HOUSE OF REPRESENTATIVES—*Tuesday, October 8, 1974*

The House met at 12 o'clock noon.

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

My help cometh from the Lord, who made heaven and earth.—Psalms 121: 2.

With gratitude and joy, our Father, we come to Thee in these opening moments to offer Thee our prayers of praise and thanksgiving. All that we are we owe to Thee and all that we have is a gift from Thy hand. Accept our gratitude for Thy goodness and by Thy spirit make us worthy of Thy gifts.

On this International Day of Bread help us to labor in Thy love and to share the results of our labor with those in need. Through our sharing may new hope come to the hopeless, new faith to the discouraged, new light to those who sit in darkness, and new life to the depressed. Grant a renewal of courage to those who have grown weary in the struggle for justice and peace and strengthen their faith in the ultimate triumph of right and truth and good will.

In the spirit of Him who said give and live, 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 SENATE

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

H.R. 7954. An act to direct the Secretary of Agriculture to release on behalf of the United States conditions in a deed conveying certain lands to the State of New York and to provide for the conveyance of certain interests in such lands so as to permit such State, subject to certain conditions, to sell such land;

H.R. 9054. An act to amend the act entitled "An act to authorize the Secretary of Agriculture to execute a subordination agreement with respect to certain lands in Lee County, S.C."; and

H. Con. Res. 658. Concurrent resolution providing for a joint session of the two Houses on Tuesday, October 8, 1974, to receive a message from the President of the United States.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 628) entitled "An act to amend chapter 83 of title 5, United States Code, to eliminate the annuity reduction made in order to provide a surviving spouse with an annuity, during periods when the annuitant is not married."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11537) entitled "An act to extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands."

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

S. 3957. An act to terminate certain authorities with respect to national emergencies still in effect, and to provide for orderly implementation and termination of future national emergencies;

S. 2106. An act to amend title VI of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a 10-year term for the appointment of the Director of the Federal Bureau of Investigation; and

S. 4040. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension and dependency and indemnity compensation, to increase income limitations, and for other purposes.

The message also announced that the President pro tempore, pursuant to Senate Concurrent Resolution 85, appointed Mr. BIDEN and Mr. ROTH to attend the Day of National Observance for the 200th Anniversary of the First Continental Congress to be held in Philadelphia, Pa., October 14, 1974, in lieu of Mr. PASTORE and Mr. SCHWEIKER, resigned.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman tell us what bills the Rules Committee proposes to report?

Mr. PEPPER. Mr. Speaker, I have a list of them. I shall read them if the gentleman would like to hear them.

Mr. GROSS. I would be glad to have the list read.

Mr. PEPPER. Mr. Speaker, the committee is in session now and has heard a number of them and expects to hear them all.

They are: Conference report on H.R. 11221, dealing with Depository Institutions Amendments of 1974; conference report on S. 386, dealing with the Urban Mass Transportation Assistance Act of 1974; H.R. 16373, the Privacy Act of 1974; S. 3906, dealing with repealing the requirement that commanders of Air Force units be pilots; S. 1296, enlarging the Grand Canyon National Park in the State of Arizona; H.R. 13320, extending civil defense emergency authorities; and H.R. 13002, the Safe Drinking Water Act.

Also, the National Visitors Center.

Mr. GROSS. Mr. Speaker, if the gentleman will exclude the last bill, I will not object. Under the circumstances, Mr. Speaker, I object.

Mr. PEPPER. If the gentleman will withhold his objection——

Mr. GROSS. I will withhold.

Mr. PEPPER. I am advised that the committee will take up the National Visitors Center bill. If the gentleman will withdraw his objection, I will not at the present time ask for leave to file that report.

Mr. GROSS. Mr. Speaker, with that assurance I withdraw my reservation of objection.

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

There was no objection.

INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949

Mr. ROSENTHAL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 13261) to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals settled by the United States-Hungarian Claims Agreement of March 6, 1973, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

AMENDMENT

Strike out all after the enacting clause and insert:

That the International Claims Settlement Act of 1949, as amended, is further amended as follows:

(1) Section 302, title III, is amended by adding a new subsection (c) as follows:

"(c) The Secretary of the Treasury shall cover into the Hungarian Claims Fund, such sums as may be paid to the United States by the Government of Hungary pursuant to the terms of the United States-Hungarian Claims Agreement of March 6, 1973.".

(2) Section 303, title III, is further amended by striking out the word "and" at the end of paragraph (3), and by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and the word "and".

(3) Section 303, title III, is further amended by adding a new paragraph (5) as follows:

"(5) pay effective compensation for the nationalization, compulsory liquidation, or other taking of property of nationals of the United States in Hungary, between August 9, 1955, and the date the United States-Hungarian Claims Agreement of March 6, 1973, enters into force.".

(4) Section 306, title III, is further amended—

(A) by inserting in subsection (a), immediately before "this title", the following: "paragraph (1), (2), or (3) of section 303 of"; and

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

"(c) Within thirty days after enactment of this subsection, or thirty days after enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its

functions under paragraph (5) of section 303, whichever date is later, the Commission shall publish in the Federal Register the time when, and the limit of time within which, claims may be filed with the Commission under paragraph (5) of section 303, which limit shall not be more than six months after such publication.

"(d) Notwithstanding any other provision of this section, any national of the United States who was mailed notice by any department or agency of the Government of the United States with respect to filing a claim against the Government of Hungary arising out of any of the failures referred to in paragraph (1), (2), or (3) of section 303 of this title, and who did not receive the notice as the result of administrative error in placing a nonexistent address on the notice, may file with the Commission a claim under any such paragraph. The Commission shall publish in the Federal Register, within thirty days after enactment of this paragraph, when the limit of time within which any such claim may be filed with the Commission, which limit shall not be more than six months after such publication.".

(5) Section 310, title III, is further amended by adding at the end of subsection (a) thereof a new paragraph (7), as follows:

"(7)(A) Except as otherwise provided in subparagraph (D), whenever the Commission is authorized to settle claims by enactment of paragraph (5) of section 303 of this title with respect to Hungary, no further payments shall be authorized by the Secretary of the Treasury on account of awards certified by the Commission under paragraphs (2) and (3) of section 303 out of the Hungarian Claims Fund until payments on account of awards certified under paragraph (5) of section 303 with respect to such fund have been authorized in equal proportions to payments previously authorized on existing awards certified under paragraphs (2) and (3) of section 303.

"(B) Except as otherwise provided in subparagraph (D), with respect to awards previously certified under paragraph (1) of section 303, the Secretary of the Treasury shall not authorize any further payments until payments on account of awards certified under paragraphs (2), (3), and (5) of section 303 have been authorized in equal proportions to payments previously authorized on existing awards certified under paragraph (1) of section 303.

"(C) Except as otherwise provided in subparagraph (D), the Secretary of the Treasury shall not authorize any further payments on account of awards certified under paragraph (3) of section 303 based on Kingdom of Hungary bonds expressed in United States dollars or upon awards to standstill creditors of Hungary that were the subject matter of the agreement of December 5, 1969, between the Government of Hungary and the American Committee for Standstill Creditors of Hungary.

"(D) No payments shall be authorized by the Secretary of the Treasury on account of awards certified by the Commission under paragraph (5) of section 303 of this title, and no further payments shall be so authorized under paragraph (1), (2), or (3) of section 303 (except payments certified as the result of claims filed under subsection (d) of section 306), until payments on account of awards certified under such paragraphs (1), (2), and (3) as the result of claims filed under subsection (d) of section 306 have been authorized in equal proportions to payments previously authorized on existing awards certified under such paragraphs and arising out of claims filed other than under such subsection (d).

"(E) The Secretary of the Treasury is authorized and directed to deduct the sum of $125,000 from the Hungarian Claims Fund and cover such amount into the Treasury to the credit of miscellaneous receipts in satisfaction of the claim of the United States referred to in article 2, paragraph 4 of the United States-Hungarian Claims Agreement of March 6, 1973. Such amount shall be deducted in annual installments over the period during which the Government of Hungary makes payments to the Government of the United States as provided in article 4 of the agreement.".

(6) Section 316, title III, is amended by adding a new subsection (c) as follows:

"(c) The Commission shall complete its affairs in connection with the settlement of claims pursuant to paragraph (5) of section 303 of this title not later than two years following the deadline established under subsection (c) of section 306 of this title.".

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

Mr. GROSS. Mr. Speaker, reserving the right to object, is the gentleman asking that we concur in the Senate amendment?

Mr. ROSENTHAL. If the gentleman will yield, yes, the amendment is to correct an injustice which resulted when the Foreign Claims Settlement Commission had failed to inform several claimants of a deadline for filing claims.

Mr. GROSS. Is the amendment to the bill germane to the bill?

Mr. ROSENTHAL. Yes; it is.

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

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 356, PROVIDING FOR CONSUMER PRODUCT WARRANTIES AND FOR WRITTEN DISCLOSURE STANDARDS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 356) providing for consumer product warranties and for written disclosure standards, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none and appoints the following conferees: Messrs. STAGGERS, MOSS, STUCKEY, ECKHARDT, BROYHILL of North Carolina, WARE, and MCCOLLISTER.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE CONFERENCE REPORT ON S. 355, MOTOR VEHICLE AND SCHOOL BUS SAFETY

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tonight to file a conference report on S. 355, National Traffic and Motor Vehicle Safety Act of 1966.

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

There was no objection.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE A REPORT ON H.R. 16757, EXTENSION OF THE EMERGENCY PETROLEUM ALLOCATION ACT OF 1973

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tonight to file a report on H.R. 16757, extension of the Emergency Petroleum Allocation Act of 1973.

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

There was no objection.

CONFERENCE REPORT ON H.R. 11537, CONSERVATION AND REHABILITATION PROGRAMS ON PUBLIC LANDS

Mr. DINGELL. Mr. Speaker, I call up the conference report on the bill (H.R. 11537) to extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 16, 1974.)

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

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

There was no objection.

Mr. DINGELL. Mr. Speaker, I urge approval of the conference report on H.R. 11537.

Our Committee on Merchant Marine and Fisheries has held lengthy hearings on this legislation, both in this Congress and on its predecessor legislation in the 92d Congress and has considered it extensively in open executive sessions.

Mr. Speaker, the bill is strongly supported by the National Wildlife Federation, the Wildlife Management Institute, the International Association of Game, Fish, and Conservation Commissioners, the American Forestry Association, and other conservation organizations and sportsmen throughout the country. The conference report represents a successful effort to blend the best features of the House and Senate versions of the bill and deserves the support of the House.

Mr. Speaker, the purpose of H.R. 11537 is to extend for a 5-year period the highly successful game conservation and rehabilitation program carried out on military reservations and to provide for the carrying out of such a program on certain other federally owned lands, namely, Bureau of Land Management—BLM—lands within the Department of the Interior, National Forest lands with-

in the Department of Agriculture, Atomic Energy Commission—AEC—lands, and National Aeronautics and Space Administration—NASA—lands.

Mr. Speaker, the program carried out on military reservations is carried out under what is commonly known as the Sikes Act, and title I of H.R. 11537 provides for the extension of the program until June 30, 1978. No change was made in this title by the conference report.

Mr. Speaker, title II of the bill is designed to provide for the carrying out of this program on other Federal lands throughout the United States. In this regard, the bill would cover approximately 450 million acres of BLM lands, 187 million acres of national forest lands, 2 million acres of AEC lands and many thousands of acres of NASA lands.

Mr. Speaker, a majority of the 23 Senate amendments to the bill were either technical, clarifying, or conforming in nature and all of them are explained in the conference report, to which reference is made for more information.

There were a number of important changes made to the bill by the Senate which I would like to briefly comment on and provide additional background information for the benefit of the Members.

Two of the Senate amendments, numbers 1 and 3, were adopted in conference with minor technical changes. These amendments would retain the House language of the bill and, in addition, require the game conservation and rehabilitation programs to be carried out on public lands to specifically provide for protection of species of fish and wildlife considered to be threatened or endangered. These amendments are desirable and will supplement the recently enacted Endangered Species Act of 1973.

One of the more important amendments to the bill was Senate amendment No. 2. The House version of the bill provided that no conservation or rehabilitation program could be implemented on the public lands covered by title II of the bill unless it was included in a cooperative agreement with the State or States concerned. The Senate amendment to the bill eliminated the language that would require in every case a Federal-State cooperative agreement to be entered into before such a program could be implemented.

Mr. Speaker, I would like to emphasize that the elimination of the language of the House-passed version of the bill does not in any way interfere with the overall intent of the legislation with respect to having such programs carried out pursuant to Federal-State cooperative agreements. Each of the affected agencies provided testimony at our committee hearings that all of the public land covered by this legislation was already subject to cooperative agreements with the States. I would like for this record to show that I sincerely feel the cooperative agreements with all of the States can be obtained, and I encourage the securing of these agreements with a view toward carrying forward the fine cooperation that now exists between these Federal and State agencies.

In the event a cooperative agreement cannot be reached with respect to certain Federal lands, the Federal agencies concerned would be expected to carry out such programs on the affected lands in such a way as to preserve existing Federal-State relationships with respect to management of fish, wildlife, and game.

In addition, Senate amendment No. 2, as agreed to in conference, would make it clear that any program developed pursuant to this title would be supplemental to wildlife, fish, and game-related programs conducted by the Secretary of the Interior and the Secretary of Agriculture under other provisions of Federal law, and that the authority of the Secretaries to manage the national forests or other public lands for wildlife, fish, and other purposes in accordance with the Multiple Use Sustained Yield Act of 1960 would not be affected by this legislation.

Mr. Speaker, another important provision of the bill, which was amended by the Senate, has to do with hunting, fishing, and trapping on Federal lands. The House-passed version of the bill made it clear that unless limited by a comprehensive plan or a cooperative agreement hunting, fishing, and trapping on such land would be permitted. This is in accordance with existing practice. This provision, as changed by Senate amendment No. 7, would require any hunting, fishing, and trapping carried out on such lands to be carried out in accordance with applicable laws and regulations of the State concerned. The amendment, as adopted in conference, would make it clear that State laws and regulations would be applicable only with respect to resident species of fish and wildlife, and that they would in no way affect the Federal Government's authority to regulate and manage migratory birds and species protected under the Endangered Species Act of 1973 and the Bald Eagle Protection Act.

Mr. Speaker, in general, the lands covered by this legislation are open to public hunting, fishing, and trapping. I would like for the record to show that it is the intent of the conference committee that this practice be continued. For the program authorized by this legislation to be successful, it takes the full cooperation of sportsmen throughout the country, as well as all State and Federal agencies and conservationists in general.

Mr. Speaker, another important provision that was changed by the Senate has to do with the enforcement authority provided by the legislation. Senate amendment No. 14 conforms the House-passed version of this provision to the enforcement provision of the recently passed Senate version of the National Resources Lands Management Act. In general, the Senate amendment conforms to the House provision except that it authorizes officers or employees of the Interior and Agriculture Departments to carry firearms and broadens the search authority to include any person or conveyance, as authorized by law.

The conference committee agreed to the Senate amendment with the modification that State officers or employees, if authorized pursuant to a cooperative agreement, could exercise the same enforcement powers as designated officers and employees of the Federal agencies.

Mr. Speaker, I think this is a desirable addition on the part of the conference committee since the States have a large number of excellent law enforcement personnel that could be called on to assist in enforcing this legislation. However, in doing so—and I think this should apply to Federal as well as State officers and employees—officers or employees designated to assist in carrying out the enforcement provisions of this legislation should be only those who have had specialized law enforcement training and are specifically trained to handle firearms.

Mr. Speaker, the major issue facing the conference committee involved Senate amendment No. 20. In order to understand this amendment, it is important to analyze what section 203 of title II of the bill does, as this is the section to which the amendment relates.

Section 203 simply provides that any State agency may agree with the Secretary of the Interior or the Secretary of Agriculture, or both, as the case may be, that no individual will be permitted to hunt, trap, or fish on any public land within the State that is subject to a game conservation and rehabilitation program unless such individual has on his person at the time he is engaged in such activity a valid public land management area stamp. It is to be noted that section 203 would apply to the Bureau of Land Management, national forest, AEC and NASA lands.

Senate amendment No. 20 added a new section to the bill to provide that section 203 of title II of the bill would not be applicable in those States, with respect to national forest lands and BLM lands, if the Federal Government owns 25 percent or more of the total area of a State. The amendment would have the effect of prohibiting the sale of a public land management area stamp to individuals desiring to hunt on national forest lands and BLM lands in about 12 Western States, even if the State agency of one of those States desired to enter into an agreement with the Federal Government to authorize the sale of such a stamp.

Mr. Speaker, the conference committee in its wisdom narrowed the application of the prohibition so that it would apply to only four Western States—the States of Utah, Idaho, Nevada, and Alaska. This was accomplished by changing "25 percent" to "60 percent".

In addition, the conference committee added new language to amendment No. 20 to authorize any appropriate State agency in any of the four States concerned to agree with the Secretary of Agriculture or the Secretary of the Interior, or both, as the case may be, to collect a fee, as specified in such agreement, at the point of sale of regular hunting, trapping, or fishing licenses in such State. The proceeds would be used to carry out conservation and rehabilitation programs implemented under this title in the State concerned and for no other purpose.

Mr. Speaker, I think this is a reasonable solution to the problem with which the conference committee was faced. With respect to these four Western States, should a State desire to have additional funds with which to carry out a conservation and rehabilitation program on national forest lands, and BLM lands in the State, it can do so under the language adopted by the conference committee.

I think a State should have this option and I applaud the conference committee for making this change.

Mr. Speaker, this legislation was considered at length by the House earlier this year. At that time, it was overwhelmingly approved by a vote of 355 to 25 in substantially the same form. I ask the House once again to declare its support for this important legislation, and approve the conference report.

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

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PASSING OF FORMER CONGRESSMAN CLIFFORD G. McINTIRE

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

Mr. COHEN. Mr. Speaker, last Thursday it was my sad duty to report to this House the untimely death of Clifford G. McIntire, who represented central and northern Maine in this body for five consecutive terms, between 1954 and 1964.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the life, character, and public service of the late Congressman Clifford G. McIntire.

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

There was no objection.

EFFORTS BY THE EXECUTIVE AND LEGISLATIVE BRANCHES TO RESOLVE ECONOMIC PROBLEMS

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

Mr. BROWN of Ohio. Mr. Speaker, yesterday stock prices went up 23 points on weekend news that President Ford would today offer his suggested program for resolution of our Nation's economic problems.

We also have news from Mr. Sindlinger that his economic polling indicates public confidence in the future of the economy has recently dropped to new lows. Both facts indicate such public confidence is vital to the delicate balance of our economy and therefore our Nation's future economic well being.

One thing which would restore public confidence would be assurance that the Congress intends to be diligent in studying and acting on the proposals we will receive today from our President. It is for that reason I shall vote against any resolution for recess or adjournment until such time as Congress can consider and act on these recommendations. Since no one knows for sure what those recommendations will be, my position does not imply approval or disapproval of the President's suggestions for curing our economic ills. Rather, it is my feeling that public confidence would be buoyed if the folks at home felt we were really more interested in working on the problems of inflation than we are in the politics of the upcoming election campaign. I urge my colleagues to restore some of that sagging confidence in this institution and the sincerity of its effort to address the difficult problems of our economy.

I urge my colleagues to join me in voting "No" on adjournment.

PERSONAL EXPLANATION

Mr. KING. Mr. Speaker, on rollcall No. 573, on yesterday, on the motion offered by the gentleman from Texas (Mr. MAHON) relating to Senate amendment No. 3, on the conference report on House Joint Resolution 1131, further continuing appropriations, I am recorded as voting "yea." That vote is in error. It was my purpose to vote "nay," and I ask that the RECORD show that I opposed this motion.

IMPROVEMENT ON ST. CROIX

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

Mr. DE LUGO. Mr. Speaker, I am very often asked by my colleagues how conditions are on St. Croix, and whether or not things have quieted down. I am always happy to state that the worst is behind us, and we are making steady progress on the road to recovery. Evidence of this is contained in the following newspaper account which quotes the major travel trade publication on the west coast Travel Age West as stating that, "clients returning from St. Croix report 'all's well'; no bad feeling and as beautiful as before."

The full article follows:

MAG HAS GOOD NEWS FOR ST. CROIX

The September 16 edition of Travel Age West, the major travel trade publication on the West Coast, carries good news for both the residents of and potential visitors to St. Croix.

In a regular feature column, "The Question Box," columnist Rae Rutledge replies to a travel agent who asked: "Is the Caribbean situation easing? Have clients returned happy or unhappy?

The reply went as follows: "It would appear each island must be checked individually. For instance, clients returning from St. Croix report "All's well"; no bad feeling and as beautiful as before."

Travel Age West is published by the Reuben H. Donnelley Corporation, and has a circulation of almost 10,000 among travel agents, tour operators and others in the travel industry in the Western United States.

NECESSITY FOR PLANNED GRAIN EXPORT PROGRAM

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

Mr. PICKLE. Mr. Speaker, for nearly 2 years, I have been urging either the executive or legislative branch to insure that we have a planned grain export program. Finally, perhaps we are beginning to see steps to implement such a policy.

I do not support a grain export embargo; nor do I support establishing grain export quotas.

I do support disclosure of large grain sales. Only with disclosure of these sales can we avoid what happened in 1972 when too much grain, moving too fast caused our food prices to spiral and our transportation system to be glutted.

The Department of Agriculture must be notified when one of these large international grain houses moves to export large grain shipments. I welcome the plan for reporting announced by Secretary Butz.

The Department of Transportation should also be notified to show transportation coordination can be anticipated for moving the grain.

After hearings by the Investigations Subcommittee of the House Commerce Committee on the 1972 Russian grain deal nearly 2 years ago, I made these recommendations. Over a year ago, I introduced H.R. 9198 to accomplish these policies.

The first step has to be public disclosure of these sales—only then can we measure timing, domestic reserves, effect on domestic prices, and our transportation capabilities.

Fortunately, the world price will not result in the $300 million taxpayer payoff to the international grain companies like it did in 1972.

But still, grain export policy must be planned and I believe the approach President Ford is taking a sound one.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

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

[Roll No. 578]

Adams	Dulski	Mills
Ashley	Esch	Mitchell, N.Y.
Blackburn	Giaimo	Nelsen
Blatnik	Grasso	Pepper
Brademas	Hansen, Idaho	Pike
Brasco	Hébert	Podell
Buchanan	Heckler, Mass.	Powell, Ohio
Burke, Calif.	Heinz	Pritchard
Carey, N.Y.	Holifield	Rarick
Chisholm	Hosmer	Reid
Clark	Johnson, Colo.	Rooney, N.Y.
Clawson, Del	Lagomarsino	Runnels
Conyers	Long, Md.	Mathis, Ga.
Davis, Ga.	Lujan	Shuster
de la Garza	Madden	Sisk
Diggs	Mann	Snyder
Dorn	Maraziti	Steele
Drinan	Mathias, Calif.	Stubblefield

Stuckey	Tiernan	Wilson,
Symington	Udall	Charles H.,
Symms	Waldie	Calif.
Taylor, Mo.	White	Wyatt
Teague	Whitehurst	Young, S.C.

The SPEAKER. On this rollcall 367 Members have recorded their presence by electronic device, a quorum.

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

AUTHORIZING DISPOSITION OF CERTAIN OFFICE EQUIPMENT AND FURNISHINGS

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9075) to authorize the disposition of certain office equipment and furnishings, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 8, strike out "the office space" and insert "an office".

Page 2, line 8, strike out "regulations" and insert "regulations, but in no instance less than the fair market value of such items."

Page 3, line 6, strike out "the office space" and insert "an office".

Page 3, line 20, strike out "regulations." and insert "regulations, but in no instance less than the fair market value of such items."

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

Mr. BAUMAN. Mr. Speaker, reserving the right to object, may I ask the gentleman whether all of the amendments agreed to are germane to the bill?

Mr. THOMPSON of New Jersey. They are.

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

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

COMMITTEE REFORM AMENDMENTS OF 1974

Mr. BOLLING. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the resolution (H. Res. 988), to reform the structure, jurisdiction, and procedures of the committees of the House of Representatives by amending rules X and XI of the Rules of the House of Representatives.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the resolution House Resolution 988, with Mr. NATCHER in the chair.

The Clerk read the title of the resolution.

The CHAIRMAN. Before the Committee rose on yesterday, there was pending the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. HANSEN); the substitute amendment offered by the gentleman from Nebraska (Mr. MARTIN) for the Hansen amendment; the amendment offered by the gentleman from Florida (Mr. BENNETT) to the Hansen amendment; and the amendment offered by the gentlewoman from Missouri (Mrs. SULLIVAN) to the substitute amendment offered by the gentleman from Nebraska (Mr. MARTIN).

When the Committee rose, it had also been agreed that all debate on the Hansen amendment in the nature of a substitute and all amendments thereto be limited to not to exceed 5 hours.

The question is on the amendment offered by the gentleman from Florida (Mr. BENNETT) to the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. HANSEN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BENNETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment to the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. BAUMAN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. HANSEN OF WASHINGTON

Mr. BAUMAN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. BAUMAN to the amendment in the nature of a substitute offered by Mrs. HANSEN of Washington: On page 12, strike the language on line 17 through page 13, line 4; and renumber the succeeding paragraph accordingly.

Mr. BAUMAN. Mr. Chairman, as I understand the basic thrust of all three of the proposals which are pending before us, in large measure they each seek to streamline and consolidate the jurisdictions of the various committes which are created by these reforms. It seems to me that the section to which my amendment is addressed is fundamentally at variance with the purpose of this streamlining of committee jurisdiction.

If the Members will address themselves to pages 12 and 13 of the proposal of the gentlelady from Washington (Mrs. HANSEN), they will see a very broad and considerably different grant of new power to any future Speaker of the House of Representatives so far as bill referral is concerned. Right now, under the rules of the House of Representatives and our precedents, the Speaker must refer a single piece of legislation to one committee for consideration and eventual action by that one committee.

The only way by which a bill can be re-referred is usually by unanimous consent requested by the committee chairman to which the bill has been referred. If my colleagues will look closely at the language in the Hansen proposal, as well as the language in the Bolling proposal and the Martin proposal, they will see that a future Speaker of the House may well have the power not only to assign a bill to one committee, but to grant concurrent jurisdiction over a bill to two different committees, or immediately refer a bill, in sequence, to two committees; or he may even refer a bill to an ad hoc committee which the Speaker would appoint, albeit with the approval of the House.

It seems to me that these new and unprecedented powers offer a great deal of possibility for mischief.

If this language is adopted, it is not difficult to foresee, and I would predict, numerous conflicts between various committees, battles between committee chairmen over such split jurisdiction, all of which is, as I said, definitely opposed to what I thought was the purpose of this legislation. I would hope that we could strike out this so-called split referral provision so that the bills could be placed in one committee, to hold hearings, to take testimony, then decide amongst the members of that one committee whether or not it should be reported and acted upon by the Rules Committee in the House. I think this is extremely important, particularly in view of the fact that we are creating, if we pass any one of these proposals, defined and specific jurisdictions for various committees such as commerce and health, transportation, and others, dealing with general broad powers but within a single area of legislative concern.

I would hope that there would be support for my amendment to strike out what I think is a very mischievous and dangerous section of the resolution; one that offers all sorts of possibilities for difficulty and conflict within the House itself which can and should be avoided.

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

Mr. Chairman, other than the jurisdictional changes proposed in 988, I think this is perhaps one of the most important provisions which, incidentally, occurs in all three bills, and which all three of the groups studying this recognized as one of the major problem areas in the management of the House. The inability to assign or refer to more than one committee is probably one of the greatest bottlenecks and greatest deterrents to this Congress meeting the modern jurisdictional requirements than anything else. Even if the jurisdictional changes in 988 were not to be passed ultimately, this provision standing alone would probably do more than any other single provision to make the House function properly. All of the testimony before the Select Committee on Committees was that people recognize this as a major problem, including the testimony of Speaker ALBERT and, therefore, as all three groups have responded to it in the same fashion, I think it is clear that everyone recognizes it is a major problem, and the amendment of the gentleman would strike the provision from the Hansen report.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I will be happy to yield to the gentleman from Michigan.

Mr. O'HARA. I thank the gentleman for yielding. As a supporter of the Hansen proposal, I would like to second the remarks of the gentleman from Washing-

ton. Under the jurisdictional provisions of any of the three bills, there still will be legislation that will fall into jurisdiction of more than one committee. This provides a regular procedure by which these kinds of problems can be dealt with and it provides it in a very sensible way, with time limitations and all of the necessary hedging about that is appropriate. I would trust that dual referral would not be used very often but I think it is a power that ought to be available for use in particular kinds of circumstances for particular subjects. I would hope that we would not strike out this needed flexibility.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. BAUMAN) to the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. HANSEN).

The amendment to the amendment in the nature of a substitute was rejected.

AMENDMENTS OFFERED BY MR. SMITH OF IOWA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. HANSEN OF WASHINGTON

Mr. SMITH of Iowa. Mr. Chairman, I offer amendments to the amendment in the nature of a substitute, and ask unanimous consent that they be considered en bloc.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. SMITH of Iowa to the amendment in the nature of a substitute offered by Mrs. HANSEN of Washington: Page 2, line 16, after "appropriations" insert "and the Committee on the Budget".

Page 4, line 20, insert the following new paragraph:

"(b) The Committee on the Budget shall have the function of—

"(1) making continuing studies of the effect on budget outlays of relevant existing and proposed legislation, and reporting the results of such studies to the House on a recurring basis; and

"(2) requesting and evaluating continuing studies of tax expenditures, devising methods of coordinating tax expenditures, policies, and programs with direct budget outlays, and reporting the results of such studies to the House on a recurring basis."

Page 4, line 21, strike out "(b)" and insert "(c)".

Page 5, line 3, strike out "(c)" and insert "(d)".

Page 5, line 9, strike out "(d)" and insert "(e)".

Page 5, line 15, strike out "(e)" and insert "(f)".

Page 5, line 20, insert "(A)" after "(1)".

Page 6, line 1, strike out "(A)" and insert "(i)".

Page 6, line 4, strike out "(B)" and insert (ii)".

Page 6, line 7, strike out "(2)" and insert "(B)".

Page 6, lines 7 and 8, strike out "subparagraph (1)" and insert "subdivision (A)".

Page 6, line 13, strike out "(3) Hearings pursuant to subparagraph (1)" and insert:

"(C) Hearings pursuant to subdivision (A)".

Page 6, line 21, strike out "(4) Hearings pursuant to subparagraph (1)" and insert:

"(D) Hearings pursuant to subdivision (A)".

