Commission on Rules prior to the 1972 convention, and serving as parliamentarian at that gathering. "Not that you'd bring in someone with no knowledge, but someone who is not so tightly bound to the area."

AN AMBITIOUS APPROACH

His approach to his new post has been far more ambitious than that of just a new subcommittee chairman eager to hold a few hearings to show that he is around and willing to learn.

Mr. O'Hara's subcommittee did make one brief, and perhaps over-enthusiastic, foray into the world of amateur athletics with a round of hearings on bills designed to protect the eligibility of amateur athletes to compete in international competition. Although the subcommittee's hearings have been concluded for months, the bills approved by the panel have not yet been taken up by the parent Committee on Education and Labor, apparently due largely to strong opposition from the National Collegiate Athletic Association.

Since then, however, Mr. O'Hara has mounted detailed, dogged hearings into student-aid programs and into the Administration's refusal to allow states to establish new state planning bodies popularly known as "1202 commissions."

"He has run some of the best hearings I've been to," said one higher education lobbyist. "They're not just prattling, but have people coming up and really discussing issues."

Mr. O'Hara began a series of extensive hearings into student aid when it became apparent that new problems had arisen stemming from the changes and additions that lawmakers had made in federal programs when they passed the 1972 higher education amendments.

Many of these hearings have been lengthy and technical. The subject matter and low-key manner of both Mr. O'Hara and Rep. John Dellenback of Oregon, the ranking Republican on the subcommittee, do not provide the zingy, newsy forums that make the evening television news, or even most morning papers.

The intricacies, however, can make a great difference in which students, and how many, get federal help in paying their education expenses.

"He's a big-league guy," said one college lobbyist. "If they are complex problems, he doesn't want to try to solve them simply."

Mr. O'Hara currently is having the Government Accounting Office audit all of the Office of Education's major student-assistance programs except the new basic grants program.

Student aid, he said in an interview, is the biggest problem affecting higher education at the moment—"the way the 'bogs' [basic grants] are operating, the disappointed expectations, the difficulties with the guaranteed loan program, the desire of the Administration to phase out other programs."

ACTION ON STUDENT AID THIS SPRING

Although he will not commit himself concerning what specific changes he wants to see made in the programs, he says, "I think we ought to do something about student aid no later than this spring."

Some members of his subcommittee, however, think it might be June before the panel will be able to produce a student-aid measure and would like to see the subcommittee move in other areas besides student aid.

They do not fault Mr. O'Hara for the interest he has shown in learning his new role, however, and they indicate he has brought some fresh perspectives that are valuable.

James Harrison, staff director for Mr. O'Hara's subcommittee, says that plans to conduct some oversight hearings into the federal government's handling of affirmative action also are "on the front burner."

In a round of speeches on student aid last fall before educational groups, Mr. O'Hara joked that "as the father of seven kids—the two oldest of whom are now in college—there is always the humbling thought that my individual impact on student aid may be greater as a consumer than as a legislator."

He added, "In the last analysis, in the field of higher education as in every other field, it is precisely the inexpert value judgments of the public which will prevail, and if we are to accept the basic idea of free government, should prevail."

Perhaps because of his concern with the public pulse, Mr. O'Hara has taken his most vocal educational stand recently on controversial proposals for increases in tuition at public colleges to narrow the tuition gap be-

tween public colleges and more expensive private institutions.

Even though most of these proposals would also link the tuition increases with stepped-up student aid, he is flatly against them.

IT DOESN'T MAKE SENSE

"From the point of view of the Detroit auto worker who is making over $12,000 a year now and has to moonlight to make ends meet—from the point of view of the school teacher or the cop or the accountant or the salesman who has seen meat priced out of his lifestyle, it doesn't make sense blithely to suggest that he ought to be forced to pay more of the money he doesn't have to send his kids to college—in the name of removing financial barriers," Mr. O'Hara said.

The Congressman's view of his constituency is thought to fuel his opposition to proposals that he fears would put more financial burden on the middle class.

"His constituency is blue-collar suburbanite. Costs are a great problem for them. They're not set up so that they have a lot of savings, but they want the American dream for their children," said one observer.

Mr. O'Hara represents a large, fast-growing area northeast of Detroit. More than 98 per cent of the district's population is white. About 59 per cent of the work force of Macomb County, the largest county in his district, is estimated to be blue-collar laborers; 41 per cent, white-collar professionals.

The liberal Mr. O'Hara had a hard fight for reelection in 1972 and, despite an early reputation as a strong civil-rights advocate, became a strong supporter of antibusing legislation in 1971 and 1972.

Mr. O'Hara earned his bachelor's and law degrees from the University of Michigan. His two sons now attend public institutions in the state.

Yet, Mr. O'Hara says, "My opposition to increased tuition at public colleges by no means means I'm indifferent to the plight of the private schools.

"I just have the strongest feeling that low public tuition has helped more people obtain higher education than any possible combination of student-aid programs."

He mentioned, as a possible way of aiding private institutions, the idea of "tuition offsets," a mechanism in which many states give students attending private colleges grants equal to the amounts by which students at public colleges are subsidized. He also said the subcommittee would be looking into the institutional-aid provision that was included in the 1972 postsecondary legislation.

Mr. O'Hara said that despite unfavorable publicity for many colleges during the last five years, he thought the public would be "willing to shell out more for education," but not if people think they are not going to benefit, while someone else does.

"I remember just about seven years ago, I sat down with Lyndon Johnson, trying to explain to him after the Congressional elections of 1966 that we had to frame programs so they'd be of general benefit; we had to make everybody eligible.

"I was saying then that we'd gone the wrong way in the elementary and secondary education bill and shouldn't say just poor kids should get extra help, but that everyone who needed extra help would get it." That kind of bill is much easier to sell politically, he said.

A "TERRIBLE MISTAKE"

That is why, he indicated, the Administration's way of using the new basic grants program, which he said had been converted into a mechanism to aid only poor students, was a "terrible mistake."

The program was designed to provide up to $1,400 a year for every student, less what his family could "reasonably" contribute.

"I have a strong feeling that the Administration set unrealistic family-contribution schedules for the basic grants program to reduce the eligible population" for the grants.

"I think they have made the program subject to frustration and ridicule.

"We're setting up rivalry, animosity between the poor and those of moderate means. They should feel they are in it together."

Some critics, however, say that people like Mr. O'Hara, who keep pointing to the burden that certain programs place on the middle class, do as much to create tensions between economic groups as do the programs themselves.

Mr. O'Hara said he thought Congress had been wise to continue financing the long-established programs such as work-study, supplementary opportunity grants, and direct student loans, while the basic grants program got off the ground.

The Nixon Administration had wanted to rely only on the basic grants, guaranteed loans, and some work-study funds.

REDUCTION IN NUMBER

Mr. O'Hara is not averse to setting up a more unified federal student-aid approach, however, and said he would eventually like to reduce the number of student-aid programs.

He also appeared particularly concerned with the operation of the guaranteed loan programs, on which the government guarantees the interest on loans that banks make to students.

The rising number of student defaults in the program have been particularly heavy at some vocational schools. Mr. O'Hara said he wanted the abuses corrected, but "I don't want to throw out the proprietaries. There are a lot of good ones, and who can say that kids who want to go to that kind of school shouldn't get aid? But there has to be some way to get out the fly-by-nighters, the chiselers."

When asked for his judgment of the effectiveness of lobbyists for colleges and college associations, a sensitive topic due to Congressional criticism of the amount and kind of aid such persons gave lawmakers during negotiations on the 1972 college aid bill, Mr. O'Hara said the major associations had kept up regular contacts with him since he took over the subcommittee and had been "very cooperative."

He added, however, "It puts a great deal of stress on lobbying effectiveness when you have an omnibus bill. Every organization is bound to have mixed emotions, and it's hard to be effective."

Mr. O'Hara said, "I'm hoping we will be able to have legislation more on a program-by-program basis. Maybe we can be more thorough if we take up a subject at a time, instead of holding a whole bill hostage, although I can recognize there may be merit in that, sometimes."

He said he did not know how the subcommittee would finally decide to operate—whether it would bring out bills one at a time or finish work on some and then hold them back for inclusion in a larger bill—but he indicated he was not inclined to wait until 1975 to make changes in all the post-secondary programs that expire then.

College associations "are rapidly gaining experience" in their relations with Congress, Mr. O'Hara said. "They have people who know their way around and know how the legislative process works."

In the past, he said, colleges may have had the feeling "that if they consort too much with politicians, they may somehow get involved in politics," he said, smiling.

ON STERILIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. COLLINS) is recognized for 15 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, yesterday, the Department of Health, Education, and Welfare released final sterilization regulations effective February 6. The Federal Register outlines the circumstances under which Federal funds can be used for sterilization. Included in these guidelines is the sterilization of the mentally deficient and minors.

On January 23, 1974, Dr. Lewis Hellman, Deputy Assistant Secretary of Population Affairs, staff member of HEW, and staff of members of this body met to discuss sterilization. The meeting was requested by HEW after Ms. JORDAN, Ms. CHISHOLM, Ms. BURKE, and I had written two letters, one on July 10 and another on October 19, concerning the proposed guidelines that HEW had issued on July 19 and September 21. The day before the meeting was scheduled to be held the New York Times carried an article relating to the fact that Secretary Weinberger had already signed the regulations. When HEW was queried as to whether this meeting was to be simply a briefing of the proposed regulation or a session of concerned intelligent input, the Department stated that it had decided not to issue the regulations as signed by the Secretary, but would use the newly signed guidelines as a working draft only, so that HEW could receive the input from us.

The 2-hour meeting on January 23 concentrated on two major issues: First, informed consent and the rights of the mentally deficient; and second, the entire question of the rights of minors. The so-called working draft contained a provision which allowed sterilization of minors within certain limitations, but permitted sterilization without parental consent. At the end of the meeting it was agreed that the best way to proceed with future sterilization and to insure the rights of minors was to prohibit the sterilization of any person below the age of 18 with the sole exception of incidents in which sterilization is indispensable to prevent a serious threat to a patient's physical health. Dr. Hellman and others indicated that they would pass this along to Secretary Weinberger and that the Secretary was open to any and all suggestions made by us.

With the issuance of these regulations, however, it appears that the Secretary displayed his unwillingness to consider our concern in this area. Therefore, in order to avoid any further abuses such as that which the Relf sisters underwent last summer, it becomes necessary to introduce legislation prohibiting the use of Federal funds for the performance of sterilization on persons below the age of 18 except, as I pointed out a moment ago, where such a sterilization is indispensable to prevent serious threat to a patient's physical health.

The passage of this legislation, I believe, would prohibit absolutely the use of Federal funds for the performance of sterilizations where the person's physical health in not endangered. I do not see how we, as human beings, can condone or anywhere approve the sterilization of a child. It therefore becomes incumbent

upon us, as the national legislative body, to work swiftly to pass this legislation. The bill is simple in its form and extremely succinct. It is my hope that the leadership of this body will take this bill under advisement and that the proper committee will act expediently to see that the legislation is not only passed by the Congress but signed into law by the President. Finally, I believe that the Department of Health, Education, and Welfare has gone beyond its authority in issuing these regulations as they concern the question of the rights of minors and I believe the only way to fully advise them of the wrong that they have committed is to introduce this legislation. In this instance, HEW is supposed to be bound in its rulemaking power by the authority granted to it under the Social Rehabilitation Service Acts in that they are to provide for the best interests of the community served. HEW has gone beyond the best interests of the community and usurped a positive legislation role assigned to the Congress by the Constitution. Not only that, but there is question of the constitutionality of the HEW provisions as they relate to due process of law and the rights of privacy. This, of course, still awaits litigation in the courts, but it should be considered in context with everything else. Further, I believe other parts of the regulation are faulty, but I see this as the most immediate problem.

REFORMED OUR CAMPAIGN FINANCING SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. MEZVINSKY) is recognized for 5 minutes.

Mr. MEZVINSKY. Mr. Speaker, many bills have been introduced and hundreds of speeches have been made concerning the need for reform of our campaign financing system. Senator DICK CLARK of Iowa has introduced what I consider to be one of the best and most comprehensive plans to overhaul our present system and I am introducing it in the House today.

The ugliness of Watergate has revealed itself in the farthest reaches of our political system. As Members of the Congress we have it within our power to insure that these kinds of political maneuverings do not happen again. We must face up to the scandals uncovered by the Watergate committee and the Special Prosecutor and use this valuable lesson to prevent further abuses of our democratic process.

The bill which I am introducing today, identical to Senator CLARK's, would go a long way to restore the public faith in politics. The Senate Rules Committee, just yesterday, reported out a strong plan for public financing, and the House Subcommittee on Elections is presently working on a House version of campaign financing. I hope this means that both Houses will pass strong and comprehensive legislation this session.

The major provisions of the bill are as follows:

PROVISIONS

CANDIDATES AND ELECTIONS COVERED

President: Primary and general (incorporates Presidential check-off fund) Congress: primary and general

TYPE OF FUNDING

Automatic full funding of all qualifying major party candidates with partial funding of minor and independent candidates on basis of vote performance. Campaign bills paid by and through Federal Election Commission.

PARTY ORGANIZATIONS COVERED

National party (major and minor) automatically receives funding in presidential election year of up to 20% of amount allowed its presidential candidates. In all other years, it's up to 15% of that amount. Party may spend public funds for election activities such as voter registration, nominating conventions, get-out-the-vote drives. Bills paid directly by Federal Election Commission.

HOW ADMINISTERED

Seven member Federal Elections Commission, appointed by President with consent of Senate to serve staggered seven year terms. Two recommended by Senate leadership, two by House. No more then four of seven of same political party. Responsible for administering, auditing, enforcing federal campaign finance program. Has full investigative, subpoena, prosecutorial powers. Commission specifically required to submit to Congress copies of all statements or responses to Executive Branch.

Executive Branch prohibited from censoring Commission comments or testimony.

Commission sets up accounting system for each qualified candidate, pays all bills directly, except for petty cash expenses of $25.00 or less.

AMOUNT OF FUNDING

President

Primary: 15¢ times VAP* in each state.

General: 20¢ times VAP in each state.

Senate

Primary: 15¢ times VAP (or $175,000 if greater).

General: 20¢ times VAP (or $250,000 if greater).

House

Primary: 25¢ times VAP (or Senate amount if state has only one Congressional district).

General: 30¢ times VAP.

HOW QUALIFY

Candidate agrees to file all necessary records and comply with audit requirements, certifying that he or she will not exceed spending and contribution limits.

President

Primary: Petition signatures of 1% of VAP in each primary state must be filled with Commission 210 days before primary, to be validated by Commission within 30 days.

General: Major party candidates automatically qualify for full funding.

Senate

Primary: Petition signatures of 1% of VAP in state must be filed with Commission 210 days before primary.

General: Major party candidates automatically qualify for full funding.

House

Primary: Petition signatures of 2% of VAP in district must be filed with Commission 210 days before primary (1% if single district state).

*VAP—voting age population.

General: Major party candidates automatically qualify for full funding.

National party

Automatically qualifies for funding based on a percentage of the presidential candidate entitlement.

CANDIDATE SPENDING LIMIT

Same as entitlement allowed major party candidates (see "Amount of Funding"). In presidential primary, candidate can authorize his or her national committee to spend up to 10% of his or her total allowable limit in states entered, reducing own spending by that same amount. Unopposed primary candidates may spend only 20% of amount allowed opposed candidate.

LIMITS ON INDIVIDUAL PRIVATE CONTRIBUTIONS

No private contributions can be given to or accepted by major party candidates or major parties in primary or general elections. (Exception for $100 maximum contributions allowed in petition gathering, all contributions to be refunded later from primary entitlement.) Limit of $100 on contribution to minor party, independent candidates may accept private contributions up to overall spending limit.

LIMITS ON CONTRIBUTIONS BY POLITICAL COMMITTEE TO CANDIDATE

No contributions allowed to major party candidates to major party. $100 limit on contributions to minor, independent candidates.

TREATMENT OF MINOR AND NEW PARTIES/CANDIDATES

Entitled to a fraction of major party funding based on ratio of minor/new party candidate votes received to average votes received by major party candidate. May raise proportionately more in private funds up to spending limit.

Can receive additional funding—up to total funding—after election on basis of performance.

SPECIAL RESTRICTIONS

Major party candidate must repay full entitlement if he or she receives less than 15% of votes in primary or 25% in general election.

Candidates may withdraw under certain conditions, repaying half of entitlement received.

Post election audit can require repayment of excess funds received by candidate.

Minor party candidate or his or her family can spend $1,000 on primary or general election (treated separately); major party candidate or family can spend $1,000 in connection with petition drive.

All private contributions to minor, independent candidates must be sent to Election Commission, fully identified.

Full reporting of petition drive contributions.

Spending limits for petition drives:

House: 2¢ times VAP.

Senate: 1¢ times VAP or $7,500, whichever is more.

Limit of $100 on individual's contribution to petition drive.

TAX INCENTIVES FOR SMALL CONTRIBUTIONS

Increase tax credit to 100% of contribution up to $100 ($200 on joint return). Provides automatic income tax payment to Election Fund of $2, unless taxpayer specifically designates "no".

OTHER PROVISIONS

Repeals Sec. 315 "equal time" requirements of Communications Act for all federal candidates.

Banks use of frank for mass mailings 90 days before any federal election.

Directs Postal Service to establish special rates for all federal candidates

PENALTIES

Up to $50,000/five years.

Civil penalty: Up to $10,000 per day per violation.

Estimated annual cost: $225 million (assumes three candidates in each party primary for every Federal office).

Effective Date: January 1, 1975.

CENTRAL UTAH RECLAMATION PROJECT

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

Mr. OWENS. Mr. Speaker, last month four national environmental organizations filed suit in U.S. District Court for Utah in an effort to block further work on the central Utah project. The suit contends that Interior Department officials have failed to comply with the National Environmental Policy Act. Plaintiffs allege that the environmental impact statement on the Bonneville Unit of the project is inadequate under the law.

The suit asks the court, among other things, to declare unlawful the continuation of construction until defendants comply with the National Environmental Policy Act. The central Utah project has already been delayed a year and a half while an environmental impact statement was written on its Bonneville unit.

The entire Utah congressional delegation has expressed its support for the central Utah project and its opposition to any delays. The four groups who filed the suit are based in other States—California, Michigan, and New York. As a resident and representative of Utah, I am deeply concerned about our scarce water supplies, and I recognize the area's need for water development.

This suit has already delayed construction on critical areas of this massive water project. To speed resumption of construction, I am introducing a bill which provides for this case to receive top priority on the court calendar. The hearings and court proceedings will be expedited and will take precedence over all other matters pending on the docket of the district court. Passage of this bill is required to minimize the delay in providing citizens of Utah the water resources they need from the central Utah project.

The text of the bill follows:

H.R. 12745

A bill to expedite certain judicial proceedings relating to the Central Utah reclamation project

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, any civil action or other judicial proceeding involving compliance with the National Environmental Policy Act of 1969 which affects the construction or operation of the Central Utah reclamation project authorized by the first section of the Act of April 11, 1956 (70 Stat. 105) (authorizing the Secretary of the Interior to construct and operate the Colorado River storage project) to which any department, agency, or instrumentality of the United States, or any officer or employee of the United States, is a party, shall be brought and heard only in accordance with the provisions of this Act. Such an action or proceeding shall be brought in the Central Division of the United States District Court for the district of Utah, and shall be heard by a single judge court. Notwithstanding any other provision of law, any such action or proceeding shall be assigned for hearing at the earliest practicable date, shall take precedence over all other matters pending on the docket of such district court at that time, and shall be expedited in every way. Any review of an interlocutory or final judgment, decree, or order of such court by any party to such action or proceeding shall be had only upon direct appeal to the Supreme Court of the United States. Notwithstanding any other provision of law, the Supreme Court shall assign such an appeal for hearing at the earliest practicable date and such appeal shall be expedited in every way.

SEC. 2. This Act shall apply with respect to any action or proceeding specified in the first section of this Act regardless of the date upon which such action or proceeding was filed. Any such action or proceeding pending before any United States district court other than the Central Division of the United States District Court for the district of Utah on the date of enactment of this Act shall be transferred to such court without prejudice to any of the parties to such action or proceeding.

A NATION IN TRIBUTE TO DR. MARTIN LUTHER KING, JR.

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

Mr. STOKES. Mr. Speaker, I am pleased to report that the largest and most significant celebrations ever of the birthday of the late Dr. Martin Luther King, Jr., were held across the Nation January 15.

This is the sixth straight year in which millions of people from all walks of life observed "Martin Luther King Day" in tribute to the life and work of the slain human rights leader.

No other holiday is quite like it. While legislation is pending in Congress to proclaim each January 15 a national legal holiday, masses of people everywhere already personally declare the date to be their own to honor one of history's greatest leaders. The result has been, in each year since Dr. King's assassination on April 4, 1968, an increasingly massive outpouring of activities and observances, all dedicated to the continuation and strengthening of his nonviolent movement and teachings.

"This is the marvelous way in which people say they will keep alive my husband's work and legacy," says his widow, Mrs. Coretta Scott King. "By participating in this nonviolent movement for racial justice and peace, all people of good will on January 15 are celebrating a birthday, a holiday, and a movement day."

Mrs. King is president of the Martin Luther King, Jr. Center for Social Change, the organization which once again coordinated the nationwide observances.

NATIONAL FOCUS: ATLANTA

As in past years, national attention this month centered on events in Dr. King's home city of Atlanta.

On Monday night, January 14—the eve of his 45th birthday anniversary—celebrations began with the Third Annual Martin Luther King, Jr. Birthday Benefit Concert. This year's concert was sponsored by Columbia Records and the CBS Records group and featured recording stars Sly and Family Stone, Ramsey Lewis, Maxine Weston, and Albert King. Television star Don Cornelius, host of "Soul Train," was master of ceremonies. The concert was held at the Omni, Atlanta's renowned sports and entertainment facility, and produced by Junius Griffin Associates.

Proceeds from the benefit concert were earmarked for programs and operations of the Martin Luther King, Jr. Center for Social Change.

Mr. Speaker, recording artists supported the civil rights movement from the very beginning, and this benefit concert was in keeping with that tradition.

Mrs. King praised the sponsors for providing "an excellent example of corporate social responsibility." She especially commended Logan Westbrooks, director of special markets for Columbia Records, for his tireless work on the project; and Goddard Lieberson, president of CBS Records Group, and Irwin Segelstein, president of Columbia Records.

Presentations during the benefit concert were highlighted by the award of the second Martin Luther King, Jr. Nonviolent Peace Prize to Cesar Chavez, leader of the United Farm Workers of America (AFL–CIO). The prize, presented to Mr. Chavez by Mrs. King, is the highest award conferred by the King Center. The first winner of the prize was our colleague, Congressman ANDREW YOUNG, who received it in 1973.

ECUMENICAL SERVICE, MARCH, AND RALLY

Observances in Atlanta on Tuesday, January 15, began with the traditional wreath-laying ceremony at Dr. King's crypt, followed by an ecumenical service at Ebenezer Baptist Church where he served as copastor with his father. The service included musical selections; an address by Rev. Calvin S. Morris, executive director of the King Center; other tributes to Dr. King; and a response for the family by his daughter, Ms. Yolanda Denise King.

After the service, a celebration march of thousands proceeded from the church to downtown Atlanta and the Municipal Auditorium for a mass community rally sponsored by the King Center. A cross-section of dozens of Atlanta community organizations participated in the march and rally. Presentations included special community service awards to local leaders, and announcements of winners of student poster and oratory contests on Dr. King.

Theme of the 2-day program in Atlanta was "Keep the Dream Alive: Do Something New—Make Nonviolence a Part of You."

A NATION IN TRIBUTE

Across America January 15, people and their communities observed the birthday anniversary in many ways.

In Los Angeles, performing artists staged a special dinner-show for the benefit of the King Center. The show was taped and broadcast this week by ABC television. Those appearing on the Los Angeles benefit included Mayor Thomas Bradley, Congresswoman YVONNE BRAITHWAITE BURKE, many community leaders, and artists Gail Fisher, the Four Tops, Isaac Hayes, Paula Kelly, Greg Morris, Richard Pryor, Della Reese, Raymond St. Jacques, Sly and the Family Stone, Lily Tomlin, and Bill Dee Williams.

On the same night in Seattle, the National Basketball Association held a special observance in honor of Dr. King during its annual all-star game, attended by Martin Luther King III and Dexter Scott King.

Each year, additional States, cities, and towns join those which have already made the day an official holiday. Thousands of school systems, businesses, and labor union members recognize Martin Luther King Day by closing; thousands more hold commemorative observances. Churches, temples, cathedrals—which are more than symbolic in a movement which is essentially moral—have special services in virtually every State and city. Many local community and civil rights organizations engage in social action in the tradition of Dr. King, such as voter registration, housing programs, economic development, and nonviolent action campaigns. The mass media contribute to the holiday with editorials, radio announcements encouraging people to drive with their car lights turned on all day January 15, and articles and other documentary presentations on the movement.

One of the most popular and important activities during the January birthday period is the showing of the Center-sponsored documentary "King: A Filmed Record . . . Montgomery to Memphis." Hundreds of schools, community organizations, churches, and television stations have shown this authentic account of Dr. King's life and the movement he led.

HOUSE COALITION ON ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. CULVER) is recognized for 30 minutes.

Mr. CULVER. Mr. Speaker, like most of my colleagues I have returned from my home with the multiple effects and uncertainties of the energy shortage ringing in my ears. Our constituents are alarmed, suspicious, and often downright angry about the trick they feel has been pulled on them by an untended economy. They want to know who is responsible for their predicament but even more they want to know who will be responsible for moving us out of it. It is evident to me that the responsibility for aggressive and responsible forward motion must be seized by us in the Congress. I have asked for this special order to set forth my own proposed blueprint for constructive action.

Many of us of course have already made proposals and sponsored legislation in the energy field, and there is a real sense of momentum in the Congress on this question. What is needed in my judgment is to move beyond ad hoc reactions to an overall program that fits together, that makes sense, and that bids fair to produce both short term and longer range solutions.

A program of this sort necessarily calls upon the resources of several different committees of the Congress, since we now have no one committee with comprehensive responsibility for energy matters. I am hopeful that eventually this diffusion of authority will be changed, in response for example to the recommendations of the Committee on Committees on which I serve. But the urgencies of the moment will not allow us to await that day. I am therefore providing special copies of my proposals to the chairman and ranking minority member of each of the relevant committees for their consideration, and intend to follow up with each of them as appropriate occasions present themselves. I am also proposing to the leadership that it take action to form a working coalition on the energy crisis, composed of ranking majority and minority members of each of these committees, to coordinate energy legislation in this all-important session of the Congress. Questions of partisanship and of committee jurisdiction cannot be allowed to dilute or delay our response as an institution of government to the felt necessities of the Nation. I insert a copy of my letter to the majority and minority leader to be printed in the RECORD at the close of my remarks.

Mr. Speaker, in my judgment, an overall congressional energy program must move simultaneously on five interrelated fronts. These are: First, energy information; second, energy competition; third, equitable burden sharing; fourth, expansion and conservation of energy resources; and fifth, international cooperation. Within each of these fields there is likely to be a fair diversity of opinion about how far and how fast we should move. I have tried in all cases to tailor my own recommendations so that they can fairly commend themselves to all shades of opinion while accomplishing at least the minimum required to meet clearly identifiable national needs.

I. ENERGY INFORMATION

It is by now an accepted truism that Government energy policy is operating in the dark. Neither its administrators nor the public have any reliable data base on which to formulate responsible or responsive programs. This lends itself to crisis manipulation or—what is just as crippling—strong public suspicion of manipulation for private or political ends. Public confidence, which is indispensable to effective national action, is seriously eroded by this state of affairs. We all recognize by now that the Government must free itself from its present near-total dependence on the industry for essential energy information.

To meet immediate needs, the Government Operations Committee on which I serve has overwhelmingly approved an amendment I sponsored to the pending Federal Energy Administration Act. This legislation has the support of both parties and of the administration experts, and will I trust be enacted into law in the near future. It will oblige the FEA to collect, analyze, and verify its own information in comprehensive and detailed categories covering the entire spectrum of energy supply and major energy consumption. Reserves, production, pipelines, refineries, costs, prices, and competitive behavior are all illustrations of the kinds of activity that will be made subject to full information disclosures. The Administrator will have authority to request information under oath, to issue and enforce subpoenas, and to conduct physical and documentary inspection through investigators armed with administrative inspection warrants—a procedure that the Justice Department has advised is fully enforceable in the courts. Proprietary data recognized as such in existing law will be entitled to confidential treatment, but will still have to be provided to and made subject to verification by the FEA. The public will have access to the fruits of all this information collection, through: first, the Freedom of Information Act; second, monitoring of the FEA by the General Accounting Office; third, congressional committee hearings; and fourth, a full public report by the Administrator at the scheduled expiration of the act.

Of course this is emergency legislation that may or may not prove temporary in duration. Others in the Congress are turning their attention to longer-range information provisions, which certainly merit full consideration. They might provide for an independent agency to conduct the necessary functions, and they might well narrow the scope of confidentiality accorded to individual company information. These are matters for debate and considered judgment. In the meantime, the FEA provisions will give us a necessary start on the problem, and will establish the indispensable principle of accountability by the industry to the public it serves. If successor legislation is later adopted, the pertinent provisions of the FEA Act can be readily folded into it.

II. ENERGY COMPETITION

There is widespread acknowledgement that the structure of the energy industry is anticompetitive. Let me make clear that I am not talking here about secret meetings or collusive arrangements among the major companies that dominate the industry—I am talking about the fact of their dominance itself. We have no evidence of any conscious conspiracy among these companies, but we do have clear evidence that they control enormous monopoly power. And it is this power, aided and abetted by entrenched governmental policies, that breeds such strong and pervasive public suspicion of a conspiracy against the public interest.

I believe that we in the Congress must beware of temptations to demagoguery created by this climate of suspicion. There are huge capital requirements for energy exploration and development which lend themselves to the formation of giant companies. Adequate profits are

a prerequisite to continuation of the necessary levels of endeavor. And as previously indicated, there is no present evidence of any conscious conspiracy among the major companies. We must be careful not to lash out indiscriminately in a way that might threaten to reduce the availability of energy supplies over time.

Yet the degree of industry domination by the major companies is by any measure excessive. The top 20 oil companies today control roughly 90 percent of all four sectors of the domestic industry: Crude production—94 percent of proven petroleum reserves; pipeline transportation—no exact figures available; refining—86 percent; and marketing—79 percent of the gasoline market in 1970, undoubtedly more today. These same companies are also major factors in production of natural gas, coal, oil shale, and nuclear energy. They control the lion's share of overseas oil production, on which our economy has shown itself to be vulnerably dependent. Nobody really disputes these facts; what matters is their significance for future policy.