Page 6, after line 25, insert the following:

"(2) Whenever any bill or resolution which provides new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 is reported by a committee of the House and the amount of new budget authority which will be required for the fiscal year involved if such bill or resolution is enacted as so reported exceeds the appropriate allocation of new budget authority reported as described in clause 5(j) in connection with the most recently agreed to concurrent resolution on the budget for such fiscal year, such bill or resolution shall then be referred to the Committee on Appropriations with instructions to report it, with the committee's recommendations and (if the committee deems it desirable) with an amendment limiting the total amount of new spending authority provided in the bill or resolution, within 15 calendar days (not counting any day on which the House is not in session) beginning with the day following the day on which it is so referred. If the Committee on Appropriations fails to report the bill or resolution within such 15-day period, the committee shall be automatically discharged from further consideration of the bill or resolution and the bill or resolution shall be placed on the appropriate calendar.

"(3) In addition, the Committee on Appropriations shall study on a continuing basis those provisions of law which (on the first day of the first fiscal year for which the congressional budget process is effective) provide spending authority or permanent budget authority, and shall report to the House from time to time its recommendations for terminating or modifying such provisions.

"(b) The Committee on the Budget shall have the duty—

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

"(2) to hold hearings, and receive testimony from Members of Congress and such appropriate representatives of Federal departments and agencies, the general public, and national organizations as it deems desirable, in developing the first concurrent resolution on the budget for each fiscal year.

"(3) to make all reports required of it by the Congressional Budget Act of 1974, including the reporting of reconciliation bills and resolutions when so required;

"(4) to study on a continuing basis those provisions of law which exempt Federal agencies or any of their activities or outlays from inclusion in the Budget of the United States Government, and to report to the House from time to time its recommendations for terminating or modifying such provisions; and

"(5) to study on a continuing basis proposals designed to improve and facilitate methods of congressional budget-making, and to report to the House from time to time the results of such study together with its recommendations."

Page 7, line 1, strike out "(b)" and insert "(c)".

Page 8, line 1, strike out "(c)" and insert "(d)".

Page 8, line 21, strike out "(d)" and insert "(e)".

Page 11, line 10, strike out "(e)" and insert "(f)".

Page 11, after line 25, insert the following new paragraphs:

"(g) Each standing committee of the House shall, on or before March 15 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

"(h) As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, each standing committee of the House (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

"(i) Each standing committee of the House which is directed by a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974."

Page 21, line 15, after "Appropriations" insert ", the Committee on the Budget,".

Page 23, line 19, after "committee" insert "(except as provided in subdivision (c))".

Page 24, line 9, strike out "to a report" and insert "to the reporting of a regular appropriation bill by the Committee on Appropriations prior to compliance with subdivision (c) and does not apply to a report".

Page 24, after line 12, insert the following new subdivision:

"(C) Before reporting the first regular appropriation bill for each fiscal year, the Committee on Appropriations shall, to the extent practicable and in accordance with section 307 of the Congressional Budget Act and full committee action on all regular appropriation bills for that year and submit to the House a summary report comparing the committee's recommendations with the appropriate levels of budget outlays and new budget authority as set forth in the most recently agreed to concurrent resolution on the budget for that year."

Page 24, line 25, strike out "and (B) shall include" and insert "(B) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures; (C) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and (D)".

Page 26, strike out lines 1 through 5 and insert the following:

"(B) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (C) and (D) of subparagraph (3)) are included as part of the report."

Page 26, lines 20 and 21, strike out "the third calendar day (excluding Saturdays, Sundays, and legal holidays)" and insert "the third calendar day (or the tenth calendar day in the case of a concurrent resolution on the budget), excluding Saturdays, Sundays, and legal holidays following the day on which the report upon such resolution has been available to members of the House (even though a previous motion to the same effect has been disagreed to),".

Page 35, line 2, after the semicolon insert "the Committee on the Budget—on the matters required to be reported by such committee under Titles III and IV of the Congressional Budget Act of 1974;".

Page 51, after line 16, insert the following new paragraphs:

"(d)(1) The provisions of Rules X and XI of the House of Representatives (as amended by this resolution) are modified to the extent applicable by the Congressional Budget and Impoundment Control Act of 1974.

"(2) Terms used in the Rules of the House of Representatives (as amended by this resolution) with respect to the Committee on the Budget, and with respect to other en-

tities and procedures involved in the congressional budget process, shall to the extent applicable have the meanings given them by the Congressional Budget and Impoundment Control Act of 1974."

Page 55, strike out lines 3 through 5, and insert the following:

"(2) Rescissions of appropriations contained in appropriation Acts.

"(3) Transfers of unexpended balances.

"(4) The amount of new spending authority (as described in the Congressional Budget Act of 1974) which is to be effective for a fiscal year, including bills and resolutions (reported by other committees) which provide new spending authority and are referred to the committee under clause 4(a)."

Page 61, line 24, strike out "3(b)" and insert "3(c)".

Page 63, line 9, strike out "3(c)" and insert "3(d)".

Page 64, line 6, strike out "4(b)" and insert "4(c)".

Page 65, line 24, strike out "4(c)" and insert "4(d)".

Page 67, line 16, strike out "3(d)" and insert "3(e)".

Page 73, line 22, strike out "3(e)" and insert "3(f)".

Page 72, after line 19, insert the following new subparagraph:

"(2) Emergency waivers (under the Congressional Budget Act of 1974) of the required reporting date for bills and resolutions authorizing new budget authority."

Page 72, line 20, strike out "(2)" and insert "(3)".

Page 72, line 21, strike out "(3)" and insert "(4)".

Page 75, line 5, strike out "4(d)" and insert "4(e)".

Page 76, line 24, after "Appropriations" insert "and the Committee on the Budget".

Page 81, line 7, before the period insert "or the Committee on the Budget".

Page 82, line 21, before the period insert "or the Committee on the Budget".

Page 83, line 5, strike out "may appoint" and insert "and the Committee on the Budget may each appoint".

Page 14, line 6, before the word "that" insert ", except the Committee on the Budget,".

Mr. SMITH of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that the amendments to the amendment in the nature of a substitute 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 Iowa?

Mr. MARTIN of Nebraska. Mr. Chairman, reserving the right to object, I would like to ask this of the gentleman: As I understand it, these are technical amendments to conform with the legislation which was passed earlier this year by both parties, setting up the Committee on the Budget; is that correct?

Mr. SMITH of Iowa. That is exactly correct.

Mr. MARTIN of Nebraska. They are all technical amendments?

Mr. SMITH of Iowa. They are all technical amendments.

These are amendments that have been cleared with both sides regarding the budget. I understand this is agreeable to both sides.

Mr. MARTIN of Nebraska. Mr. Chairman, I have no objection. I withdraw my reservation of objection.

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

There was no objection.

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

Mr. SMITH of Iowa. Yes, I yield to the gentleman from Washington.

Mr. MEEDS. Is this the same amendment which Mr. Ullman showed to us? Is it identical?

Mr. SMITH of Iowa. It is the same amendment.

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

Mr. SMITH of Iowa. Yes.

Mr. BOLLING. If that is the case, it seems to me clear that this amendment should be supported. It is intended when we reach House Resolution 988, if we reach House Resolution 988, that almost the identical amendment will be offered.

These are technical conforming amendments that deal with the fact that the Committee on the Budget came into being subsequent to the report of the select committee.

Mr. Chairman, I urge support for the amendments.

Mr. SMITH of Iowa. I thank the gentleman.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Iowa (Mr. SMITH) to the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. HANSEN).

The amendments to the amendment in the nature of a substitute were agreed to.

AMENDMENT OFFERED BY MR. CLEVELAND TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. HANSEN OF WASHINGTON

Mr. CLEVELAND. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. CLEVELAND to the amendment in the nature of a substitute offered by Mrs. HANSEN of Washington: On page 29, line 25, insert ", or committee meetings," immediately after "committee hearings";

On page 30, beginning on line 23, delete "each meeting of any hearing or hearings covered," and insert in lieu thereof "each meeting (whether of a hearing or otherwise) covered,";

On page 31, line 4, delete "at the hearing" and insert in lieu thereof "at the hearing or other meeting";

Beginning on page 31, line 9, delete "the objects and purposes of the hearing or the activities of committee members in connection with that hearing" and insert in lieu thereof "the objects and purposes of the hearing or other meeting or the activities of committee members in connection with that hearing or meeting";

On page 31, line 16, insert "and meetings" immediately after "committee hearings";

On page 31, in paragraph (e) beginning on line 21, insert "or meeting" immediately after the word "hearing" wherever such word occurs therein;

Beginning on page 32, line 4, in subparagraphs (1), (3), (5), (6), (7), (8), and (9) of paragraph (f) insert "or meeting" immediately after the word "hearing" wherever such word occurs therein.

Mr. CLEVELAND. Mr. Chairman, the purpose of my amendment is to correct an apparent oversight or omission in the language of the three resolutions we have before us, House Resolution 988 and the two substitute proposals.

In all three the provisions dealing with the broadcasting of committee hearings used the language of rule XI as it existed prior to House approval last July 22 of House Resolution 1107. To refresh the memories of the committee, it was that resolution which was adopted on July 22 which permitted the broadcasting of committee meetings as well as committee hearings.

I feel that probably the people who drafted the three resolutions that we have before us may have overlooked this matter. I would almost have to assume my amendment would be noncontroversial.

Mr. Chairman, to refresh the memories of the members of the Committee, the vote on July 22 of this year, by which the House approved the change to include "committee meetings" as well as "committee hearings" for broadcasting, was 346 to 40. Therefore, the House is certainly on record as of last July in favor of the substance of my amendment.

The amendment uses precisely the same language to accomplish the same purpose, and again I will say I would almost have to think this would be a noncontroversial amendment.

What the amendment would do is to bring the resolution that we have under consideration in conformance with the vote of the House on July 22, a vote of 346 to 40, by which we definitely said that committee meetings as well as hearings could be broadcast. I do not have to go into the importance of broadcasting, either by radio or television, of the functions of committees. I think that at long last it is pretty well established now.

Mr. Chairman, I hope very much this amendment will be acted on favorably.

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

Mr. CLEVELAND. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Chairman, the gentleman's amendment simply incorporates the language which the House adopted on July 22, 1974, and which was included in none of these resolutions, because the base resolution (H. Res. 988) was reported in March before the House acted in July. So the amendment does exactly what the gentleman says, and we have no objection to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. CLEVELAND) to the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. HANSEN).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. ZABLOCKI TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. HANSEN OF WASHINGTON

Mr. ZABLOCKI. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

PARLIAMENTARY INQUIRY

Mr. Chairman, may I propound a parliamentary inquiry before the reading of the amendment?

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ZABLOCKI. Mr. Chairman, I have an identical amendment which I wish to offer to each of the resolutions, House

Resolution 1248 and House Resolution 1321.

It is my understanding that as a result of the action yesterday, with the limitation of 5 hours of debate, an identical amendment would be in order to be considered to both of the substitute amendments pending before the committee.

The CHAIRMAN. The Chair will inform the gentleman that the gentleman's amendment would not be in order at this time to the Martin substitute because there is an amendment already pending to the substitute.

Mr. ZABLOCKI. Then, Mr. Chairman, I wish to offer the amendment which is at the Chairman's desk to House Resolution 1248, the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. HANSEN).

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ZABLOCKI to the amendment in the nature of a substitute offered by Mrs. HANSEN of Washington: Page 5, line 6, after "administration," insert the following: "intelligence activities relating to foreign policy,".

Page 63, line 10, after "administration," insert the following: "intelligence activities relating to foreign policy,".

Mr. ZABLOCKI. Mr. Chairman, my amendment amends both section 101 dealing with special oversight functions and section 310 which establishes the jurisdiction of the Committee on Foreign Affairs.

The purpose of the amendment is to provide the Committee on Foreign Affairs with the special oversight function of reviewing and studying on a continuing basis—and I quote—"intelligence activities relating to foreign policy".

At this point, I wish to provide some background in order to put this amendment in perspective.

The select committee recommendations which are also pending before the House provide that the Committee on Foreign Affairs shall have special oversight functions with regard to—and I quote—"foreign and military intelligence."

In its report the committee states that it took this action because of the growing importance of economic and political information in supplementing military information as a factor in foreign policy and national security.

The select committee report makes clear that this oversight responsibility is not to interfere in any way with the legislative jurisdiction over foreign and military intelligence which currently is within the purview of the Armed Services Committee.

It points out, however, that the arrangement is a mirror image of the overview of arms control and disarmament extended to the Armed Services Committee, leaving exclusive legislative authority in that field to the Committee on Foreign Affairs.

Unfortunately, the Hansen substitute as it now stands eliminates that mirror image.

Under the Hansen proposal the Armed Services Committee would be given special oversight responsibilities in the field of arms control and disarmament, but the Committee on Foreign Affairs would be denied similar jurisdiction over intelligence activities.

My amendment would remedy that serious omission in the Hansen substitute.

It should be noted, however, that the language which I am proposing is somewhat more carefully defined than the phrasing in the select committee proposal.

That proposal speaks of oversight jurisdiction of "foreign and military intelligence." My amendment would add the words "intelligence activities relating to foreign policy."

There are two reasons for this change in terminology:

First, because the oversight function is limited to those intelligence activities related to foreign policy it is made clear that the committee's jurisdiction does not include some aspects of intelligence activities or information—for example, general capabilities of foreign weapon systems or force structures of potential adversaries.

Instead, the intelligence activities covered by the amendment are defined as those related to foreign policy, which is a clear area of jurisdiction for the Committee on Foreign Affairs.

Second, the words which I propose adhere closely to the understanding which has been reached by ranking members of the Committee on Foreign Affairs with the leadership of the House and of other appropriate House committees, to improve the committee's access to intelligence information.

The public announcement of this agreement was made by the distinguished chairman of the committee, Dr. MORGAN, on October 1.

In his announcement, Chairman MORGAN said, and I quote:

There is agreement that the Committee on Foreign Affairs must have access to information about overseas activities which affect our foreign policy and United States relations with other countries—including covert activities.

My amendment would formalize this arrangement in the Hansen substitute by adding in two appropriate places the words "foreign intelligence relating to foreign policy."

Mr. Chairman, it is clear that the Committee on Foreign Affairs cannot adequately fulfill its responsibilities unless it has greater access to information than it currently has.

First, foreign intelligence is an integral part of the foreign policy process. No foreign policy can succeed unless it is based on timely and accurate information. The task of intelligence is to provide that information.

To assess foreign policy without access to the information on which it is based is similar to estimating the condition of a house without checking the foundation.

Second, the task of gathering intelligence, or of conducting intelligence activities abroad, can sometimes be an important foreign policy factor in and of itself. All of us are aware of international incidents which have resulted from past U.S. intelligence operations. Let me name just a few of them:

United States support of unsuccessful rebels soured relations with Indonesia in 1958.

The shooting down of the U–2 spy plane in 1960 caused the failure of the U.S.-U.S.S.R. summit conference of that year.

The failure of the CIA-supported invasion of Cuba in 1962 resulted in serious problems for the United States in the hemisphere.

A forged letter sent to top Thai officials by a CIA agent last year led to anti-Americanism and demands for U.S. military withdrawal.

A third reason for giving this responsibility to the House Committee on Foreign Affairs is that agreement among nations for the exchange of information or intelligence is an important category of relationships which two or more nations can carry on. Such exchanges can have great significance for the foreign relations of the countries involved.

The Committee on Foreign Affairs cannot do a fully adequate and effective job of meeting its foreign affairs responsibilities without having some jurisdiction in the area of intelligence relating to foreign policy.

I, therefore, urge my colleagues to support this amendment.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. Mr. Chairman, may I say that I understand that we have discussed this with the subcommittee chairman of the Committee on Armed Services, and they have no objection, and certainly I have no objection.

Mr. ZABLOCKI. I thank the gentlewoman.

Mr. MARTIN of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Nebraska.

Mr. MARTIN of Nebraska. Mr. Chairman, I have no objection to the amendment. I think it is a good amendment.

Mr. ZABLOCKI. I thank the gentleman.

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

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

Mr. NEDZI. Mr. Chairman, I would like to confirm what the gentleman said. We have discussed this matter. It is my opinion that the amendment conforms to the agreement worked out between Mr. Colby and Dr. Kissinger, and the chairman of the Committee on Armed Services, and the chairman of the Committee on Foreign Affairs. We certainly think it is absolutely essential that the Committee on Foreign Affairs have this kind of oversight function.

Mr. ZABLOCKI. I thank the gentleman.

Mr. Chairman, when the appropriate time arrives I intend to offer an identical amendment to the Martin substitute, and subsequently I intend to offer an identical amendment in order to deal with the same problem in the Bolling proposal, House Resolution 988.

Mr. HARRINGTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would in general like to endorse the amendment recently offered, and obviously agreed to by way of the concensus developed between the members of the effective committees. However, I have one broad caveat—one broad exception—which evidently is still lost in the caves of ambiguity as to how this would be implemented. I think that the preceding 20 years of inability of the Committees on Foreign Affairs of the House and the Senate to establish what I consider to be a fundamental right, if they are going to conduct those committees and listen to what the intention was provides some indication of the problem that exists, when it is suggested that we have solved the whole issue of oversight if we only add the Committee on Foreign Affairs to it without an examination of the Committee on Foreign Affairs record to date.

I am bothered that by attempting to suggest that this course will deal with all of these problems, we leave as many questions unanswered as there were prior to the effort this afternoon, which appears to be on the way to adoption.

Perhaps I can address my questions either to the chairman of the CIA Oversight Committee or to my own ranking senior member, the gentleman from Wisconsin (Mr. ZABLOCKI). If I could ask either Mr. ZABLOCKI or Mr. NEDZI a couple of questions with regard to the specifics as to implementation of oversight, I think it might be helpful both in improving my understanding and certainly in avoiding any vagueness attendant to the Chairman's statement last week indicating the work done on oversight.

I think it was the Committee on Foreign Affairs in conjunction with the Nedzi subcommittee and the existing House leadership that viewed the procedure to include the Committee on Foreign Affairs in the oversight function as to membership and as to access to material. Is that specifically worked out yet? I will ask the gentleman from Wisconsin.

Mr. ZABLOCKI. If the gentleman will yield, that has not yet been specifically worked out. I am sure it will be worked out to the satisfaction of every Member of this House.

Mr. HARRINGTON. Could I ask a second question? Is there any thought being given—rather than having it, as I have put it in a letter to the chairman, in the linkage of the senior membership of the Committee on Foreign Affairs with essentially the senior membership of the Committee on Armed Services—to either rotating or having a caucus of the Committee on Foreign Affairs to determine membership on the oversight question?

Mr. ZABLOCKI. If the gentleman will yield further, of course, I cannot speak for the chairman of the Committee on Foreign Affairs, but I do know this matter is under serious consideration by the senior members of the Committee on Foreign Affairs.

Mr. HARRINGTON. But as yet, there has been no specific plan worked out as to how we would either determine membership or procedures to be followed in engaging in oversight?

Mr. ZABLOCKI. If the gentleman will yield, there is no specific plan worked out, but as soon as there is one, the gentleman from Massachusetts will be one of the first to hear about it.

Mr. HARRINGTON. I should appreciate that. With that information, it is nice to hear it without reading about it in the papers. I thank the gentleman for the additional information on that.

Let me just conclude by suggesting that I think, with obvious appreciation for the differing views of the gentleman from Michigan, at least in one narrow instance as far as it affects our knowledge of what went on in Chile, that general knowledge acquired either in present sense or while in the formation stage has been virtually nonexistent for the ordained oversight committees of the Congress. And any effort made to suggest, whether it be by agreement or otherwise, that because we suddenly have to decide that after a very, very prolonged absence in the field, the Committee on Foreign Affairs added presence to the existing Oversight Committee on Armed Services presence will suffice for real oversight, I think, is contributing to the illusion that has gone on altogether too long in this Chamber. I hope whatever is done, and evidently endorsed, is done with an appreciation for something that approaches effective, meaningful, systematic, well-staffed, and I hope not homogeneous membership. If they do anything at all, they should begin to get the Congress into something more than simply reactive leadership alone.

Having this agreed to, there will be a start in that direction, I hope. But I at least wanted to voice my sentiment today.

Mr. Chairman, I yield back the remainder of my time.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, I am opposed to this amendment for a very simple reason. I believe that the more Members of this House, or more members of any organization, that we bring into the question of foreign activities, in CIA activities, or intelligence gathering, or whatever it might be, we are just creating that many more possibilities of leaks of information that should not be made available to a potential enemy.

If we want to change the jurisdiction relative to the CIA or foreign information gathering to the Committee on Foreign Affairs, we can do that.

If we want to leave it in Armed Services, we should do that, but let us not spread it out and give every committee in the House a piece of the action. Let us not give to more people the opportunity to leak information that should not be leaked.

I believe the amendment is a bad amendment and I think it will seriously hamper our activities in gathering foreign intelligence information.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI) to the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. HANSEN).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. BADILLO TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. HANSEN OF WASHINGTON

Mr. BADILLO. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. BADILLO to the amendment in the nature of a substitute offered by Mrs. HANSEN of Washington: Page 75, after line 5, insert the following new section (and redesignate the succeeding sections accordingly):

"SEC. 322. Rule X of the Rules of the House of Representatives, as amended by the previous sections, is further amended by adding at the end thereof the following:

"(t) Committee on Urban Affairs.

"(1) Public and private housing.

"(2) Urban development.

"(3) Urban mass transportation.

"(4) Relocation assistance.

"(5) Regional planning for urban affairs, including environmental protection, economic development, residential patterns, and other matters which have a related or simultaneous impact on a large metropolitan center and adjoining suburbs or nearby cities and towns.

In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight functions under clause 2(b)(1)), the committee shall have the special oversight functions provided for in clause 3(f) with respect to urban planning and the impact of government programs on major urban centers.'"

Mr. BADILLO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read. Copies have been submitted to the respective majority and minority managers and the amendment has been printed in the RECORD.

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

There was no objection.

Mr. BADILLO. Mr. Chairman, this amendment proposes the establishment of a Standing Committee on Urban Affairs which would have legislative jurisdiction basically for regional planning in the area of urban development, mass transit, environmental protection, economic development, and is all of those matters which have to do with the problems between the cities and the suburban centers of the country.

The amendment as submitted now has been revised from an earlier amendment which would have taken away jurisdiction from the Banking and Currency Committee and from other committees. This amendment does not take jurisdiction away from any committee at all. It merely provides concurrent jurisdiction and the purpose of the jurisdiction is so that we may begin to discuss within the committee programs which have to be developed on a regional basis.

The difficulty with the reorganization plans which are presently pending before the House is that they follow the traditional pattern of having a committee structure by categories, so that if we want to proceed on housing we have to go to the Committee on Banking and Currency; or if we want to proceed on health matters we have to go to the Committee on Health; or if we want to proceed on education, we have to go to the Committee on Education or to the Committee on

Education and Labor; or if we want to proceed on general revenue sharing we have to go to the Committee on Government Operations; or if we want to proceed on transportation we have to go to the Committee on Public Works, and so forth.

But the problem is that there is nowhere any program under which we can plan on a regional basis. As a matter of fact, the Hansen substitute does not even mention regional planning at all, and the BOLLING proposal provides for regional planning only in the Committee on Public Works in connection with the Tennessee Valley Authority.

Yet, the most dramatic change that has taken place in our society since 1946, since the 1946 reorganization, has been the increased urbanization in this country. Today 74 percent of all the American people live in urbanized areas and only 135 Members of this House come from areas which are more than 50 percent rural.

The problems of today are not any longer the problems of the cities alone but they are also the problems of the suburbs, they are the problems of the urbanized centers of this country, and those problems require regional solutions. We cannot talk of having a solution to the problem of air pollution if we do not take into account that the air travels across regional boundaries. We cannot talk about the problems of water pollution or mass transit without taking into account the reality of regional problems.

We cannot rely upon the municipalities or the States to solve those problems because the municipalities and the suburban boards have no jurisdiction to go across their boundaries and they must plan within their boundaries only.

The States themselves are limited to the particular State. In many areas, such as on the question of mass transit in the metropolitan New York area it is only possible to have a plan if we include New York, New Jersey, Connecticut, and Pennsylvania.

No one State is able to submit that kind of a regional plan, so it is clear that if we are going to move toward an analysis of the problems of our country on a regional basis we have to begin to take action from the level of the Federal Government. That is what this amendment proposes that we being to recognize, that we should deal with the problems on a functional basis, not on a categorical basis.

It is for that reason that this committee is being proposed. It is for that reason it does not seek to take jurisdiction away from anyone. The purpose of this amendment is to try to begin to get our people together, those in the cities and those in the suburban centers, to identify the areas where they have something in common, where they can begin to work together.

For that reason, I have left out the question of busing, because that is a divisive problem. We want to make a start to identify the areas of common interest, so that we can begin to move toward the society of the 1970's, 1980's, and the 1990's, and beyond.

I urge support of this amendment.

Mr. SMITH of Iowa. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not disagree necessarily with any of the objectives that the gentleman states; but, of course, we must keep in mind that in order to give a new committee legislative jurisdiction, jurisdiction must be taken away from other committees. Under the proposed amendment, jurisdiction is taken away from the Committee on Banking and Currency, in the case of public and private housing, taken away from public works, for mass transportation, relocation assistance is from labor. Perhaps these are appropriate things to do, I do not know; but it seems to me that this is too far-reaching to do here with an amendment on this bill in just a few minutes. If it should be done, it ought to be in a separate bill that comes to the House later when we can really take a good look at what is being taken from what committees and all the problems that it would cause.

I just think that on this bill this amendment should not be adopted.

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

Mr. SMITH of Iowa. I yield to the gentleman from Texas.

Mr. ECKHARDT. I am impressed by what the gentleman says. I am puzzled as to how the amendment would work. It seems to me it would put jurisdiction of a subject matter in two committees in almost every instance.

Mr. SMITH of Iowa. That is my interpretation, too.

Mr. ECKHARDT. For instance, the crime bill is certainly one that affects urban areas. Would we then submit that bill both to this new committee and to the Committee on the Judiciary?

Mr. SMITH of Iowa. I believe that is correct, and what is more, that would make it more difficult to pass the legislation that the gentleman supports.

Mr. ECKHARDT. The drug bill, for instance, was a bill before the Committee on Interstate and Foreign Commerce and divided with the Committee on Ways and Means; but under this proposal it would have to go to three committees, I would assume.

I think there is a wonderful objective here within a somewhat specialized area; but it seems to me we have to break everything up both on categorical and on regional bases, so as to make a duplication of committees in almost every instance.

Mr. SMITH of Iowa. It is so far reaching, it is worthy of being considered in a separate bill at another time.

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

Mr. SMITH of Iowa. I yield to the gentleman from New York.

Mr. BADILLO. Mr. Chairman, I want to point out that the committees would have concurrent jurisdiction, but that does not prevent this particular committee, which is concerned with the regional problems that might have to do with crime, to come up with a proposal that might be more meaningful.

The problem is that, considering the jurisdiction as it now exists in the House, a bill dealing with crime or health or environment or water pollution as separate categories may not meet the particular needs of the urbanized areas of the Nation. We need to begin to recognize the need for regional planning and to address ourselves to that problem.

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

Mr. SMITH of Iowa. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, I am puzzled. For instance, what would happen with respect to my region, which has a large ship channel running through the city of Houston, through industrial areas which are not strictly urbanized areas where people live, and continues on to Galveston?

I do not know who would control that. What about questions of water pollution? Are they going to be treated by the new special Urban Affairs Committee or be treated by the Committee on Public Works?

The ship channel also drains surrounding territory through which streams flow and drain into Buffalo Bayou, which becomes the channel. I just do not know who gets that whole package. It seems to me it absolutely defeats the major purpose asserted as the basis for the amendment in affording a means of deciding the question over a wide area.

Mr. SMITH of Iowa. These are questions that should be answered at a separate time when there is time enough to really explore the depth of what is being done.

Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BADILLO) to the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. HANSEN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BADILLO. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment to the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. MCCORMACK TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. HANSEN OF WASHINGTON

Mr. McCORMACK. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. McCORMACK to the amendment in the nature of a substitute offered by Mrs. HANSEN of Washington: Page 14, after line 4, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

"(c) No Member may serve on more than one standing committee at any time; except that service on the Committee on the Budget, the Committee on the District of Columbia, the Committee on House Administration, the Committee on Internal Security, the Committee on Merchant Marine and Fisheries, the Committee on Post Office and Civil Service, the Committee on Small Business, the Committee on Standards of Official Conduct, or the Committee on Veterans' Affairs shall not be taken into account in applying this requirement. The prohibition contained in

this paragraph shall not apply to any Member serving on two or more committees in the Ninety-third Congress so as to prevent him or her from retaining membership on such committees in the Ninety-fourth and subsequent Congresses."

Mr. PHILLIP BURTON. Mr. Chairman, will the gentleman yield?

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

Mr. PHILLIP BURTON. I thank the gentleman for yielding. I commend our colleague from Washington State for his thoughtful concern with reference to this vexing problem. However, the adoption of this amendment would completely slam the door in the face of the 100 freshmen coming in the House next year, because there will not be sufficient vacanies for them to fill except the House Beauty Shop Committee.

Mr. McCORMACK. I would like to remind the gentleman from California that, if my amendment is accepted, the same number of committee vacancies will be available next session as there are now, and for the same number of Congressmen.

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

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

Mr. DENNIS. Mr. Chairman, I would like to say to the distinguished gentleman in the well that I happen to be one of those who is somewhat skeptical of this one-committee limitation. I think there might be room in this House for a few generalists, and a few people of broad interests, and so I have my reservations. But if the principle is good at all, I fail to see the basis for the grandfatherly discrimination except, of course, to get votes for the Hansen amendment by making it nicer for all of those who enjoy that favored position.

Mr. McCORMACK. I think the gentleman has put his finger on one important point. I think the principle of limiting Members to one committee is a sound one. As I said before, we have a heavy committee schedule and we are encountering conflicts in committee meetings because we are serving on two or more committees. However, I think there is a great deal of wisdom in not trying to create such a sudden change as called for by the Bolling report as it is written. Ultimately, what we are talking about is mitigating that impact from the Bolling report.

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

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

Mr. MILFORD. I congratulate the gentleman on the amendment. I support it I think it is a good one.

Mr. McCORMACK. I thank the gentleman from Texas.

Mr. SMITH of Iowa. Mr. Chairman, I rise in opposition to the amendment. This amendment would do a great deal of mischief. I think the Members ought to think through the possibility of what could happen in the next Congress or the next one after that with the adoption of an amendment like this. One does not have to have a computer to figure out if there is a big shift of the membership of the Republicans versus Democrats from one Congress to another, there must in some instances in some Congresses be a majority Member or a minority Member on more than one committee. Suppose, for example, the shift is to considerably less than 40-percent Republican. If some Republicans are not permitted to serve on more than one committee, there could be some committees almost without Republicans at all. On the other hand, suppose the ratio is about 54 to 46. If we do not permit some majority Members to serve on more than one committee, there is no way to have the 60-percent ratio, which is considered to be a minimum, which is necessary to properly operate committees.