If the major companies had achieved their domination solely through skill, foresight, and industry, we might hesitate long about any steps to alter industrial structure. But that is not the case. The domestic oil depletion allowance, for example, together with the current deduction treatment for "intangible" drilling expenses, place a deliberate premium on allocating income to crude oil production. This lowers refinery margins, and operates as a government-sponsored barrier to competitive entry into refining. So also, competitive crude production is inhibited by governmental policies that, first, demand huge front-end payments for bidding on oil and gas leases; and, second, allow the major producers to control the pipelines through which crude oil flows to their refineries. Policies like these, which have not been searchingly reexamined by the Congress, contribute importantly to the structural bottlenecks that have brought about much of our current energy shortage conditions: Inadequate and poorly located refinery and transportation capacity.

Since this is so, I find myself reluctant to join in the call for simply "breaking up" the big energy companies. Like the Japanese monopolies broken up after World War II, they would simply re-form themselves if the policy environment in which they grew were not itself transformed. Conversely, the worst features of monopoly control can be more effectively addressed through selective policy alteration, without the major political and economic traumas that across-the-board divestiture would entail. And I think we must also admit that necessary refinery expansion by the larger companies themselves would be adversely affected by threatened divestiture of their refinery operations, even though any such divestiture would be many years in the future and at a compensatory price.

Yet, we must take action to promote competition within the industry, and begin to do so soon. Monopoly dominance is hurting us now, and will hurt us even more if we continue to accept it as an inevitable fact of life. We have all heard about the independent natural gas producer who recently told the Federal Trade Commision of major-company offers to purchase his reserves—not for the purpose of producing them but as an asset to keep off the market until prices rise. It is reasonable to suppose that the bulk of offshore oil leases have been similiarly underdeveloped by the major companies that own them. Senator Moss has released his documented findings that control of pipelines by the major producers has been used to keep needed products off the market with the same purpose and effect. It takes no overt collusion among the giants of the industry to see their interests this way. Only by opening a path to genuine competition by genuinely independent companies can we assure that the public interest will be fully served.

Let me pause at this point to identify and set to one side three pervasive myths that have blinkered public policy in the past. One is that the necessary capital for energy resource development can only be raised through the profits and borrowings of the major companies. That is not so. Capital flows wherever it can perceive a reasonable prospect of good return. Even now, there are oil and gas producers in this country with no standing investment whatever in labor or equipment, who identify good geological prospects and then raise the funds to hire the necessary rigs and crews by flying in to Wall Street or setting up a drilling fund of their own. The number and competitiveness of such entrepreneurs could be multiplied many times if we opened up the market to them.

For the second myth is that we now have any genuinely independent sector at all in our energy economy. Every producer, refiner, distributor or dealer in this country who is not formally affiliated with one of the major companies is nonetheless extensively dependent on the majors for access to products or markets or both. Ask any of the thousands of dealers who have been driven out of business since the gasoline excess of the major companies has dried up. Ask a producer where he gets his prospects, and who he looks to for pipelines and refineries, and ask a refiner where he obtains his crude oil; the answer will almost always be the same: The major companies. That is why we have no independent refineries built anywhere in the United States for the past 20 years, and why important markets like my own State of Iowa have not one single refinery to call their own. This is not a necessary or inevitable state of affairs, and it can be corrected.

Furthermore, it must be corrected. Secretary Kissinger has done us all a service by suggesting that the Arab oil boycott may shortly be rescinded, for this has led others to puncture the third myth of the energy crisis—namely, that it is attributable to the latest Arab-Israeli war. The truth is, as Deputy Energy Director John Sawhill has now admitted, that we would have been and will be experiencing severe energy shortages even without an Arab boycott. My own Subcommittee on Foreign Economic Policy brought this out in hearings almost 2 years ago, but our warnings at that time were downgraded by the administration. Now at last it is being admitted that inadequate and poorly located refinery and transportation capacity right here in this country will constrain product supply below demand for several years to come, and we will need to maintain stringent conservation efforts no matter what the Arabs choose to do. This is essential for us to recognize, for it pinpoints those sectors of our energy economy which simply must be opened up to competition.

At the fulcrum I would place refining. The Congress should take early action, in my judgment, to tear down the barriers to competitive entry into refining operations. This will require activity on several fronts.

First, we should revise our system of energy tax incentives so as to put more of the profit margin in refining and less in production. This means either elimination or substantial lowering of the twin tax props for crude oil profits: The domestic depletion allowance and the current deduction of so-called intangible drilling expenses. Preference should be given instead to investment in new or expanded refining capacity, perhaps through expansion of accelerated depreciation for construction in this sector. The exact mix of tax mechanisms that will retain needed production levels, while opening the door to competitive refining, is a matter for analysis and debate by the specialists in resource economics and tax accounting who are available to the Ways and Means Committee. But I am proposing this as one of the principal objectives that committee should pursue in its hearings opening this week. Nothing is more important to sound tax and economic policy in the energy field.

Independent refining cannot be established without assured access both to crude oil and to distribution outlets, free from control by the major companies. Independent producers must be allowed to compete for this purpose on an equal basis. This means that the Congress should by statute put an end to the present system of bidding for leases on the Outer Continental Shelf and other federally controlled oil and gas provinces. The huge front-end payments now exacted by the Department of the Interior effectively exclude independent producers from participating in the exploration and development of these areas from which the bulk of new domestic supplies will have to come. A system of royalty payments, structured so as to reward the producer who actively exploits his lease, should be substituted. This has been under discussion in the Government for many years, and has been resisted solely because of its short-term adverse impact on budget receipts. That consideration can no longer be allowed to prevail, if we are to establish an efficiently competitive energy industry in this country.

The Congress should also take this occasion to repeal the outmoded Connally "Hot Oil" Act and its associated Inter-

state Oil Compact. These measures are price-fixing schemes introduced at a time of oil glut in this country, and are wholly inappropriate to a time of oil scarcity. They are what support the system of market-demand prorationing by the producing States, whereby the major companies control the rate of allowable production by indicating how much oil they are prepared to take at prevailing prices. The most efficient wells are held back from production through this arrangement, which is a blatant violation of the antitrust policies by which our economy is supposed to be governed. Opening up market opportunities to efficient production, and assuring that they remain open, is an essential inducement to competitive production operations.

Independent producers must also be free to contract directly with independent refiners. That is not the case today, because the major producer-refiners also control the major pipelines, and they fix the terms and conditions by which crude oil is shipped to refineries. The opportunities this gives them to shut out the independents have been well documented in last year's Federal Trade Commission staff study of this subject. The Congress should respond by adopting legislation, proposed by Congressman FRASER of Minnesota, to make it unlawful for an oil pipeline company after a 3-year transition period to ship its own crude and products or those of any affiliated company. This would apply the same "commodities clause" to oil pipelines that has long applied to railroads, and which was adopted more than 60 years ago to correct comparable monopoly abuses in the Pennsylvania and West Virginia coal fields. As Congressman FRASER has put it, and I agree with him:

> The business of transportation of petroleum, like the distribution of other commodities, should be a separate business and not a means of controlling the commodity market.

Furthermore, establishing oil pipelines as an independent business should lead both to expansion and to redirection of capacity, as genuinely independent businessmen make their own calculus of market forces.

Finally, I would propose a system of government loans to independent dealer cooperatives that wish to integrate backward into refining. We cannot again allow thousands of small businessmen to be driven out of existence for want of assured access to products. The public gains from the choices provided by nonmajor-brand outlets, and if put on a solidly competitive footing these small businesses can in the aggregate provide a vital check on the performance of the majors. I would urge our Small Business Committee to give this proposal its early attention.

As a part of this package of energy competition measures, I personally would be willing to write in a 10-year moratorium on divestiture of major-company refineries or distribution outlets. This would not stop the FTC or the Justice Department or anyone else from pursuing an antitrust investigation, or from seeking money damages or injunctive relief against particular forms of anticompetitive behavior. But industry structure, revised in accordance with my foregoing proposals, would be allowed to continue without further change for a period of at least 10 years, during which we in the Congress and the American people could observe performance and determine what if any additional steps may be needed. A reasonable period of stability, in my judgment, is necessary to allow reform measures to take effect.

Mr. Speaker, I have devoted this much time and attention to industry competition because I believe it is at the heart of our policy response to the energy crisis. If we postulate a continued noncompetitive industry structure, then we are going to have to continue extensive Federal controls. And if we have learned anything in the past two and a half years, it is that controls at least as currently administered breed scarcities, high prices, and inequitable burden-sharing. Price ceilings have a way of becoming price floors, of eliminating the last vestiges of competition, and of producing windfall profits as well as severe economic dislocations. We must have controls in the short term, to try and cushion the shock; but for the long term the only way to overcome scarcities and high prices is to restructure the energy industry along competitive lines and then remove controls. This is a policy goal that has not been set before us by this administration, and which we in the Congress, must make our aim. For as I hope to show in the next section of my remarks, our choice of long-term policy goals has an immediate impact on our selection of even short-term remedial measures.

III. EQUITABLE BURDEN SHARING

Much of the current debate in the Congress today centers on excess profits, which is our way of recognizing that the burdens of the energy crisis have been very unequally distributed as between energy producers and consumers. In my judgment, a balanced program must strive to comfort the afflicted every bit as much as it afflicts the comfortable.

We tried to do that before the recess, through providing a means whereby consumers could recapture for themselves the excess profits of the oil companies. I accept the judgment that the mechanism we provided was administratively unworkable, and that for the short term we are better advised to aim at a price roll-back. This will not suffice for any extended period, however, because the majors are perfectly able to hold back supplies until prices are allowed to move back upwards. And so we must give consideration to broader and longer-lasting remedies.

The administration's excess profits tax proposal is not the answer. For one thing, it forgives taxes on any profits reinvested in development of additional energy sources, which will simply serve to extend monopoly domination into yet further enterprises. Already we have seen the full-page advertisements for General Atomic Company, a joint venture between Shell and Gulf. Many more such extensions of monopoly power would be stimulated by the administration's proposal.

Furthermore, this tax proposal would fix by legislation a very high price floor of $7 a barrel for crude oil. Energy Director Simon has admitted that this is indeed the administration's long-term price objective, but he has not spelled out how the figure was arrived at. This is more than twice the average Gulf Coast price prevailing until very recently, and it is being handed out to the oil companies with no meaningful discussion or debate. At the very least, we in Congress must insist on being taken in on the deliberations.

But that is not really enough. No economic calculus by Federal regulators can supplant the supply and price relationships provided by a free market. Here again, I would urge that our attention be focused on freeing up that market to genuine competition, and eventually removing the price-supporting effects of Federal controls.

For although the calculations have not been exposed to public scrutiny, the rationale for the administration's position is clear enough. Seven to eight dollars a barrel is what the major companies evidently figure will support a market for their investments in shale oil, coal gasification, and other advanced technologies. They want assurance of that price as an inducement to developing their vast holdings in these fields. This is what the so-called "windfall profits tax" of the administration really comes down to. I do not believe we in the Congress should be a party to such compacts.

The $7 price is also tied to President Nixon's "Project Independence 1980," which I firmly believe to be off course. We should certainly take prudent action to reduce our dependence on unstable foreign suppliers, but any notion that we can insulate ourselves from the world economy is just wrong. To make $7 oil stick in this country, we will have to commit ourselves to promoting an equivalent world price. Otherwise when the world price falls—and we must remember that in global terms we still have a major oversupply of oil and not a shortage at all—when that happens U.S. industries will clamor for the lower priced oil. The only way to keep up the domestic price is either first, to support an artificially high world price, which will have a very adverse effect on the economies of all other oil-importing countries and therefore ultimately on ours; or second, to go back to U.S. import restraints on foreign oil, which will put our energy-dependent industries at a severe international disadvantage. Neither course is acceptable.

I believe we must set as our firm objective the lowering of both domestic and world energy prices. The administration's tax proposal moves in the other direction and should be rejected for that reason alone.

We will not roll back energy prices in the long run unless we succeed in establishing effective competition in the industry. The industry as a whole needs sufficient profits to finance its endeavors, but the profits do not need to be concentrated as they now are in the hands

of a few huge monopoly companies. I would restructure the tax system so that foreign operations pay their fair share and so that profit margins move from exclusively crude production into refining as well. I would do something genuine about the foreign tax credit disgrace, and I would lower the depletion and intangibles tax subsidies in this country. But I would also examine carefully the impact on consumer prices of all tax arrangements being considered, bearing in mind the free-market objective I believe Congress must set itself. Working all this out will take time and careful attention to detail, but it is the only way of assuring equitable burden sharing over the long run.

In the short term we need a price rollback and we also need to provide relief to our hard-hit citizens. People in retirement, the poor, and those on fixed incomes simply cannot tolerate the skyrocketing fuel prices to which they have been subjected. The price of propane alone has nearly tripled in my State of Iowa over the past year. It is not a luxury but a vital necessity, for heating and cooking, as well as farm processing, in my area. I believe we should institute in the short term a system of Federal cash grants or income tax credits, varying inversely with personal income levels, for the excess cost to our citizens of gasoline and propane and home heating oil over 1972 averages.

Energy-related unemployment, which is growing drastically, must also be a focus of our concern. If conservation is the needed ethic for many years to come, the immediate casualties of our national shift to that ethic deserve the Nation's assistance. Unemployment compensation alone is not enough for those whose jobs may never return. For these people, more extensive adjustment assistance to retrain and relocate them for new job opportunities is required. Two years ago, I developed a proposal for trade-related adjustment assistance which is now incorporated in the pending trade bill. I would suggest to my friends on the Ways and Means Committee that they give earnest attention to extending these benefits into a system of energy-related adjustment assistance. Many small businesses and communities, as well as individuals, could thus be helped to extricate themselves from the critical condition into which they have so suddenly been thrust.

These are the short-term measures that we must turn to do first. But we cannot do so in isolation, without considering the long-term implications. Again and again I emphasize my conviction that our future well-being depends upon establishing a free-market energy industry in this country, and that doing so will require affirmative action by the Congress.

IV. ENERGY EXPANSION AND CONSERVATION

There is reasonable unanimity in the Congress about the need to accelerate federally funded research and development into ways of both expanding our supplies of energy and conserving its use. Hopefully, we will be able to reconcile the House and Senate versions of this legislation in the near future. We need to emphasize to the President that this is no flim-flam game, and that a genuinely new and higher plateau of commitment is called for. As I stated in our committee report on the bill, this will require continuing and stringent congressional oversight.

The Government's proper role is to provide seed money and direction, and then to release the task of implementation to a free-market economy. There is a great deal of inventiveness and ingenuity in this country, which should not be difficult to unlock. We must avoid confining meaningful participation to the major companies alone.

Conservation needs to be stressed every bit as much as expansion of supply. We are notoriously wasteful in both our processing and end use of energy. Clearly, a new energy life-style for all Americans is essential. In this connection, I believe it is urgent for us to reverse policies, emphasize new conservation measures in housing insulation and consumer labeling, for example, and do everything in our power to provide public transportation and preserve and upgrade rail service. For hauling freight, trains are four times more efficient than trucks and sixty times more efficient than airplanes. They are as a practical matter irreplaceable for handling certain commodities such as our Iowa grain exports. They are also vital to inter-city passenger travel for many of our older citizens and for college students. Yet we have allowed trackage to deteriorate, service to atrophy, and whole rail lines to be discontinued with no serious thought to the energy conservation consequences of these actions. In Iowa and in other places, local communities are now pitching in to try and take up the slack, and I believe these efforts must be encouraged and assisted by the Federal Government. The rail reorganization plan now being unfolded by the Department of Transportation must be given careful scrutiny by the Congress with this end in view.