Therefore, it is mathematically impossible to operate under this kind of system without doing a great deal of mischief to the legislative process.

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

Mr. SMITH of Iowa. I yield to the gentleman from California.

Mr. MOSS. I thank the gentleman for yielding. I note here that it says that any Member serving on two or more committees in the 93d Congress is not pervented from continuing to serve.

It is silent on what happens in the case, we will say, of a Member serving now on the Committee on Education and Labor.

Does he follow and have that grandfather right in a successor committee or a committee having gained the major jurisdiction of the committee upon which he is serving or has served?

It seems to be ambiguous there, does it not?

Mr. SMITH of Iowa. That is true, and the grandfather clause makes it even more impossible mathematically to operate in a proper manner.

Mr. MOSS. Mr. Chairman, I thank the gentleman.

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

Mr. Chairman, I have made a great and deep study of this committee assignment matter.

Notwithstanding some of the remarks of my friend, the gentleman from Missouri (Mr. BOLLING), which he made in a "Dear Colleague" letter, I am telling the Members that if they want to see what happens mathematically, they can go back into the back of the room and get a copy of this analysis of it, and I will stand behind the analysis.

The problem that is going to arise in the assignment of committee members is unbelievable under the Bolling bill.

The language of House Resolution 988 is not clear. There are ambiguities and booby traps which should be understood before we vote on the resolution.

The problem which will arise and which will inevitably lead to the bumping of junior Members, results from a combination of the "single track" system, the number of Members available to fill the seats of the 15 "A" committees and the seniority system of the House, which is recognized by House Resolution 988.

We do not know what the ratio of Democrats to Republicans will be in the 94th Congress. It is about 247 to 187 now, in round numbers.

We can assume, as the gentleman from Missouri (Mr. BOLLING) has, that 95 Members will continue to serve on the three mandatory and exclusive "A" committees—Appropriations, Rules, and Ways and Means—58 Democrats and 37 Republicans. This leaves 340 Members for assignment to the remaining 12 "A" committees, which, if maintained at equal size, would average 28 Members per committee. Four committees out of that group could have 29 Members.

In order to balance up the numbers, all of the "A" committees are now on the average of 12 Members in excess of the average of 28 Members. The Bolling committee plan will greatly enlarge some of them as Members exercise their transfer rights.

There is a provision in the Bolling bill that, if a substantial part of the jurisdiction goes over to another committee, a Member can follow that into that committee.

Let us take the Committee on Education and Labor. If all of the Education members wanted to serve on Labor, they have the "right," under the Bolling formula, to make that committee as their choice. If they do that, of course, that committee would go up to a number far larger than it is now. I do not have the figures handy right here.

The gentleman from Missouri (Mr. BOLLING) also refers to page 88, lines 21–26, and says:

No Member will be forced off the committee of his first choice, regardless of his seniority.

Also, he says, when jurisdiction is transferred to a new committee, a Member may "move to that committee with due recognition of his length of service on the former committee, in the House, and any subcommittee chairmanship or ranking membership, when his placement on the new committee is determined."

I want to point out that this is not the case, and further, this cannot be the case—

House Resolution 988 * * * uses the word "should" rather than the word "shall" when dealing with the retention and transfer of Committee membership and with Committee seniority. It recognizes that the Democratic Caucus, the Republican Conference and the Committee on Committees will not be bound by any hard and fast rule, so the resolution uses permissive language rather than mandatory language which would confer a right upon a member.

What would happen, for instance, if House Resolution 988 were adopted, if all Members could in fact stay on the committee of their own choice, and if Members could transfer with their transfer of jurisdiction?

Would those who transfer, those who may be committee chairmen and who are high in length of service in the House and high in seniority, be able to bump members on that committee? If 16 of them can stay on that size committee, would they go below the 16, or if they are subcommittee chairmen, would they be able to bump subcommittee chairmen who are there already?

If they are high in seniority, would they bump somebody from the 16 on the

Democratic side and somebody from the membership on the Republican side?

Mr. Chairman, it becomes difficult when we get into this study, and I know how difficult it is to apportion subcommittees in the Committee on Government Operations. I had to go to 12 members on the subcommittee in order to satisfy the basic rule that the subcommittee members would have the same percentage rights on the Republican side as the Democratic side. I could not do it with 4–3, I could not do it with 5–4. However, I could do it with 7–5. I finally had to go to 7–5, which made it 12.

How many subcommittees can we have? There is no limit to subcommittees.

How much double-service memberships on subcommittees are involved in this thing? This is more complicated the further we go.

Mr. Chairman, I say that this amendment should be defeated. It is a patchwork amendment, and it would not do the job any more than the full resolution does.

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

Mr. Chairman, I do not wish to be heard on the subject matter of the amendment. The objections to that amendment have been made by the members of the Hansen committee. I briefly wish to speak on the points made by my friend, the gentleman from California.

The select committee and its staff spent hours and days wrestling with this particular problem. It is essentially a matter for the Caucus. We played all the mathematical games that we could think of. We decided that we could not in honesty come back to the House with anything that made any sense, since it was primarily a Caucus responsibility.

We also decided not to come up with illustrations like the one which has been given and which I think demonstrates the inutility of the position of my friend, the gentleman from California.

The gentleman's paragraph c. on the second page makes some really interesting assumptions. That paragraph reads as follows:

The Post Office and Civil Service Committee is abolished and its primary jurisdiction transferred to the new Committee on Labor. 20 members of that Committee have a "right" to transfer to the Labor Committee (and probably will). In addition, 36 members of the present Education and Labor Committee have a similar "right" and would probably transfer.

Thus, according to paragraph c. on page 2, as offered by the gentleman from California (Mr. HOLIFIELD), all 36 members of the Committee on Education and Labor and all 20 members of the Committee on Post Office and Civil Service will go over to the Committee on Labor, and we will have there a 56-man Committee on Labor.

Now, if any other Member in the House thinks that is possible, I will be very much impressed. I think it is inconceivable, and I think it is nothing more than playing games with mathematics.

The fact of the matter is it is extraordinarily complicated, and it is a matter for the caucus and the conference and the leadership.

I do not wish to get involved in a discussion with the gentleman from Washington (Mr. MCCORMACK) on the matter. I simply do not believe the letter from the gentleman from California (Mr. HOLIFIELD) to the Members in reply to mine is to the point.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. MCCORMACK) to the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. HANSEN).

The amendment to the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. PRICE OF ILLINOIS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. HANSEN OF WASHINGTON

Mr. PRICE of Illinois. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. PRICE of Illinois to the amendment in the nature of a substitute offered by Mrs. HANSEN of Washington: Page 76, after line 16, insert the following new section:

"SEC. 324. Nothing in this resolution, or in Rule X of the Rules of the House as amended by title I and this title, shall alter or affect the jurisdiction, membership, powers, functions, or procedures of the Joint Committee on Atomic Energy."

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

The CHAIRMAN. The Chair will count.

Ninety-two Members are present, not a quorum.

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

Members will record their presence by electronic device.

QUORUM CALL VACATED

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

The Committee will resume its business.

AMENDMENTS OFFERED BY MR. PRICE OF ILLINOIS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. HANSEN OF WASHINGTON

Mr. PRICE of Illinois. Mr. Chairman, I offer a group of three other amendments which are conforming amendments to affect the major amendment to which I will address myself in my remarks, and I ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

Amendments offered by Mr. PRICE of Illinois to the amendment in the nature of a substitute offered by Mrs. HANSEN of Washington: Page 5, lines 12 through 24, strike out "and nonmilitary nuclear energy and research and development including the disposal of nuclear waste".

Page 5, line 18, in (e), insert the words "and nonnuclear" before "research".

Page 67, lines 17 through 19, strike out "and nonmilitary nuclear energy and research and development including the disposal of nuclear waste".

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

Mr. BOLLING. Mr. Chairman, I reserve the right to object for the purpose of inquiring of the gentleman what he believes this collection of amendments does. I will tell him in fairness that we believe the amendments are drafted properly to do what he believes they will do, both to the Martin proposal and to House Resolution 988. What I should like is an explanation of what the first amendment, plus the additional amendments which he wishes to have considered en bloc will do.

Mr. PRICE of Illinois. That is what I intended to do in my remarks.

Mr. BOLLING. I should like to know before I agree to it, if the gentleman will state just very briefly.

Mr. PRICE of Illinois. The first amendment says:

Nothing in this resolution—

Or the Rules of the House, and so forth—

shall alter or affect the jurisdiction, membership, powers, function, or procedures of the Joint Committee on Atomic Energy.

The amendment on page 5 of the Hansen amendment avoids the unnecessary duplication of the congressional oversight functions.

The amendment on page 67 would modify the repetition of the assignment of jurisdiction in paragraph 3(d) to which the first amendment was addressed.

The final amendment would eliminate the language that refers to the nonmilitary aspects of nuclear energy, the same language that is in all of the amendments.

Mr. BOLLING. Further reserving the right to object, Mr. Chairman, this batch of amendments and conforming amendments would in effect have the same effect on the Hansen resolution as the amendments the gentleman intends to offer if we get to the Bolling resolution or will offer on the Martin resolution, which is to restore everything to the Committee on Atomic Energy?

Mr. PRICE of Illinois. That is correct. And I would say to the gentleman I did submit these amendments for each of the resolutions to his desk.

Mr. BOLLING. I understand that. I am not being critical of the gentleman in any way. I am just having a hard time keeping up with all the paper that has come to the desk, to be frank about it, and, Mr. Chairman, I do not object.

Mr. O'HARA. Reserving the right to object, Mr. Chairman, I would hope the gentleman from Illinois would withdraw his request to consider these amendments en bloc. I have no objection to the first amendment, but I would feel constrained to oppose the second, and I have not made up my mind on the third. So I hope the gentleman will withdraw his request. If not, I would have to object.

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

Mr. O'HARA. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The gentleman from Illinois (Mr. PRICE) is recognized for 5 minutes in support of his first amendment.

Mr. PRICE of Illinois. Mr. Chairman, as Members of the House know and

understand, the Joint Committee on Atomic Energy is a statutory committee. It is a joint committee made up of representations from both bodies of the Congress. It has legislative authority. It acts on legislation referred to it by both bodies of the Congress. It reports jointly to both bodies of the Congress and it makes recommendations on legislation. It also has the oversight function over the Atomic Energy Commission. Under the Atomic Energy Act, the Commission is compelled to keep the committee currently and fully informed on all matters pertaining to atomic energy. This it has done throughout the years.

The use of atomic energy covers many fields, not only military.

As a matter of fact, the gentleman from California (Mr. HOLIFIELD) and I are charter members of the committee and were champions of the action in the House in 1946 which placed emphasis on the civil functions of the atomic energy program.

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

Mr. HOLIFIELD. I yield to the gentleman from Oklahoma, the distinguished Speaker of the House.

Mr. ALBERT. Mr. Chairman, I hate to interrupt the gentleman, but I realize some of the problems that have been raised involve matters of jurisdiction on the question of energy. This problem has been particularly complicated because energy problems have grown as the country has changed. But I have never seen a measure come out of the Joint Committee on Atomic Energy that I thought was more germane to another energy committee than to that committee.

It seems to me if there is any committee whose basic jurisdiction, although it is partly military and partly civilian, is across the board, it is this committee. It does have a common denominator which never causes the House any trouble.

I support what the gentleman from Illinois is saying and I hope the House will do likewise.

Mr. PRICE of Illinois. Mr. Chairman, I thank the distinguished Speaker.

I was pointing out the major part of the effort of the Joint Committee, of course, through the years was in the weapons field but we are gradually getting away from that and more and more emphasis is being placed upon the peaceful uses of atomic energy. There is hardly any large hospital in this country that does not benefit from the atomic energy program and the medical profession throughout the country benefits from the work of the atomic energy program.

We have sponsored these medical programs. We have promoted them. We did everything possible to extend the benefits of the peaceful uses of atomic energy throughout the country.

The amendment I offer assures that the specified assignment of the committee functions and the committee requirements in the resolution would not affect in any way the statutorily described responsibilities and authority of the Committee on Atomic Energy.

I urge that the whole atomic energy program continue to be centrally overseen, as heretofore. If the legislative and oversight functions of the Congress are fissioned as proposed by the resolution, the consequences will be a redundance of congressional inquiry, consideration, and piecemeal treatment resulting in seriously diminished congressional effectiveness with respect to the atomic energy program—a program more vitally important today than ever before.

If Congress is now unduly ponderous, slow and indecisive in relation to the energy challenge—and the majority of our citizens hold this view—the proposed disbanding of its only effectively organized mechanism for overseeing an energy program in a comprehensive and decisive manner will only serve to worsen that poor posture.

In my judgment, the conduct of the Atomic Energy program by the executive branch will rapidly deteriorate without clearcut, fully focalized comprehensive congressional attention of the type the Joint Committee has been able to provide.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(At the request of Mr. ANNUNZIO and by unanimous consent, Mr. PRICE of Illinois was allowed to proceed for an additional 2 minutes.)

Mr. PRICE of Illinois. Mr. Chairman, instead of emasculating the Joint Committee and scattering its functions and responsibilities, the committee's record should serve as a shining example of effective congressional committee performance.

Mr. HOLIFIELD. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, this is an amendment that affects the jurisdiction of the House side of the Joint Committee, a committee that the gentleman from Illinois (Mr. PRICE) and I have served on for 28 years and which has a notable and outstanding record.

Mr. Chairman, in view of the importance of this matter, I ask that I be allowed to speak for 5 additional minutes.

(By unanimous consent Mr. HOLIFIELD was allowed to proceed for an additional 5 minutes.)

Mr. HOLIFIELD. Mr. Chairman, I rise in support of the amendment offered by the chairman of the Joint Committee, our colleague, the gentleman from Illinois (Mr. PRICE). We have served together on that committee for 28 years, as I said. That committee has done an extraordinarily fine job. This is evidenced by the unusually strong support which the Congress has given, in its annual authorization bill. The dissenting votes have been very few. It is also demonstrated by the accomplishments of this committee.

The excellence of that committee's work has been demonstrated by the accomplishments of this committee in both the military and civilian fields. First, let us consider the military accomplishments. We have carried out and directed research and development of weapons size and strength, for delivery by intermediate and intercontinental missiles. We pioneered the nuclear submarines by funding the first four submarine reactors which were developed, two of which were used in the *Nautilus* and the *Seawolf*, our first two nuclear submarines.

The wedding of the Polaris and the Poseidon missiles gave us air-launching missiles from underwater submarines with a range of several thousand miles. The naval surface ships, the carrier *Enterprise*, the cruiser *Long Beach*, the frigates *Bainbridge* and *Truxton*, give us unlimited radius without dependence on logistic fuel supply, which is also true of the submarines. Our nuclear submarines are in the front row of our defense today, and the most difficult to locate by an enemy, of any missile-launching device.

Let us get to the civilian application. We have developed more than a thousand peacetime applications. The budget is 50 percent peacetime applications. All this is taken away from us by the Bolling resolution and the Martin resolution.

We have developed more than 100 different isotopes for diagnostic and therapeutic use by doctors in our hospitals. One out of every four people in hospitals are treated with radioactive elements of one kind or another.

We have developed the only new—listen to this—domestic fuel resource of any importance to help us in our energy deficit. It is estimated that 50 percent of our electrical energy will come from nuclear fuel by the year 2000.

The nine House members of the joint committee do not deserve the gutting operation of the Bolling resolution and Martin resolution. We have done a good job. This House has already reversed the Hansen recommendation and restored the jurisdiction of the Rules Committee. The Members will remember how the Rules Committee members objected to having its jurisdiction taken away. Now, we are making the same objection.

This House has already restored the jurisdiction of the Committee on Internal Security, and by an overwhelming vote. I now ask the Members to restore the original jurisdiction of the House section of the Joint Committee on Atomic Energy. I ask the Members to vote for the amendment of the chairman of the committee, our colleague from Illinois (Mr. PRICE).

Mr. Chairman, what has the Atomic Energy Committee done to justify this gutting operation? Is it to take care of some friends on Space and Technology or on the Interior Committee? Do the Interior Committee members have any grasp of this situation? Does the Committee on Space and Technology have any grasp of this situation? They are in the solar and geothermal business. They have not been in the nuclear business, and I will tell the members of the committee that it is a complicated business.

There are a lot of other factors involved in this. Here is a procedure which is being used under the constitutional right of changing the jurisdiction of the House to nullify a statute. The Joint Committee was set up by statute in 1946 in the MacMahon Act and the Cole-Hickenlooper Act of 1954, it was again affirmed that it was a statutory committee with the right to legislate and the right to authorize. It is different from

the Joint Committee on Printing, for instance.

It is the only Joint Committee that has the right to authorize and legislate that I know anything about. We are moving to absolutely destroy the House side of it. The Senate side is not touched. Why is that? Because the Senate has to make its own rules, but look at the lopsided situation we have.

We have a gutted half of the Joint Committee on the House side, and we have the full committee on the Senate side. What comity is this? Was there any consideration given to bringing in a law or a bill which would nullify the statute? No. They are getting the same result indirectly which they did not go after directly. They are doing by the device of changing the rules of the House a gutting job on the Joint Committee on Atomic Energy.

I say that this committee has an outstanding record. It has a staff and persons on that committee who have had years of experience. The gentleman from Illinois (Mr. ANDERSON) will be the ranking member on his side after the gentleman from California (Mr. HOSMER) leaves. The gentleman from Illinois (Mr. PRICE) will be ranking member on the Democratic side.

Rather than gutting this committee, we ought to be strengthening it because we are to be dependent upon atomic fission and upon this committee's expertise for 50 percent of our energy by the year 2000. We are already making 4 percent, and we are ahead of anything the Joint Committee estimated in the way of schedules. The utilities are turning to this committee to avoid buying Saudi Arabian and Venezuelean oil. These nuclear reactors today are our only source of domestic fuel outside of the coal and gas we have in our country to fill this tremendous gap in energy. Do we want to break up a working organization that is doing a good job and put it into the hands of people who are well motivated and friends of mine but who are inexperienced in this field? It is going to take them years to get the experience that the members and staff of the Joint Committee now have.

What are we going to do with this committee? Are we going to summarily kill it just because we have an opportunity to reach for some kind of an elusive goal of reform? What are we going to do? I hope this House will do the fair thing as they did by the Rules Committee and by the Internal Security Committee—we should restore the Atomic Energy jurisdiction to prevent it from being destroyed and its functions assigned to two other committees in the House.

I am going to join Mr. PRICE in offering this same amendment to the Martin resolution and to the Bolling resolution when it comes up. Let us start off right now by making it known clearly that this House will stand behind the Joint Committee it has stood behind for 28 years, a committee that has had no trouble, a committee that has handled classified and unclassified material without any leaks from that committee, a committee that has special building and electronic arrangements to protect classified material. Let me tell you this: They are not all military secrets. Some of the secrets have to do with the enrichment of uranium in the bombs. I just hope this House will recognize the service the committee has rendered and support the Price amendment.

Mr. O'HARA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as one of the sponsors of the Hansen proposal, and having discussed it with the gentleman from Washington, I can say that there is no objection to this amendment on the part of the sponsors of the Hansen proposal. It simply clarifies our intention. In the Hansen proposal no effort is made to remove any of the legislative jurisdiction of the Joint Committee on Atomic Energy. The Hansen proposal does not touch the Joint Committee on Atomic Energy. All the Hansen proposal does is to provide some oversight by committees of the House of some matters that are within the jurisdiction of the Joint Committee on Atomic Energy.

Certainly we are ready to accept the amendment as clarifying the provisions of the Hansen proposal. That is one of the ways in which the Hansen proposal differs from House Resolution 988. House Resolution 988 affects the legislative jurisdiction of the Joint Committee on Atomic Energy and the Hansen proposal does not. So we would accept the amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the amendment that has been offered by the gentleman from Illinois (Mr. PRICE).

Certainly it is true that one of the basic issues, among others, that is before us in our consideration of the reorganization proposal is how this Congress can most efficiently and responsibly deal with the many decisions that must be made on energy legislation in the very near future.

The international political implications of energy independence are manifest for all to see. We are also acutely aware, I hope, that for the domestic economic, social, and political stability of this country, wise decisions on energy must be made very soon by this Congress.

It is a pressing concern, therefore, that we put into effect the reforms in our own organizational structure that would allow for their earliest possible achievement of the goal of energy independence.

It is because I believe in those basic premises and principles that I have just enunciated that I support the amendment, I repeat, of the gentleman from Illinois (Mr. PRICE), because I can think of no more efficient way of handling the nuclear energy affairs of this country than under the persent joint committee system that we have.

I would quite agree with both the gentleman from California (Mr. HOLIFIELD) and the author of the amendment that to have a bifurcated situation where the Joint Committee would continue to work as it has since it was created by statute, many, many years ago and to have the Senate side of that committee confided with the jurisdiction of nuclear matters and then to have the same kind of legislation here on the House side go not to the Joint Committee, even though it still existed and still had the nine House members on that committee that serve today, but, rather, confided those matters to an energy and environment committee or to a science and technology committee, would, it seems to me, confuse the legislative process rather than providing that kind of functional approach and that kind of streamlining that would lead to greater efficiency.

I would make one other point in the brief time that I have remaining in support of what the gentleman from California said as he preceded me here in the well, and that is that in that great nuclear program which we have, there still remains a very significant effort that has to be made if we would implement and carry out the programs that have been started and that are at very, very crucial stages of development.

There are major decisions to be made in the near future by this Congress, decisions that what will not be made by the committee alone, of course, but in cooperation with members of the various public interest groups, in cooperation with the scientific community and with the nuclear power industry, and they concern questions like those involving uranium enrichment, the liquid metal fast breeder reactor or what we should do with respect to the more advanced nuclear energy system, such as fusion.

In my opinion and in my humble judgment, those are matters that must concern and occupy the full attention of people who are familiar with that very esoteric field.

If this amendment is adopted, that is, the amendment offered by the gentleman from Illinois (Mr. PRICE), I think it will enable the Joint Committee to continue its efficient supervision and oversight of these programs.

Therefore, much as I favor the proposition of committee reform, and if anyone has taken the trouble to follow the record of the votes that I have cast since this matter came before the committee and before the House a few days ago, he will know that I have supported in each and every instance what the so-called Bolling committee has sought to do. However, in this instance, I think it would be unwise, it would be imprudent, it would be counterproductive in the great energy effort that we must continue to make in the years ahead to destroy the jurisdiction of the Joint Committee on Atomic Energy.

I hope the gentleman's amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. PRICE) to the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. HANSEN).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. BINGHAM TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. HANSEN OF WASHINGTON

Mr. BINGHAM. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM to the amendment in the nature of a substitute offered by Mrs. HANSEN of Washington: On page 53, after line 2, insert the following:

"PAIRS IN COMMITTEE OF THE WHOLE

"SEC. 209. The first sentence of clause 2 of rule VIII of the Rules of the House of Representatives is amended by inserting 'by the House or Committee of the Whole' immediately before the first comma."

POINT OF ORDER

Mr. SMITH of Iowa. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Chair will be glad to hear the gentleman's point of order.

Mr. SMITH of Iowa. Mr. Chairman, I make a point of order against the amendment for the reason that it is an amendment to rule VIII, whereas the principal resolution under consideration here, House Resolution 988, attempts to amend rules X and XI only. Therefore, the amendment is not germane.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. BINGHAM. I do, Mr. Chairman.

Mr. Chairman, I was hoping that the amendment was sufficiently noncontroversial so that the point of order would not be made, and I do want to be heard on it.

This would amend title II of the resolution, which is headed, "Miscellaneous and Conforming Provisions." That title of the resolution is not limited to changes in rules X and XI. It affects other rules, section 207, for example, amendment to rule XVI, and under the heading of "Miscellaneous and Conforming Provisions," it would seem to me that a simple amendment to rule VIII would clearly be in order.

The CHAIRMAN (Mr. NATCHER). The Chair is ready to rule.

On hearing the gentleman from Iowa (Mr. SMITH) and the gentleman from New York (Mr. BINGHAM), the Chair is of the opinion that there is nothing in the Hansen amendment in the nature of a substitute, as perfected, relating to voting procedures in the Committee of the Whole. The miscellaneous provisions in the Hansen amendment, as perfected by the Waggonner amendment, do not broaden the Hansen amendment to the extent suggested by the gentleman from New York.

Therefore, the point of order must be sustained, and the point of order is sustained.

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

Mr. Chairman, I would simply like to explain the purpose of the amendment which I offered and which I had hoped would be sufficiently noncontroversial so that no point of order would be raised against it.

As Members, we do not have the convenience of being able to use pairs in Committee of the Whole. The Parliamentarian has so ruled. We can use pairs on all other record votes.

Now that we frequently have record votes in the Committee of the Whole, it would seem to me in the interest of Members that pairs should be available to Members on those occasions. At the earliest opportunity I will seek to achieve that objective, which, while not of enormous significance, would permit Members to record their position on all record votes, even when they cannot be present.

AMENDMENT OFFERED BY MR. DINGELL TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. HANSEN OF WASHINGTON

Mr. DINGELL. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. DINGELL to the amendment in the nature of a substitute offered by Mrs. HANSEN of Washington: Page 37, immediately following line 20, insert the following new section and redesignate ensuing sections accordingly:

"APPROPRIATIONS BILLS

"SEC. 201. Rule XXI of the Rules of the House of Representatives is amended by inserting the following new Clause, and renumbering ensuing Clauses accordingly:

"'3. A committee report accompanying any bill making an appropriation for any purpose—

"'(a) shall not contain any directive or limitation with respect to such appropriation unless such directive or limitation is set forth in the accompanying bill, and

"'(b) shall contain a concise statement describing fully the effect of any provision of the accompanying bill which directly or indirectly changes the application of existing law.'"

POINT OF ORDER

Mr. WHITTEN (during the reading). Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman from Mississippi makes a point of order against the amendment.

Mr. DINGELL. Mr. Chairman, I believe the point of order is premature. The reading of the amendment has not been concluded.

The CHAIRMAN. The gentleman is correct.

The Clerk will continue the reading of the amendment.

The Clerk concluded the reading of the amendment.

The CHAIRMAN. Does the gentleman from Mississippi (Mr. WHITTEN) insist upon his point of order?

Mr. WHITTEN. Mr. Chairman, I do.

Mr. Chairman, the resolution before us amends rules X and XI. I am told the Hansen provision by a special rule was permitted to include a provision that would affect rule XVI. The amendment offered by the gentleman from Michigan (Mr. DINGELL) goes, according to its wording, to rule XXI and I respectfully submit that it is not germane to the matter before us. There are many, many reasons why this should be, Mr. Chairman, because a reading of the gentleman's amendment would mean that no longer would there be any reports submitted by any committee in connection with any bill because of having to be included in the bill there would be no need for the report.

For example, in the case of the Subcommittee on Defense Appropriations I suspect the bill would be about as thick as three Sears Roebuck catalogs, and that of the public works would be probably as big a one.

The fact is that the matter before us which limits it to rules X and XI, with the special exception of rule XVI, which was stricken, but which was included by reason of a special rule, so that the amendment offered by the gentleman from Michigan (Mr. DINGELL) directed as the gentleman would in that amendment to rule No. XXI, is nongermane to the matter before us, the subject matter, and therefore should be ruled out of order.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. DINGELL. I do, Mr. Chairman.

Mr. Chairman, I have before me House Resolution 988, and House Resolution 1248. The question before the body is whether or not the amendment would be germane either to House Resolution 1248 or House Resolution 988. The question which must be considered in establishing the germaneness of the amendment is the whether amendment germane either to the amendment, or to the resolution?

The question of germaneness is not related simply to the particular rules to which either House Resolution 988 would address itself, or House Resolution 1248 would address itself, but rather to whether on a fair reading of the entirety of the two proposals that the proposal would be germane to the amendment to House Resolution 988 and House Resolution 1248, which is at this moment before the House.

The gentleman from Mississippi—and I have the greatest respect for the gentleman, as he is an enormously able and valuable Member of this body—is saying that because this particular amendment would purport to amend rule XXI it is not germane.

If the Chair will look at the language of the amendment it first of all deals with appropriation bills, the work product of the Committee on Appropriations, and the powers and prerogatives of the Committee on Appropriations under the rules. If the Chair will consult both House Resolution 988 and House Resolution 1248 the Chair will find that there is a miscellaneous section there too. This amendment is directed at the miscellaneous section. I would inform the Chair that word "miscellaneous" means broad, diverse, and manyfold.

I would point out that not only do the provisions of both the miscellaneous section and the rest of the bill deal not only specifically with rules X and XI, and with other portions of the rule not enumerated or named, but treated in a general fashion, but that the miscellaneous section deals with a large number of items within the rules of the House.

More specifically, both of the resolutions deal with the powers and prerogatives of the Committee on Appropriations as well as the duties and the responsibilities. And so a section to be added relating to the powers and the prerogatives of the Committee on Appropriations would at least in my view, therefore, be fully appropriate and germane, because the function of the amendment as offered is to deal with the powers and prerogatives of the Committee on Appropriations and, Mr. Chairman, in contrast to what my good friend, the gentleman from Mississippi said, not just the powers of all the committees, but only the powers of the Committee on Appropriations since the amendment relates to the question of how appropriation bills shall be re-

ported to the House, and the main rule is the one relating to the powers of the Committee on Appropriations in legislating.

So I think it ought to be clearly ascertained that we put, through the proposed amendment—or the proposed amendment would put—further restrictions on the powers of the Committee on Appropriations to legislate. I would address myself to that in the appropriate fashion when the Chair has disposed of the point of order.

I note my good friend, the gentleman from Texas, is standing. If the Chair would permit, I will yield to him for an appropriate comment.

The CHAIRMAN. The Chair will hear the gentleman from Texas on the point of order.

Mr. ECKHARDT. I thank the gentleman for yielding.

Mr. Chairman, I will state my position opposing the point of order on slightly broader grounds. I agree with everything the gentleman says.

Rule XXI is a rule which prevents the circumventing of jurisdiction of all the committees. Rule XXI cannot be divorced from the general question of assignment of jurisdictional responsibility to the major committees of this House. If it were not for rule XXI, the Committee on Appropriations would be in a position, because it deals with so many bills from so many committees, to insert new material at the appropriations level. All of the bills before us deal with the Committee on Appropriations, but, more importantly, all of the bills before us deal with the question of protecting and establishing jurisdiction of the major committees of the House. In addition to that, all of the bills before us deal with the assignment of jurisdictional authority by the Speaker and in the case of the Bolling bill, by the Committee on Rules—and ultimately by the House—of bills to committees.

It is utterly impossible to separate this web of provisions, including the rules covered by these three bills and rule XXI. Therefore, it would seem to me, Mr. Chairman, that the amendment is germane. Most of the arguments made against it seem to me to be arguments on the merits.

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

Mr. MARTIN of Nebraska. I do, Mr. Chairman. I, too, raise a point of order on the gentleman's amendment.

I should like to point out that in the original resolution, House Resolution 132, which was adopted by the House on January 31, 1973, the second paragraph stated as follows:

> The Select Committee is authorized and directed to conduct a thorough and complete study with respect to the operation and implementation of Rules X and XI of the Rules of the House.

This amendment is directed to rule XXI. The select committee was not instructed to make any changes in rule XXI. Therefore, I raise a point of order also in regard to the gentleman's amendment.

The CHAIRMAN (Mr. NATCHER). The Chair is ready to rule.

The amendment offered by the gentleman from Michigan (Mr. DINGELL) is drafted to the miscellaneous portion of the amendment offered by the gentlewoman from Washington (Mrs. HANSEN). That portion of the amendment refers to several rules of the House, even though the Waggonner amendment deleted all reference to rule XVI. The amendment as offered, relates to the content of reports filed by the standing Committee on Appropriations, a matter within the scope of the Hansen amendment in the nature of a substitute. The Chair has carefully considered the point of order and the arguments of those who have spoken on the point of order, and it is the opinion of the Chair that the point of order must be overruled, and that the amendment is in order to the Hansen amendment in the nature of a substitute.

The Chair recognizes the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, most of my colleagues are familiar with the problem that the House has with regard to appropriation bills. It is unfortunate with almost every appropriation bill which comes before the House we have two problems, the first of which is that there are a large number of legislative pronouncements in the bill. Although the Appropriations Committee very graciously makes available to the House some information with regard to legislation in these appropriation bills available to the House, it nevertheless is discerned when the House has gone into this particular matter that the Appropriations Committee has not fully itemized items of legislation in the bill.

Rule XXI which would be amended by the amendment now before the House proscribes legislative enactments by the Appropriations Committee in its appropriation bills.

This amendment carries rule XXI a little further. It says that the committee report accompanying such appropriation bills "shall not contain any directive or limitation with regard to such appropriation unless such directive or limitation is set forth in the accompanying bill."

This simply means that when the bill is read we will know what the Appropriations Committee wants to have done. I do not think that is beyond the scope of prudent legislation. Indeed I think that the public interest would be well served by having that information clearly before the House subject to debate and subject to discussion and subject to revising.

What is the evil that this particular section is directed at? Let us take the case of the appropriation bill which will be before us tomorrow, the Agricultural, Environmental, and Consumer Protection Appropriation bill of 1975. Before its veto earlier this year we had a lengthy discussion upon this House floor with respect to the meaning of the language in the report on that appropriation bill limiting the powers of the Federal Trade Commission. We now find similar language in the report will be before the House from the Committee on Appropriations which sets out that the EPA shall not issue any regulation which has the effect of either increasing consumer costs or doing certain other things, and the Appropriations Committee did not put that into the bill but they did put it into their report. So how are we to judge? Are we legislating by consideration of a bill with that kind of a report or are we considering a mere pronouncement of the Appropriations Committee?

I think clearly this is the kind of situation to which the House ought to be directing its attention at this particular time.

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

Mr. DINGELL. I will yield to the gentleman from Mississippi because I have the highest regard for him and I always enjoy our discussions.

Mr. WHITTEN. Mr. Chairman, may I call the attention of the gentleman to the particular wording he has described. If the gentleman will read the report he will see that it reads quite differently. It plainly spells out that the Appropriations Committee has not provided any money to decrease the supply of food or increase its cost and that we have made no appropriation to decrease the supply of electricity or increase its cost. That is what we said. Of course, we believe EPA should follow the committee's directive. We did not place the provision in the bill for the reason that it would allow no elasticity.

Mr. DINGELL. Let me read this, since this is on the matter and this is from the Appropriations Committee report, page 5, where it says:

> The Committee considered recommending the following language in the bill relating to funds for the Environmental Protection Agency:
>
> "None of these funds are appropriated for the purpose of administering any program that reduces the supply or increases the cost of electricity or food to the consumer."
>
> However, the Committee agreed it would be best to include the language in the report at this time, and to rely on the Environmental Protection Agency to so modify its regulations and requirements as necessary to accomplish this directive.

The problem is we have got a half dozen legislative committees which are open and ready and available to give the relief the Appropriations Committee seeks to give if we decide to do it, but do we do it through the Appropriations Committee or by legislation or how?

As a matter of fact, all we are sure on this, when EPA comes before the committee next year——

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(By unanimous consent Mr. DINGELL was allowed to proceed for an additional 3 minutes.)

Mr. DINGELL. Why they did not adhere to the language in the report, I do not know.

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

Mr. DINGELL. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I wanted to call attention to the fact that the committee did put the language in the report so that these matters could be discussed, so that we might be able to work these matters out. For that reason I did not make it a flat prohibition that would be true in the bill.

I call attention, it is within the prerogative of the Committee on Appropriations to recommend to the Congress the funds and what they shall be for.

By the same token, it is within the power of the committee to say what they are not for.

In this instance it was the view and opinion of our committee that the intention of the committee was not to make appropriations for the purposes the gentleman has described.

It is sound procedure and in connection with the point of order that was overruled.

Mr. DINGELL. I have great respect for the gentleman from Mississippi. I just happened to disagree on this matter.

The second section says the language of the report shall contain a concise statement describing fully the effect of any provision of the accompanying bill which directly or indirectly changes the application of existing law.

The Committee on Appropriations regularly puts such a statement in the Committee on Appropriations bill reports, and it does not strike me this is going to constitute an undue burden.

I was checking the other day and found by reading the rules that the rules do not require that this be done; so as a matter of fact, the assistance that might be available to the Members of the House, whether the Committee on Appropriations is legislating or not, is not really theirs as a matter of right under the rules. There is no mechanism to assure that the appropriations are set out in clear and full detail in those instances where it is seeking to legislate and change existing law.

The function of this amendment is to accomplish that second purpose, as well as the first. The purposes of the amendment are as follows:

First. To see to it that the limitations on expenditures, and so forth, which appear in the report appear also in the bill.

Second. That there shall be a legislative undertaking in the Committee on Appropriations bill that it is set out clearly before the Members in the report, so that we know whether or not the Committee on Appropriations is engaged in some kind of legislative undertaking.

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

Mr. DINGELL. I yield to my good friend, the gentleman from Texas.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

(At the request of Mr. MAHON, and by unanimous consent, Mr. DINGELL was allowed to proceed for an additional 3 minutes.)

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

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

Mr. MAHON. This amendment gives the Committee on Appropriations a great deal of concern.

PARLIAMENTARY INQUIRY

Mr. STEIGER of Wisconsin. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STEIGER of Wisconsin. Was a unanimous consent request made here for additional time?

Mr. MAHON. Yes, and it was granted.

The CHAIRMAN. The unanimous consent request was granted. The gentleman from Michigan was recognized for an additional 3 minutes.

Mr. DINGELL. Mr. Chairman, I yield to the gentleman from Texas.

Mr. MAHON. Mr. Chairman, let us take the Committee on Armed Services. They come in with an authorization for aircraft of $2.5 billion. That is about all there is in the bill; but then in the report they list what the funds are for and what projects are involved.

When we have an appropriations bill for Defense, say of $82 billion, under this regulation we would have to list each and every project.

Mr. DINGELL. No, no; the gentleman is incorrect in that.

Mr. MAHON. But it does say that in the amendment, because we limit the things the Defense Department can spend the money for, certain types of aircraft, certain types of ammunition, certain types of research and development; so we would have hundreds of pages in the bill, whereas in the report these items are listed rather than in the bill itself.

It seems to me it would just impose an intolerable burden upon everybody concerned, because we say here, "shall not contain any directive," and I assume language specifying how money shall be spent is a directive—"shall not contain any directive or limitation upon such appropriations unless such directive or limitations is set forth in the accompanying bill."

Mr. DINGELL. Let me say, if the gentleman will permit, if the gentleman feels very keenly about the language in section (a), I will ask unanimous consent to strike (a) and renumber (b), if that is the wish of my good friend, the gentleman from Texas, if that relieves the minds of my good friends on the Committee on Appropriations.

Mr. MAHON. I am not sure what the gentleman is saying with respect to section (b).

Mr. DINGELL. The gentleman is complaining about subparagraph (a). I will be delighted to ask unanimous consent to eliminate subparagraph (a) and renumber (b) as (a).

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

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

Mr. ECKHARDT. Mr. Chairman, would it not perhaps be better simply to strike the word "directed" and simply say, "shall not contain any limitation with regard to appropriations"?

Mr. DINGELL. I do not have any objection to that, but I am trying to satisfy one Texan at a time.

Mr. Chairman, in order to comfort my good friend and colleague from Texas, I ask unanimous consent that subparagraph (a) of the amendment offered by myself be striken, and that the letter (b) also be stricken so as to define clearly what I think meets the objections of my friend from Texas.

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

Mr. WHITTEN. Mr. Chairman, reserving the right to object, I did not understand the gentleman's explanation or his request.

Mr. DINGELL. Mr. Chairman, I simply ask unanimous consent that all of subparagraph (a) be striken, and the letter (b) at the beginning of subparagraph (b) be stricken so as to leave the amendment containing only a requirement that the appropriation bill contain the appropriation committee report and describe clearly the provisions of the bill which change the application of existing law.

Mr. WHITTEN. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

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

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

Mr. MAHON. Mr. Chairman, it seems to me that the gentleman has been very helpful.

Mr. DINGELL. I am trying to be. Mr. Chairman, I believe I have made the concession my friend from Texas wants.

Mr. MARTIN of Nebraska. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I understand that the Committee will rise at 3 o'clock in order to prepare for the joint session in which the Congress will receive the President for his economic message. In view of that fact, and in view of the fact that at 3 o'clock we will have been considering, under the 5-minute rule, for approximately 2 hours amendments to the Hansen resolution, I believe that in the interests of fairness and equal play, that when we reconvene after the joint session, that I would hope that the Committee would then devote 2 hours to consideration of amendments to the Martin resolution.

Mr. Chairman, I know that this is nothing that can be controlled under the parliamentary situation, because any Member, if recognized, may offer an amendment to either resolution, but I think it is only fair that the Martin resolution have a couple of hours and that there be an opportunity to have amendments offered to that resolution.

I would hope that the Members, in the interests of fair play, those who want to amend the Hansen resolution, would refrain from doing so in order that those Members who would like to amend the Martin resolution have a 2-hour period in which to do so.

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

Mr. MARTIN of Nebraska. I yield to the gentleman from Missouri.

Mr. BOLLING. Mr. Chairman, I would like to inquire, if I might, how much time has been used in debate?

The CHAIRMAN. The Chair informs the gentleman from Missouri that 1 hour and 23 minutes has been consumed of a 5-hour limitation.

Mr. BOLLING. So that if the gentleman's request were honored by all the

Members, approximately 2 hours were used for amendments to the Martin substitute, there would still be a significant portion of time left for further action on the Hansen amendment?

Mr. MARTIN of Nebraska. That would be my understanding.

Mr. Chairman, I cannot make a unanimous-consent request because of the parliamentary situation. Any amendments to the Hansen substitute have preference to amendments to the Martin substitute.

I am simply asking that those who would have additional amendments to the Hansen substitute refrain for a 2-hour period after we reconvene from the joint session so that the Members who wish to offer amendments to the Martin substitute may have an opportunity to do so.

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

Mr. MARTIN of Nebraska. I yield to the gentleman from Missouri.

Mr. BOLLING. I thank the gentleman for yielding. There is no intention to make any unanimous-consent request, that I know of, in this case. It is merely that the hope would be that it would be fair to give some opportunity to the proponents of the Martin substitute to perfect their substitute. It seems to me the gentleman makes an eminently fair request, and I certainly hope it can be acted upon in this session. I do not know if it will be 2 hours.

Mr. MARTIN of Nebraska. The gentlewoman from Missouri (Mrs. SULLIVAN) has had her amendment pending for approximately a week. Because of the parliamentary situation we have not had an opportunity to act on that amendment. I think it is only fair that we should have some time to consider amendments to the Martin substitute.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Michigan (Mr. DINGELL) to the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. HANSEN).

The amendment, as modified, to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. GUNTER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. HANSEN OF WASHINGTON

Mr. GUNTER. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute, and I ask unanimous consent that the amendment be considered as read.

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

Mr. ROUSSELOT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GUNTER to the amendment in the nature of a substitute offered by Mrs. HANSEN of Washington: On page 20, strike out lines 9 through 25, and on page 21, strike out lines 1 through 7, and insert in lieu thereof the following:

"(g)(1) Each meeting of each standing, select, or special committee or subcommittee, including meetings to conduct hearings, shall be open to the public: *Provided*, That a portion or portions of such meetings may be closed to the public if the committee or subcommittee, as the case may be, determines by vote of a majority of the members of the committee or subcommittee present that the matters to be discussed or the testimony to be taken at such portion or portions—

"(A) will probably disclose matters necessary to be kept secret in the interests of national security or the confidential conduct of the foreign relations of the United States;

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

"(C) will tend to jeopardize the present or future legal rights of any person or will represent a clearly unwarranted invasion of the privacy of any individual;

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

"(E) will disclose information relating to trade secrets or financial or commercial information pertaining specifically to a given person where —

"(i) the information has been obtained by the Federal government pursuant to an agreement to maintain confidentiality of such information;

"(ii) a Federal statute requires the information to be kept confidential by Government officers and employees; or

"(iii) the information is required to be kept secret in order to prevent undue injury to the competitive position of such person. A separate vote of the committee shall be taken with respect to each committee or subcommittee meeting that is closed to the public pursuant to this paragraph, and the committee shall make available within one day of such meeting a written explanation of its action. The vote of each committee member participating in each such vote shall be recorded and published.

"(2) Each standing, select, or special committee or subcommittee shall make public announcement of the date, place, and subject matter of each matter of each meeting (whether open or closed to the public) at least one week before such meeting unless the committee or subcommittee determines by a vote of the majority of the committee that committee business requires that such meeting be called at an earlier date, in which case the committee shall make public announcement of the date, place, and subject matter of such meeting at the earliest practicable opportunity.

"(3) A complete transcript, including a list of all Members of the committee or subcommittee attending, and of all other persons participating and their function or affiliation, shall be made of each meeting of each standing, select, or special committee or subcommittee meeting (whether open or closed to the public) in addition to the record required by paragraph (e)(1). Except as provided in subparagraph (4), a copy of each such transcript shall be made available for public inspection within seven days of each such meeting, and additional copies of any transcript shall be furnished to any person at the actual cost of duplication.

"(4) In the case of meetings closed to the public pursuant to subparagraph (1), the committee or subcommittee may delete from the copies of transcripts that are required to be made available or furnished to the public pursuant to subparagraph (3) any portions which it determines by a vote of the majority of the committee or subcommittee consist of material specified in subdivision (A), (B), (C), (D), or (E) of subparagraph (1). A separate vote of the committee or subcommittee shall be taken with respect to each transcript. The vote of each committee or subcommittee member participating in each such vote shall be recorded and published. In place of each portion deleted from copies of the transcript made available to the public, the committee shall supply a written explanation of why such portion was deleted and a summary of the substance of the deleted portion that does not itself disclose information specified in subdivision (A), (B), (C), (D), or (E) of subparagraph (1). The committee or subcommittee shall maintain a complete copy of the transcript of each meeting (including those portions deleted from copies made available to the public) for a period of at least one year after such meetings.

"(5) A point of order may be raised against any committee or subcommittee vote to close a meeting to the public pursuant to subparagraph (1), or against any committee or subcommittee vote to delete from the publicly available copy a portion of a meeting transcript pursuant to subparagraph (4), by committee or subcommittee members comprising one-fourth or more of the total membership of the entire committee or subcommittee. Any such point of order must be raised before the entire House within five legislative days after the vote against which the point of order is raised, and such point of order shall be a matter of highest privilege. Each such point of order shall immediately be referred to a Select Committee on Meetings consisting of the Speaker of the House of Representatives, the majority leader, and the minority leader. The select committee shall report to the House within five calendar days (excluding days when the House is not in session) a resolution containing its findings. If the House adopts a resolution finding that the committee vote in question was not in accordance with the relevant provision of subparagraph (1), it shall direct that there be made publicly available the entire transcript of the meeting improperly closed to the public or the portion or portions of any meeting transcript improperly deleted from the publicly available copy.

"(6) The Select Committee on Meetings shall not be subject to the provisions of subparagraph (1), (2), (3), or (4)."

Mr. GUNTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

Mr. ROUSSELOT. I object, Mr. Chairman. I am anxious to hear it.

The CHAIRMAN. Objection is heard.

Mr. GUNTER. Mr. Chairman, on behalf of not only myself and my distinguished colleague on the other side of the aisle, CLARENCE BROWN of Ohio, but also on behalf of 76 colleagues who have expressed their strong support, I offer an amendment popularly referred to as the "open committee meetings" or "sunshine" amendment.

The effort to regain and strengthen public faith and confidence in the institution of the House and its procedures by further opening its processes to public scrutiny has not been an individual or a partisan effort.

The supporters of this amendment include 36 Democrats and 40 Republicans. They represent the entire geographic and philosophical spectrum. They include nine of our distinguished colleagues of both parties who sit on the Committee on the Judiciary. They include such distinguished colleagues of

my own party as BROCK ADAMS, of Washington, and our colleague JOHN ANDERSON of Illinois on the other side of the aisle.

These 76 colleagues join CLARENCE BROWN and me in asking for positive and affirmative action by the House to further open committee and subcommittee processes to the public, without jeopardizing the rare and occasional legitimate need for closed sessions.

Mr. Chairman, we believe this amendment respects and recognizes those legitimate areas where the national security, overriding public interest, or legal rights of individuals, would be compromised by public sessions.

But at the same time, we believe it also clearly embraces a commitment to far greater openness on the part of the House, and will effectively end closed door meetings where in fact, there is no such legitimate and overriding interest to be served by secrecy.

In so doing, we believe public faith and confidence will be strengthened by the knowledge that the House has gone on record as firmly and fully committed to a prevailing standard of openness, except in those rare and limited circumstances where reasonable men would agree an overriding public interest is served under narrowly defined circumstances, in observing a contrary practice.

The amendment in sum, Mr. Chairman, would alter both the present and the contemplated practice under the pending resolution of allowing a majority of a committee or subcommittee to close a meeting for any purpose.

It would remove that vague, gray area of whim and caprice which has led to an extent to public skepticism about the necessity and motivation for an appearance of unwarranted secrecy in our deliberations and decisions.

At the same time, it would preserve those areas of exception where all can recognize the genuine need. In such instances, a majority vote of the committee or subcommittee would still be required to close the session.

Mr. Chairman, we recognize the progress made over the last year or two by the House in moving already in the direction of greater openness. Yet almost a third—30.4 percent—of full committee sessions during markup last year still remained closed.

We believe the step we urge today is already overdue. We believe it is an idea whose time has come. We believe the broad bipartisan support for this amendment on the part of 76 of our distinguished colleagues, demonstrates that the hour has now arrived for this House to recognize and embrace the vision of Woodrow Wilson in 1884 when he said,

Light is the only thing that can sweeten our political atmosphere—light thrown upon every detail of administration in the departments—light blazed full upon every feature of legislation—light that can penetrate every recess or corner in which any intrigue might hide; light that will open to view the innermost chambers of government.

Mr. Chairman, I urge our colleagues, to "let the sunshine in." I urge adoption of the amendment.

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

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

Mr. ECKHARDT. Does the gentleman purport here to treat what is called the markup sessions in precisely the same manner as the hearing?

Mr. GUNTER. That is correct.

Mr. ECKHARDT. Then the provisions of G(1)(e)(3) would be applicable to a hearing as well as a markup, would they not?

Mr. GUNTER. That is correct.

Mr. ECKHARDT. For example, if we were investigating the affairs of the Exxon Co. with regard to its profits and its prices on gasoline and oil, and they assert that such would disclose information relating to trade secrets or financial or commercial information—and I suppose it certainly would affect financial and commercial information pertaining specifically to that company—where the information is required to be kept secret in order to prevent undue injury to the competitive position of such corporation, let us say, against the Gulf Co., we could not have that hearing; we could not have an open hearing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GUNTER. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for 2 additional minutes.

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

Mr. STEIGER of Wisconsin. Mr. Chairman, reserving the right to object, may I say to the gentleman in the well that the limitation of time of 5 hours of debate on the Hansen amendment in the nature of a substitute, and all amendments thereto, makes it I think appropriate at this point to simply serve notice that I shall object, after this one request for an extension of time has been granted, to any further extensions of time.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

Mr. ECKHARDT. Mr. Chairman, if the gentleman will yield further, so that I may proceed, the problem that arises in my own mind as one of the authors of the present restrictions which I think are embodied in the Hansen amendment are in the nature of a substitute is that in the present law hearings, other than those on mere housekeeping matters, must be open hearings. There are only two exceptions, one as relating to security, and the other having to do with the rule that was passed in order that a person not be defamed in a hearing.

But, as I read this provision, it does not lean toward more openness in hearings. It would permit the closing of a hearing if it were logically or reasonably asserted that the disclosure of information in the hearing would relate to financial or commercial information which if not kept secret would result in injury to the competitive position of the corporation.

It seems to me that that is tending to close hearings rather than to open them.

Mr. GUNTER. The provisions of this amendment which provide for exceptions to open committee sessions have to be acted upon by a majority of the members of the committee, or subcommittee present, so I would simply say to the gentleman from Texas that those exceptions are very narrowly defined; they are restrictive, as I perceive them, and I certainly do not think that this particular amendment would lend itself to less openness in hearings, and assuredly not in the case of markup committee sessions.

Mr. ECKHARDT. But if the gentleman would yield further, Mr. Chairman, under our present rules we treat hearings as entitling the public to know everything that comes before us, everything that we ask except those things which would adversely affect security or would cause defamation of a person.

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

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

Mr. Chairman, I am committed to moving that the Committee do now rise in just a minute, and will do so as soon as I say that it is my understanding that the House will reconvene shortly after the President has left. We are rising now in order that the Chamber may be prepared for the President, and the meeting, and then we will reconvene shortly after the President has left. That is my understanding. So that very soon after that we will seek to go back into the Committee of the Whole on this matter.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution (H. Res. 988) to reform the structure, jurisdiction, and procedures of the committees of the House of Representatives by amending rules X and XI of the Rules of the House of Representatives, had come to no resolution thereon.

RECESS

The SPEAKER. The Chair is now going to declare a recess until the two Houses meet in joint session to hear an address by the President of the United States. The House will stand in recess until approximately 3:45 p.m.

Accordingly (at 3 p.m.), the House stood in recess until 3 o'clock and 45 minutes p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 3 o'clock and 45 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 658 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided.

The Doorkeeper, the Honorable William M. Miller, announced the President

pro tempore and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the right of the Speaker, and Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber the gentleman from Massachusetts, Mr. O'NEILL; the gentleman from California, Mr. MCFALL; the gentleman from Texas, Mr. TEAGUE; the gentleman from Arizona, Mr. RHODES; and the gentleman from Illinois, Mr. ARENDS.

The PRESIDENT pro tempore. Pursuant to the order of the Senate, the following Senators are appointed to escort the President of the United States into the Chamber: the Senator from Montana, Mr. MANSFIELD; the Senator from West Virginia, Mr. ROBERT C. BYRD; the Senator from Utah, Mr. Moss; the Senator from Arkansas, Mr. MCCLELLAN; the Senator from Louisiana, Mr. LONG; the Senator from Wisconsin, Mr. PROXMIRE; the Senator from Pennsylvania, Mr. HUGH SCOTT; the Senator from Michigan, Mr. GRIFFIN; the Senator from Texas, Mr. TOWER; the Senator from Nebraska, Mr. CURTIS; and the Senator from New York, Mr. JAVITS.

At 4 o'clock and 1 minute p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. My colleagues of the Congress, I have the distinct privilege and high personal honor of presenting to you the President of the United States.

[Applause, the Members rising.]

ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-366)

President FORD. Mr. Speaker, Mr. President, distinguished guests and very dear friends.

In his inaugural address President Franklin D. Roosevelt said, and I quote:

> The people of the United States have not failed. They want direct, vigorous action. And they have asked for discipline and direction under our leadership.

Today, though our economic difficulties do not approach the emergency of 1933, the message from the American people is exactly the same. I trust that you are getting the very same message that I am receiving. Our constituents want leadership, our constituents want action. All of us have heard much talk on this very floor about Congress recovering its rightful share of national leadership. I now intend to offer you that chance.

The 73d Congress responded to F.D.R.'s appeal in 5 days. I am deeply grateful for the cooperation of the 93d Congress in the conference on inflation which ended 10 days ago.

Mr. Speaker, many, but not all, of your recommendations on behalf of your party's caucus are reflected in some of my proposals here today. The distinguished majority leader of the Senate offered a nine-point program. I seriously studied all of them and adopted some of his suggestions.

I might add I have also listened very hard to many of our former colleagues in both parties and of both the majority and the minority, and have been both persuaded and dissuaded. But in the end, I had to make the decision; I had to decide, as each of you do, when the rollcall is called.

I will not take your time today with a discussion of the origins of inflation and their bad effect on the United States, but I do know where we want to be in 1976 on the 200th birthday of a United States of America that has not lost its way, nor its will, nor its sense of national purpose.

During the meetings on inflation I listened carefully to many valuable suggestions. Since the summit I have evaluated literally hundreds of ideas day and night. My conclusions are very simply stated. There is only one point on which all advisers have agreed: We must whip inflation right now.

None of the remedies proposed, great or small, compulsory or voluntary, stands a chance unless they are combined in a considered package, in a concerted effort, in a grand design. I have reviewed the past and the present efforts of our Federal Government to help the economy. They are simply not good enough, nor sufficiently broad, nor do they pack the punch that will turn America's economy on. A stable American economy cannot be sustained if the world's economy is in chaos. International cooperation is absolutely essential and vital, but while we seek agreements with other nations, let us put our own economic house in order.

Today I have identified 10 areas for our joint action, the executive and the legislative branches of our Government.

No. 1, food. America is the world champion producer of food. Food prices and petroleum prices in the United States are primary inflationary factors. America today partially depends on foreign sources for petroleum, but we can grow more than enough food for ourselves. To halt higher food prices we must produce more food, and I call upon every farmer to produce to full capacity, and I say to you and to the farmers, they have done a magnificent job in the past, and we should be eternally grateful.

This Government, however, will do all in its power to assure him, that farmer, he can sell his entire yield at reasonable prices. Accordingly, I ask the Congress to remove all remaining acreage limitations on rice, peanuts, and cotton.

I also assure America's farmers here and now that I will allocate all the fuel and ask authority to allocate all the fertilizer they need to do this essential job. Agricultural marketing orders and other Federal regulations are being reviewed to eliminate or modify those responsible for inflated prices. I have directed our new Council on Wage and Price Stability to find and to expose all restrictive practices, public or private, which raise food prices.

The administration will also monitor food production, margins, pricing, and exports. We can and we shall have an adequate supply at home and through cooperation meet the needs of our trading partners abroad.

Over this past weekend we initiated a voluntary program to monitor grain exports. The Economic Policy Board will be responsible for determining the policy under this program. In addition, in order to better allocate our supplies for export I ask that a provision be added to Public Law 480 under which we ship food to the needy and friendly countries.

The President needs authority to waive certain of the restrictions on shipments based on national interest or humanitarian grounds.

No. 2, energy. America's future depends heavily on oil, gas, coal, electricity, and other resources called energy. Make no mistake, we do have a real energy problem.

One-third of our oil, 17 percent of America's total energy, now comes from foreign sources that we cannot control at high cartel prices, costing you and me $60 billion, $16 billion more than just a year ago.

The primary solution has to be at home. If you have forgotten the shortages of last winter, most Americans have not.

I have ordered today the reorganization of our national energy effort and the creation of a National Energy Board. It will be charged with developing a single national energy policy and program. And I think most of you will be glad to know that our former colleague, Rog Morton, our Secretary of Interior, will be the overall boss of our national energy program.

Rog Morton's marching orders are to reduce imports of foreign oil by 1 million barrels per day by the end of 1975, whether by savings here at home or by increasing our own sources.

Secretary Morton, along with his other responsibilities, is also charged with increasing our domestic energy supply by promptly utilizing our coal resources and expanding recovery of domestic oil still in the ground in old wells.

New legislation will be sought after your recess to require use of cleaner coal processes and nuclear fuel in new electric plants and the quick conversion of existing oil plants. I propose that we together set a target date of 1980 for eliminating oil-fired plants from the Nation's base-loaded electrical capacity.

I will use the Defense Production Act to allocate scarce materials for energy development and I will ask you—the House and Senate—for whatever amendments prove necessary. I will meet with top management of the automobile industry to assure, either by agreement or by law, a firm program aimed at achieving a 40-percent increase in gasoline mileage within a 4-year development deadline.

Priority legislative action, I should say, to increase energy supply here at home requires the following:

First, long sought deregulation of natural gas supplies,

Second, responsible use of our Naval petroleum reserves in California and Alaska,

Third, amendments to the Clean Air Act, and

Fourth, passage of surface mining legislation to ensure an adequate supply with common sense environmental protection.

Now, if all of these steps fail to meet our current energy-saving goals, I will not hesitate to ask for tougher measures.

For the long range, we must work harder on coal gasification. We must push with renewed vigor and talent research in the use of non-fossil fuels. The power of the atom, the heat of the sun, and the steam stored deep in the earth, the force of the winds and water must be main sources of energy for our grandchildren, and we can do it.

No. 3: Restrictive practices.

To increase productivity and contain prices, we must end restrictive and costly practices whether instituted by Government, industry, labor, or others.

I am determined to return to the vigorous enforcement of antitrust laws.

The Administration will zero in on more effective enforcement of laws against price-fixing and bid-rigging. For instance, noncompetitive professional fee schedules and real estate settlement fees must be eliminated. Such violations will be prosecuted by the Department of Justice to the full extent of the law.

Now, I ask Congress for prompt authority to increase maximum penalties for antitrust violations from $50,000 to $1 million for corporations and from $50,000 to $100,000 for individual violators.

At the Conference on Inflation, we found, I would say, very broad agreement that the Federal Government imposes too many hidden and too many inflationary costs on our economy. As a result, I propose a four-point program aimed at a substantial purging process.

First. I have ordered the Council on Wage and Price Stability to be the watchdog over inflationary costs of all governmental actions.