V. INTERNATIONAL COOPERATION

I have already stated my reasons for dissenting to President Nixon's rhetoric about "Project Independence 1980." Our majority whip, Mr. McFALL, put it much more reasonably in his energy address on behalf of the Congress when he called for "reducing our dependence upon foreign countries." In the short term, of course, we will be more rather than less dependent upon imports. Mr. Simon has testified on the Senate side that:

> Over the next three to five years, U.S. oil demand can only be met by expanding Arab oil imports.

And even in the longer term, as Mr. Simon also testified, we must endeavor to build a stable relationship with Arab and other foreign oil producers.

The fact is that the world's energy economy is inescapably interdependent. Huge Middle East reserves are sufficient even without further exploration to sustain world demand for a period of 15 years, and at a production cost of between 10 and 20 cents a barrel. The questions of world price and supply and other conditions of trade will not go away just because the United States turns its back on them. We must confront these questions and do so in a constructive fashion.

At the root of the present international disruption is the lack of intergovernmental machinery to address the vital questions. We in the United States have too long abdicated the responsibility for oil diplomacy to the major oil companies. Several months ago, I called upon the President to appoint a high-level official to take on this responsibility. Now at last Secretary Kissinger has moved into the breach. I am hopeful that his initiative in establishing a two-stage conference process will prove fruitful. My own Subcommittee on Foreign Economic Policy will continue to monitor developments as it has over the past 3 years.

One of the leading questions that the Government must address is the fair division of governmental revenues. The European countries levy very high excise taxes on petroleum products, and the Middle East countries have with some reason argued that their own tax and royalty income should be comparable. At the other extreme, the United States has conferred enormous revenue benefits on the producing countries, through the palpably fictitious device of letting the oil companies credit all their royalty payments against U.S. tax. This has amounted to foreign aid without any congressional approval, and has undoubtedly contributed to the freedom with which Middle East oil prices have been raised. I believe the time has come for Congress to put an end to this damaging charade. But we should do so in harness with the Secretary of State, to encourage and assist him in negotiating some reasonable agreement on a fair international division of revenues.

This is the way to restore stability and assume public control over matters of vital public interest. The days of antitrust immunity for the major companies must be brought to a close. Information must be gathered by the government and its authenticity verified. Negotiations must be carried out between governments to set up a framework for international terms of trade. And the marketplace, to which we must all look for ultimate security, must be freed to operate with maximum competitive efficiency.

FEBRUARY 7, 1974.

The Honorable THOMAS P. O'NEILL,
Majority Leader, U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. O'NEILL: All of us share our constituents' concern about the energy crisis and its serious effects on their private lives. We in the Congress are being looked to for leadership, and I believe we must take extaordinary actions to fulfill that responsibility. It is for this purpose that I am writing you to propose creation of a bipartisan Working Coalition on the Energy Crisis.

This would not require any formal restructuring of committee jurisdictions. As you know, ten of us have been actively at work for some time in the Select Committee on Committees to update and hopefully rationalize our committee structure, so that major problem areas like energy can be dealt with in a more comprehensive fashion. It will take further time, however, for the

House to complete this work and adopt the necessary revisions to its rules. In the meantime, there is an immediate need for greater coordination of effort among the many committees now charged with responsibility for dealing with various portions of the energy crisis.

In part the need relates to avoidance of duplication and delay, but in very large part it is also a matter of developing a reasonably consistent overall program into which all parts of the legislative package can be made to fit with some degree of harmony. I have myself made a conscientious effort to develop such a program, which you can find set forth in the attached copy of my remarks for delivery on the floor. What struck me most as I worked at this was the extent to which action taken in any one area depends for its effectiveness on actions taken in all the others. The Administration has at last unified its proposals under one roof, and I believe that we must similarly unify our capacity for systematic appraisal and response.

What I have in mind is a schedule of periodic meetings between the chairmen and the ranking minority members of each of the relevant committees, meeting under your co-chairmanship. No binding decisions would be looked for from these meetings, but they would provide an occasion to exchange information, coordinate timetables, and move towards reconciliation of major points of view. I am in any case sending copies of my remarks and of this letter to the ranking members who would form the nucleus of the Working Coalition I am proposing.

I would be happy to meet with either or with both of you to pursue this suggestion further.

Sincerely,

JOHN C. CULVER,
Member of Congress.

FEBRUARY 7, 1974.

The Hon. JOHN RHODES,
Minority Leader, U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

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Sincerely,

JOHN C. CULVER,
Member of Congress.

REMOVING INCENTIVE FOR FOREIGN OIL EXPLORATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. TIERNAN) is recognized for 5 minutes.

Mr. TIERNAN. Mr. Speaker, the percentage depletion allowance for oil and gas production was created to encourage exploration for these vital materials. The application of this allowance to foreign operations costs the taxpayers of this country millions of dollars and forces them to pay higher individual income taxes while allowing large oil companies to escape taxes. It has become apparent in the past year that it is not desirable to encourage foreign oil exploration. Our foreign interests have been nationalized, the price of foreign oil has risen to unreasonable levels, foreign oil now costs the U.S. consumer more than domestic oil, and the American consumer has been forced to make many sacrifices while he has been denied the foreign oil. The time has come to remove the incentive for foreign oil exploration until we have achieved a greater degree of energy self-sufficiency. Today I am introducing a measure which would end the 22-percent depletion allowance for foreign oil.

Additionally we know that the oil companies have for many years been able to deduct from the income tax attributable to foreign operations the income taxes paid to foreign nations. The oil companies have cleverly engineered a situation where the royalty payments paid to foreign countries have been termed an "income tax." The time has come for an end to this game of semantics that is costing the American taxpayers billions of dollars. The bill I have introduced today will have this effect. The "income taxes" paid to foreign countries which are based on the amount of oil that they pump out of the ground will no longer be allowed as a credit against income taxes due the Federal Government.

SKYLAB 4—OUTSTANDING SUCCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, tomorrow we anticipate the return of three outstanding astronauts—William R. Pogue, Edward G. Gibson, and Gerald P. Carr—who will have completed the longest single mission in space. This mission will complete the three-mission schedule of the Skylab program, highlighted by recovery from near disaster to the outstanding successes demonstrated.

In Skylab 4, as in Skylab 2 and 3, the work accomplished exceeded the highest hopes prior to flight. Work in the areas of Earth applications, solar astronomy, the physical and biomedical sciences, and space applications was conducted. In addition, student science experiments were included on this flight, derived from competition among young people in the secondary schools throughout the Nation.

The National Aeronautics and Space Administration, key industrial contractors and our universities and secondary school systems are to be congratulated for the unprecedented success of Skylab.

In the area of Earth resource studies, Skylab mapped geographic and weather features over large areas of the Earth. New and useful information on land use was made available. Identification of crops and ground cover, ice packs and water storage, as well as mineral deposits and sea conditions were examined.

Systematic detailed study of the Sun was undertaken, utilizing the Apollo telescope mount on Skylab. Special instruments were used to study the Sun in detail to gather data never obtained before in either ground-based or satellite experiments. The ability to handle complex experiments of this type was amply demonstrated on the three Skylab flights, indicating that when the Space Shuttle, the low-cost transportation system, is available, then a large space telescope will be not only practicable but essential to future solar investigation. In addition to the solar observations, experiments in the physical sciences contributed to an understanding of deep space and the characteristics of the upper atmosphere of the Earth.

Because of the long duration of each of the Skylab missions it was possible to study in detail the reactions and effects of zero gravity on normal healthy men. It is important to note that all of the indications are that men will likely be able to work in space for long periods without serious effect upon their systems.

Perhaps the most significant of all the activities of Skylab were the practical technology experiments undertaken. Zero gravity allowed new approaches to astronauts mobility. Two major experiments with maneuvering units were tested by the astronauts. Manufacturing techniques not possible on earth were explored in Skylab, crystals, and microorganisms were grown, high strength materials were prepared in a space furnace. Tests already demonstrate that large crystals significant to our electronics industry can be prepared in space with a quality and size impossible on Eearth. New metal alloys were prepared, brazing and reinforced metal components examined. Early results from these experiments indicate exciting new possibilities in the area of space manufacturing.

In addition to these experiments, scientific and practical, undertaken in Skylab, a number of experiments pro-

vided by secondary school students were undertaken in the areas of Earth resources, astronomy, bacteriology, physiology, botany, physics, and zoology. Perhaps the most significant aspect of the student experiments is a demonstration that, given the opportunity, there is a tremendous reserve of useful effort that can be undertaken in earth orbit.

The vast wealth of data derived from Skylab experiments will continue to yield new and useful information for many years to come. Investigators, both scientific and engineering, will search the massive data generated on these flights to the benefit of everyone over the next few years.

The Space Shuttle, to be ready in 1979, will provide a low-cost transportation system allowing the use of knowledge amassed in Skylab without the recurring high cost associated with the launch of conventional rockets.

The consequence of Skylab is the generation of a wealth of new scientific and practical knowledge and human achievement ranking with the lunar landing.

THE AMERICAN MUSIC AWARDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, because of my particular constituent interest in music which is a world-famous product of Nashville in Tennessee's Fifth Congressional District, I was very pleased to learn recently of the plans later this month to produce and televise the American Music Awards.

This is somewhat of a new and unique concept in honor and award programs. It is the first time a major effort has been made to choose winners on the basis of a scientific sampling of the American public's music taste.

In all there are to be 15 awards presented in the pop, country, and soul music fields with special recognition for artists, groups, and recordings.

This selection procedure contrasts with other awards and recognition efforts which generally are based on a selection process established by the music industry, itself.

Programs of this nature are certainly good for the music industry. In addition this approach is particularly appropriate because it recognizes those persons, without whose support there would be no music industry, the American public.

At a time when there is so much public criticism of television as being packed with too much bad news and violence sandwiched between too many commercials the American Music Awards offers a refreshing change of pace by paying deserved tribute to those who make, produce and perform one of America's greatest products, our music.

PENNSYLVANIA MARKS THE 200TH ANNIVERSARY OF THE FIRST CONTINENTAL CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BARRETT) is recognized for 5 minutes.

Mr. BARRETT. Mr. Speaker, I am submitting for printing in the RECORD, the following letters from the Honorable Milton J. Shapp, Governor of Pennsylvania to myself, the Honorable CARL ALBERT, Speaker of the House of Representatives, and the Honorable JAMES EASTLAND, President pro tempore of the Senate:

COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, Pa., January 30, 1974.

Hon. WILLIAM A. BARRETT,
House Office Building,
Washington, D.C.

DEAR BILL: I am enclosing a copy of an invitation which, through Honorable James Eastland, President Pro Tempore of the United States Senate, and through Honorable Carl Albert, Speaker of the United States House of Representatives, I have issued to the Congress of the United States.

Briefly, it outlines Pennsylvania's plans for commemorating the 200th Anniversary of the First Continental Congress this September at Carpenters' Hall, Philadelphia, and it invites the entire Congress to join at a ceremonial dinner on the grounds of the Hall on Saturday, September 7.

I will be very grateful indeed if you will use your good offices to help make acceptance of this invitation possible, and I have directed Mr. George H. Ebner, Executive Director of the Bicentennial Commission of Pennsylvania, to do whatever is necessary to aid you in your efforts.

I hope that you can help make this important occasion as successful as it should be, and I will look forward to greeting you personally in Philadelphia on September 7.

Sincerely,

MILTON J. SHAPP,
Governor.

COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, Pa., January 30, 1974.

Hon. JAMES EASTLAND,
President Pro Tempore,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EASTLAND: September of this year will mark the 200th Anniversary of the First Continental Congress, which some historians consider the first meaningful event of the American Revolution.

To commemorate this historic event, the Commonwealth of Pennsylvania is planning a three-day conference to be held at the site of the original Congress—Carpenters' Hall, Philadelphia.

This event should be more than a simple reenactment of this momentous occasion. Therefore, we in Pennsylvania have invited the Governors of all the other thirteen original colonies to come to Philadelphia to meet in session at Carpenters' Hall and discuss a common problem, in the hope that we can find a workable solution which can then be enacted into law in our respective states as a uniform piece of legislation. The model law would of course be offered to all our sister states in hope that they might enact it as well, making it truly uniform and truly effective throughout the Nation.

Such a plan will provide the thirteen original states—and ultimately the Nation—with a major contribution, not just a memory of the past.

Because Carpenters' Hall is not a large hall, we have had to restrict our planning to a relatively small group, and hence, our decision to have as conference participants only the Governors of the thirteen original colonies. We are eager, however, that this celebration should be shared by the entire Nation. Consquently, we are hereby inviting the entire United States Congress to a ceremonial dinner which will close our three-day celebration.

The conference will begin on September 5th and continue through the 6th and 7th. The concluding dinner, for which we should expect extensive national television coverage, will be on the evening of Saturday, September 7th, and will be held on the grounds of Independence National Historical Park, which surrounds Carpenters' Hall.

Through you, and through Senator Eastland, I am inviting the entire Congress to join with the Pennsylvania General Assembly and with the Governors of the thirteen original colonies in concluding what we hope will be a fine, thoughtful and substantive beginning for Bicentennial activity in America.

I hope that you will use your good offices to bring all members of Congress to Philadelphia for this occasion. I am asking Mr. George Ebner, Executive Director of the Bicentennial Commission of Pennsylvania, to do whatever is necessary to make your acceptance possible, and to make your participation meaningful and pleasant.

I will look forward to hearing from you at your convenience.

Sincerely,

MILTON J. SHAPP,
Governor.

COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, Pa., January 30, 1974.

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

DEAR SPEAKER ALBERT: September of this year will mark the 200th Anniversary of the First Continental Congress, which some historians consider the first meaningful event of the American Revolution.

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Sincerely,

MILTON J. SHAPP,
Governor.

POSTAL SERVICE UNWILLING TO USE MOTOR COMMON CARRIER NETWORK

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, during the Postal Service Subcommittee's hearings last year on postal transportation, one of the glaring omissions in the Postal Service's transportation network was the apparent unwillingness to use the motor common carrier network. One of the major reasons for the passage of the Postal Reorganization Act was to give the Postal Service more flexibility in using all modes of transportation available to it.

Therefore, we were surprised to learn that motor common carriers were not being used as they are used by other agencies such as the Department of Defense and the General Services Administration. Following is an editorial from Traffic World outlining the common carrier position:

A NOBLE EFFORT RELENTLESSLY CONTINUED

Those of us who for years have believed that if there's any doubt about the meaning of some provision of law (federal or state), resolution of the doubt rests on the intent of the lawmakers as expressed in legislative committee records or in debate in the legislative chambers prior to passage of the legislation, apparently have been victims of misinformation. On the subject of congressional intent, it seems, we have much to learn.

We should recognize, for example, that uncontroverted statements made by legislators in the course of discussion or explanation of provisions of a bill before it is passed by the House or Senate, stating in unambiguous terms the intended purpose of particular provisions of the considered bill, are not necessarily accepted as guideposts by the people who are supposed to implement the legislation. Thus, such a provision of law may be "interpreted" by its implementers to mean what they want it to mean rather than what the legislators wanted it to mean.

That's what has happened in the case of certain sections of the postal reorganization act of 1970, by which the duties and functions of the Post Office Department, as revised and modified by that act, were turned over to the U.S. Postal Service, headed (like the old department) by a Postmaster General who, however, does not have Cabinet-member status.

One of the postal policy statements in section 101 of the postal reorganization act is stated in these words:

"In selecting modes of transportation, the Postal Service shall give highest consideration to the prompt and economical delivery of all mail and shall make a fair and equitable distribution of mail business to carriers providing similar modes of transportation services to the Postal Service. Modern methods of transporting mail by containerization and programs designed to achieve overnight transportation to the destination of important letter mail to all parts of the nation shall be a primary goal of postal operations."

Section 5005 of the 1970 act allows the Postal Service to obtain mail transport services from common carriers by rail and motor vehicle, from air carriers or water carriers and by contract from "any person or carrier" for surface or water transportation. "Person" is defined as including "any person other than a carrier holding a certificate of public convenience and necessity issued by the Interstate Commerce Commission."

There are provisions in the postal reorganization act of 1970 for the filing by the Postal Service with the ICC of plans setting forth the Postal Service's mail transportation requirements and, among other things, what it believes to be the fair and reasonable compensation for the carrier services required. The Commission, after notifying the carriers concerned, would subsequently proceed to hold a hearing on the Postal Service plan.

We have seen or heard nothing that would indicate the Postal Service has ever filed such a plan with the ICC. This provision was one aspect of the postal reorganization act that led us to make what turned out to be an ill-advised appraisal of the situation in a talk at a meeting of the Chicago chapter of the Transportation Research Forum, about four years ago. We said then that "the chance for motor common carriers to participate in the mail transportation business has now materialized, after years of effort by such carriers to get such an opportunity."

While giving lip service to the idea of letting motor common carriers perform mail transport service, as they testified in congressional committee hearings that led to passage of the postal reorganization act, federal postal officials succeeded in retaining in the law—and then refusing to depart from—the competitive bidding procedure the Post Office Department had used for many years in selecting motor carriers for intercity mail haulage contracts.

Testifying before the House post office and civil service committee last September 12, Director Joseph F. Jones of the Postal Service's logistics department said that "tentative tariffs" that were proposed by several motor carrier groups would have cost the U.S. Postal Service "anywhere from 10 to 200 per cent more than we are paying for identical service over competitively-bid or rail piggyback service." He added that the Postal Service "would be pleased to use the common carrier network where it can do a better job than we are now doing."

Those representations were challenged soon thereafter by Hessie Davidson, president of the Davidson System, of Baltimore, and chairman of the government traffic committee of the Regular Common Carrier Conference of the American Trucking Associations. Mr. Davidson said no proof had been submitted to support the claim that the motor common carriers' service would be far more costly than the services now used for mail transportation, and that the common carriers stood ready to prove they could provide better and in many cases less costly haulage of mail than the Postal Service is getting now. He said that the most significant change in transportation provisions that was effected by the 1970 act was "a general rewriting of the procurement authority giving the new Postal Service the 'flexibility' which it claimed it did not have previously, and wanted." Here, said Mr. Davidson, was "that chance for . . . a shift to the modern means of highway transport which has long since become the stand-by for the distribution of the American cornucopia of products and articles of trade."

Gratifying to us and, surely, to the RCCC members—was the message addressed about three weeks ago by Paul J. Tierney, president of the Transportation Association of America, to the Senate and House post office committees, urging them to advise the Postal Service to discontinue its policy, not in accord with the 1970 act, of not utilizing the services of regulated motor common carriers "on a systems basis." The committees should note that the TAA's position on this matter reflects the attitude of the transportation industry as a whole, not merely the regulated common carrier trucking group. We commend the decision by the RCCC never to stop its efforts to obtain mail transportation business for its members collectively. We feel sure the RCCC will have continuing support in this matter from the TAA, to which will be added gladly our small "voice in the wilderness."

CHARLIE PHILLIPS OUTSTANDING CITIZEN

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, next Monday, February 11, 1974, those of us who live in central New York will be honoring one of our outstanding citizens, Mr. Charlie Phillips. Charlie Phillips is a legend, not only in his own community of Syracuse, but throughout the broadcast industry. On Monday, he will celebrate his 50th anniversary with Radio Station WFBL, an achievement attained by few, if any, others in broadcasting.

Charlie joined WFBL as their first employee in 1924, and in the ensuing five decades has played every part imaginable in the operation of a radio station. He has participated in the growth of broadcasting from a small dream to one of the largest industries in the world. And his contributions to both the dimensions and the quality of modern broadcasting are too numerous to cite.

Mr. Speaker, I know every Member of the House of Representatives joins me today in extending our best wishes to Charlie on this milestone and in wishing him many years of God's choicest blessings and good health.

"ROTARY PAST AND PRESENT" BY DISTRICT GOV. WILLIAM C. BOWEN

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, Rotary International is truly an ideal in action, a world fellowship of business and professional men dedicated to service. The mottoes of the Rotary are "Service Above Self" and "He Profits Most Who Serves Best" in business and civic relationships.

In South Carolina we are especially proud of our own William C. "Bill" Bowen, governor of Rotary international district 775. Bill's devoted service to humanity splendidly exemplifies the highest ideals of Rotary International. I commend to the attention of the Congress and the American people Governor Bowen's superb address on "Rotary Past and Present":

ROTARY PAST AND PRESENT

(By William C. Bowen, District Governor)

I extend to you greetings from nearly 745,000 Rotarians, organized in more than 15,800 Rotary Clubs, located in 150 countries and geographical areas throughout the world.

As you know, every year, the Governor Nominees from the 343 Rotary Districts must attend the International Assembly at Lake Placid Club House in The Adirondack Mountains of New York State. In the first Plenary Session this May, R. I. President William C. Carter of the Battersee Club of London, England, announced the theme for "our year" as "A time for Action", and pointed out certain goals for improving the quality of life in the four Rotary avenues of service.

After nine strenuous days of plenary assemblies, group sessions, dining, attending talent nights, and just having a good Rotary time, Rotary Ann Inez and I bade goodbye to all our friends, drove to Rutland, Vermont, and spent the night. The next morning we made our way to the town of Wallingford, the boyhood home of Paul P. Harris. We made photographs of the Congregational Church, the old stone shop, chatted with Secretary Richard Armstrong, Secretary of the Wallingford Rotary Club and pastor of the church who told us how to find the schoolhouse. The schoolhouse was built in 1818 by Paul Harris' great grandfather, now the meeting place of the Wallingford club and preserved as a memorial to the founder of Rotary. A historic marker in front of the building reads as follows:

WALLINGFORD, VERMONT
PAUL P. HARRIS
1868–1947

"In this brick building, constructed by his great grandfather in 1818, Paul P. Harris attended school as a youth and received his elementary education. Many years later Mr. Harris expressed the conviction that it was during his boyhood that he learned the basic ideals which became the cornerstone of Rotary International destined to become a world wide service organization. This former schoolhouse is now maintained as a memorial to Paul P. Harris, by the Wallingford Rotary Club."

Paul P. Harris was born in April 1868 at Racine, Wisconsin. When he was three years old Paul and his older brother Cecil were sent to Wallingford to live with his Harris grandparents. Thus he grew to young manhood in the mountains of Vermont. He attended the Vermont Military Academy, spent the freshman year at the University of Vermont, and after a year working and studying under a tutor he went to Princeton. While at Princeton his grandfather died, but his grandmother sent him west to attend the University of Iowa. He graduated from the University in 1891 taking his law degree. Impressed by words of the commencement speaker to spend some time getting used to life, Paul went to San Francisco then to Denver, working in both cities as a newspaper reporter. Then he went to Jacksonville as a hotel clerk. Next he sailed to Europe on a cattle boat, making two round trips. He then became a marble salesman, went a third time to Europe and in 1891 started the practice of law in the City of Chicago. He slowly built up his law practice, made a few friends but, as he said later, was mainly a lonesome country boy in a big city. All the time he was thinking about a business man's club where people in various vocations could meet for fellowship and swapping ideas. He spoke to two or three of his friends about such an organization.

On the evening of February 23d 1905 he met Silvester Schiele a coal dealer at Madame Galli's Hungarian Restaurant. After dinner the two made their way to The Unity Building on N. Dearborn Street, went to Room 711 to meet with two other friends at eight o'clock to start the first civic service club in the world. The meeting room was the office of Gus Loehr a Mining Engineer and the fourth man was Hiram Shorey a tailer. These men were later in the following weeks to be joined by others among whom was Harry Ruggles who started Rotarians to sing at club meetings. Each member had to be from a different business and thus started classification as we know it today. At first, the new club met in the offices of one another in rotation. From that fact came the name "Rotary". The rotation also gave the organization its emblem, at first a wagon wheel then a gear or cog wheel as we know it today.

One day Paul Harris was asked to tell the club just what a lawyer did. This talk perhaps started the idea we know as Vocational Service. A great Rotarian from England, Jack Pride defined Vocational Service as the happiness we bring and the service we render to others through and in our professions or vocations. This definition is paraphrased from a talk made at Lake Placid by Rotary International Director James E. Lambeth. We each must strive to improve the quality of this most important avenue of service.

In 1907 a new city hall was being built in Chicago. The Rotary Club promoted a drive to build public comfort stations which were lacking in the Loop District. This became the first Community Service Project and it is still in service. Community Service thus became a very important part of each of our clubs and certainly one which tells our communities that Rotary is a living thing and much a part of them. We must each seek out the loneliness of our youth and our aged people and as a club do something to take action about their problems.

I like to think that Paul Harris thought of the Avenue of International Service on his trips to Europe. One feature of this Avenue began at the 1917 Atlanta Rotary Convention when Kansas City Club gave RI President Art Rumph a Check for 26 dollars and 50 cents to start a Rotary Foundation to provide scholarships for youth. Not much more was done about the Foundation until the death of Paul Harris in 1947. As a memorial to the beloved leader, contributions began to pour in and 18 awards were made for students to study in a land not their own home. This year (1973) over 600 awards were made. Our own district has Miss Harriet Fowler studying at Aberdeen University in Scotland this year. Next year Mr. Thomas Bolt of Anderson will be studying in France. Our district is a 200% district meaning that each club has, from voluntary contributions of its members, reached that "plateau". President Bill Carter has directed that we must keep open the lines of communications between Rotarians around this world and between peoples on an individual level so as to bring understanding to each in the family of nations. Words could be said about this avenue but we must pass now to the fourth avenue of service, that is club service. It is what a club does for its own well being. Each of us must improve the quality of our service by active participation, making up a missed meeting at another club, putting service above self by responding when called on and most of all "Take Time for Action" this year.

"Let us all seek that which we have in common with our fellow men rather than that which divides us". Paul Harris wrote as the closing chapter of his "Road to Rotary" (His Autobiography) and we each can make it our prayer: "May God grant that my vision of the faults of men and nations be dimmed and my vision of their virtues be brightened".

Thank you.

EXEMPTION FROM DAYLIGHT SAVING TIME

(Mr. REGULA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. REGULA. Mr. Speaker, I am today introducing legislation to amend the Emergency Daylight Saving Time Energy Conservation Act of 1973, to provide that the advanced standard time requirement of that act shall not be in affect during the time of the year which has the smallest number of daylight hours.

My legislation would exempt that period of time beginning November 1974 and ending February 28, 1975, from mandatory daylight saving time.

The Emergency Daylight Saving Time Energy Conservation Act will expire in 1975. Absent an extension of the law, that leaves one more span of at least 4 months of short days and late sunrises. It leaves one more period of time during which children will have to go to school in the dark. That safety hazard, while it could be lesened by States or local school districts adopting later beginning times for schools, affects schoolbus drivers, working housewives, and poses a variety of inter-related inconveniences, both large and small.

The avowed purpose of the act was to save energy, yet the committee report accompanying the legislation stated that no studies had been carried out and no information was available to establish with certainty that an overall reduction in energy consumption results from the year around observation of daylight saving time.

Surely one winter period of daylight saving time is sufficient to gather information and make a determination whether any reduction in energy consumption has resulted. Beyond that, we can surely afford to invest four-twelfths of that hypothetical savings in safety for our schoolchildren.

EMERGENCY ENERGY CONTROL ACT

(Mr. ECKHARDT asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. ECKHARDT. Mr. Speaker, today Congressman BROCK ADAMS and I have introduced the Emergency Energy Control Act which we propose as a workable alternative to the Energy Emergency Act. The Energy Emergency Act, currently being reconsidered by House and Senate conferees, is an ill-conceived attempt to deal with the present energy shortage. Rather than a narrowly drawn bill addressing only the specific immediate needs caused by the energy shortage, the Energy Emergency Act is legislation which unnecessarily relegates a massive amount of congressional authority to the President and which needlessly suspends important environmental safeguards. I have already outlined in detail my opposition to the Energy Emergency Act—see January 28, 1974, CONGRESSIONAL RECORD p. 861.

The legislation we have introduced today contains what we feel are the legislative grants of authority necessary to deal with the energy situation. The bill establishes a Federal Energy Emergency Administration to administer the allocation and rationing provisions of the Emergency Petroleum Allocation Act. This Administration would operate any rationing program implemented under the Allocation Act in accordance with procedural and due process safeguards set out in the bill.

The bill grants vitally needed information-gathering powers to the new Federal Energy Emergency Administration. The Administration is empowered to collect information on reserves, production, distribution, and use of petroleum products, natural gas, and coal. The one very certain fact that has been clearly established in the hearings before various House and Senate committees trying to deal with the energy shortage is that we simply do not have sufficient factual information to act upon. The information-gathering powers granted to the Federal Energy Emergency Administration is the first major step toward collecting the kind of information we need to frame a coherent and complete package of long range energy legislation.

In the last few months we have seen the price of petroleum escalate to all-time highs. Since the beginning of November, the wholesale price index for refined petroleum products has jumped 60.9 percent. Crude oil prices on the wholesale level increased by 27.5 percent during 1973, and the price of refined petroleum products has increased by an incredible 125 percent.

Clearly we cannot continue to allow the prices of petroleum to increase at this unjustifiably rapid pace. The Emergency Energy Control Act instructs the administration to place an immediate price freeze on domestic crude petroleum and petroleum products, and, within 30 days to roll back such prices to the levels in existence on November 1, 1973.

Today the House Interstate and Foreign Commerce Committee conducted hearings on an administration proposal dealing with the independent truckers strike. The administration is proposing that we allow the truckers to pass through the increased cost of diesel fuel. The end result of such a proposal will mean that the consumer once again ends up bearing the brunt of the increase. The independent truckers have indicated that they do not want passthrough authority; they want prices rolled back to a justifiable level. That is exactly what the Energy Emergency Control Act will do.

The final provision of our bill amends the Emergency Petroleum Allocation Act to add safeguards for grants of antitrust defenses. When the House Interstate and Foreign Commerce Committee first considered the Allocation Act, we determined that compliance with the allocation regulations might involve meetings and arrangements that would arguably be violative of the antitrust laws. Because of this we included in the Allocation Act a section protecting companies from antitrust prosecutions. When the House of Representatives considered the Energy Emergency Act, we added to that act an amendment offered by the distinguished chairman of the House Judiciary Committee which measurably strengthened the antitrust section of the Allocation Act. Since the emergency program which is envisaged in the bill we have introduced today is to be implemented under the Allocation Act, we felt it was very important to amend that act to include Chairman RODINO's antitrust section. Therefore, the last section of our bill is the Rodino amendment which has already been approved by the House of Representatives.

For the information of my colleagues, a copy of the Emergency Energy Control Act follows:

H.R. 12678

A bill to amend the Emergency Petroleum Allocation Act of 1973, to establish the Federal Energy Emergency Administration, to require the President to roll back prices for crude oil and petroleum products, and for other purposes

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

SECTION 1. This Act shall be cited as the "Emergency Energy Control Act."

SEC. 2. The Emergency Petroleum Allocation Act of 1973 is amended by adding the following new sections:

"SEC. 9. Federal Energy Emergency Administration.