Second. I ask the Congress to establish a National Commission on Regulatory Reform to undertake a long-overdue total reexamination of the independent regulatory agencies. It will be a joint effort by the Congress, the executive branch and the private sector to identify and eliminate existing Federal rules and regulations that increase costs to the consumer, without any good reason, in today's economic climate.

Third. Hereafter, I will require that all major legislative proposals, regulations, and rules emanating from the executive branch of the Government will include an inflation impact statement that certifies we have carefully weighed the effect on the Nation.

I respectfully request that the Congress require a similar advance inflation impact statement for its own legislative initiative.

Finally, I urge State and local units of Government to undertake similar programs to reduce inflationary effects of their regulatory activities. At this point I thank the Congress for recently revitalizing the National Commission on Productivity and Work Quality. It will initially concentrate on problems of productivity in Government; Federal, State, and local. Outside of Government it will develop meaningful blueprints for labor-management cooperation at the plant level. It should look particularly at the construction and the health service industry.

The Council on Wage and Price Stability will, of course, monitor wage and price increases in the private sector. Monitoring will include public hearings to justify either price or wage increases. I emphasize, in fact, reemphasize that this is not a compulsory wage and price control agency.

Now I know many Americans see Federal controls as the answer. But I believe from past experience controls show us that they never really stop inflation, not the last time, not even during and immediately after World War II; when as I recall, prices rose despite severe and enforceable wartime rationing. Now, peacetime controls, actually, we know from recent experience, create shortages, hamper production, stifle growth, and limit jobs. I do not ask for such powers, however politically tempting, as such a program could cause the fixer and the blackmarketeer to flourish. While decent citizens face empty shelves and stand in long waiting lines.

No. 4: We need more capital. We cannot "eat up our seed corn." Our free enterprise system depends on orderly capital markets to which the savings of our people become productively used. Today, our capital markets are in total disarray. We must restore their vitality. Prudent monetary restraint is essential. You and the American people should know, however, that I have personally been assured by the Chairman of the independent Federal Reserve Board that the supply of money and credit will expand sufficiently to meet the needs of our economy, and that in no event will a credit crunch occur.

The prime lending rate is going down. To help industry to buy more machines and to create more jobs, I am recommending a liberalized 10-percent investment tax credit. This credit should be especially helpful to capital-intensive industries such as primary metals, public utilities, where capacity shortages have developed. I am asking Congress to enact tax legislation to provide that all dividends on preferred stock issued for cash be fully deductible by the issuing company. This should bring in more capital especially for energy-producing utilities. It will also help other industries shift from debt to equity, providing a sounder capital structure. Capital gains tax legislation must be liberalized as proposed by the tax reform bill currently before the Committee on Ways and Means. I endorse this approach and hope that it will pass promptly.

No. 5: Helping the casualties, and this is a very important part of the overall speech.

The Conference on Inflation made everybody even more aware of who is suffering most from inflation. Foremost are those who are jobless through no fault of their own. Three weeks ago I released funds which, with earlier actions, provide public service employment for some 170,000 who need work. I now propose to the Congress a two-step program to augment this action.

First, 13 weeks of special unemployment insurance benefits would be provided to those who have exhausted their regular and extended unemployment insurance benefits and 26 weeks of special unemployment insurance benefits to those who qualify but are not now covered by a regular unemployment insurance program. Funding in this case would come from the general treasury, not from taxes on employers as is the case with the established unemployment programs.

Second, I ask the Congress to create a brand new Community Improvement Corps to provide work for the unemployed through short-term useful work projects to improve, beautify and enhance the environment of our cities, our towns, and our countryside. This standby program would come alive whenever unemployment exceeds 6 percent nationally. It would be stopped when unemployment drops below 6 percent.

Local labor markets would each qualify for grants whenever their unemployment rate exceeded 6.5 percent.

State and local government contractors would supervise these projects and could hire only those who had exhausted their unemployment insurance benefits. The goal of this new program is to provide more constructive work for all Americans—young or old—who cannot find a job.

The purpose really follows this formula: Short-term problems require short-term remedies. I therefore request that these programs be for a 1-year period.

Now, I know that low- and middle-income Americans have been hardest hit by inflation. Their budgets are most vulnerable because a larger part of their income goes for the highly inflated costs of food, fuel, and medical care. The tax reform bill now in the House Committee on Ways and Means, which I favor, already provides approximately $1.6 billion of tax relief to these groups. Compensating new revenues are provided in this prospective legislation by a windfall profits tax on oil producers and by closing other loopholes. If enacted, this will be a major contribution by the Congress in our common effort to make our tax system fairer to all.

No. 6: Stimulating housing.

Without question, credit is the lifeblood of housing.

The United States, unfortunately, is suffering the longest and most severe housing recession since the end of World War II. Unemployment in the construction trades is twice the national average.

One of my first acts as President was to sign the Housing and Community Development Act of 1974. I have since concluded that still more help is needed—help that can be delivered very quickly and with minimum inflationary impact

I urge the Congress to enact, before recess, additional legislation to make most home mortgages eligible for purchase by an agency of the Federal Government. As the law stands now only FHA or VA

home mortgages, one-fifth of the total, are covered. I am very glad that the Senate, thanks to the leadership of Senator BROOKE and Senator CRANSTON, has already made substantial progress on this legislation. As soon as it comes to me I will make at least $3 billion immediately available for mortgage purchases, enough to finance about 100,000 more American homes.

No. 7: Thrift institutions. Savings and loan and similar institutions are hard hit by inflation and high interest rates. They no longer attract, unfortunately, adequate deposits. The Executive branch in my judgment must join with the Congress in giving critically needed attention to the structure and the operation of our thrift institutions which now find themselves for the third time in 8 years in another period of serious mortgage credit scarcity. Passage of the pending financial institution bill will help. But no single measure has yet appeared, as I see it, to solve feast or famine in mortgage credit. However, I promise to work with you individually and collectively to develop additional specific programs in this area in the future.

No. 8: International interdependence. The United States has a responsibility not only to maintain a healthy economy at home but also to seek policies which complement rather than disrupt the constructive efforts of others. Essential to U.S. initiative is the early passage of an acceptable trade reform bill. My special representative for trade negotiations departed earlier this afternoon to Canada, Europe, and Japan to brief foreign friends on my proposals. We live in an interdependent world and, therefore, must work together to resolve common economic problems.

No. 9: Federal taxes and spending. To support programs to increase production and share inflation-produced hardships, we need additional tax revenue. I am aware that any proposal for new taxes just 4 weeks before a national election is—to put it mildly—considered politically unwise.

I am frank to say that I have been earnestly advised to wait and talk about taxes any time after November 5. But I do say in sincerity that I will not play politics with America's future.

Our present inflation to a considerable degree comes from many years of enacting expensive programs without raising enough revenue to pay for them. The truth is that 19 out of the 25 years I had the honor and the privilege to serve in this Chamber, the Federal Government ended up in Federal deficits. That is not a very good batting average.

By now almost everybody—almost everybody else, I should say—has stated my position on Federal gasoline taxes. This time I will do it myself. I am not—emphasizing not—asking you for any increase in gas taxes.

I am—I am asking you to approve a 1-year temporary tax surcharge of 5 percent on corporate and upper level individual incomes. This would generally exclude from the surcharge those families with gross incomes below $15,000 a year. The estimated $5 billion in extra revenue to be raised by this inflation-fighting tax should pay for the new programs I have recommended in this message.

I think, and I suspect each of you knows, this is the acid test of our joint determination to whip inflation in America.

I would not ask this if major loopholes were not now being closed by the Committee on Ways and Means tax reform bill. I urge you to join with me before you recess, in addition to what I have said before, to join me by voting to set a target spending limit—let me emphasize—a target spending limit of $300 billion for the Federal fiscal budget of 1975.

When Congress agrees to this spending target, I will submit a package of budget deferrals and rescissions to meet this goal. I will do the tough job of designating, for congressional action on your return, those areas which I believe can and must be reduced. These will be hard choices, and every one of you in this Chamber knows it as well as I. They will be hard choices, but no Federal agency, including the Defense Department, will be untouchable.

It is my judgment that fiscal discipline is a necessary weapon in any fight against inflation. While this spending target is a small step, it is a step in the right direction. And we need to get on that course without any further delay.

I do not think that any of us in this Chamber today can ask the American people to tighten their belts if Uncle Sam is unwilling to tighten his belt first.

And now, if I might, I would like to say a few words directly to your constituents, and, incidentally, mine.

My fellow Americans, 10 days ago I asked you to get things started by making a list of 10 ways to fight inflation and save energy, to exchange your list with your neighbor's, and to send me a copy. I have personally read scores of the thousands of letters received at the White House. And, incidentally, I have made my economic experts read some of them, too.

We all benefited; at least I did. And I thank each and every one of you for this cooperation.

Some of the good ideas from your home to mine have been cranked into the recommendations I have just made to the Congress and the steps I am taking as President to whip inflation right now.

There were also firm warnings on what Government must not do, and I appreciated those, too.

Your best suggestions for voluntary restraint and self-discipline showed me that a great degree of patriotic determination and unanimity already exists in this great land. I have asked Congress for urgent specific actions it alone can take. I have advised Congress of the initial steps that I am taking as President.

Here is what only you can do. Unless every able American pitches in, Congress and I cannot do the job.

Winning our fight against inflation and waste involves total mobilization of America's greatest resources—the brains, the skills, and the willpower of the American people. Here is what we must do, what each and every one of you can do.

To help increase food and lower prices—grow more and waste less.

To help save scarce fuel in the energy crisis—drive less; heat less.

Every housewife knows almost exactly how much she spent for food last week. If you can't spare a penny from your food budget—and I know there are many—surely you can cut the food that you waste by 5 percent.

Every American motorist knows exactly how many miles he or she drives to work or to school every day, and about how much mileage she or he runs up each year. If we all drive at least 5 percent fewer miles we can save, almost unbelievably, 250,000 barrels of foreign oil per day. By the end of 1975 most of us can do better than 5 percent by carpooling, taking the bus, riding bikes, or just plain walking. We can save enough gas by self-discipline to meet our 1-million-barrels-per-day goal.

I think there is one final thing that all Americans can do—rich, or poor—and that is, share with others. We can share burdens as we can share blessings. Sharing is not easy, not easy to measure like mileage and family budgets, but I am sure that 5 percent more is not nearly enough to ask, so I ask you to share everything you can and a little bit more, and it will strengthen our spirits as well as our economy.

Today I will not take more of the time of this busy Congress for I vividly remember the rush before every recess, and the clock is already running on my specific and urgent requests for legislative action.

I also remember how much Congress can get done when it puts its shoulder to the wheel.

One week from tonight I have a long-standing invitation in Kansas City to address the Future Farmers of America—a fine organization of wonderful young people whose help, with millions of others, is vital in this battle. I will elaborate then how volunteer inflation-fighters and energy-savers can further mobilize their total effort.

Since asking Miss Sylvia Porter, the well-known financial writer, to help me organize an all-out nationwide volunteer mobilization, I have named a White House coordinator and have enlisted the enthusiastic support and services of some 17 other distinguished Americans to help plan for citizen and private group participation. There will be no big Federal bureaucracy set up for this crash program.

Through the courtesy of such volunteers from the communications and media fields a very simple enlistment form will appear in many of tomorrow's newspapers along with the symbol of this new mobilization, which I am wearing on my lapel.

It bears the single word "WIN." I think that tells it all. I will call upon every American to join in this massive mobilization and stick with it until we do win as a Nation and as a people.

Mr. Speaker and Mr. President, I stand on a spot hallowed by history. Many Presidents have come here many times to solicit, to scold, to flatter, to exhort the Congress to support them in their

leadership. Once in a great while, Presidents have stood here and truly inspired the most skeptical and the most sophisticated audience of their coequal partners in Government. Perhaps once or twice in a generation is there such a joint session. I don't expect this one to be.

Only two of my predecessors have come in person to call upon Congress for a declaration of war, and I shall not do that. But I say to you with all sincerity that our inflation, our public enemy No. 1, will unless whipped destroy our country, our homes, our liberties, our property, and finally our national pride—as surely as any well-armed wartime enemy.

I concede there will be no sudden Pearl Harbor to shock us into unity and to sacrifice. But I think we have had enough early warnings. The time to intercept is right now. The time to intercept is almost gone. My friends and former colleagues, will you enlist now? My friends and fellow Americans, will you enlist now?

Together, with discipline and determination, we will win.

I thank you very much.

[Applause, the Members rising.]

A 4 o'clock and 47 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 4 o'clock and 48 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

RECESS

The SPEAKER. The House will stand in recess until 5 o'clock and 15 minutes p.m. today.

Accordingly (at 4 o'clock and 49 minutes p.m.), the House stood in recess until 5:15 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 5 o'clock and 15 minutes p.m.

CONFERENCE REPORT ON H.R. 15977, AMENDING EXPORT-IMPORT BANK ACT OF 1945

Mr. PATMAN submitted the following conference report and statement on the bill (H.R. 15977) to amend the Export-Import Bank Act of 1945, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 93–1439)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15977) to amend the Export-Import Bank Act of 1945, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Export-Import Bank Amendments of 1974".

CHARTER AMENDMENTS

SEC. 2. Section 2 (a) (1) of the Export-Import Bank Act of 1945 is amended—

(1) by inserting in the third sentence immediately after "other evidences of indebtedness;" the following: "to guarantee, insure, coinsure, and reinsure against political and credit risks of loss;";

(2) by inserting in the third sentence immediately after "competent jurisdiction;" the following: "to represent itself or to contract for representation in all legal and arbitral proceedings outside the United States;"; and

(3) by inserting after the fourth sentence the following new sentence: "The Bank is authorized to publish or arrange for the publication of any documents, reports, contracts, or other material necessary in connection with or in furtherance of its objects and purposes without regard to the provisions of section 501 of title 44, United States Code, whenever the Bank determines that publication in accordance with the provisions of such section would not be practicable.".

POLICY

SEC. 3. Section 2(b)(1) of the Export-Import Bank Act of 1945 is amended to read as follows:

"(b)(1)(A) It is the policy of the United States to foster expansion of exports of goods and related services, thereby contributing to the promotion and maintenance of high levels of employment and real income and to the increased development of the productive resources of the United States. To meet this objective, the Export-Import Bank is directed, in the exercise of its functions, to provide guarantees, insurance, and extensions of credit at rates and on terms and other conditions which are competitive with the Government-supported rates and terms and other conditions available for the financing of exports from the principal countries whose exporters compete with United States exporters. The Bank shall, in cooperation with the export financing instrumentalities of other governments, seek to minimize competition in government-supported export financing. The Bank shall, on a semiannual basis, report to the appropriate committees of Congress its actions in complying with these directives. In this report the Bank shall include a survey of all other major export-financing facilities available from other governments and government-related agencies through which foreign exporters, compete with the United States exporters and indicate in specific terms the ways in which the Bank's rates, terms, and other conditions compare with those offered from such other governments directly or indirectly. Further, the Bank shall at the same time survey a representative number of United States exporters and United States commercial lending institutions which provide export credit to determine their experience in meeting financial competition from other countries whose exporters compete with United States exporters. The results of this survey shall be included as part of the semiannual report required by this subparagraph. The Bank shall also include in the semiannual report a description of each loan by the Bank involving the export of any product or service related to the production, refining or transportation of any type of energy or the development of any energy resource with a statement assessing the impact, if any, on the availability of such products, services, or energy supplies thus developed for use within the United States.

"(B) It is further the policy of the United States that loans made by the Bank shall bear interest at rates determined by the Board of Directors of the Bank, taking into consideration the average cost of money to the Bank as well as the Bank's mandate to support United States exports at rates and on terms and conditions which are competitive with exports of other countries; that the Bank in the exercise of its functions should supplement and encourage, and not compete with, private capital; that the Bank shall accord equal opportunity to export agents and managers, independent export firms, and small commercial banks in the formulation and implementation of its programs; that the Bank shall give due recognition to the policy stated in section 2(a) of the Small Business Act that 'the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small business concerns in order to preserve free competitive enterprise' and that in furtherance of this policy the Board of Directors shall designate an officer of the Bank who shall be responsible to the President of the Bank for all matters concerning or affecting small business concerns and who, among other duties, shall be responsible for advising small businessmen of the opportunities for small business concerns in the functions of the Bank and for maintaining liaison with the Small Business Administration and other departments and agencies in matters affecting small business concerns; that loans, so far as possible consistent with the carrying out of the purposes of subsection (a) of this section, shall generally be for specific purposes, and, in the judgment of the Board of Directors, offer reasonable assurance of repayment; and that in authorizing any loan or guarantee, the Board of Directors shall take into account any serious adverse effect of such loan or guarantee on the competitive position of United States industry, the availability of materials which are in short supply in the United States, and employment in the United States.".

NATIONAL INTEREST DETERMINATIONS

SEC. 4. Section 2(b)(2) of the Export-Import Bank Act of 1945 is amended to read as follows:

"(2) The Bank in the exercise of its functions shall not guarantee, insure, or extend credit, or participate in any extension of credit—

"(A) in connection with the purchase or lease of any product by a Communist country (as defined in section 620(f) of the Foreign Assistance Act of 1961), or agency, or national thereof, or

"(B) in connection with the purchase or lease of any product by any other foreign country, or agency or national thereof, if the product to be purchased or leased by such other country, agency, or national is, to the knowledge of the Bank, principally for use in, or sale or lease to, a Communist country (as so defined),

unless the President determines that guarantees, insurance, or extensions of credit in connection therewith to such Communist or such other country or agency or national thereof would be in the national interest. The President shall make a separate determination with respect to each transaction in which the Bank would extend a loan to such Communist or such other country, or agency, or national thereof an amount of $50,000,000 or more. Any determination required under the first sentence of this paragraph shall be reported to the Congress not later than the earlier of thirty days following the date of such determination, or the date on which the Bank takes final action on a transaction which is the first transaction involving such country or agency or national after the date of enactment of the Export-

Import Bank Amendments of 1974, unless a determination with respect to such country or agency or national has been made and reported prior to such date of enactment. Any determination required to be made under the second sentence of this paragraph shall be reported to the Congress not later than the earlier of thirty days following the date of such determination or the date on which the Bank takes final action on the transaction involved."

CONGRESSIONAL NOTIFICATION

SEC. 5. Section 2(b) of the Export-Import Bank Act of 1945 is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6) respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) No loan in an amount which equals or exceeds $50,000,000 shall be finally approved by the Board of Directors of the Bank unless the Bank has submitted to the Congress with respect to such loan a detailed statement describing and explaining the transaction at least thirty days prior to the date of final approval. Such statement shall contain—

"(A) a brief description of the purposes of the transaction, the identity of the party or parties requesting the loan, the nature of the goods or services to be exported, and the use for which the goods or services are to be exported; and

"(B) a full explanation of the reasons for Bank financing of the transaction, the amount of the loan to be provided by the Bank, and the approximate rate and repayment terms at which such loan will be made available.".

FRACTIONAL CHARGE OF GUARANTEES AND INSURANCE

SEC. 6. Section 2(c)(1) of the Export-Import Bank Act of 1945 is amended to read as follows:

"(c)(1) The Bank is authorized and empowered to charge against the limitations imposed by section 7 of this Act, not less than 25 per centum of the related contractual liability which the Bank incurs for guarantees, insurance, coinsurance, and reinsurance against political and credit risks of loss. The aggregate amount of guarantees, insurance, coinsurance, and reinsurance which may be charged on this fractional basis pursuant to this section shall not exceed $20,000,000,000 outstanding at any one time. Fees and premiums shall be charged in connection with such contracts commensurate, in the judgment of the Bank, with risks covered.".

INTEREST RATE ON OBLIGATIONS OF THE BANK

SEC. 7. Section 6 of the Export-Import Bank Act of 1945 is amended by striking the third sentence and inserting in lieu thereof the following new sentence: "Each such Bank obligation issued to the Treasury after the enactment of the Export-Import Bank Amendments of 1974 shall bear interest at a rate not less than the current average yield on outstanding marketable obligations of the United States of comparable maturity during the month preceding the issuance of the obligation of the Bank as determined by the Secretary of the Treasury.".

AUTHORITY

SEC. 8. Section 7 of the Export-Import Bank Act of 1945 is amended—

(1) by inserting "(a)" after "Sec. 7";

(2) by striking out "$20,000,000,000" and inserting in lieu thereof "$25,000,000,000"; and

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

"(b) After the date of enactment of the Export-Import Bank Amendments of 1974, the Bank shall not approve any loans or guarantees, or combination thereof, in connection with exports to the Union of Soviet Socialist Republics in an aggregate amount in excess of $300,000,000, except that the President may establish a limitation in excess of $300,000,000 if he determines that such higher limitation is in the national interest and if he reports such determination to the Congress together with the reasons therefor.".

EXPIRATION

SEC. 9. Section 8 of the Export-Import Bank Act of 1945 is amended by striking out "October 15, 1974" and inserting in lieu thereof "June 30, 1978".

REPORT

SEC. 10. Section 9 of the Export-Import Bank Act of 1945 is amended to read as follows:

"SEC. 9. (a) The Export-Import Bank of the United States shall transmit to the Congress annually a complete and detailed report of its operations. Such report shall be as of the close of business on the last day of each fiscal year.

"(b) The report shall contain a description of actions taken by the Bank in pursuance of the policy of aiding, counseling, assisting, and protecting, insofar as is possible, the interests of small business concerns."

CEILING ON BORROWING BY NATIONAL BANKS

SEC. 11. Section 5202 of the Revised Statutes, as amended (12 U.S.C. 82), is amended by adding at the end thereof the following:

"Twelfth. Liabilities incurred in borrowing from the Export-Import Bank of the United States."

RELATIONSHIP TO THE TRADE REFORM ACT

SEC. 12. Until such time as the Trade Reform Act is approved by the Congress and signed into law by the President, no loan, guarantee, insurance, or credit shall be extended by the Export-Import Bank of the United States to the Union of Soviet Socialist Republics.

And the Senate agree to the same.

WRIGHT PATMAN,
THOMAS L. ASHLEY,
THOMAS M. REES,
PARREN J. MITCHELL,
FERNAND J. ST GERMAIN,
RICHARD T. HANNA,
EDWARD I. KOCH,
ANDREW YOUNG,
JOHN J. MOAKLEY,
W. B. WIDNALL,
GARRY BROWN,
STEWART B. MCKINNEY,
BILL FRENZEL,

Managers on the Part of the House.

JOHN SPARKMAN,
HARRISON WILLIAMS,
ALAN CRANSTON,
ADLAI STEVENSON,
THOMAS J. MCINTYRE,
JOHN TOWER,
EDWARD W. BROOKE,
ROBT. PACKWOOD,
BILL BROCK,
WALLACE F. BENNETT,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15977) to amend the Export-Import Bank Act of 1945, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

The Senate amendment contained a provision amending Section 2(b)(1) of the Export-Import Bank Act specifying that the Bank "may" provide financing at rates and terms that are "competitive" with those of other government-supported export financing entities. The House bill contained no comparable provision. The Senate receded to the House.

The Senate amendment contained a provision requiring the Bank to include in its semi-annual report a description of how its rates, terms and other conditions "compare" with those of other government-supported export financing entities. The House bill contained no comparable provision. The House receded to the Senate following agreement by the conferees that the semi-annual report on competitiveness shall include:

1. A detailed review of the official export credit support portfolios of Germany, Japan, the United Kingdom, France, and Italy. The report should indicate the amount of support outstanding in the form of direct loans, discounts, guarantees, and insurance, as well as the qualitative characteristics of each of these export support components.

2. Progress in negotiations with the government of the other principal exporting countries in minimizing competition in government-supported export financing. The report shall indicate agreements reached, the parties involved, the scope of such agreements and the differences which remain outstanding with respect to rates, terms, and other conditions and their applicability to different borrowing countries and agencies and nationals thereof.

3. The semi-annual report for the period ending December 31, 1974, shall contain a detailed description of the "follow-on sales" program of the Bank which involves it in transactions between parties in foreign countries. The report should indicate which of the export supporting government agencies or instrumentalities of the principal countries whose exporters compete with the United States exporters have comparable programs, and such programs should be described and compared with the program of the Bank.

4. The semi-annual report for the period ending December 31, 1974, shall contain a review of the Cooperative Financing Facility. The report should indicate which of the other five principal exporting countries have similar programs and they should be compared to the program of the Bank.

The semi-annual reports on competition and the annual reports on the operations of the Bank shall be transmitted no later than 45 days following the periods covered by such reports. Other publications of the Bank shall be made available to the authorizing committees at the time of their issuance.

The Senate amendment contained a provision requiring the Bank to include in its semi-annual report a description of each transaction involving energy-related products and services, and a statement assessing the impact, if any, on the availability of such products, services, or energy supplies thus developed for use in the United States. The House bill contained no similar provision. The House receded with an amendment requiring a description of each "loan," rather than a description of each "transaction."

The Senate amendment contained a provision directing the Bank to provide financing "only to the extent that sufficient private financing is unavailable." The House bill contained no comparable provision. The Senate receded to the House. The conferees urge that procedures be established to insure that Export-Import Bank assistance is not pro-

vided unnecessarily, such as might be the case with respect to goods and services for which sufficient private capital is available at competitive rates and terms to finance a given transaction.

The Senate amendment contained a provision specifying that the Board of Directors of the Bank should not authorize loans, guarantees, or insurance which may have serious adverse effects on the competitive position of United States industries, the availability of materials which are in short supply in the United States, or employment in the United States. The House bill contained no comparable provision. The conferees accepted an amendment which specified that the Board of Directors, in authorizing loans or guarantees, shall take into account any serious adverse effects on the competitive position of United States industry, the availability of materials which are in short supply in the United States, and employment in the United States.

The Senate amendment contained a provision directing the Bank to give due recognition to the needs of small businesses in the operation of its programs and requiring that an officer of the Bank be designated to be responsible for doing so. The House bill contained no similar provision. The House receded to the Senate.

The House bill contained a provision requiring that the Bank, in establishing interest rates on its loans, take into consideration the average cost of money to the Bank and the necessity of maintaining its earning power and reserves as well as the Bank's mandate to support U.S. exports at rates and on terms and conditions which are competitive with exports of other countries. The Senate amendment contained no comparable provision. The Senate receded to the House with an amendment deleting reference to the maintenance of earning power and reserves.

The Senate amendment contained a provision requiring that the Bank submit to Congress prior to final approval by the Board a detailed statement on any proposed transaction involving a loan, guarantee, or combination thereof of $60 million or more and specified what such a statement should contain. The House bill contained a provision requiring that the Bank submit to Congress prior to final approval by the Board a detailed statement of any proposed transaction involving loans of $50 million or more to a communist country, and contained similar language specifying what such a statement should contain. The conferees adopted a compromise provision requiring that the Bank submit a detailed statement to Congress at least 30 days prior to final approval of any proposed transaction involving a loan of $50 million or more to any country and specifying what such a statement should contain with reporting requirements more similar to those contained in the House provision.

The Senate amendment contained a provision requiring that the President must find that a transaction involving an Export-Import Bank loan, guarantee or combination thereof of $40 million or more to a communist country is in the national interest and report that determination to the Congress within 30 days following the date of such determination or the date of final action on the transaction, whichever comes first. The House bill contained no comparable provision. The conferees adopted a provision requiring that the President must find that a transaction involving an Export-Import Bank loan of $50 million or more to a communist country is in the national interest and report that determination to the Congress within 30 days following the date of such determination or the date of final action on the transaction, whichever comes first.

The Senate amendment contained a provision specifying that the President may not determine that a transaction is in the national interest if it would or may result in the United States becoming dependent upon a communist country for essential materials, articles or supplies which are or may be in short supply. The House bill contained no comparable provision. The Senate receded to the House.

The Senate amendment contained a provision specifying that the Bank may not assist exports to any country, agency or national thereof unless the President finds and certifies to Congress that such country is not practicing slavery or involuntary servitude, such finding and certification to be made in writing at least 30 days prior to the date on which the Bank requests the first such transaction (following enactment of Export-Import Bank Amendments of 1974 or convening of new session of Congress) to be effective. The House bill contained no comparable provision. The Senate receded to the House.

The Senate amendment contained a provision specifying that the Bank shall not guarantee, insure, or extend credit, or participate in an extension of credit in connection with any credit sale of defense articles or defense services to any country. The House bill contained no similar provision. The Senate receded to the House.

The Senate amendment contained a provision specifying that loans by the Treasury to the Export-Import Bank must bear interest at a rate equivalent to the cost of money to the Treasury on borrowings of similar maturities. The House bill contained no similar provision. The House receded to the Senate.

The Senate amendment contained a provision specifying that the Bank shall not approve any loans or guarantees or combination thereof in connection with exports to the Soviet Union in an aggregate amount in excess of $300 million. The House bill contained no similar provision. The House receded to the Senate with an amendment establishing a $300-million ceiling with a provision that the ceiling may be raised on a finding by the President that raising the ceiling is in the national interest and a submission of that finding by the President to both Houses of Congress, together with a justification for the new ceiling.

The Senate amendment contained a provision that after June 30, 1976, the Bank shall issue no loan, guarantee, or insurance in connection with the purchase of any goods or services by a communist country other than Romania and Yugoslavia. The House bill contained no similar provision. The Senate receded to the House.

The Senate amendment contained a provision requiring that the Bank shall include in its annual report a statement of progress it is making toward meeting its mandate of aiding small business concerns. The House bill contained no similar provision. The House receded to the Senate.

The Senate amendment contained a provision requiring the Bank to include in its annual report a detailed listing of all transactions involving the purchase of goods or services by a foreign subsidiary or affiliate of a United States entity. The House bill contained no similar provision. The Senate receded to the House. The conferees expect that the Bank shall include in its annual report a description of all loans involving the purchase of goods or services by a foreign subsidiary of a United States entity from that entity.

The Senate amendment contained a provision declaring that Turkey has violated agreements with the United States in using armaments furnished by the United States during the Cypriot conflict and that further assistance under the Foreign Assistance Act of 1961 and the Foreign Military Sales Act should be stopped. The House bill contained no similar provision. The Senate receded to the House.

The Senate amendment contained a requirement that the President of the Bank shall transmit to the Congress a special message with respect to any proposal to finance the purchase, lease, or procurement of any product or service which in a communist country involves research, exploration, or production of fossil fuel energy resources and further provides that no such transaction may be approved without prior Congressional adoption of a concurrent resolution of approval. The House bill contained no comparable provision. The Senate receded to the House.

The Senate amendment contained a provision prohibiting the Bank from extending its program to any foreign country in connection with the purchase or lease of any product which is necessary for the production, refining, and transportation of oil and/or gas and which has been determined by the National Advisory Council in consultation with the FEA and the Department of Commerce to be in short supply and with such exception as the President may determine necessary. The House bill contained no comparable provision. The Senate receded to the House.