"(a) There is hereby established until May 15, 1975, unless superseded prior to that date by law, a Federal Energy Emergency Administration which shall be temporary and shall be headed by a Federal Energy Emergency Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate. Vacancies in the office of Administrator shall be filled in the same manner as the original appointment.

"(b) The Administrator shall be compensated at the rate provided for level II of the Executive Schedule. Subject to the Civil Service and Classification provisions of title 5, United States Code, the Administrator may employ such personnel as he deems necessary to carry out his functions.

"(c) Effective on the date on which the Administrator first takes office (or, if later, on January 1, 1974), all functions, powers, and duties of the President under this Act, and of any officer, department, agency, or State (or officer thereof) under this Act (other than functions vested by section 7 in the Federal Trade Commission, the Attorney General, or the Antitrust Division of the Department of Justice), are transferred to the Administrator. All personnel, property, records, obligations, and commitments used primarily with respect to functions transferred under the preceding sentence shall be transferred to the Administrator.

"(d)(1) Whenever the Federal Energy Emergency Administration submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the Congress.

(2) Whenever the Federal Energy Emergency Administration submits any legislative recommendations or testimony or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have any authority to require the Federal Energy Emergency Administration to submit its legislative recommendations, or testimony or comments to any officer or agency of the United States for approval, comments, or review prior to the submission of such recommendations, testimony, or comments to the Congress.

(3) The Federal Emergency Administration shall be considered an independent regulatory agency for purposes of chapter 35 of title 44, United States Code, but not for any other purpose."

"SEC. 10. (a) For the purpose of providing to the President, Congress, the States, and the public, to the maximum extent possible, reliable data on reserves, production, distribution, and use of petroleum products, natural gas, and coal, the Administrator shall promptly publish for public comment a regulation requiring that persons doing business in the United States, who, on the effective date of this Act, are engaged in exploring, developing, processing, refining, or transporting by pipeline, any petroleum product, natural gas, or coal, shall provide detailed reports to the Administrator every sixty calendar days. Such reports shall show for the preceding sixty calendar days such person's (1) reserves of crude oil, natural gas, and coal; (2) production and destination of any petroleum product, natural gas, and coal; (3) refinery runs byproduct; and (4) other data required by the Administrator for such purpose. Such regulation shall also require that such persons provide to the Administrator such reports for the period from January 1, 1970, to the date of such person's first sixty day report. Such regulation shall be promulgated 30 days after such publication. The Administrator shall publish quarterly in the Federal Register a meaningful summary analysis of the data provided by such reports.

"(b) The reporting requirements of this section shall not apply to the retail operations of persons required to file such reports. Where a person shows that all or part of the data required by this section is being reported by such person to another Federal agency, the Administrator may exempt such person from reporting all or part of such data directly to him, and upon such exemption, such agency shall, notwithstanding any other provision of law, provide such data to the Administrator. The district courts of the United States are authorized, upon application of the Administrator, to require enforcement of such reporting requirements.

"(c)(1) Notwithstanding any other provision of law, whenever the Congress or any Committee of Congress upon request of the Chairman makes a written request for documents in the possession or under control of the Administrator, the Administrator shall within two days after receipt of such request or within such reasonable time as is determined by the Congress or the Committee submit to the Congress or such Committee all such documents (or copies thereof).

(2) If the Administrator transfers any documents in its possession or under its control to any other agency or to any person, it shall retain copies of such material, or if not feasible, shall condition the transfer on the transferee's returning such document to the Administrator for purposes of complying with paragraph (1) of this subsection.

(3) For purposes of this subsection, the term 'document' means any book, paper, correspondence, memorandum, or other record, including a copy of any of the foregoing.

"(d) Upon a showing satisfactory to the Administrator by any person that any report or part thereof obtained under this section from such person or from a Federal agency would, if made public, divulge methods or processes entitled to protection as trade secrets of such person, such report, or por-

tion thereof, shall be confidential in accordance with the provisions of section 1905 of title 18 of the United States Code, except that such report or part thereof shall not be deemed confidential for purposes of disclosure to (1) any delegate of the Federal Energy Emergency Administration for the purpose of carrying out this Act, (2) the Attorney General, the Secretary of the Interior, the Federal Trade Commission, the Federal Power Commission, or the General Accounting Office when necessary to carry out those agencies' duties and responsibilities under this and other statutes, and (3) the Congress or any Committee of Congress upon request of the Chairman. The provisions of this section shall expire on May 15, 1975."

SEC. 11. (a) Immediately upon the enactment of this section, the Administrator shall issue an order to establish a ceiling on prices of crude oil and petroleum products at levels not greater than the highest levels pertaining to a substantial volume of actual transactions by each business enterprise or other person during the fourteen-day period ending January 19, 1974, for like or similar commodities, or if no transactions occurred during such period, then the highest applicable level in the nearest preceding fourteen-day period.

"(b) The ceiling on prices required under subsection (a) shall be applicable to all retail prices and to wholesale prices for unfinished, finished, or processed goods.

"(c) As soon as practicable, but not later than thirty days after the date of enactment of this section, the Administrator shall by written order stating in full the considerations for his actions, roll back prices for crude oil and petroleum products to levels no higher than those prevailing in the seven-day period ending November 1, 1973, in order to reduce inflation. Price increases announced after November 1, 1973, and made retroactive to dates prior to November 1, 1973, shall not be considered as having been in effect prior to such date for purposes of this subsection. The Administrator may make specific exceptions from the rollback by written order to compensate for increased costs for crude oil and petroleum products produced and refined outside the United States, but in no event shall such exceptions allow more than a passthrough for increases in the costs of such commodities. Such orders shall state procedures and adequate public notice of any price exceptions and shall disallow any profit margins on any crude petroleum or petroleum products in excess of the margin applicable in the seven-day period ending November 1, 1973.

"(d) The Administrator shall, by written order, issue rules to insure that all corporations or other entities engaging in sales of crude petroleum at the refinery level or petroleum products at the wholesale level reflect, in sales to any purchaser, the average costs of its foreign and domestic crude oil and petroleum products."

"SEC. 12. To the extent necessary to carry out the purpose of this Act, the Administrator may under authority of this Act, by rule, restrict exports of coal, petroleum products, and petrochemical feedstocks, under such terms as he deems appropriate. In the administration of such restrictions, the Administrator may use existing statutory authorities and regulations including, but not limited to, the Export Administration Act of 1969. Rules under this section shall take into account the historical trading relations of the United States with Canada and Mexico and shall not be inconsistent with subsections (b) and (d) of section 4 of this Act."

SEC. 3. Section 4 of the Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new subsection:

"(h)(1) The Administrator shall provide for procedures by which any end user of crude oil, residual fuel oil or refined petroleum products for which allocation regulations are established under subsection (a) may petition for review and reclassification or modification of any determination made under such subsection with respect to his allocation priority or entitlement.

(2) The Administrator may by rule prescribe procedures for State or local boards to carry out functions under this subsection. Such boards shall be of balanced composition reflecting the make-up of the community as a whole. Such procedures shall require that prior to taking any action, such boards shall take steps reasonably calculated to provide notice to persons who may be affected by the action, and shall afford an opportunity for presentation of views (including oral presentation of views where practicable) at least 10 days before taking the action.

SEC. 4. The Emergency Petroleum Allocation Act of 1973 is amended by striking section 6(c) and adding the following new section 7:

"SECTION 7. ANTITRUST PROVISIONS

"(a) Except as specifically provided in subsection (i), no provision of this Act shall be deemed to convey to any person subject to this Act any immunity from civil and criminal liability or to create defenses to actions, under the antitrust laws.

"(b) As used in this section, the term 'antitrust laws' means—

"(1) the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies', approved July 2, 1890 (15 U.S.C. 1 et seq.), as amended;

"(2) the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914 (15 U.S.C. 12 et seq.), as amended;

"(3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.), as amended;

"(4) sections 73 and 74 of the Act entitled 'An Act to reduce taxation, to provide revenue for the Government, and for other purposes', approved August 27, 1894 (15 U.S.C. 8 and 9), as amended; and

"(5) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

"(c)(1) To achieve the purposes of this Act, the Administrator may provide for the establishment of such advisory committees as he determines are necessary. Any such advisory committees shall be subject to the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. App. I), whether or not such Act or any of its provisions expires or terminates during the term of this Act or of such committees, and in all cases shall be chaired by a regular full-time Federal employee and shall include representatives of the public. The meetings of such committees shall be open to the public.

(2) A representative of the Federal Government shall be in attendance at all meetings of any advisory committee established pursuant to this section. The Attorney General and the Federal Trade Commission shall have adequate advance notice of any meeting and may have an official representative attend and participate in any such meeting.

(3) A full and complete verbatim transcript shall be kept of all advisory committee meetings, and shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission. Such transcript and agreement shall be made available for public inspection and copying, subject to the provisions of sections 552 (b)(1) and (b)(3) of title 5, United States Code.

(d) The Administrator, subject to the approval of the Attorney General and the Federal Trade Commission, shall promulgate, by rule, standards and procedures by which persons engaged in the business of producing, refining, marketing, or distributing crude oil, residual fuel oil or any refined petroleum product may develop and implement voluntary agreements and plans of action to carry out such agreements which the Administrator determines are necessary to accomplish the objectives stated in section 4(b) of this Act.

"(e) The standards and procedures under subsection (d) shall be promulgated pursuant to section 553 of title 5, United States Code. They shall provide, among other things, that—

(1) Such agreements and plans of action shall be developed by meetings of committees, councils, or other groups which include representatives of the public, of interested segments of the petroleum industry and of industrial, municipal and private consumers, and shall in all cases be chaired by a regular full-time Federal employee.

(2) Meetings held to develop a voluntary agreement or a plan of action under this subsection shall permit attendance by interested persons and shall be preceded by timely and adequate notice with identification of the agenda of such meeting to the Attorney General, the Federal Trade Commission and to the public in the affected community.

(3) Interested persons shall be afforded an opportunity to present, in writing and orally, data, views and arguments at such meetings;

(4) A full and complete verbatim transcript shall be kept of any meeting, conference or communication held to develop, implement or carry out a voluntary agreement or a plan of action under this subsection and shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission. Such transcript and agreement shall be available for public inspection and copying, subject to provisions of section 552 (b)(1) and (b)(3) of title 5, United States Code.

"(f) The Federal Trade Commission may exempt types or classes of meetings, conferences or communications from the requirements of subsection (c)(3) and (e)(4) provided such meetings, conferences, or communications are ministerial in nature and are for the sole purpose of implementing or carrying out a voluntary agreement or plan of action authorized pursuant to this section. Such ministerial meeting, conference or communication may take place in accordance with such requirements as the Federal Trade Commission may prescribe by rule. Such persons participating in such meeting, conference or communication shall cause a record to be made specifying the date such meeting, conference, or communication took place and the persons involved, and summarizing the subject matter discussed. Such record shall be filed with the Federal Trade Commission and the Attorney General, where it shall be made available for public inspection and copying.

"(g)(1) The Attorney General and the Federal Trade Commission shall participate from the beginning in the development, implementation and carrying out of voluntary agreements and plans of action authorized under this section. Each may propose any alternative which would avoid or overcome, to the greatest extent practicable, possible anticompetitive effects while achieving substantially the purposes of this Act. Each shall have the right to review, amend, modify, disapprove, or prospectively revoke, on its own motion or upon the request of any interested person, any plan of action or voluntary agreement at any time, and, if revoked, thereby withdraw prospectively the immunity conferred by subsection (i) of this section.

(2) Any voluntary agreement or plan of action entered into pursuant to this section shall be submitted in writing to the Attorney

General and the Federal Trade Commission 20 days before being implemented, where it shall be made available for public inspection and copying.

"(h)(1) The Attorney General and the Federal Trade Commission shall monitor the development, implementation and carrying out of plans of action and voluntary agreements authorized under this section to assure the protection and fostering of competition and the prevention of anticompetitive practices and effects.

(2) The Attorney General and the Federal Trade Commission shall promulgate joint regulations concerning the maintenance of necessary and appropriate documents, minutes, transcripts and other records related to the development, implementation or carrying out of plans of action or voluntary agreements authorized pursuant to this Act.

(3) Persons developing, implementing or carrying out plans of action or voluntary agreements authorized pursuant to this Act shall maintain those records required by such joint regulations. The Attorney General and the Federal Trade Commission shall have access to and the right to copy such records at reasonable times and upon reasonable notice.

(4) The Federal Trade Commission and the Attorney General may each prescribe such rules and regulations as may be necessary or appropriate to carry out their responsibilities under this Act. They may both utilize for such purposes and for purposes of enforcement, any and all powers conferred upon the Federal Trade Commission or the Department of Justice, or both, by any other provision of law, including the antitrust laws; and wherever such provision of law refers to "the purposes of this Act" or like terms, the reference shall be understood to be this Act.

(i) There shall be available as a defense to any civil or criminal action brought under the antitrust laws in respect of actions taken in good faith to develop and implement a voluntary agreement or plan of action to carry out a voluntary agreement by persons engaged in the business of producing, refining, marketing or distributing crude oil, residual fuel oil, for any refined petroleum product that—

(1) such action was—

(A) authorized and approved pursuant to this section, and

(B) undertaken and carried out solely to achieve the purposes of this section and in compliance with the terms and conditions of this section, and the rules promulgated hereunder; and

(2) such persons fully complied with the requirements of this section and the rules and regulations promulgated hereunder.

"(j) No provision of this Act shall be construed as granting immunity for, nor as limiting or in any way affecting any remedy or penalty which may result from any legal action or proceeding arising from, any acts or practices which occurred: (1) prior to the enactment of this Act, (2) outside the scope and purpose or not in compliance with the terms and conditions of this Act and this section, or, (3) subsequent to its expiration or repeal.

"(k) The provisions of section 708 of the Defense Production Act of 1950, as amended, shall not apply to any action authorized to be taken under this Act.

"(l) The Attorney General and the Federal Trade Commission shall each submit to the Congress and to the President, at least once every six months, a report on the impact on competition and on small business of actions authorized by this section.

"(m) The authority granted by this section (including any immunity under subsection (i)) shall terminate on May 15, 1975."

Redesignate section 7 as section 8.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. FRELINGHUYSEN (at the request of Mr. RHODES), from 3:15 p.m. today, on account of official business.

Mr. MCSPADDEN (at the request of Mr. O'NEILL), for today, on account of critical illness of his mother.

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. BAUMAN) to revise and extend their remarks and include extraneous material:)

Mr. BLACKBURN, for 30 minutes, today.

Mr. HANSEN of Idaho, for 5 minutes, today.

(The following Members (at the request of Mr. YOUNG of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. MURPHY of New York, for 30 minutes, today.

Mr. HARRINGTON, for 5 minutes, today.

Mr. FRASER, for 5 minutes, today.

Mr. BRADEMAS, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 15 minutes, today.

Mr. MEZVINSKY, for 5 minutes, today.

Mr. REUSS, for 10 minutes, today.

Mr. OWENS, for 10 minutes, today.

Mr. STOKES, for 10 minutes, today.

Mr. BARRETT, for 10 minutes, today.

Mr. CULVER, for 30 minutes, today.

Mr. TIERNAN, for 5 minutes, today.

Mr. FUQUA, for 5 minutes, today.

Mr. FULTON, for 5 minutes, today.

Mr. WRIGHT, for 60 minutes, February 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ECKHARDT, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $522.50.

Mr. MADDEN, and to include extraneous matter.

Mr. PERKINS, and to include extraneous matter.

(The following Members (at the request of Mr. BAUMAN) and to include extraneous material:)

Mr. ROBISON of New York.

Mr. CEDERBERG.

Mr. ANDERSON of Illinois in three instances.

Mr. BAKER.