The Senate amendment contained a provision increasing the number of members of the Board of Directors of the Bank from five to six and requiring that one of the members shall be a representative or affiliate of one or more labor organizations. The House bill contained no similar provision. The Senate receded to the House.

The Senate amendment and the House bill contained comparable provisions relating to H.R. 10710, the Trade Reform Act. The Senate receded to the House with an amendment. The conferees accepted language which specifies that until such time as the Trade Reform Act is approved by the Congress and signed into law by the President; no loan, guarantee, insurance, or credit shall be extended by the Bank to the Union of Soviet Socialist Republics.

It is the intent of the conferees that there remain in effect a ban on credits from the Bank to the Soviet Union until there is enactment of a trade bill in this or succeeding Congresses.

The Senate amendment contained a provision which would remove the exclusion of receipts and expenditures of the Bank from the Unified Budget totals. The House bill contained no comparable provision. The Senate receded to the House.

The House bill contained a provision prohibiting the Bank from financing exports to Turkey until the President reports to the Congress that Turkey is cooperating with the United States in the curtailment of heroin traffic. The Senate amendment contained no comparable provision. The House receded to the Senate.

WRIGHT PATMAN,
THOMAS L. ASHLEY,
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GARRY BROWN,
STEWART B. MCKINNEY,
BILL FRENZEL
Managers on the Part of the House.

JOHN SPARKMAN,
HARRISON WILLIAMS,
ALAN CRANSTON,
ADLAI STEVENSON,
THOMAS J. MCINTYRE,
JOHN TOWER,
EDWARD W. BROOKE,
ROBERT PACKWOOD,
BILL BROCK,
WALLACE F. BENNETT,
Managers on the Part of the Senate.

CONFERENCE REPORT ON S. 3838, AUTHORIZING REGULATION OF INTEREST RATES PAYABLE ON ALL OBLIGATIONS OF FEDERAL DEPOSITORY INSTITUTIONS

Mr. PATMAN submitted the following conference report and statement on the Senate bill (S. 3838) to authorize the regulation of interest rates payable on obligations of all affiliates of Federal depository institutions, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 93-1440)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3838) to authorize the regulation of interest rates payable on obligations issued by affiliates of certain depository institutions, 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:

TITLE I—REGULATION OF INTEREST RATES ON CERTAIN OBLIGATIONS

SEC. 101. Section 19(a) of the Federal Reserve Act (12 U.S.C. 461) is amended by inserting "and, regardless of the use of the proceeds," immediately before "shall be deemed a deposit".

(b) The amendment made by subsection (a) shall not apply to any bank holding company which has filed prior to the date of enactment of this Act an irrevocable declaration with the Board of Governors of the Federal Reserve System to divest itself of all of its banks under section 4 of the Bank Holding Company Act, or to any debt obligation which is an exempted security under section 3(a)(3) of the Securities Act of 1933.

SEC. 102. (a) The sixth sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by striking out "for the purpose of obtaining funds to be used in the banking business".

(b) The amendment made by subsection (a) shall not apply to any bank holding company which has filed prior to the date of enactment of this Act an irrevocable declaration with the Board of Governors of the Federal Reserve System to divest itself of all its banks under section 4 of the Bank Holding Company Act, or to any debt obligation which is an exempted security under section 3(a)(3) of the Securities Act of 1933.

SEC. 103. Section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is amended as follows:

(1) by adding at the end of subsection (a) thereof the following new sentences: "The provisions of this subsection shall apply, in the discretion of the Board, to an obligation issued by an affiliate of an institution which is an insured institution as defined in section 401(a) of the National Housing Act (12 U.S.C. 1724(a). The Board is authorized to define by regulation the terms used in this section, except that the Board may not, under the additional authority conferred by this sentence and the preceding sentence, define as a deposit any debt obligation which is an exempted security under section 3(a)(3) of the Securities Act of 1933.";

(2) by striking out "institution subject to this section" in subsection (b) thereof and inserting in lieu thereof "person or organization"; and

(3) by striking out "nonmember institution" and "institution" in subsection (c) thereof and inserting in lieu thereof "person or organization" in both places.

TITLE II—INTEREST RATE AMENDMENTS REGARDING STATE USURY CEILINGS ON BUSINESS LOANS

SEC. 201. Section 5197 of the Revised Statutes, as amended (12 U.S.C. 85), is amended by inserting in the first and second sentences before the phrase "whichever may be the greater", the following: "or in the case of business or agricultural loans in the amount of $25,000 or more, at a rate of 5 per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal Reserve bank in the Federal Reserve district where the bank is located,".

SEC. 202. The Federal Deposit Insurance Act (12 U.S.C. 1811-31) is amended by adding at the end thereof the following:

"SEC. 24. (a) In order to prevent discrimination against State-chartered insured banks with respect to interest rates, if the applicable rate prescribed in this subsection exceeds the rate such State bank would be permitted to charge in the absence of this subsection, a State bank may in the case of business or agricultural loans in the amount of $25,000 or more, notwithstanding any State constitution or statute, which is hereby preempted for the purposes of this section, take, receive, reserve, and charge on any loan or discount made, or upon any note, bill or exchange, or other evidence of debt, interest at a rate of not more than 5 per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal Reserve bank in the Federal Reserve district where the bank is located, and such interest may be taken in advance, reckoning the days for which the note, bill, or other evidence of debt has to run.

"(b) If the rate prescribed in subsection (a) exceeds the rate such State bank would be permitted to charge in the absence of this paragraph, and such State fixed rate is thereby preempted by the rate described in subsection (a), the taking, receiving, reserving, or charging a greater rate of interest than is allowed by subsection (a), when knowingly done, shall be deemed a forfeiture of the entire interest which the note, bill, or other evidence of debt carrier with it, or which has been agreed to be paid thereon. If such greater rate of interest has been paid, the person who paid it may recover, in a civil action commenced in a court of appropriate jurisdiction not later than two years after the date of such payment, an amount equal to twice the amount of the interest paid from the State bank taking or receiving such interest.".

SEC. 203. Title IV of the National Housing Act (12 U.S.C. 1724-1730(d)) is amended by adding at the end thereof the following:

"SEC. 412. (a) If the applicable rate prescribed in this section exceeds the rate an insured institution would be permitted to charge in the absence of this section, such institution may in the case of business or agricultural loans in the amount of $25,000 or more, notwithstanding any State constitution or statute, which is hereby preempted for the purposes of this section, take, receive, reserve, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidence of debt, interest at a rate of not more than 5 per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal Reserve bank in the Federal Reserve district where the institution is located, and such interest may be taken in advance, reckoning the days for which the note, bill, or other evidence of debt has to run.

"(b) If the rate prescribed in subsection (a) exceeds the rate such institution would be permitted to charge in the absence of this section, and such State fixed rate is thereby preempted by the rate described in subsection (a), the taking, receiving, reserving, or charging a greater rate of interest than that prescribed by subsection (a), when knowingly done, shall be deemed a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. If such greater rate of interest has been paid, the person who paid it may recover, in a civil action commenced in a court of appropriate jurisdiction not later than two years after the date of such payment, an amount equal to twice the amount of the interest paid from the institution taking or receiving such interest.".

SEC. 204. Section 308 of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661), is amended by adding at the end thereof the following:

"(h)(1) In order to facilitate the orderly and necessary flow of long-term loans and equity funds to small business concerns, as defined in the Small Business Act, if the maximum interest rate permitted by the Small Business Administration exceeds the rate a small business investment company would be permitted to charge in the absence of this subsection, such small business investment company may in the case of business loans in the amount of $25,000 or more, notwithstanding any State constitution or statute, which is hereby preempted for the purposes of this section, take, receive, reserve, and charge on any such loan, interest at a rate of not more than 5 per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal Reserve bank in the Federal Reserve district where the small business investment company is located.

"(2) If the rate prescribed in paragraph (1) exceeds the rate such small business investment company would be permitted to charge in the absence of this subsection, and such State fixed rate is thereby preempted by the rate described in paragraph (1), the taking, receiving, reserving or charging a greater rate than is allowed by paragraph (1), when knowingly done, shall be deemed a forfeiture of the entire interest which the loan carries with it, or which has been agreed to be paid thereon. If such greater rate of interest has been paid, the person who paid it may recover, in a civil action commenced in a court of appropriate jurisdiction not later than two years after the date of such payment, an amount equal to twice the amount of interest paid from the small business investment company taking or receiving such interest."

SEC. 205. If any provision of this title or the application of such provision to any person or circumstance shall be held invalid, the remainder of the title and the application of such provision to any person or circumstance other than that as to which it is held invalid shall not be affected thereby.

SEC. 206. The amendments made by this title shall apply to any loan made in any State after the date of enactment of this title, but prior to the earlier of July 1, 1977, or the date (after the date of enactment of this title) on which the State enacts a provision of law which prohibits the charging of interest at the rates provided in the amendments made by this title.

TITLE III—APPLICABILITY OF STATE USURY CEILINGS TO CERTAIN OBLIGATIONS ISSUED BY BANKS AND AFFILIATES

SEC. 301. Section 19 of the Federal Reserve Act is amended by adding at the end thereof the following new subsection:

"(k) No member bank or affiliate thereof, or any successor or assignee of such member bank or affiliate or any endorser, guarantor, or surety of such member bank or affiliate may plead, raise, or claim, directly or by counterclaim, setoff, or otherwise, with respect to any deposit or obligation of such member bank or affiliate, any defense, right, or benefit under any provision of a statute or constitution of a State or of a territory of the United States, or of any law of the

District of Columbia, regulating or limiting the rate of interest which may be charged, taken, received, or reserved, and any such provision is hereby preempted, and no civil or criminal penalty which would otherwise be applicable under such provision shall apply to such member bank or affiliate or to any other person."

SEC. 302. Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end thereof the following new subsection:

"(k) No insured nonmember bank or affiliate thereof, or any successor or assignee of such bank or affiliate or any endorser, guarantor, or surety of such bank or affiliate may plead, raise, or claim, directly or by counterclaim, setoff, or otherwise, with respect to any deposit or obligation of such bank or affiliate, any defense, right, or benefit under any provision of a statute or constitution of a State or of a territory of the United States, or of any law of the District of Columbia, regulating or limiting the rate of interest which may be charged, taken, received, or reserved, and any such provision is hereby preempted, and no civil or criminal penalty which would otherwise be applicable under such provision shall apply to such bank or affiliate or to any other person."

SEC. 303. Section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is amended by adding at the end thereof the following new subsection:

"(e) No member or nonmember association, institution, or bank or affiliate thereof, or any successor or assignee, or any endorser, guarantor, or surety thereof may plead, raise, or claim, directly or by counterclaim, setoff, or otherwise, with respect to any deposit or obligation of such member or nonmember association, institution, bank or affiliate, any defense, right, or benefit under any provision of a statute or constitution of a State or of a territory of the United States, or of any law of the District of Columbia, regulating or limiting the rate of interest which may be charged, taken, received, or reserved, and any such provision is hereby preempted, and no civil or criminal penalty which would otherwise be applicable under such provision shall apply to such member or nonmember association, institution, bank or affiliate or to any other person."

SEC. 304. The amendments made by this title shall apply to any deposit made or obligation issued in any State after the date of enactment of this title, but prior to the earlier of (1) July 1, 1977 or (2) the date (after such date of enactment) on which the State enacts a provision of law which limits the amount of interest which may be charged in connection with deposits or obligations referred to in the amendments made by this title.

And the House agree to the same.

That the House recede from its amendment to the title of the bill.

W. A. BARRETT,
THOMAS L. ASHLEY,
WILLIAM S. MOORHEAD,
FERNAND ST GERMAIN,
FRANK ANNUNZIO,
JIM HANLEY,
WILLIAM R. COTTER,
JOHN J. MOAKLEY,
WILLIAM B. WIDNALL,
ALBERT W. JOHNSON,
CHALMERS WYLIE,
JOHN H. ROUSSELOT,
ANGELO D. RONCALLO,
MATTHEW J. RINALDO,
Managers on the Part of the House.

JOHN SPARKMAN,
WILLIAM PROXMIRE,
HARRISON A. WILLIAMS,
THOMAS J. MCINTYRE,
WALLACE BENNETT,
JOHN TOWER,
BILL BROCK,
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. 3838) to authorize the regulation of interest rates payable on obligations issued by affiliates of certain depository institutions, 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 amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

The House bill amended Section 19(a) of the Federal Reserve Act to authorize the Federal Reserve Board to regulate debt obligations of a parent holding company or an affiliate of a member bank, regardless of the use of the proceeds within the holding company.

The House bill granted similar authority to the Board of Directors of the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board with respect to institutions under their respective jurisdictions.

The House bill exempted from its provisions any bank holding company which has filed prior to the date of enactment an irrevocable declaration with the Board of Governors of the Federal Reserve System to divest itself of all its banks under Section 4 of the Bank Holding Company Act.

The Senate bill amended Section 19(j) of the Federal Reserve Act to give the Federal Reserve Board the discretionary authority to regulate interest rates on certain debt obligations issued by parent holding companies and affiliates of member banks regardless of the intended use of the proceeds of the debt issue.

The Senate bill provided similar discretionary regulated authority to the Board of Directors of the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board with respect to institutions under their respective jurisdictions.

Under the Senate bill, the grant of discretionary regulatory authority did not extend to those debt obligations exempted under Section 3(a)(3) of the Securities Act of 1933 from SEC registration and prospectus requirements.

The Senate receded and concurred in the House bill with the following amendment:

Section 19(a) of the Federal Reserve Act is amended to authorize the Federal Reserve Board to regulate debt obligations of a parent holding company or an affiliate of a member bank, regardless of the use of the proceeds within the holding company. The conferees also adopted the House provision which exempted from this authority any bank holding company which has filed prior to the date of enactment and irrevocable declaration with the Board of Governors of the Federal Reserve System to divest itself of all its banks under section 4 of the Bank Holding Company Act.

Similar authority is granted under the compromise to the Board of Directors of the Federal Deposit Insurance Corporation with respect to parent holding companies and affiliates of insured non-member banks.

The Senate conferees also receded to the House position on the Federal Home Loan Bank Board authority with an amendment which limits this authority to parent holding companies and affiliates of federally insured institutions.

The granting of discretionary regulatory authority to each of the regulatory agencies shall not extend to those debt obligations exempted under section 3(a)(3) of the Securities Act of 1933 from SEC registration and prospectus requirements. This provision is intended to carve out an exemption for securities such as commercial paper issued by holding companies and their nonbank subsidiaries characteristically sold only to institutional investors in large denominations.

The Senate bill provided for National banks and State banks, which are members of the Federal Reserve System, to underwrite and deal in nongeneral obligation bonds of State and local governments with certain limitations. The Secretary of the Treasury would be required to submit an annual report to Congress showing the distribution of underwriting business in the revenue bond market between commercial banks and investment firms. The House bill contained no comparable provision. The Senate receded to the House.

The Senate bill allowed National banks to charge interest on business or agricultural loans in the amount of $25,000 or more at a rate not in excess of 5% more than the Federal Reserve discount rate on 90-day commercial paper, notwithstanding any State Constitution or statute. The Senate bill permitted similar exemptions from State interest rate ceilings for Federally-insured State-chartered banks, institutions insured under the National Housing Act, and small business investment companies. The Senate bill limited the applicability of its provisions to loans made after the date of enactment but prior to July 1, 1977, or to the date of any overriding State law, whichever is earlier. The House bill contained no comparable provision. The House receded to the Senate.

The Conference Committee questioned whether this provision would have any effect on existing loans in the affected States. They agreed there is no intention by this legislation to disturb existing loans or contractural relationships between the parties. The bill simply permits the financial institutions, after the date of enactment of the legislation, to charge interest on certain business and agricultural loans at a rate up to 5 percent above the Federal discount rate, regardless of State law. This is fortified by the specific language stating that "amendments made by this title shall apply to any loan made in any State after the date of enactment of this title." Thus, existing State law would continue to apply where a loan has been made prior to the date of enactment. Loans with rates of interest made prior to the date of enactment of the title, for example, would not be affected by the legislation.

The Senate bill contained a provision allowing the proceeds of abandoned money orders for travelers checks to escheat to the State in which they were purchased, or, if the State of purchase is unknown, such proceeds would accrue to the State in which the issuing organization has its principal place of business. The House bill had no comparable provision. Since this provision had been incorporated into separate legislation, the Senate receded to the House.

The Senate bill exempted borrowings and bank deposits over $100,000 of any Federal Reserve member bank or affiliate, FDIC insured non-member bank or affiliate, and member or non-member association, institution, or bank or affiliates thereof, under the jurisdiction of the Federal Home Loan Bank Board from State usury law until July 1,

1977, or the date of any overriding State law, whichever is earlier.

The House bill contained no comparable provision. The House receded to the Senate.

W. A. BARRETT,
THOMAS L. ASHLEY,
WILLIAM S. MOORHEAD,
FERNAND ST GERMAIN,
FRANK ANNUNZIO,
JIM HANLEY,
WILLIAM R. COTTER,
JOHN J. MOAKLEY,
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Managers on the Part of the House.

JOHN SPARKMAN,
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THOMAS J. MCINTYRE,
WALLACE BENNETT,
JOHN TOWER,
BILL BROCK,
Managers on the Part of the Senate.

PERMISSION FOR CONFEREES TO FILE CONFERENCE REPORT ON H.R. 11510

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that the conferees on the bill (H.R. 11510) to create an Energy Research and Development Administration, be given until midnight tonight to file a conference report.

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

There was no objection.

CONFERENCE REPORT (H. REPT. No. 93-1445)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11510) to reorganize and consolidate certain functions of the Federal Government in a new Energy Research and Development Administration and in a Nuclear Energy Commission in order to promote more efficient management of such functions, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Energy Reorganization Act of 1974".

DECLARATION OF PURPOSE

SEC. 2 (a) The Congress hereby declares that the general welfare and the common defense and security require effective action to develop, and increase the efficiency and reliability of use of, all energy sources to meet the needs of present and future generations, to increase the productivity of the national economy and strengthen its position in regard to international trade, to make the Nation self-sufficient in energy, to advance the goals of restoring, protecting, and enhancing environmental quality, and to assure public health and safety.

(b) The Congress finds that, to best achieve these objectives, improve Government operations, and assure the coordinated and effective development of all energy sources, it is necessary to establish an Energy Research and Development Administration to bring together and direct Federal activities relating to research and development on the various sources of energy, to increase the efficiency and reliability in the use of energy, and to carry out the performance of other functions, including but not limited to the Atomic Energy Commission's military and production activities and its general basic research activities. In establishing an Energy Research and Development Administration to achieve these objectives, the Congress intends that all possible sources of energy be developed consistent with warranted priorities.

(c) The Congress finds that it is in the public interest that the licensing and related regulatory functions of the Atomic Energy Commission be separated from the performance of the other functions of the Commission, and that this separation be effected in an orderly manner, pursuant to this Act, assuring adequacy of technical and other resources necessary for the performance of each.

(d) The Congress declares that it is in the public interest and the policy of Congress that small business concerns be given a reasonable opportunity to participate, insofar as is possible, fairly and equitably in grants, contracts, purchases, and other Federal activities relating to research, development, and demonstration of sources of energy efficiency, and utilization and conservation of energy. In carrying out this policy, to the extent practicable, the Administrator shall consult with the Administrator of the Small Business Administration.

(e) Determination of priorities which are warranted should be based on such considerations as power-related values of an energy source, preservation of material resources, reduction of pollutants, export market potential (including reduction of imports), among others. On such a basis, energy sources warranting priority might include, but not be limited to, the various methods of utilizing solar energy.

TITLE I—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

ESTABLISHMENT

SEC. 101. There is hereby established an independent executive agency to be known as the Energy Research and Development Administration (hereinafter in this Act referred to as the "Administration").

OFFICERS

SEC. 102. (a) There shall be at the head of the Administration an Administrator of Energy Research and Development (hereinafter in this Act referred to as the "Administrator"), who shall be appointed from civilian life by the President by and with the advice and consent of the Senate. A person may not be appointed as Administrator within two years after release from active duty as a commissioned officer of a regular component of an Armed Force. The Administration shall be administered under the supervision and direction of the Administrator, who shall be responsible for the efficient and coordinated management of the Administration.

(b) There shall be in the Administration a Deputy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) The President shall appoint the Administrator and Deputy Administrator from among individuals who, by reason of their general background and experience are specially qualified to manage a full range of energy research and development programs.

(d) There shall be in the Administration six Assistant Administrators, one of whom shall be responsible for fossil energy, another for nuclear energy, another for environment and safety, another for conservation, another for solar, geothermal, and advanced energy systems, and another for national security. The Assistant Administrators shall be appointed by the President, by and with the advice and consent of the Senate. The President shall appoint each Assistant Administrator from among individuals who, by reason of general background and experience, are specially qualified to manage the energy technology area assigned to such Assistant Administrator.

(e) There shall be in the Administration a General Counsel who shall be appointed by the Administrator and who shall serve at the pleasure of and be removable by the Administrator.

(f) There shall be in the Administration not more than eight additional officers appointed by the Administrator. The positions of such officers shall be considered career positions and be subject to subsection 161d. of the Atomic Energy Act.

(g) The Division of Military Application transferred to and established in the Administration by section 104(d) of this Act shall be under the direction of a Director of Military Application, who shall be appointed by the Administrator and who shall serve at the pleasure of and be removable by the Administrator and shall be an active commissioned officer of the Armed Forces serving in general or flag officer rank or grade. The functions, qualifications, and compensation of the Director of Military Application shall be the same as those provided under the Atomic Energy Act of 1954, as amended, for the Assistant General Manager for Military Application.

(h) Officers appointed pursuant to this section shall perform such functions as the Administrator shall specify from time to time. The Administrator shall delegate to one such officer the special responsibility for international cooperation in all energy and related environmental research and development.

(i) The Deputy Administrator (or in the absence or disability of the Deputy Administrator, or in the event of a vacancy in the office of the Deputy Administrator, an Assistant Administrator, the General Counsel or such other official, determined according to such order as the Administrator shall prescribe) shall act for and perform the functions of the Administrator during any absence or disability of the Administrator or in the event of a vacancy in the office of the Administrator.

RESPONSIBILITIES OF THE ADMINISTRATOR

SEC. 103. The responsibilities of the Administrator shall include, but not be limited to—

(1) exercising central responsibility for policy planning, coordination, support, and management of research and development programs respecting all energy sources, including assessing the requirements for research and development in regard to various energy sources in relation to near-term and long-range needs, policy planning in regard to meeting those requirements, undertaking programs for the optimal development of the various forms of energy sources, managing such programs, and disseminating information resulting therefrom;

(2) encouraging and conducting research and development, including demonstration of commercial feasibility and practical applications of the extraction, conversion, storage, transmission, and utilization phases related to the development and use of energy from fossil, nuclear, solar, geothermal, and other energy sources;

(3) engaging in and supporting environmental, biomedical, physical, and safety research related to the development of energy sources and utilization technologies;

(4) taking into account the existence, progress, and results of other public and private research and development activities, including those activities of the Federal Energy Administration relating to the development of energy resources using currently available technology in promoting increased utilization of energy resources, relevant to

the Administration's mission in formulating its own research and development programs;

(5) participating in and supporting cooperative research and development projects which may involve contributions by public or private persons or agencies, of financial or other resources to the performance of the work;

(6) developing, collecting, distributing, and making available for distribution, scientific and technical information concerning the manufacture or development of energy and its efficient extraction, conversion, transmission, and utilization;

(7) creating and encouraging the development of general information to the public on all energy conservation technologies and energy sources as they become available for general use, and the Administrator, in conjunction with the Administrator of the Federal Energy Administration shall, to the extent practicable, disseminate such information through the use of mass communications;

(8) encouraging and conducting research and development in energy conservation, which shall be directed toward the goals of reducing total energy consumption to the maximum extent practicable, and toward maximum possible improvement in the efficiency of energy use. Development of new and improved conservation measures shall be conducted with the goal of the most expeditious possible application of these measures;

(9) encouraging and participating in international cooperation in energy and related environmental research and development;

(10) helping to assure an adequate supply of manpower for the accomplishment of energy research and development programs, by sponsoring and assisting in education and training activities in institutions of higher education, vocational schools, and other institutions, and by assuring the collection, analysis, and dissemination of necessary manpower supply and demand data;

(11) encouraging and conducting research and development in clean and renewable energy sources.

ABOLITION AND TRANSFERS

SEC. 104. (a) The Atomic Energy Commission is hereby abolished. Sections 21 and 22 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2031 and 2032) are repealed.

(b) All other functions of the Commission, the Chairman and members of the Commission, and the officers and components of the Commission are hereby transferred or allowed to lapse pursuant to the provisions of this Act.

(c) There are hereby transferred to and vested in the Administrator all functions of the Atomic Energy Commission, the Chairman and members of the Commission, and the officers and components of the Commission, except as otherwise provided in this Act.

(d) The General Advisory Committee established pursuant to section 26 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2036), the Patent Compensation Board established pursuant to section 157 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2187), and the Divisions of Military Application and Naval Reactors established pursuant to section 25 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2035), are transferred to the Energy Research and Development Administration and the functions of the Commission with respect thereto, and with respect to relations with the Military Liaison Committee established by section 27 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2037), are transferred to the Administrator.

(e) There are hereby transferred to and vested in the Administrator such functions of the Secretary of the Interior, the Department of the Interior, and officers and components of such department—

(1) as relate to or are utilized by the Office of Coal Research established pursuant to the Act of July 1, 1960 (74 Stat. 336; 30 U.S.C. 661–668);

(2) as relate to or are utilized in connection with fossil fuel energy research and development programs and related activities conducted by the Bureau of Mines "energy centers" and synthane plant to provide greater efficiency in the extraction, processing, and utilization of energy resources for the purpose of conserving those resources, developing alternative energy resources, such as oil and gas secondary and tertiary recovery, oil shale and synthetic fuels, improving methods of managing energy-related wastes and pollutants, and providing technical guidance needed to establish and administer national energy policies; and

(3) as relate to or are utilized for underground electric power transmission research.

The Administrator shall conduct a study of the potential energy applications of helium and, within six months from the date of the enactment of this Act, report to the President and Congress his recommendations concerning the management of the Federal helium programs, as they relate to energy.

(f) There are hereby transferred to and vested in the Administrator such functions of the National Science Foundation as relate to or are utilized in connection with—

(1) solar heating and cooling development; and

(2) geothermal power development.

(g) There are hereby transferred to and vested in the Administrator such functions of the Environmental Protection Agency and the officers and components thereof as relate to or are utilized in connection with research, development, and demonstration, but not assessment or monitoring for regulatory purposes, of alternative automotive power systems.

(h) To the extent necessary or appropriate to perform functions and carry out programs transferred by this Act, the Administrator and Commission may exercise, in relation to the functions so transferred, any authority or part thereof available by law, including appropriation Acts, to the official or agency from which such functions were transferred.

(i) In the exercise of his responsibilities under section 103, the Administrator shall utilize, with their consent, to the fullest extent he determines advisable the technical and management capabilities of other executive agencies having facilities, personnel, or other resources which can assist or advantageously be expanded to assist in carrying out such responsibilities. The Administrator shall consult with the head of each agency with respect to such facilities, personnel, or other resources, and may assign, with their consent, specific programs or projects in energy research and development as appropriate. In making such assignments under this subsection, the head of each such agency shall insure that—

(1) such assignments shall be in addition to and not detract from the basic mission responsibilities of the agency, and

(2) such assignments shall be carried out under such guidance as the Administrator deems appropriate.

ADMINISTRATIVE PROVISIONS

SEC. 105. (a) The Administrator is authorized to prescribe such policies, standards, criteria, procedures, rules, and regulations as he may deem to be necessary or appropriate to perform functions now or hereafter vested in him.

(b) The Administrator shall engage in such policy planning, and perform such program evaluation analyses and other studies, as may be necessary to promote the efficient and coordinated administration of the Administration and properly assess progress toward the achievement of its missions.

(c) Except as otherwise expressly provided by law, the Administrator may delegate any of his functions to such officers and employees of the Administration as he may designate, and may authorize such successive redelegations of such functions as he may deem to be necessary or appropriate.

(d) Except as provided in section 102 and in section 104(d), the Administrator may organize the Administration as he may deem to be necessary or appropriate.

(e) The Administrator is authorized to establish, maintain, alter, or discontinue such State, regional, district, local, or other field offices as he may deem to be necessary or appropriate to perform functions now or hereafter vested in him.

(f) The Administrator shall cause a seal of office to be made for the Administration of such device as he shall approve, and judicial notice shall be taken of such seal.

(g) The Administrator is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interests of economy and efficiency. There shall be transferred to the fund the stocks of supplies, equipment, assets other than real property, liabilities, and unpaid obligations relating to the services which he determines will be performed through the fund. Appropriations to the fund, in such amounts as may be necessary to provide additional working capital, are authorized. The working capital fund shall recover, from the appropriations and funds for which services are performed, either in advance or by way of reimbursement, amounts which will approximate the costs incurred, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from the sale or exchange of its property, and receipts in payment for loss or damage to property owned by the fund.

(h) Each department, agency, and instrumentality of the executive branch of the Government is authorized to furnish to the Administrator, upon his request, any information or other data which the Administrator deems necesary to carry out his duties under this title.

PERSONNEL AND SERVICES

SEC. 106. (a) The Administrator is authorized to select, appoint, employ, and fix the compensation of such officers and employees, including attorneys, pursuant to section 161 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2201(d)) as are necessary to perform the functions now or hereafter vested in him and to prescribe their functions.

(b) The Administrator is authorized to obtain services as provided by section 3109 of title 5 of the United States Code.

(c) The Administrator is authorized to provide for participation of military personnel in the performance of his functions. Members of the Army, the Navy, the Air Force, or the Marine Corps may be detailed for service in the Administration by the appropriate military Secretary, pursuant to cooperative agreements with the Secretary, for service in the Administration in positions other than a position the occupant of which must be approved by and with the advice and consent of the Senate.

(d) Appointment, detail, or assignment to, acceptance of, and service in, any appointive or other position in the Administration under this section shall in no way affect the status, office, rank, or grade which such officers or enlisted men may occupy or hold, or any emolument, perquisite, right, privilege, or

benefit incident to or arising out of any such status, office, rank, or grade. A member so appointed, detailed, or assigned shall not be subject to direction or control by his Armed Force, or any officer thereof, directly or indirectly, with respect to the responsibilities exercised in the position to which appointed, detailed, or assigned.

(e) The Administrator is authorized to pay transportation expenses, and per diem in lieu of subsistence expenses, in accordance with chapter 57 of title 5 of the United States Code for travel between places of recruitment and duty, and while at places of duty, of persons appointed for emergency, temporary, or seasonal services in the field service of the Administration.