Mr. WYMAN in two instances.

Mr. LOTT.

Mr. SHUSTER.

Mr. DUNCAN.

Mr. GILMAN.

Mr. HUBER in two instances.

Mr. DU PONT in five instances.

Mr. SARASIN in two instances.

Mr. SHRIVER.

Mr. HANSEN of Idaho.

Mr. VEYSEY in two instances.

Mr. HOSMER in two instances.

Mr. KETCHUM.

Mr. THOMSON of Wisconsin.

Mr. FINDLEY in five instances.

Mr. SKUBITZ in five instances.

Mr. YOUNG of Alaska.

Mr. KEMP in two instances.

Mr. BAUMAN in two instances.

(The following Members (at the request of Mr. YOUNG of Georgia) and to include extraneous material:)

Ms. HOLTZMAN.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mrs. MINK.

Mr. LEHMAN in 10 instances.

Mr. EDWARDS of California.

Mr. BRASCO in six instances.

Mr. CLAY in 10 instances.

Mr. WALDIE in five instances.

Mr. MEZVINSKY.

Mr. FOUNTAIN.

Mr. PODELL.

Mr. DAN DANIEL.

Mr. FAUNTROY in five instances.

Mr. ALEXANDER.

Mr. DORN in two instances.

Mr. HARRINGTON in two instances.

Mr. NIX.

Mr. THOMPSON of New Jersey.

Mr. GUNTER.

Mr. ANDERSON of California in two instances.

Mr. PICKLE in two instances.

Mr. DONOHUE.

Mr. ANDREWS of North Carolina.

Mr. TAYLOR of North Carolina.

Mr. ROONEY of New York.

SENATE JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled Senate joint resolution of the following title:

S.J. Res. 185. Joint resolution to provide for advancing the effective date of the final order of the Interstate Commerce Commission in Docket No. MC 43 (Sub-No. 2).

ADJOURNMENT

Mr. YOUNG of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. In accordance with House Concurrent Resolution 425, 93d Congress, the Chair declares the House adjourned until 12 o'clock noon on Wednesday, February 13, 1974.

Thereupon (at 4 o'clock and 32 minutes p.m.), pursuant to House Concurrent Resolution 425, the House adjourned until Wednesday, February 13, 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:

1854. A letter from the President of the United States, transmitting a draft of proposed legislation to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations and for other purposes (H. Doc. No. 93–212); to the Committee on Foreign Affairs and ordered to be printed.

1855. A letter from the Assistant Secretary of Agriculture, transmitting a draft of proposed legislation to provide for two additional Assistant Secretaries of Agriculture, to increase the compensation of certain officials of the Department of Agriculture, to provide for an additional member of the Board of Directors, Commodity Credit Corporation, and for other purposes; to the Committee on Agriculture.

1856. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation for the Department of Agriculture for "Forest protection and utilization", Forest Service, for fiscal year 1974 has been apportioned on a basis which indicates a further need for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

1857. A letter from the Executive Director, Council on International Economic Policy, transmitting a draft of proposed legislation to authorize appropriations for carrying out the provisions of the International Economic Policy Act of 1972, as amended; to the Committee on Banking and Currency.

1858. A letter from the Administrator, Agency for International Development, Department of State, transmitting a report showing the fiscal year 1974 country and international organization allocations for programs administered by AID, pursuant to section 653 of the Foreign Assistance Act of 1961, as amended [22 U.S.C. 2413(a)]; to the Committee on Foreign Affairs.

1859. A letter from the Chairman, Federal Maritime Commission, transmitting a copy of a resolution adopted by the Commission urging the retention of the present organization of the House Committee on Merchant Marine and Fisheries; to the Committee on Rules.

RECEIVED FROM THE COMPTROLLER GENERAL

1860. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Commodity Credit Corporation, Department of Agriculture, for fiscal year 1973 (H. Doc. No. 93–213); to the Committee on Government Operations and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 2544. A bill to authorize the Secretary of the Interior to sell reserved mineral interests of the United States in certain land located in the State of California to the record owners of the surface thereof; with amendment (Rept. No. 93–788). Referred to the Committee of the Whole House.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 3901. A bill to convey the mineral rights in certain real property located in Seminole County, Fla., to Carroll L. Ward, Sr., the owner of such real property; with amendment (Rept. No. 93–789). Referred to the Committee of the Whole House.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 5035. A bill to amend Public Law 90–335 (82 Stat. 174) relating to the purchase, sale, and exchange of certain lands on the Spokane Indian Reservation (Rept. No. 93–790). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALDIE: Committee on Post Office and Civil Service. S. 2315. An act relating to the compensation of employees of Senate committees; with amendment (Rept. No. 93–791). Referred to the Committee of the Whole House on the State of the Union.

Mr. DORN: Committee on Veterans' Affairs. H.R. 12628. A bill to amend title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and other persons; to make improvements in the educational assistance programs; and for other purposes. (Rept. No. 93–792). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Commitee of conference. Conference report to accompany S. 2589. (Rept. No. 93–793). Ordered to be printed.

Mr. TEAGUE: Committee on Science and Astronautics. H.R. 11989. A bill to enhance the public health and safety by reducing the human and material losses resulting from fires through better fire prevention and control, and for other purposes. (Rept. No. 93–795). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE 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. HALEY: Committee on Interior and Insular Affairs. H.R. 8545. A bill for the relief of Russell G. Wells (Rept. No. 93–794). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABDNOR:

H.R. 12693. A bill to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and the rates of dependency and indemnity compensation, and for other purposes; to the Committee on Veterans Affairs.

By Mr. ADDABBO:

H.R. 12694. A bill to repeal the Emergency Daylight Saving Time Energy Conservation Act of 1973, and to provide for daylight saving time from March into November during each calendar year; to the Committee on Interstate and Foreign Commerce.

By Mr. REGULA:

H.R. 12695. A bill to amend the Emergency Daylight Saving Time Energy Conservation Act of 1973, to provide that the advanced standard time requirement of such act shall not be in effect during periods which have a small number of daylight hours; to the Committee on Interstate and Foreign Commerce.

By Mr. ADDABBO:

H.R. 12696. A bill to amend titles II and XVIII of the Social Security Act to reduce the age of entitlement to medicare benefits from 65 to 62 for men and to 60 for women; to the Committee on Ways and Means.

By Mr. ALEXANDER (for himself, Mr. BLATNIK, Mr. MONTGOMERY, Mr. TAYLOR of Missouri, Mr. FLYNT, Mr. GAYDOS, Mr. CHARLES WILSON OF Texas, Mr. THOMPSON of New Jersey, Mr. DUNCAN, and Mr. FROEHLICH):

H.R. 12697. A bill to amend the Economic Stabilization Act of 1970 to stabilize the price of propane; to the Committee on Banking and Currency.

By Mr. BAKER:

H.R. 12698. A bill to provide that certain employees of the United States may not be required to become members of labor organizations as a condition of their employment; to the Committee on Post Office and Civil Service.

By Mr. BELL (for himself, Mr. BROWN of California, Mrs. BURKE of California, Mr. HOLIFIELD, Mr. REES, Mr. STARK, Mr. TALCOTT, and Mr. WALDIE):

H.R. 12699. A bill to provide for the establishment of an American Folk Life Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. BIESTER:

H.R. 12700. A bill to amend the Consumer Credit Protection Act to prohibit discrimination on the basis of sex or marital status in the granting of credit, and to make certain changes with respect to the civil liability provisions of such act; to the Committee on Banking and Currency.

By Mr. BINGHAM:

H.R. 12701. A bill to amend the Natural Gas Act to secure adequate and reliable supplies of natural gas and oil at the lowest reasonable cost to the consumer, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BLACKBURN:

H.R. 12702. A bill to amend the National Housing Act to provide a statutory basis for the continuing administration by FHA of the standard risk programs under such act; to the Committee on Banking and Currency.

By Mr. BOLAND:

H.R. 12703. A bill to amend title 38, United States Code, to extend the maximum educational benefits for chapter 35 trainees to 48 months and to allow additional educational benefits for certain wives and widows; to the Committee on Veterans' Affairs.

H.R. 12704. A bill to amend chapter 34, title 38, United States Code, to extend the time limitation for completing a program of education; to the Committee on Veterans' Affairs.

H.R. 12705. A bill to amend title 38 of the United States Code to remove the time limitation within which programs of education for veterans must be completed; to the Committee on Veterans' Affairs.

H.R. 12706. A bill to amend title 38, United States Code, to provide for the payment of tuition, in addition to educational assistance allowances, on behalf of veterans pursuing certain programs of education under chapter 34 of such title; to the Committee on Veterans' Affairs.

H.R. 12707. A bill to amend title 38, United States Code, to provide veterans a 10-year delimiting period for completing educational programs; to the Committee on Veterans' Affairs.

H.R. 12708. A bill to amend section 1502 of title 38, United States Code, to provide that eligibility requirements for Vietnam era veterans shall conform with those afforded World War II and Korean conflict veterans; to the Committee on Veterans' Affairs.

H.R. 12709. A bill to amend chapter 31, section 1502(a) of title 38, United States Code, to provide that Vietnam era veterans shall have the same basic entitlement to vocational rehabilitation as that available to veterans of World War II and the Korean conflict; to the Committee on Veterans' Affairs.

By Mr. BRINKLEY:

H.R. 12710. A bill to repeal the Emergency Daylight Saving Time Energy Conservation Act of 1973, and to amend the Uniform Time Act of 1966 to provide that the standard time shall be advanced 1 hour during the period beginning on the first Sunday in June and ending on the last Sunday in August of each year; to the Committee on Interstate and Foreign Commerce.

H.R. 12711. A bill to amend the Uniform Time Act of 1966, to provide that the standard time shall be advanced 1 hour during the period beginning on the first Sunday in June and ending on the last Sunday in August of each year; to the Committee on Interstate and Foreign Commerce.

H.R. 12712. A bill to provide for a comprehensive, coordinated 5-year research program to determine the causes of and cure for cancer, to develop cancer preventative vaccines or other preventatives, and for other purposes; to the Committee on Ways and Means.

By Mr. CAREY of New York (for himself, Mr. BINGHAM, Mr. BROWN of California, Ms. CHISHOLM, Ms. COLLINS of Illinois, Mr. CONYERS, Mr. CORMAN, Mr. CRONIN, Mr. DE LUGO, Mr. DENT, Mr. DRINAN, Mr. EILBERG, Mr. HELSTOSKI, Mr. HUNGATE, Mr. KOCH, Mr. LEHMAN, Mr. LENT, Mr. MCCORMACK, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MOORHEAD of Pennsylvania, Mr. NIX, Mr. PEPPER, Mr. PODELL, Mr. PRITCHARD, and Mr. RIEGLE):

H.R. 12713. A bill to amend the Truth in Lending Act to prohibit discrimination on account of age in credit card transactions; to the Committee on Banking and Currency.

By Mr. CAREY of New York (for himself, Mr. RODINO, Mr. ROE, Mr. ROSENTHAL, Mr. SARBANES, Mr. TIERNAN, Mr. WALDIE, Mr. WHITEHURST, Mr. CHARLES WILSON of Texas, Mr. WINN, Mr. WOLFF, Mr. WON PAT, Mr. WRIGHT, and Mr. YATRON):

H.R. 12714. A bill to amend the Truth in Lending Act to prohibit discrimination on account of age in credit card transactions; to the Committee on Banking and Currency.

By Mr. CHAPPELL:

H.R. 12715. A bill to amend title 28 of the United States Code, to provide for exclusive remedy against the United States in suits based upon acts or omissions of U.S. employees and for other purposes; to the Committee on the Judiciary.

By Mr. CLANCY:

H.R. 12716. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct certain expenses paid by him for special education to a child or other minor dependent who is physically or mentally handicapped; to the Committee on Ways and Means.

By Mr. DORN:

H.R. 12717. A bill to extend certain programs under the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

By Mr. DU PONT:

H.R. 12718. A bill to establish an Energy Research, Development, and Demonstration Administration, and to reorganize, consolidate, and supplement with it, Federal responsibility, authority, funding, and financing for conducting a national program for scientific research, development, and demonstration in energy-related technologies designed to resolve critical energy shortages; to the Committee on Government Operations.

By Mr. FORD:

H.R. 12719. A bill to amend the Economic Stabilization Act of 1970; to the Committee on Banking and Currency.

By Mr. FOUNTAIN:

H.R. 12720. A bill to amend the Internal Revenue Code of 1954 to provide that the tax on the amounts paid for communication services shall not apply to the amount of the State and local taxes paid for such services; to the Committee on Ways and Means.

By Mr. FRASER (for himself, Mr. RYAN, and Mr. STOKES):

H.R. 12721. A bill to amend the Small Business Act to provide for loans to small business concerns affected by the energy shortage; to the Committee on Banking and Currency.

By Mr. FRASER:

H.R. 12722. A bill to amend the Northwest Atlantic Fisheries Act of 1950 to permit U.S. participation in international enforcement of fish conservation in increased geographic areas, pursuant to the International Convention for the Northwest Atlantic Fisheries 1949; to the Committee on Foreign Affairs.

By Mr. FUQUA:

H.R. 12723. A bill to amend the Communications Act of 1934 to relieve broadcasters of the equal time requirement of section 315 with respect to candidates for Federal office, to repeal the Campaign Communications Reform Act, to amend the Federal Election Campaign Act of 1971, and for other purposes; to the Committee on House Administration.

By Mr. GUNTER:

H.R. 12724. A bill to amend the Internal Revenue Code of 1954 to provide for the suspension of excise taxes on diesel fuel and special motor fuels, and to roll back the prices for such products; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho:

H.R. 12725. A bill to repeal the Emergency Daylight Saving Time Energy Conservation Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. HANSEN of Idaho (for himself and Mr. TOWELL of Nevada):

H.R. 12726. A bill to amend the Rail Passenger Service Act of 1970 in order to expand the basic rail passenger transportation system to provide service to certain States; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRINGTON:

H.R. 12727. A bill to amend the Handgun Control Act of 1965; to the Committee on the Judiciary.

By Mr. HARRINGTON (for himself, Mr. CONTE, Mr. TIERNAN, Mr. DRINAN, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mrs. SULLIVAN, Mr. YATES, Mr. NIX, Mr. ROE, Mr. CHARLES H. WILSON of California, Mr. DENT, Mr. EILBERG, Mr. REES, Mr. BROWN of California, Mrs. CHISHOLM, Ms. HOLTZMAN, and Mr. WON PAT):

H.R. 12728. A bill to amend the National Gas Act to secure adequate and reliable supplies of natural gas and oil at the lowest reasonable cost to the consumer, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Ms. HOLTZMAN (for herself, Mr. HECHLER of West Virginia, Mr. BADILLO, Mr. ROUSH, Mr. BROWN of California, Mr. PODELL, Mr. FISH, Mr. EILBERG, Mr. ROE, Mr. MOAKLEY, Mr. DRINAN, Mr. GAYDOS, Mr. CARNEY of Ohio, Mr. SEIBERLING, Mr. WON PAT, Mr. RIEGLE, Mr. ROSENTHAL, Mr. WOLFF, Mrs. GRASSO, Mr. NIX, Mr. WALDIE, Mr. CHARLES H. WILSON of California, Ms. CHISHOLM, Ms. COLLINS of Illinois, and Mr. GUDE):

H.R. 12729. A bill to amend the Economic Stabilization Act of 1970; to the Committee on Banking and Currency.

By Mr. HUNT (for himself and Mr. SANDMAN):

H.R. 12730. A bill to amend the act of July 17, 1952, (Public Law 574, 82d Congress, 66 Stat. 747), as amended; to the Committee on Public Works.

By Mr. KING:

H.R. 12731. A bill to require the execution of an oath or affirmation or declaration of allegiance before a passport is granted or issued; to the Committee on Foreign Affairs.

By Mr. KOCH (for himself, Mr. ANDERSON of Illinois, Mr. BAFALIS, Mrs. COLLINS of Illinois, Mr. DAN DANIEL, Mrs. GRASSO, Mr. GUYER, Mr. HECHLER of West Virginia, Mr. MCCORMACK, Mr. MCKINNEY, Mr. MATSUNAGA, Mr. METCALFE, Mr. RIEGLE, Mr. RONCALLO of New York, Mr. ROYBAL, Mr. WRIGHT, Mr. YOUNG of Illinois, and Mrs. BOGGS):

H.R. 12732. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. McDADE:

H.R. 12733. A bill to establish a Department of Natural Resources and to transfer certain agencies to and from such Department; to the Committee on Government Operations.

H.R. 12734. A bill to provide for an investigation of the character and past activities of potential Vice-Presidential nominees by the Federal Bureau of Investigation; to the Committee on House Administration.

By Mr. MALLARY (for himself, Mr. BIESTER, Mr. FRENZEL, and Mr. MCCLOSKEY):

H.R. 12735. A bill to provide that pay adjustments for Members of Congress take effect in the Congress next following the Congress in which they are approved; to the Committee on Post Office and Civil Service.

By Mr. MEZVINSKY:

H.R. 12736. A bill to provide for public financing of all Presidential and congressional election campaigns, to repeal the Campaign Communications Reform Act, to amend the Federal Election Campaign Act of 1971, and the Presidential Election Campaign Fund Act, and for other purposes; to the Committee on House Administration.

H.R. 12737. A bill to provide for tax counseling to the elderly in the preparation of their Federal income tax returns; to the Committee on Ways and Means.

By Mr. MORGAN:

H.R. 12738. A bill to amend the act of August 10, 1961, to authorize further additions to Fort Necessity National Battlefield, Pa., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

H.R. 12739. A bill to preserve local air service; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of Illinois:

H.R. 12740. A bill to repeal the Emergency Daylight Saving Time Energy Conservation Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. NIX:

H.R. 12741. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

H.R. 12742. A bill to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes; to the Committee on the Judiciary.

By Mr. O'BRIEN:

H.R. 12743. A bill to amend title II of the Water Pollution Control Act Amendments of 1972 (Public Law 92–500); to the Committee on Public Works.

By Mr. O'HARA (for himself, Mr. ASHLEY, Mr. BRADEMAS, Mr. CEDERBERG, Mr. CONYERS, Mr. DAVIS of Wisconsin, Mr. DIGGS, Mr. DINGELL, Mr. ESCH, Mr. FORD, Mr. FROEHLICH, Mr. HUTCHINSON, Mr. MADDEN, Mr. METCALFE, Mr. MOSHER, Mr. MURPHY of Illinois, Mr. NEDZI, Mr. OBEY, Mr. ROSTENKOWSKI, Mr. RUPPE, Mr. J. WILLIAM STANTON, Mr. VANDER JAGT, Mr. VANIK, and Mr. YATES):

H.R. 12744. A bill to permit the diversion and withdrawal of additional water from Lake Michigan into the Illinois Waterway, and for other purposes; to the Committee on Public Works.

By Mr. OWENS:

H.R. 12745. A bill to expedite certain judicial proceedings relating to the Central Utah reclamation project; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 12746. A bill to amend the Community Mental Health Centers Act to revise the various programs of assistance authorized by

that act and to extend it to the fiscal year 1976; to the Committee on Interstate and Foreign Commerce.

H.R. 12747. A bill to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes; to the Committee on the Judiciary.

By Mr. PEYSER (for himself, Mr. CLAY, and Mr. BELL):

H.R. 12748. A bill to authorize a national summer youth sports program; to the Committee on Education and Labor.

By Mr. REID:

H.R. 12749. A bill to amend section 4 of the Emergency Petroleum Allocation Act of 1973 to direct the President to establish ceiling prices on petroleum and related goods; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS:

H.R. 12750. A bill to amend the Railroad Retirement Act of 1937 so as to increase the amount of the annuities payable thereunder to widows and widowers; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSE:

H.R. 12751. A bill to repeal the Emergency Daylight Saving Time Energy Conservation Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. RUPPE:

H.R. 12752. A bill to authorize and direct the Secretary of Agriculture to study lands within the Keweenaw Peninsula of Michigan to determine if the lands should be acquired and administered as national forest lands; to the Committee on Agriculture.

H.R. 12753. A bill to repeal the Emergency Daylight Saving Time Energy Conservation Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. SEIBERLING:

H.R. 12754. A bill to protect the constitutional rights of professional athletes; to the Committee on the Judiciary.

By Mr. SHRIVER:

H.R. 12755. A bill to amend the Economic Stabilization Act of 1970 to stabilize the price of propane; to the Committee on Banking and Currency.

H.R. 12756. A bill to amend title 5 of the United States Code with respect to the observance of Veterans Day; to the Committee on the Judiciary.

By Mr. SYMMS:

H.R. 12757. A bill to suspend for a temporary period of time the provisions of section 27 of the Merchant Marine Act, 1920, in order to permit, under certain circumstances, vessel foreign registry to transport fertilizer necessary to the production of agricultural commodities from Alaska to the west coast of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. TIERNAN:

H.R. 12758. A bill to amend the Internal Revenue Code of 1954 to provide that the credit for foreign taxes shall not be allowed in the case of taxes paid to a foreign country with respect to the income derived from any oil or gas well located in a foreign country, and to eliminate the percentage depletion allowance in the case of any such well; to the Committee on Ways and Means.

By Mr. WAMPLER:

H.R. 12759. A bill to amend the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WON PAT:

H.R. 12760. A bill to amend the Organic Act of Guam to provide for a certain procedure for the settlement of claims arising out of the acquisition of property in Guam by the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. YATRON (for himself, Mr. OBEY, Mr. FLYNT, Mr. GETTYS, Mr. STRATTON, Mr. JARMAN, Mr. BRAY, Mr. WALSH, Mr. VEYSEY, Mr. RARICK, Mr. STEED, Mr. SHRIVER, Mr. DELLENBACK, Mr. MURPHY of New York, Mr. CARNEY of Ohio, Mr. BIESTER, and Mr. STUCKEY):

H.R. 12761. A bill to direct the Comptroller General of the United States to conduct a study of the burden of reporting requirements of Federal regulatory programs on independent business establishments, and for other purposes; to the Committee on Government Operations.

By Mr. ZWACH (for himself, Mr. ABDNOR, Mr. BERGLAND, Mr. BREAUX, Ms. CHISHOLM, Mr. HANSEN of Idaho, Mr. OBEY, and Mr. THONE):

H.R. 12762. A bill to adjust target prices established under the Agriculture and Consumer Protection Act of 1973, as amended, for the 1974 through 1977 crops of wheat and feed grains to reflect changes in farm production costs; to the Committee on Agriculture.

By Mr. ZWACH:

H.R. 12763. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to volunteer firemen or their dependents, or to the widows or other survivors of deceased volunteer firemen, shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. BINGHAM (for himself and Mr. HARRINGTON):

H.J. Res. 896. Joint resolution proposing an amendment to the Constitution of the United States relating to the eligibility of a citizen to hold the Office of President; to the Committee on the Judiciary.

By Mr. HAWKINS:

H.J. Res. 897. Joint resolution authorizing and requesting the President to proclaim the week of March 17, 1974, as "National Health Week"; to the Committee on the Judiciary.

By Mr. SPENCE:

H.J. Res. 898. Joint resolution authorizing the President to proclaim the second full week in October each year as "National Legal Secretaries' Court Observance"; to the Committee on the Judiciary.

By Mrs. SULLIVAN:

H.J. Res. 899. Joint resolution in support of continued undiluted U.S. sovereignty and jurisdiction over the U.S. owned Canal Zone on the Isthmus of Panama; to the Committee on Foreign Affairs.

By Mr. ABDNOR:

H. Res. 836. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the appendix to the budget for the fiscal year 1975, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ANDREWS of North Dakota:

H. Res. 837. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1975; to the Committee on Post Office and Civil Service.

By Mr. ARCHER:

H. Res. 838. Resolution to declare U.S. sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. BAKER:

H. Res. 839. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1975; to the Committee on Post Office and Civil Service.

By Mr. BLACKBURN (for himself, Mr. BRINKLEY, Mr. HINSHAW, Mr. LENT, and Mr. HUDNUT):

H. Res. 840. Resolution in support of continued undiluted U.S. sovereignty and jurisdiction over the U.S.-owned Canal Zone on the Isthmus of Panama; to the Committee on Foreign Affairs.

By Mr. CLANCY:

H. Res. 841. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1975; to the Committee on Post Office and Civil Service.

By Mr. CONABLE:

H. Res. 842. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1975; to the Committee on Post Office and Civil Service.

By Mr. CRANE (for himself, Mr. FLOOD, Mr. BLACKBURN, Mr. WAGGONNER, Mr. BURKE of Florida, Mr. COLLINS of Texas, Mr. DEVINE, Mr. HUBER, Mr. HUNT, Mr. HUTCHINSON, Mr. KEMP, Mr. LANDGREBE, Mr. LOTT, Mr. TREEN, and Mr. SPENCE):

H. Res. 843. Resolution in support of continued undiluted U.S. sovereignty and jurisdiction over the U.S.-owned Canal Zone on the Isthmus of Panama; to the Committee on Foreign Affairs.

By Mr. DICKINSON:

H. Res. 844. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1975; to the Committee on Post Office and Civil Service.

By Mr. GROVER:

H. Res. 845. Resolution disapproving the recommendation of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1975; to the Committee on Post Office and Civil Service.

By Mr. HOLIFIELD:

H. Res. 846. Resolution to provide funds for the expenses of the investigation and study authorized by rule XI(8) and House Resolution 224; to the Committee on House Administration.

By Mr. ICHORD (for himself, Mr. DENT, Mr. ASPIN, Mr. BROOMFIELD, Mr. GROVER, Mr. BRINKLEY, Mrs. SULLIVAN, Mr. BREAUX, Mr. PERKINS, Mr. MURPHY of Illinois, Mr. BIAGGI, Mr. CHARLES H. WILSON of California, Mr. WALSH, Mr. GETTYS, Mr. ARCHER, Mr. STEIGER of Arizona, Mr. RODINO, Mr. WILLIAMS, and Mr. SMITH of New York):

H. Res. 847. Resolution declaring the sense of the House with respect to a prohibition of extension of credit by the Export-Import Bank of the United States; to the Committee on Banking and Currency.

By Mr. KUYKENDALL:

H. Res. 848. Resolution condemning the use of violence in the current truckers' strike, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Texas:

H. Res. 849. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1975; to the Committee on Post Office and Civil Service.

By Mr. QUIE:

H. Res. 850. Resolution to disapprove pay recommendations of the President; to the Committee on Post Office and Civil Service.

By Mr. RANDALL:

H. Res. 851. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1975; to the Committee on Post Office and Civil Service.

By Mr. REGULA:

H. Res. 852. A resolution disapproving the recommendation of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1975; to the Committee on Post Office and Civil Service.

By Mr. SPENCE:

H. Res. 853. A resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1975; to the Committee on Post Office and Civil Service.

By Mr. SYMMS:

H. Res. 854. A resolution in support of continued undiluted U.S. sovereignty and jurisdiction over the U.S.-owned Canal Zone on the Isthmus of Panama; to the Committee on Foreign Affairs.

By Mr. THOMPSON of New Jersey:

H. Res. 855. A resolution to provide funds for further expenses of the investigations and studies authorized by House Resolution 175; to the Committee on House Administration.

By Mr. YATES (for himself, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. MOSS, Mrs. CHISHOLM, and Mr. TIERNAN):

H. Res. 856. A 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. BROYHILL of Virginia:

H.R. 12764. A bill for the relief of Howard L. Rathman; to the Committee on the Judiciary.

By Mr. BUTLER:

H.R. 12765. A bill for the relief of Robert Alexander; to the Committee on the Judiciary.

By Mr. GINN:

H.R. 12766. A bill for the relief of Bak Hon Woo; to the Committee on the Judiciary.

By Mr. HARRINGTON:

H.R. 12767. A bill for the relief of Adrian Bejan; to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 12768. A bill for the relief of Bruna Molinari Balocchi; to the Committee on the Judiciary.

By Mr. ROY:

H.R. 12769. A bill for the relief of Ms. Ziba Azar; to the Committee on the Judiciary.

SENATE—*Thursday, February 7, 1974*

The Senate met at 10 a.m. and was called to order by Hon. WALTER D. HUDDLESTON, a Senator from the State of Kentucky.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Show me Thy ways, O Lord; teach me Thy paths. Lead me in Thy truth and teach me: for Thou art the God of my salvation; on Thee do I wait all the day.—Psalms 25: 4–5.

Let the words of my mouth, and the meditation of my heart, be acceptable in Thy sight, O Lord, my strength, and my redeemer.—Psalms 19: 14.

As our fathers found wisdom and courage by their faith in Thee, so will Thou help us, O Lord, to create such programs, proclaim such policies, and inspire such efforts as will lead this Nation through the anxieties of these troubled times to a new and better day of justice and peace for all mankind.

We pray in the name of the Lord of Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 7, 1974.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. WALTER D. HUDDLESTON, a Senator from the State of Kentucky, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. HUDDLESTON thereupon took the chair as Acting President pro tempore.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT—CONFERENCE REPORT (S. REPT. NO. 93–681)

Under authority of the order of the Senate of February 6, 1974, Mr. JACKSON, from the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2589) to declare by congressional action a nationwide energy emergency; to authorize the President to immediately undertake specific actions to conserve scarce fuels and increase supply; to invite the development of local, State, National, and international contingency plans; to assure the continuation of vital public services; and for other purposes, on February 6, 1974, submitted a report thereon, which was printed.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, February 6, 1974, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of title 46, United States Code, section 1126c, the Speaker had appointed Mr. WOLFF and Mr. WYDLER, as members of the Board of Visitors to the U.S. Merchant Marine Academy, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of title 14 United States Code section 194(a), the Speaker had appointed Mr. TIERNAN and Mr. STEELE as members of the Board of Visitors to the U.S. Coast Guard Academy, on the part of the House.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR MANSFIELD'S INTERVIEW ON THE STATE OF THE CONGRESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a speech which I made on Friday evening, February 1, on the state of the Congress, along with the interrogation conducted by six reporters and the analyses and commentary by CBS at the end of the interview, be printed in the RECORD.

I would like to say that I also afforded, ABC, NBC, and PBS, all of which carried the statement, the opportunity to furnish the transcription of any analyses which they might have made. However, none of these networks have furnished a transcription of their summary or analysis. It is for this reason that only one summary or analysis is included.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF THE CONGRESS—1974

Wednesday evening President Nixon addressed a joint session of Congress, through the medium of radio and television, he also spoke directly to the nation. His State of the Union Address was welcomed by the Congress. It will receive full and cooperative consideration. Whatever the legal difficulties which confront the Administration, the regular business of the nation must come first. The President put it first. Insofar as the Congress is concerned, it will be first.

Tonight, I offer an assessment of where the nation stands and what lies ahead as we see it in the Legislative Branch. The President, alone, speaks for the Executive Branch. One Senator cannot speak for the 100 Members of the Senate. Nor will all 435 women and men in the House of Representatives agree with everything that I have to say. Nevertheless, my remarks are indicative of the pre-