(f) The Administrator is authorized to utilize, on a reimbursable basis, the services of any personnel made available by any department, agency, or instrumentality, including any independent agency of the Government.

(g) The Administrator is authorized to establish advisory boards, in accordance with the provisions of the Federal Advisory Committee Act (Public Law 92-463), to advise with and make recommendations to the Administrator on legislation, policies, administration, research, and other matters.

(h) The Administrator is authorized to employ persons who are not citizens of the United States in expert, scientific, technical, or professional capacities whenever he deems it in the public interest.

POWERS

SEC. 107. (a) The Administrator is authorized to exercise his powers in such manner as to insure the continued conduct of research and development and related activities in areas or fields deemed by the Administrator to be pertinent to the acquisition of an expanded fund of scientific, technical, and practical knowledge in energy matters. To this end, the Administrator is authorized to make arrangements (including contracts, agreements, and loans) for the conduct of research and development activities with private or public institutions or persons, including participation in joint or cooperative projects of a research, developmental, or experimental nature; to make payments (in lump sum or installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments); and generally to take such steps as he may deem necessary or appropriate to perform functions now or hereafter vested in him. Such functions of the Administrator under this Act as are applicable to the nuclear activities transferred pursuant to this title shall be subject to the provisions of the Atomic Energy Act of 1954, as amended, and to other authority applicable to such nuclear activities. The nonnuclear responsibilities and functions of the Administrator referred to in sections 103 and 104 of this Act shall be carried out pursuant to the provisions of this Act, applicable authority existing immediately before the effective date of this Act, or in accordance with the provisions of chapter 4 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2051-2053).

(b) Except for public buildings as defined in the Public Buildings Act of 1959, as amended, and with respect to leased space subject to the provisions of Reorganization Plan Numbered 18 of 1950, the Administrator is authorized to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain facilities and real property as the Administrator deems to be necessary in and outside of the District of Columbia. Such authority shall apply only to facilities required for the maintenance and operation of laboratories, research and testing sites and facilities, quarters, and related accommodations for employees and dependents of employees of the Administration, and such other special-purpose real property as the Administrator deems to be necessary in and outside the District of Columbia. Title to any property or interest therein, real, personal, or mixed acquired pursuant to this section, shall be in the United States.

(c)(1) The Administrator is authorized to provide, construct, or maintain, as necessary and when not otherwise available, the following for employees and their dependents stationed at remote locations:

(A) Emergency medical services and supplies.

(B) Food and other subsistence supplies.

(C) Messing facilities.

(D) Audiovisual equipment, accessories, and supplies for recreation and training.

(E) Reimbursement for food, clothing, medicine, and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons.

(F) Living and working quarters and facilities.

(G) Transportation for school-age dependents of employees to the nearest appropriate educational facilities.

(2) The furnishing of medical treatment under subparagraph (A) of paragraph (1) and the furnishing of services and supplies under paragraphs (B) and (C) of paragraph (1) shall be at prices reflecting reasonable value as determined by the Administrator.

(3) Proceeds from reimbursements under this section shall be deposited in the Treasury and may be withdrawn by the Administrator to pay directly the cost of such work or services, to repay or make advances to appropriations or funds which do or will bear all or a part of such cost, or to refund excess sums when necessary; except that such payments may be credited to a service or working capital fund otherwise established by law, and used under the law governing funds, if the fund is available for use by the Administrator for performing the work or services for which payment is received.

(d) The Administrator is authorized to acquire any of the following described rights if the property acquired thereby is for use in, or is useful to, the performance of functions vested in him:

(1) Copyrights, patents, and applications for patents, designs, processes, specifications, and data.

(2) Licenses under copyrights, patents, and applications for patents.

(3) Releases, before suit is brought, for past infringement of patents or copyrights.

(e) Subject to the provisions of chapter 12 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2161-2166), and other applicable law, the Administrator shall disseminate scientific, technical, and practical information acquired pursuant to this title through information programs and other appropriate means, and shall encourage the dissemination of scientific, technical, and practical information relating to energy so as to enlarge the fund of such information and to provide that free interchange of ideas and criticism which is essential to scientific and industrial progress and public understanding.

(f) The Administrator is authorized to accept, hold, administer, and utilize gifts, and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Administration. Gifts and bequests of money and proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury and shall be disbursed upon the order of the Administrator. For the purposes of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift or bequest to the United States.

INTERIM COORDINATION

SEC. 108. (a) There is established in the Executive Office of the President an Energy Resources Council. The Council shall be composed of the Secretary of the Interior, the Administrator of the Federal Energy Administration, the Administrator of the Energy Research and Development Administration, the Secretary of State, the Director, Office of Management and Budget, and such other officials of the Federal Government as the President may designate. The President shall designate one of the members of the Council to serve as Chairman.

(b) It shall be the duty and function of the Council to—

(1) insure communication and coordination among the agencies of the Federal Government which have responsibilities for the development and implementation of energy policy or for the management of energy resources;

(2) make recommendations to the President and to the Congress for measures to improve the implementation of Federal energy policies or the management of energy resources with particular emphasis upon policies and activities involving two or more Departments or independent agencies; and

(3) advise the President in the preparation of the reorganization recommendations required by section 110 of this Act.

(c) The Chairman of the Council may not refuse to testify before the Congress or any duly authorized committee thereof regarding the duties of the Council or other matters concerning interagency coordination of energy policy and activities.

(d) This section shall be effective no later than sixty days after the enactment of this Act or such earlier date as the President shall prescribe and publish in the Federal Register, and shall terminate upon enactment of a permanent department responsible for energy and natural resources or two years after such effective date, whichever shall occur first.

FUTURE REORGANIZATION

SEC. 109. (a) The President shall transmit to the Congress as promptly as possible, but not later than June 30, 1975, such additional recommendations as he deems advisable for organization of energy and related functions in the Federal Government, including, but not limited to, whether or not there shall be established (1) a Department of Energy and Natural Resources, (2) an Energy Policy Council, and (3) a consolidation in whole or in part of regulatory functions concerning energy.

(b) This report shall replace and serve the purposes of the report required by section 15(a)(4) of the Federal Energy Administration Act.

COORDINATION WITH ENVIRONMENTAL EFFORTS

SEC. 110. The Administrator is authorized to establish programs to utilize research and development performed by other Federal agencies to minimize the adverse environmental effects of energy projects. The Administrator of the Environmental Protection Agency, as well as other affected agencies and departments, shall cooperate fully with the Administrator in establishing and maintaining such programs, and in establishing appropriate interagency agreements to develop cooperative programs and to avoid unnecessary duplication.

TITLE II—NUCLEAR REGULATORY COMMISSION

ESTABLISHMENT AND TRANSFERS

SEC. 201. (a)(1) There is established an independent regulatory commission to be known as the Nuclear Regulatory Commission which shall be composed of five members, each of whom shall be a citizen of the United States. The President shall designate one member of the Commission as Chairman thereof to serve as such during the pleasure of the President. The Chairman may from time to time designate any other member of the Commission as Acting Chairman to act in the place and stead of the Chairman dur-

ing his absence. The Chairman (or the Acting Chairman in the absence of the Chairman) shall preside at all meetings of the Commission and a quorum for the transaction of business shall consist of at least three members present. Each member of the Commission, including the Chairman, shall have equal responsibility and authority in all decisions and actions of the Commission, shall have full access to all information relating to the performance of his duties or responsibilities, and shall have one vote. Action of the Commission shall be determined by a majority vote of the members present. The Chairman (or Acting Chairman in the absence of the Chairman) shall be the official spokesman of the Commission in its relations with the Congress, Government agencies, persons, or the public, and, on behalf of the Commission, shall see to the faithful execution of the policies and decisions of the Commission, and shall report thereon to the Commission from time to time or as the Commission may direct. The Commission shall have an official seal which shall be judicially noticed.

(2) The Chairman of the Commission shall be the principal executive officer of the Commission, and he shall exercise all of the executive and administrative functions of the Commission, including functions of the Commission with respect to (A) the appointment and supervision of personnel employed under the Commission (other than personnel employed regularly and full time in the immediate offices of commissioners other than the Chairman and except as otherwise provided in this Act), (B) the distribution of business among personnel appointed and supervised by the Chairman and among administrative units of the Commission, and (C) the use and expenditure of funds.

(3) In carrying out any of his functions under the provisions of this subsection the Chairman shall be governed by general policies of the Commission and by such regulatory decisions, findings, and determinations as the Commission may by law be authorized to make.

(b)(1) Members of the Commission shall be appointed by the President, by and with the advice and consent of the Senate.

(2) Appointments of members pursuant to this subsection shall be made in such a manner that not more than three members of the Commission shall be members of the same political party.

(c) Each member shall serve for a term of five years, each such term to commence on July 1, except that of the five members first appointed to the Commission, one shall serve for one year, one for two years, one for three years, one for four years, and one for five years, to be designated by the President at the time of appointment.

(d) Such initial appointments shall be submitted to the Senate within sixty days of the signing of this Act. Any individual who is serving as a member of the Atomic Energy Commission at the time of the enactment of this Act, and who may be appointed by the President to the Commission, shall be appointed for a term designated by the President, but which term shall terminate not later than the end of his present term as a member of the Atomic Energy Commission, without regard to the requirements of subsection (b)(2) of this section. Any subsequent appointment of such individuals shall be subject to the provisions of this section.

(e) Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. No member of the Commission shall engage in any business, vocation, or employment other than that of serving as a member of the Commission.

(f) There are hereby transferred to the Commission all the licensing and related regulatory functions of the Atomic Energy Commission, the Chairman and members of the Commission, the General Counsel, and other officers and components of the Commission—which functions officers, components, and personnel are excepted from the transfer to the Administrator by section 104(c) of this Act.

(g) In addition to other functions and personnel transferred to the Commission, there are also transferred to the Commission—

(1) the functions of the Atomic Safety and Licensing Board Panel and the Atomic Safety and Licensing Appeal Board;

(2) such personnel as the Director of the Office of Management and Budget determines are necessary for exercising responsibilities under section 205, relating to research, for the purpose of confirmatory assessment relating to licensing and other regulation under the provisions of the Atomic Energy Act of 1954, as amended, and of this Act.

LICENSING AND RELATED REGULATORY FUNCTIONS RESPECTING SELECTED ADMINISTRATION FACILITIES

SEC. 202. Notwithstanding the exclusions provided for in section 110 a. or any other provisions of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2140(a)), the Nuclear Regulatory Commission shall, except as otherwise specifically provided by section 110 b. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2140(b)), or other law, have licensing and related regulatory authority pursuant to chapters 6, 7, 8, and 10 of the Atomic Energy Act of 1954, as amended, as to the following facilities of the Administration:

(1) Demonstration Liquid Metal Fast Breeder reactors when operated as part of the power generation facilities of an electric utility system, or when operated in any other manner for the purpose of demonstrating the suitability for commercial application of such a reactor.

(2) Other demonstration nuclear reactors—except those in existence on the effective date of this Act—when operated as part of the power generation facilities of an electric utility system, or when operated in any other manner for the purpose of demonstrating the suitability for commercial application of such a reactor.

(3) Facilities used primarily for the receipt and storage of high-level radioactive wastes resulting from activities licensed under such Act.

(4) Retrievable Surface Storage Facilities and other facilities authorized for the express purpose of subsequent long-term storage of high-level radioactive waste generated by the Administration, which are not used for, or are part of, research and development activities.

OFFICE OF NUCLEAR REACTOR REGULATION

SEC. 203. (a) There is hereby established in the Commission an Office of Nuclear Reactor Regulation under the direction of a Director of Nuclear Reactor Regulation, who shall be appointed by the Commission, who may report directly to the Commission, as provided in section 209, and who shall serve at the pleasure of and be removable by the Commission.

(b) Subject to the provisions of this Act, the Director of Nuclear Reactor Regulation shall perform such functions as the Commission shall delegate including:

(1) Principal licensing and regulation involving all facilities, and materials licensed under the Atomic Energy Act of 1954, as amended, associated with the construction and operation of nuclear reactors licensed under the Atomic Energy Act of 1954, as amended;

(2) Review the safety and safeguards of all such facilities, materials, and activities, and such review functions shall include, but not be limited to—

(A) monitoring, testing and recommending upgrading of systems designed to prevent substantial health or safety hazards; and

(B) evaluating methods of transporting special nuclear and other nuclear materials and of transporting and storing high-level radioactive wastes to prevent radiation hazards to employees and the general public.

(3) Recommend research necessary for the discharge of the functions of the Commission.

(c) Nothing in this section shall be construed to limit in any way the functions of the Administration relating to the safe operation of all facilities resulting from all activities within the jurisdiction of the Administration pursuant to this Act.

OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

SEC. 204. (a) There is hereby established in the Commission an Office of Nuclear Material Safety and Safeguards under the direction of a Director of Nuclear Material Safety and Safeguards, who shall be appointed by the Commission, who may report directly to the Commission as provided in section 209, and who shall serve at the pleasure of and be removable by the Commission.

(b) Subject to the provisions of this Act, the Director of Nuclear Material Safety and Safeguards shall perform such functions as the Commission shall delegate including:

(1) Principal licensing and regulation involving all facilities and materials, licensed under the Atomic Energy Act of 1954, as amended, associated with the processing, transport, and handling of nuclear materials, including the provision and maintenance of safeguards against threats, thefts, and sabotage of such licensed facilities, and materials.

(2) Review safety and safeguards of all such facilities and materials licensed under the Atomic Energy Act of 1954, as amended, and such review shall include, but not be limited to—

(A) monitoring, testing, and recommending upgrading of internal accounting systems for special nuclear and other nuclear materials licensed under the Atomic Energy Act of 1954, as amended;

(B) developing, in consultation and coordination with the Administration, contingency plans for dealing with threats, thefts, and sabotage relating to special nuclear materials, high-level radioactive wastes and nuclear facilities resulting from all activities licensed under the Atomic Energy Act of 1954, as amended;

(C) assessing the need for, and the feasibility of, establishing a security agency within the office for the performance of the safeguards functions, and a report with recommendations on this matter shall be prepared within one year of the effective date of this Act and promptly transmitted to the Congress by the Commission.

(3) Recommending research to enable the Commission to more effectively perform its functions.

(c) Nothing in this section shall be construed to limit in any way the functions of the Administration relating to the safeguarding of special nuclear materials, high-level radioactive wastes and nuclear facilities resulting from all activities within the jurisdiction of the Administration pursuant to this Act.

OFFICE OF NUCLEAR REGULATORY RESEARCH

SEC. 205. (a) There is hereby established in the Commission an Office of Nuclear Regulatory Research under the direction of a Director of Nuclear Regulatory Research, who shall be appointed by the Commission, who may report directly to the Commission as provided in section 209, and who shall serve at the pleasure of and be removable by the Commission.

(b) Subject to the provisions of this Act, the Director of Nuclear Regulatory Research

shall perform such functions as the Commission shall delegate including:

(1) Developing recommendations for research deemed necessary for performance by the Commission of its licensing and related regulatory functions.

(2) Engaging in or contracting for research which the Commission deems necessary for the performance of its licensing and related regulatory functions.

(c) The Administrator of the Administration and the head of every other Federal agency shall—

(1) cooperate with respect to the establishment of priorities for the furnishing of such research services as requested by the Commission for the conduct of its functions;

(2) furnish to the Commission, on a reimbursable basis, through their own facilities or by contract or other arrangement, such research services as the Commission deems necessary and requests for the performance of its functions; and

(3) consult and cooperate with the Commission on research and development matters of mutual interest and provide such information and physical access to its facilities as will assist the Commission in acquiring the expertise necessary to perform its licensing and related regulatory functions.

(d) Nothing in subsections (a) and (b) of this section or section 201 of this Act shall be construed to limit in any way the functions of the Administration relating to the safety of activities within the jurisdiction of the Administration.

(e) Each Federal agency, subject to the provisions of existing law, shall cooperate with the Commission and provide such information and research services, on a reimbursable basis, as it may have or be reasonably able to acquire.

NONCOMPLIANCE

SEC. 206. (a) Any individual director, or responsible officer of a firm constructing, owning, operating, or supplying the components of any facility or activity which is licensed or otherwise regulated pursuant to the Atomic Energy Act of 1954 as amended, or pursuant to this Act, who obtains information reasonably indicating that such facility or activity or basic components supplied to such facility or activity—

(1) fails to comply with the Atomic Energy Act of 1954, as amended, or any applicable rule, regulation, order, or license of the Commission relating to substantial safety hazards, or

(2) contains a defect which could create a substantial safety hazard, as defined by regulations which the Commission shall promulgate,

shall immediately notify the Commission of such failure to comply, or of such defect, unless such person has actual knowledge that the Commission has been adequately informed of such defect or failure to comply.

(b) Any person who knowingly and consciously fails to provide the notice required by subsection (a) of this section shall be subject to a civil penalty in an amount equal to the amount provided by section 234 of the Atomic Energy Act of 1954, as amended.

(c) The requirements of this section shall be prominently posted on the premises of any facility licensed or otherwise regulated pursuant to the Atomic Energy Act of 1954, as amended.

(d) The Commission is authorized to conduct such reasonable inspections and other enforcement activities as needed to insure compliance with the provisions of this section.

NUCLEAR ENERGY CENTER SITE SURVEY

SEC. 207. (a)(1) The Commission is authorized and directed to make or cause to be made under its direction, a national survey, which shall include consideration of each of the existing or future electric reliability regions, or other appropriate regional areas, to locate and identify possible nuclear energy center sites. This survey shall be conducted in cooperation with other interested Federal, State, and local agencies, and the views of interested persons, including electric utilities, citizens' groups, and others, shall be solicited and considered.

(2) For purposes of this section, the term "nuclear energy center site" means any site, including a site not restricted to land, large enough to support utility operations or other elements of the total nuclear fuel cycle, or both including, if appropriate, nuclear fuel reprocessing facilities, nuclear fuel fabrication plants, retrievable nuclear waste storage facilities, and uranium enrichment facilities.

(3) The survey shall include—

(a) a regional evaluation of natural resources, including land, air, and water resources, available for use in connection with nuclear energy center sites; estimates of future electric power requirements that can be served by each nuclear energy center site; an assessment of the economic impact of each nuclear energy site; and consideration of any other relevant factors, including but not limited to population distribution, proximity to electric load centers and to other elements of the fuel cycle, transmission line rights-of-way, and the availability of other fuel resources;

(b) an evaluation of the environmental impact likely to result from construction and operation of such nuclear energy centers, including an evaluation whether such nuclear energy centers will result in greater or lesser environmental impact than separate siting of the reactors and/or fuel cycle facilities; and

(c) consideration of the use of federally owned property and other property designated for public use, but excluding national parks, national forests, national wilderness areas, and national historic monuments.

(4) A report of the results of the survey shall be published and transmitted to the Congress and the Council on Environmental Quality not later than one year from the date of the enactment of this Act and shall be made available to the public, and shall be updated from time to time thereafter as the Commission, in its discretion, deems advisable. The report shall include the Commission's evaluation of the results of the survey and any conclusions and recommendations, including recommendations for legislation, which the Commission may have concerning the feasibility and practicality of locating nuclear power reactors and/or other elements of the nuclear fuel cycle on nuclear energy center sites. The Commission is authorized to adopt policies which will encourage the location of nuclear power reactors and related fuel cycle facilities on nuclear energy center sites insofar as practicable.

ABNORMAL OCCURRENCE REPORTS

SEC. 208. The Commission shall submit to the Congress each quarter a report listing for that period any abnormal occurrences at or associated with any facility which is licensed or otherwise regulated pursuant to the Atomic Energy Act of 1954 as amended, or pursuant to this Act. For the purposes of this section an abnormal occurrence is an unscheduled incident or event which the Commission determines is significant from the standpoint of public health or safety. Nothing in the preceding sentence shall limit the authority of a court to review the determination of the Commission. Each such report shall contain—

(1) the date and place of each occurrence;

(2) the nature and probate consequence of each occurrence;

(3) the cause or causes of each; and

(4) any action taken to prevent reoccurrence;

the Commission shall also provide as wide dissemination to the public of the information specified in clauses (1) and (2) of this section as reasonably possible within fifteen days of its receiving information of each abnormal occurrence and shall provide as wide dissemination to the public as reasonably possible of the information specified in clauses (3) and (4) as soon as such information becomes available to it.

OTHER OFFICERS

SEC. 209. (a) The Commission shall appoint an Executive Director for Operations, who shall serve at the pleasure of and be removable by the Commission.

(b) The Executive Director shall perform such functions as the Commission may direct, except that the Executive Director shall not limit the authority of the director of any component organization provided in this Act to communicate with or report directly to the Commission when such director of a component organization deems it necessary to carry out his responsibilities.

(c) There shall be in the Commission not more than five additional officers appointed by the Commission. The positions of such officers shall be considered career positions and be subject to subsection 161d. of the Atomic Energy Act.

TITLE III—MISCELLANEOUS AND TRANSITIONAL PROVISIONS

TRANSITIONAL PROVISIONS

SEC. 301. (a) Except as otherwise provided in this Act, whenever all of the functions or programs of an agency, or other body, or any component thereof, affected by this Act, have been transferred from that agency, or other body, or any component thereof by this Act, the agency, or other body, or component thereof shall lapse. If an agency, or other body, or any component thereof, lapses pursuant to the preceding sentence, each position and office therein which was expressly authorized by law, or the incumbent of which was authorized to receive compensation at the rate prescribed for an office or position at level II, III, IV, or V of the Executive Schedule (5 U.S.C. 5313–5316), shall lapse.

(b) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions, which are transferred under this Act, and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, the Administrator, the Commission, or other authorized officials, a court of competent jurisdiction, or by operation of law.

(c) The provisions of this Act shall not affect any proceeding pending, at the time this section takes effect, before the Atomic Energy Commission or any department or agency (or component thereof) functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have

been discontinued if this Act had not been enacted.

(d) Except as provided in subsection (f)—

(1) the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect, and

(2) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

(e) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or such official as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter any order which will give effect to the provisions of this section.

(f) If, before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act any function of such department, agency, or officer is transferred to the Administrator or Commission, or any other official, then such suit shall be continued as if this Act had not been enacted, with the Administrator or Commission, or other official, as the case may be, substituted.

(g) Final orders and actions of any official or component in the performance of functions transferred by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders or actions had been made or taken by the officer, department, agency, or instrumentality in the performance of such functions immediately preceding the effective date of this Act. Any statutory requirements relating to notices, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the performance of those functions by the Administrator or Commission, or any officer or component.

(h) With respect to any function transferred by this Act and performed after the effective date of this Act, reference in any other law to any department or agency, or any officer or office, the functions of which are so transferred, shall be deemed to refer to the Administration, the Administrator or Commission or other office or official in which this Act vests such functions.

(i) Nothing contained in this Act shall be construed to limit, curtail, abolish, or terminate any function of the President which he had immediately before the effective date of this Act; or to limit, curtail, abolish, or terminate his authority to perform such function; or to limit, curtail, abolish, or terminate his authority to delegate, redelegate, or terminate any delegation of functions.

(j) Any reference in this Act to any provision of law shall be deemed to include, as appropriate, references thereto as now or hereafter amended or supplemented.

(k) Except as may be otherwise expressly provided in this Act, all functions expressly conferred by this Act shall be in addition to and not in substitution for functions existing immediately before the effective date of this Act and transferred by this Act.

TRANSFER OF PERSONNEL AND OTHER MATTERS

SEC. 302. (a) Except as provided in the next sentence, the personnel employed in connection with, and the personnel positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with the functions and programs transferred by this Act, are, subject to section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), correspondingly transferred for appropriate allocation. Personnel positions expressly created by law, personnel occupying those positions on the effective date of this Act, and personnel authorized to receive compensation at the rate prescribed for offices and positions at levels II, III, IV, or V of the Executive Schedule (5 U.S.C. 5313–5316) on the effective date of this Act shall be subject to the provisions of subsection (c) of this section and section 301 of this Act.

(b) Except as provided in subsection (c), transfer of nontemporary personnel pursuant to this Act shall not cause any such employee to to be separated or reduced in grade or compensation for one year after such transfer.

(c) Any person who, on the effective date of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5 of the United States Code, and who, without a break in service, is appointed in the Administration to a position having duties comparable to those performed immediately preceding his appointment shall continue to be compensated in his new position at not less than the rate provided for his previous position.

INCIDENTAL DISPOSITIONS

SEC. 303. The Director of the Office of Management and Budget is authorized to make such additional incidental dispositions of personnel, personnel positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be made available in connection with functions transferred by this Act, as he may deem necessary or appropriate to accomplish the intent and purpose of this Act.

DEFINITIONS

SEC. 304. As used in this Act—

(1) any reference to "function" or "functions" shall be deemed to include references to duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be; and

(2) any reference to "perform" or "performance", when used in relation to functions, shall be deemed to include the exercise of power, authority, rights, and privileges.

AUTHORIZATION OF APPROPRIATIONS

SEC. 305. (a) Except as otherwise provided by law, appropriations made under this Act shall be subject to annual authorization.

(b) Authorization of appropriations to the Commission shall reflect the need for effective licensing and other regulation of the nuclear power industry in relation to the growth of such industry.

COMPTROLLER GENERAL AUDIT

SEC. 306. (a) Section 166. "Comptroller General Audit" of the Atomic Energy Act of 1954, as amended, shall be deemed to be applicable, respectively, to the nuclear and nonnuclear activities under title I and to the activities under title II.

(b) The Comptroller General of the United States shall audit, review, and evaluate the implementation of the provisions of title II of this Act by the Nuclear Safety and Licensing Commission (1) Not later than sixty months after the effective date of this Act, the Comptroller General shall prepare and submit to the Congress a report on his audit, which shall contain, but not be limited to—

(1) an evaluation of the effectiveness of the licensing and related regulatory activities of the Commission and the operations of the Office of Nuclear Safety Research and the Bureau of Nuclear Materials Security;

(2) an evaluation of the effect of such Commission activities on the efficiency, effectiveness, and safety with which the activities licensed under the Atomic Energy Act of 1954, as amended, are carried out;

(3) recommendations concerning any legislation he deems necessary, and the reasons therefor, for improving the implementation of title II.

REPORTS

SEC. 307. (a) The Administrator shall, as soon as practicable after the end of each fiscal year, make a report to the President for submission to the Congress on the activities of the Administration during the preceding fiscal year. Such report shall include a statement of the short-range and long-range goals, priorities, and plans of the Administration together with an assessment of the progress made toward the attainment of those objectives and toward the more effective and efficient management of the Administration and the coordination of its functions.

(b) During the first year of operation of the Administration, the Administrator, in collaboration with the Secretary of Defense, shall conduct a thorough review of the desirability and feasibility of transferring to the Department of Defense or other Federal agencies the functions of the Administrator respecting military application and restricted data, and within one year after the Administrator first takes office the Administrator shall make a report to the President, for submission to the Congress, setting forth his comprehensive analysis, the principal alternatives, and the specific recommendations of the Administrator and the Secretary of Defense.

(c) The Commission shall, as soon as practicable after the end of each fiscal year, make a report to the President for submission to the Congress on the activities of the Commission during the preceding fiscal year. Such report shall include a clear statement of the short-range and long-range goals, priorities, and plans of the Commission as they relate to the benefits, costs, and risks of commercial nuclear power. Such report shall also include a clear description of the Commission's activities and findings in the following areas—

(1) insuring the safe design of nuclear powerplants and other licensed facilities;

(2) investigating abnormal occurrences and defects in nuclear powerplants and other licensed facilities;

(3) safeguarding special nuclear materials at all stages of the nuclear fuel cycle;

(4) investigating suspected, attempted, or actual thefts of special nuclear materials in the licensed sector and developing contingency plans for dealing with such incidents;

(5) insuring the safe, permanent disposal of high-level radioactive wastes through the licensing of nuclear activities and facilities;

(6) protecting the public against the hazards of low-level radioactive emissions from licensed nuclear activities and facilities.

INFORMATION TO COMMITTEES

SEC. 308. The Administrator shall keep the appropriate congressional committees fully and currently informed with respect to all of the Administration's activities.

TRANSFER OF FUNDS

SEC. 309. The Administrator, when authorized in an appropriation Act, may, in any fiscal year, transfer funds from one appropriation to another within the Administration; except, that no appropriation shall be either increased or decreased pursuant to this section by more than 5 per centum of the appropriation for such fiscal year.

CONFORMING AMENDMENTS TO CERTAIN OTHER LAWS

SEC. 310. Subchapter II (relating to Executive Schedule pay rates) of chapter 53 of title 5, United States Code, is amended as follows:

(1) Section 5313 is amended by striking out "(8) Chairman, Atomic Energy Commission." and inserting in lieu thereof "(8) Chairman, Nuclear Regulatory Commission.", and by adding at the end thereof the following:

"(22) Administrator of Energy Research and Development Administration.".

(2) Section 5314 is amended by striking out "(42) Members, Atomic Energy Commission." and inserting in lieu thereof "(42) Members, Nuclear Regulatory Commission.", and by adding at the end thereof the following:

"(60) Deputy Administrator, Energy Research and Development Administration.".

(3) Section 5315 is amended by striking out paragraph (50), and by adding at the end thereof the following:

"(100) Assistant Administrators, Energy Research and Development Administration (6).

"(101) Director of Nuclear Reactor Regulation, Nuclear Regulatory Commission.

"(102) Director of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission.

"(103) Director of Nuclear Regulatory Research, Nuclear Regulatory Commission.

"(104) Executive Director for Operations, Nuclear Regulatory Commission."

(4) Section 5316 is amended by striking out paragraphs (29), (62), (69), and (102), by striking out "(81) General Counsel of the Atomic Energy Commission," and inserting in lieu thereof "(81) General Counsel of the Nuclear Regulatory Commission.", and by adding at the end thereof the following:

"(134) General Counsel, Energy Research and Development Administration.

"(135) Additional officers, Energy Research and Development Administration (8).

"(136) Additional officers, Nuclear Regulatory Commission (5).".

SEPARABILITY

SEC. 311. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

EFFECTIVE DATE AND INTERIM APPOINTMENTS

SEC. 312. (a) This Act shall take effect one hundred and twenty days after the date of its enactment, or on such earlier date as the President may prescribe and publish in the Federal Register; except that any of the officers provided for in title I of this Act may be nominated and appointed, as provided by this Act, at any time after the date of enactment of this Act. Funds available to any department or agency (or any official or component thereof), any functions of which are transferred to the Administrator and the Commission by this Act, may, with the approval of the President, be used to pay the compensation and expenses of any officer appointed pursuant to this subsection until such time as funds for that purpose are otherwise available.

(b) In the event that any officer required by this Act to be appointed by and with the advice and consent of the Senate shall not have entered upon office on the effective date of this Act, the President may designate any officer, whose appointment was required to be made by and with the advice and consent of the Senate and who was such an officer immediately prior to the effective date of this Act, to act in such office until the office is filled as provided in this Act. While so acting, such persons shall receive compensation at the rates provided by this Act for the respective offices in which they act.

TITLE IV—SEX DISCRIMINATION

SEX DISCRIMINATION PROHIBITED

SEC. 401. No person shall on the ground of sex be excluded from participation in, be denied a license under, be denied the benefits of, or be subjected to discrimination under any program or activity carried on or receiving Federal assistance under any title of this Act. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee.

And the Senate agree to the same.

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

In lieu of the amended title proposed by the Senate amendment, amend the title so as to read: "An Act to reorganize and consolidate certain functions of the Federal Government in a new Energy Research and Development Administration and in a new Nuclear Regulatory Commission in order to promote more efficient management of such functions.".

And the Senate agree to the same.

CHET HOLIFIELD,
WILLIAM S. MOORHEAD,
FERNAND ST GERMAIN,
DON FUQUA,
FRANK HORTON,
JOHN WYDLER,
CLARENCE J. BROWN,
Managers on the Part of the House.

SAM J. ERVIN, JR.,
HENRY M. JACKSON,
EDMUND S. MUSKIE,
ABE RIBICOFF,
CHARLES PERCY,
JACOB JAVITS,
EDWARD J. GURNEY,
W. V. ROTH,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11510) to reorganize and consolidate certain functions of the Federal Government in a new Energy Research and Development Administration and in a Nuclear Energy Commission in order to promote more efficient management of such functions, 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.

Except for certain clarifying, clerical, conforming, and other technical changes, the changes made to deal with the differences between the House bill and the Senate amendment are noted below.

TITLE—NAME OF COMMISSION

The Senate amendment amended the title to change the name of the Nuclear Energy Commission to the Nuclear Safety and Licensing Commission. The name substituted by the conferees is Nuclear Regulatory Commission, and conforming changes are made in the text.

The short title, "Energy Reorganization Act of 1974," follows the Senate amendment (section 1). The House bill was passed in 1973.

ENERGY PRIORITIES

The Senate amendment, in the declaration of purpose (subsection 2(b)), included a reference to "general basic research activities of the Atomic Energy Commission (AEC) as among the functions to be transferred to the Energy Research and Development Administration (ERDA), and contained a proviso that ERDA give no "unwarranted priority" to any energy technology. Certain guidelines for the determination of priorities were set forth (subsection 2(e)).

The conference substitute includes the Senate reference to "general basic research activities"; restates the language on "unwarranted priority" in positive terms to make clear that all possible sources of energy will be developed, consistent with warranted priorities; and modifies the language on determination of priorities to make clear that the Administrator of ERDA will have to take into account a range of factors in developing suitable programs.

SMALL BUSINESS PARTICIPATION

The Senate amendment (subsection 2(d)) included in the declaration of purpose a reference to small business participation in Federal grants and contracts relating to energy research, development, and demonstrations; and provided (subsection 103(b)) for consultation between the Administrators of ERDA and the Small Business Administration (SBA) in carrying out this policy.

The conference substitute (section 2(d)) combines the two references to small business, with modified language. The sense of the declaration is that small business should be given a reasonable opportunity to participate and should be treated fairly and equitably in Federal contract and grant awards. Such participation would hinge upon the availability of qualified small business firms to perform the needed services rather than on some mathematical formula for the awarding of contracts and grants to small business.

QUALIFICATIONS OF TOP OFFICERS OF ERDA

In several instances, the Senate amendment prescribed qualifications for the positions of Administrator, Deputy Administrator, and Assistant Administrators.

(1) The Senate amendment (section 102 (a)) specified that the Administrator be "appointed from civilian life" and that the appointee shall not have been a commissioned officer in the Armed Forces for at least five years prior to his appointment.

The conference substitute follows the Senate amendment with a change reducing the five-year limitation to two years.

(2) The Senate amendment (section 102 (c)) provided that the Administrator and Deputy Administrator be appointed ". . . from among individuals who, by reason of their training and experience are specially qualified to manage a full range of energy research and development programs."

The conference substitute includes the Senate language, but replaces "training" with "general background." The conferees wish to make it clear that it is an individual's background and experience, not necessarily his formal education, which should bear heavily on his qualifications to manage a full range of energy research and development programs.

(3) The Senate amendment (section 102 (d)) required each Assistant Administrator to be appointed ". . . from among individuals who, by reason of training and experience, are specially qualified to manage the energy technology area assigned to such Assistant Administrator."

This language is incorporated in the conference substitute (subsection 102(d)), with a modification to replace "training" with "general background."

DESIGNATION OF OFFICERS' SPECIFIC TITLES AND DUTIES

In several instances, the Senate amendment associated specific duties with top level officers, designated titles and functions differently from the House bill, and increased the number of top-level positions in ERDA.

(1) The Deputy Administrator (subsection 102(b)) was given special responsibility for international cooperation in energy and related environmental research and development.

The conference substitute provides that this special responsibility be assigned by the Administrator to an officer of his choosing, rather than by statute to the Deputy Administrator; and this provision is made a part of subsection 102(h), which relates to the assignment of functions to officers by the Administrator.

The conferees, by including a reference to international cooperation in energy research and development, emphasize the worldwide importance and impact of energy problems, and the need for cooperation by the United States with other nations in energy affairs. At the same time, the conferees wish to make it clear that ERDA activities looking toward international cooperation in no way limit State Department responsibility and activities.

(2) The House bill (subsection 102(c)) provided for an Assistant Administrator for national security. The Senate amendment (subsection 102(d)) designated this officer an Assistant Administrator for defense programs.

The conference substitute retains the House designation. The conferees believe that "national security," as a more encompassing term, suitably describes the responsibility of the Assistant Administrator who will be in charge of nuclear weapons programs and all matters related to the common defense and security, as that term is used in the Atomic Energy Act of 1954, as amended.

(3) The House bill (subsection 102(c)) provided for an Assistant Administrator for research and advanced energy systems. The Senate amendment (subsection 102(d)) designated this officer an Assistant Administrator for Solar, Geothermal, and Advanced Energy Systems.

The conference substitute incorporates the Senate designation.

(4) The House bill (subsection 102(c)) provided for five Assistant Administrators with designated areas of responsibility, including an Assistant Administrator for "environment, safety, and conservation." The Senate amendment (subsection 102(d)) provided for six Assistant Administrators, including one for "environment and safety" and another for "conservation."

The conference substitute incorporates the Senate provisions, thus providing a separate Assistant Administrator for conservation. The conferees recognize the importance of energy conservation, and require that ERDA support research in, and development of, energy-efficient equipments, devices, methods, and processes.

(5) The House bill (subsection 102(e)) provided for seven officers at executive level V in ERDA, who were to be considered career officers under subsection 161d. of the Atomic Energy Act. The Senate amendment (subsection 102(f)) provided for eight such officers, to serve at the pleasure of and be removable by the Administrator; also, that one of these officers be assigned responsibility for recommending appropriate educational support programs to assure an adequate supply of technical manpower.

The conference substitute incorporates the Senate provision for eight officers at executive level V, but follows the House bill in placing these officers within the context of the career service as developed under subsection 161d. of the Atomic Energy Act. The conferees believe that such status will promote desired professionalism and continuity in highly technical programs.

The conference substitute also strikes the reference to educational support programs. The conferees recognize the importance of an adequate supply of technical manpower and make provision for it elsewhere in the Act (subsection 103(10)). While the conferees believe that the Administrator should be permitted to use his discretion in assigning responsibility for training and educational support programs, they also believe that such programs are of sufficient importance to be assigned to a specific officer.

RESPONSIBILITIES OF ADMINISTRATOR

The Senate amendment differed from the House bill in specifying the responsibilities of the Administrator. The Senate amendment:

(1) Combined in subsection 103(a)(2) modified House bill language in subsections 103 (2) and (3), and added a reference to future non-nuclear research and development programs which may be authorized by Congress.

(2) Added a reference to the Federal Energy Administration's (FEA) development activities (subsection 103(a)(4)) relating to increased utilization of energy sources, using currently available technology.

(3) Added responsibility relating to international cooperation.

(4) Added responsibility relating to developing public information on conservation technologies, solar energy, and other advanced energy sources.

(5) Added responsibility for the collection, analysis, and dissemination of manpower supply and demand data relating to energy research and development.

(6) Added responsibility to help prevent a shortage of manpower in energy research and development.

(7) Added responsibility to encourage and conduct research and development in clean and renewable energy sources.

(8) Added a requirement that ERDA consult with SBA to promote small business participation.

The conference substitute incorporates the Senate language, with modifications, deleting some language as unnecessary and combining related subsections.

The Administrator's responsibility relating to international cooperation is retained, with the understanding, as stated above, that no interference is intended with the State Department's responsibilities.

In requiring the Administrator to take into account FEA development activities based upon existing technologies, the conferees point out that FEA has a limited tenure under its enabling legislation, and such development work as it conducts or supports is directed to the use of existing technologies, rather than to research and development, as those terms generally are used. In the executive branch, responsibility for energy research and development will be centered in ERDA.

In adopting modified Senate language referring to educational programs in universities, colleges, and vocational schools, in the interest of assuring adequate manpower for energy research and development purposes, the conferees point out that this provision (subsection 103 (10)) does not constitute, by itself, an authorization for such programs. These are, or will be, separately authorized.

In retaining a reference to research and development in clean and renewable energy sources, the conferees are not necessarily singling out these sources for attention in a priority sense, but rather cite them as two among a number of factors to be considered by the Administrator in exercising his research and development responsibilities. The Administrator is expected to give due and proper attention to all promising energy sources and modes according to their potentials for development and use within economic, environmental, time-phasing, and other criteria of availability and acceptance.

ABOLITION AND ESTABLISHMENT OF COMMISSION

The Senate amendment (section 104) transferred certain functions from the AEC to ERDA, abolished AEC, and constituted a new commission (section 201), named the Nuclear Safety and Licensing Commission, to which were transferred licensing and regulatory functions. The House bill (section 201) transferred certain AEC functions to ERDA and retained licensing and regulatory functions in the AEC, renamed the Nuclear Energy Commission.

The conference substitute (section 104 and section 201) follows the Senate amendment with respect to abolition of the AEC and creation of a new regulatory commission, except that the name is changed to Nuclear Regulatory Commission. The conferees believe that in this way the President will have more latitude in deciding whether to renominate the incumbent Commissioners or to replace them.

TRANSFERS TO ERDA

The Senate amendment differed from the House bill in making certain transfers of functions to ERDA from other agencies.

(1) The Senate amendment (subsection 104(e)(4)) transferred the helium program to ERDA from the Department of Interior.

In lieu of the transfer, the conference substitute (subsection 104(e)) incorporates a provision directing the Administrator to conduct a study of the potential energy applications of helium and to report his recommedations to the President and the Congress within six months after the enactment of this Act. These recommendations will concern the management of the helium program from the standpoint of energy research and development.

(2) The Senate amendment omitted the provision in the House bill (subsection 104(e)) transferring to ERDA from the Environmental Protection Agency (EPA) functions relating to the development and demonstration of alternative automotive power systems (AAPS) and development and demonstration of precombustion, combustion, and postcombustion technologies to control emissions of pollutants from stationary sources using fossil fuels.

The conference substitute (subsection 104(g)) provides for the transfer to ERDA of that part of the AAPS program relating to the development and demonstration of advanced systems. That part relating to the assessment or monitoring for regulatory purpose remains in the EPA.

With regard to the stationary source pollution control technology program, the conferees agreed that the EPA should continue to exercise its authority for regulatory purposes with the understanding that the deletion of this transfer in no way limits ERDA's authority under other provisions of the Act (specifically section 103, 104 (a), (b), (c) and (d) and 108) to undertake basic research, development, and demonstration programs in the control technology area.

Existing contractual arrangements between EPA and other Federal agencies conducting programs transferred by this Act will continue when such programs are transferred to ERDA. The conferees intend that contractual arrangements be used to avoid unnecessary duplication of effort.

(3) The Senate amendment (subsection 104(h)) authorized the Administrator to utilize the capabilities of other executive agencies in research and development.

The conference substitute (subsection 104(1)) incorporates the Senate language

but makes clear that other agencies must give their consent in providing services.

ENERGY POLICY AND ADVISORY COUNCILS

The Senate amendment (section 108) provided for two new organizational units in the Executive Office of the President, a Council on Energy Policy and an Interagency Energy Resources Advisory Committee. The Council would be composed of three full-time members, appointed by the President, who would designate the chairman. The Council would serve as the President's principal advisor on energy policy. The Advisory Committee would be an interagency group, comprising the heads of named agencies, with a chairman selected by the members.

The conference substitute omits the provision for a Council on Energy Policy but retains, in slightly modified form, the provision for the Advisory Committee, which is redesignated the Energy Resources Council (section 108). The conferees believe that two such units in the Executive Office of the President would create conflict and duplication and that both are not needed.

Furthermore, the President made known to the conferees his explicit opposition to the establishment of the Council on Energy Policy, and the conferees are inclined to give weight to the President's judgment in deciding how best to utilize advisory services and to pattern the organization of the Executive Office. The statutory Energy Resources Council would replace the present nonstatutory Committee on Energy, established on June 14, 1974.

FUTURE REORGANIZATION

The Senate amendment had two provisions regarding future reorganization: The President was required to transmit his recommendations to the Congress by January 31, 1975, for organizational arrangements concerning the management of energy and natural resources (section 109); and, by March 31, 1975, for organizational arrangements concerning the regulation of energy activities (section 110).

The conference substitute (section 109) combines and reduces the two sections to a requirement that the President transmit to the Congress as promptly as possible, but no later than June 30, 1975, such additional recommendations as he deems advisable for the organization of energy and related functions in the Federal Government. These may include recommendations as to whether or not there shall be established (1) a Department of Energy and Natural Resources; (2) an Energy Policy Council; and (3) a consolidation in whole or in part of the regulatory functions concerning energy.

COORDINATION OF ENERGY AND ENVIRONMENTAL PROGRAMS

The Senate amendment (section 111) authorized the Administrator to establish programs to utilize research and development performed by other agencies to minimize the adverse environmental effects of energy projects, and directs the EPA and other agencies to cooperate with ERDA in the interest of developing cooperative programs and avoiding unnecessary duplication.

The conference substitute (section 110) retains the Senate provisions.

NUCLEAR POWER PARK SITE SURVEY

The Senate amendment (section 112) made a finding that it is in the national interest to locate regional nuclear power park sites. The Administrator was authorized to make a survey and report to the Congress within one year.

The conference substitute replaces the Senate language with a more comprehensive provision for a nuclear energy center site survey based on legislation drafted by the Joint Committee on Atomic Energy and moves this provision to title II of the Act (section 207). This provision requires that the study be undertaken by the Commission rather than by ERDA and that the survey "identify" rather than "designate" possible sites for nuclear centers. The study is to be completed within one year from date of enactment of the Act rather than not later than June 30, 1976.

In adopting this provision, the conferees recognize the potential value of nuclear parks as well as the complex problems associated with designation of sites and requiring that nuclear power plants to be located in them. But it is apparent that much more information is needed before a nuclear power park site proposal can be adopted and sites actually can be designated.

CREATION OF COMMISSION

As already stated, the House bill (section 201) provided for a Nuclear Energy Commission as a renamed AEC performing retained licensing and related regulatory functions; whereas the Senate amendment (sections 104 and 201) abolished the AEC and created a Nuclear Safety and Licensing Commission to perform transferred licensing and regulatory functions. Under the Senate amendment, the incumbent AEC Commissioners (two vacancies exist) would not automatically retain their positions, but if reappointed would have to be reconfirmed by the Senate.

The Senate amendment also introduced the following changes:

(1) Since the AEC formally was abolished and a new Commission created, the duties of the Commission and the authorities and privileges of its members, as provided in sections 21 and 22 of the Atomic Energy Act, were restated.

(2) The Chairman was designated the principal officer of the Commission and charged with exercising all of its executive and administrative functions, including personnel, expenditures, and distribution of Commission business.

(3) In selecting members of the Commission, the President was "to have due regard to a fair representation of expertise in nuclear safety technology, health science, and environmental science".

(4) Bipartisanship was required. Not more than three of the five members could belong to the same political party.

(5) The provisions with regard to technical and political qualifications were not to apply to existing commissioners, if reappointed, and their new terms were limited to the duration of their present ones.

The conference substitute (section 104 and section 201) retains the Senate language, including the provision for bipartisanship, but deletes the reference to technical qualifications for membership. The conferees do not intend, by this deletion, to de-emphasize the importance of qualifications for members in various technical areas, but believe that the President should have discretion in making appointments.

The conference substitute also deletes the provision for placement of executive and administrative functions in the Chairman. The conferees believe that the duties and responsibilities of the Chairman and the members, and the administrative arrangements, as provided in this Act, are fully adequate to effectuate its purposes.

TRANSFERS TO COMMISSION

The Senate amendment (section 201(g)) transferred all the licensing and related regulatory functions of the AEC to the new Commission. The House bill had no comparable language since, in the House bill, the Commission was not abolished and recreated, so transfers were not necessary.

Additionally, the Senate amendment (subsection 201(h)) transferred to the Commission three named units: the Advisory Committee on Reactor Safeguards, the Atomic Safety and Licensing Board Panel, and the Atomic Safety and Licensing Appeal Panel; and all personnel primarily responsible for research related to confirmatory assessment of the safety of licensed reactors, with the exception of such personnel as the OMB Director determined to be necessary to assist in reactor development research.

The conference substitute (subsection 201(f) and 201(g)) follows the Senate language with modifications. Of the three units transferred by name, only the Advisory Committee on Reactor Safeguards is specifically named in the Atomic Energy Act. The Atomic Safety and Licensing Board Panel and the Atomic Safety and Licensing Appeal Panel were created by the Commission under the authority of the Act. The conference substitute provides for the transfer of the functions of the Licensing Board Panel and Licensing Appeal Panel rather than for their transfer as entities. Otherwise, the transfer could be interpreted as giving the Commission-created offices statutory status not now provided by the Atomic Energy Act.

The conferees believe that the Commission should have flexibility under its statutory authority in deciding how such units should be composed and modified from time to time. Since the Licensing Board Panel and Licensing Appeal Panel perform necessary functions, it is expected that they will be re-established in the Commission and continue to perform as in the past. In the event that the Commission decides to abolish either or both the Licensing Board Panel and the Licensing Appeal Panel, the Commission would be required, under the conference substitute, to notify the Congress in advance.

The conference substitute modifies the Senate language with respect to transfer of research personnel from the AEC to the new Commission to state in more positive terms the responsibility of the Director of the Office of Management and Budget to determine the proper allocation of research personnel as between ERDA and the Commission. The conferees expect that he will give due regard to the needs and responsibilities of each, and to the availability of additional personnel with the requisite skills and training who may be recruited for the performance of research services in each agency. The conferees do not want ERDA to be "raided" for research personnel who otherwise are needed in developmental work. Both regulatory and developmental research functions are essential and should be weighed carefully by OMB. This matter is discussed further below under "Commission Research Activities."

LICENSING OF ERDA FACILITIES

Both the House bill (section 202) and the Senate amendment (section 202) provided for licensing of certain ERDA facilities. These were to include demonstration liquid metal fast breeder reactors (LMFBR), other demonstration reactors, and storage facilities for high-level radioactive wastes. The House bill but not the Senate amendment excepted from such licensing, demonstration reactors and waste-storage facilities now in existence, under construction, or authorized or appropriated for by the Congress on the effective date of the Act. The Senate amendment but not the House bill excepted from licensing, demonstration reactors, other than the LMFBR, which are in existence on the effective date of this Act. The Senate amendment, but not the House bill, extended the licensing requirement to "retrievable surface storage facilities" and other facilities expressly authorized for long-term storage of high-level radioactive wastes generated in ERDA facilities but not used in connection with research and development.

The conference substitute (section 202) incorporates the Senate language with modifications to make it clear that licensing does not apply to facilities preceding the demonstration phase. Only demonstration reactors

would be licensed under section 202. Such demonstration reactors have been specifically authorized by legislation. They represent the last stage in development of given reactors and are intended to demonstrate practical value for industrial or commercial applications.

Under the demonstration program, Government and private resources have been jointly contributed to particular demonstration projects. Reactors licensed, constructed and operated under the AEC's program have included the San Onofre Nuclear Generating Station (involving, among others, Southern California Edison Company); the La Crosse Boiling Water Reactor (involving, among others, the Dairyland Power Cooperative); and the Yankee Nuclear Power Station (involving, among others, Yankee Electric Power Company).

Reactors under development prior to the demonstration stage would not be subject to licensing. Such research and development reactors usually are characterized as experimental, research, and test reactors. These reactors are distinguishable from demonstration reactors because their purpose is to develop or test reactor concepts, or the safety and workability of systems or components individually or as part of the overall reactor system. These facilities may be used for such purposes as irradiation testing of fuels and material (e.g., Experimental Breeder Reactor No. 2); irradiation, testing, and evaluating fuels, materials, and components associated with LMFBR development (e.g., Fast Flux Test Facility, Liquid Metal Engineering Center); and safety-related accident expirements (e.g., Loss of Fluid Test Facility, Power Burst Facility).

In connection with licensing of ERDA facilities used primarily for the receipt and storage of high-level radioactive wastes resulting from licensed activities, the conference substitute follows the Senate language (subsection 203(3)) by deleting that portion of the House language (subsection 202(3)) relating to facilities "in existence, under construction, or authorized or appropriated for by the Congress, on the date this Act becomes effective." The deletion is made because there are no such facilities.

The conference substitute also retains the Senate language with respect to licensing of "retrievable surface storage facilities" and other facilities for long-term storage of high-level radioactive waste. Such facilities are not now in existence but will be developed in the near future for long-term, possibly permanent, storage of high-level radioactive wastes, including wastes from the licensed sector.

COMMISSION RESEARCH ACTIVITIES

In assigning licensing and related regulatory functions to the Commission, the House bill (section 203) provided that the Commission could engage in, or contract for, research deemed necessary for the discharge of its functions and that ERDA and other Federal agencies were to cooperate with the Commission in furnishing such services on a reimbursable basis.

The Senate amendment (section 203) provided for an Office of Nuclear Safety Research, to be headed by a Director appointed and removable by the Commission. The provisions relating to Federal agency cooperation were similar to the House bill. The Senate amendment stipulated that ERDA activities in safety research would not in any way be limited by the provisions applying to the Commission.

The conference substitute (section 205) incorporates the Senate language with modifications to conform it to the organizational and related provisions which place the functions in the Commission for delegation to component units, and which provide for coordination and direction by an Executive Director for Operations, while insuring that directors may report directly to the Commission when necessary in fulfillment of their responsibilities.

In providing for an Office of Nuclear Regulatory Research, the conferees wish to make it clear that this Office will be responsible for such research as is necessary for the effective performance of the Commission's licensing and related regulatory functions. The research aspect of such functions may be characterized as confirmatory assessment, relating to the safe operation and the protection of commercial reactors, other facilities, and materials subject to regulations, licensing, and inspection by the Commission. This means that the Commission would have "an independent capability for developing and analyzing technical information related to reactor safety, safeguards, and environmental protection in support of the licensing and regulatory process."[1]

In keeping with the concept of confirmatory assessment, it is not intended that the Commission build its own laboratories and facilities for research and development or try to duplicate the research and development responsibilities of ERDA. The Commission will draw upon ERDA and other Federal agencies for research findings and such assistance as may be needed in developing capabilities for confirmatory assessment, and as may be needed otherwise in performing its functions.

In order to maintain a proper distinction and balance between the research and development which ERDA will perform and the confirmatory assessment which the Commission will perform, the conferees make these additional observations.

The regulatory agency should not be inhibited in any way from access to all data required to assess the safety of a license application or the operation of a licensed facility. Physical access to research and development activities and to construction and operation activities must be available to the regulatory agency. If the license application is inadequate in any respect considered significant by the regulatory agency, the license is refused.

It would be a serious mistake, however, to make a regulatory agency responsible for the performance of research that goes beyond the need for confirmatory assessment. Indeed, to exceed these bounds, creates a conflict of interest. The regulatory agency should never be placed in a position to generate, and then have to defend, basic design data of its own. The regulatory agency must insist on the submission of all of the data required to demonstrate the adequacy of the design contained in a license application or amendments thereto. This requires professional competence in the regulatory agency to make such determinations as whether any substantive data are lacking or whether experimental or analytical data provided by an applicant or licensee are professionally adequate.

As with research, the regulatory agency need not and should not perform process development, develop construction procedures or designs, or conduct quality control work (which is the responsibility of the licensee or vendor), but must have the professional competence and means to evaluate and assess all data and procedures to determine the adequacy of a license submission or a licensed operation in all of these respects. The regulatory agency should not assume any part of the burden of the applicant to prove the adequacy of a license application.

[1] Testimony of Dixy Lee Ray, Chairman of the Atomic Energy Commission, at hearings before a subcommittee of the Committee on Government Operations, House of Representatives, 93rd Cong., 1st Sess., on H.R. 11510, "Energy Reorganization Act of 1973," November 1975, p. 157.

COMMISSION ORGANIZATION

The conference substitute (sections 203, 204, and 205) follows the Senate language with modifications in providing three coequal administrative or operating units titled, respectively, the Office of Nuclear Reactor Regulation, the Office of Nuclear Material Safety and Safeguards, and the Office of Nuclear Regulatory Research (discussed above). Each of these components will be headed by a Director at executive level IV. Each of these Directors will perform such functions as the Commission shall delegate in the areas specified in the Act and indicated by the titles of the respective units.

Generally, the organizational arrangements contemplate that of the three above-named components, one component will be concerned with licensing and related regulatory activities within the boundaries of the nuclear reactor, and another with materials and safeguards outside such boundaries, while the third will conduct and support research contributory to the needs and purposes of the other two and of the Commission as a whole.

This arrangement will provide ample flexibility in the Commission to devise the most effective administrative arrangements within its own organization and at the same time give due and proper emphasis to functions which are vital to the public health and safety and the safe and efficient operation of nuclear power plants and other licensed facilities.

The conference substitute (section 209) follows the House language in providing for an Executive Director of Operations. The Act does not specify his functions, leaving that determination to the Commission's discretion and judgment. However, it is expected that the Executive Director for Operations will be the coordinating and directive agent below the Commission for the effective performance of the Commission's day-to-day operational and administrative activities. He will coordinate and direct in behalf of the Commission, the operating and administrative units.

At the same time, the conference substitute provides that the head of each component provided in the conference substitute shall be able to communicate with and report directly to the Commission itself whenever he deems necessary to carry out his responsibilities. In this way, the conferees make it clear that the Executive Director for Operations will not be able to suppress or limit information needed for the Commission's discharge of its own collective responsibilities.

The conferees assume that the security agency feasibility report, required by section 204(b)(2)(C) of the Act, will be prepared initially by the Director of the Office of Nuclear Material Safety and Safeguards.

PENALTIES FOR NON-COMPLIANCE

The Senate amendment (section 205) established civil and criminal penalties for failure of company officers or employees to report (1) lack of compliance with rules and regulations of the Commission, or (2) potentially hazardous defects in nuclear facilities, activities, or components. These penalties would apply to any person having information on the subject who was a director, officer, or employee of any firm which constructed, owned, operated, or supplied the components of any facilities or activities licensed under the Atomic Energy Act.

The conference substitute (section 206) retains the Senate language with modifications to eliminate the provision for criminal penalties, making only civil penalties applicable in amounts as provided by section 234 of the Atomic Energy Act; limits the liability to "responsible" officers of the companies that might be involved; and substitutes the term "consciously" for "willfully", the latter term being more applicable to a criminal act.

Included is an authorization to the Commission to conduct reasonable inspection and other enforcement activities to insure compliance. Generally, this section is directed toward assuring that the Commission has prompt information concerning defects in major components of facilities subject to licensing which could create a substantial safety hazard. The Commission is required to adopt regulations promptly, with a view to defining the types of defect required to be reported relating to manufacture, assembly, installation, and operation. This provision will enable Commission agents and employees to enter business premises and make such inspections as are necessary under regulations promulgated by the Commission.

ASSISTANCE TO PARTIES IN COMMISSION PROCEEDINGS

The Senate amendment provided for three types of assistance to parties in Commission proceedings:

Section 206 required the Commission to give support to parties in Commission proceedings by providing technical assistance and making available studies and reports prepared, or to be prepared, by or for the Commission, ERDA, or any Federal agency. These were made subject to existing laws regarding public disclosure. The Commission was to determine whether the studies were reasonably necessary for the party to present his position in the proceeding and were in the public interest. The Commission was to fund the assistance and seek reimbursement, except where the party was not financially capable of providing it.

Section 209 amended the Freedom of Information Act to authorize public disclosure of Commission records comprising interagency and intra-agency memoranda or letters and trade secrets or confidential commercial or financial information relating to safety. Proprietary information would be protected if the Commission, after notice and hearing, determined that irreparable injury would be done to the competitive position of the person from whom the information was obtained.

Title V (section 501) provided that the Commission should reimburse parties in Commission proceedings for reasonable attorneys' fees. The Commission was to set a maximum amount allowed for each proceeding. The amounts paid were to be based upon the extent to which the party contributed to the development of facts, issues, and arguments relevant to the proceeding, and upon the party's ability to pay his own expenses.

The conferees agreed to delete these sections. The deletion of title V is in no way intended to express an opinion that parties are or are not now entitled to some reimbursement for any or all costs incurred in licensing proceedings. Rather, it was felt that because there are currently several cases on this subject pending before the Commission, it would be best to withhold Congressional action until these issues have been definitively determined. The resolution of these issues will help the Congress determine whether a provision similar to title V is necessary since it appears that there is nothing in the Atomic Energy Act, as amended, which would preclude the Commission from reimbursing parties where it deems it necessary.

ABNORMAL OCCURRENCES REPORTS

The Senate amendment (section 207) required the Commission to submit quarterly reports to the Congress on abnormal occurrences at any utility or facility licensed under the Atomic Energy Act. Such information was to be disseminated to the public within five days after information of such an occurrence was received.

The conference substitute (section 208) retains the Senate language with modifications to make it clear that the Commission will determine which abnormal occurrences are significant enough to be reported. Also, the Commission is given 15 days instead of five days to disseminate information to the public.

The conference substitute defines an abnormal occurrence as an unscheduled incident or event which the Commission determines to be significant from the standpoint of public health or safety. Also, the reference to "activity" is eliminated since the abnormal occurrences are associated with facilities. However, special nuclear or other materials or high-level radioactive wastes in transit to or from a licensed facility would be included in the term abnormal occurrence, being "associated" with a licensed facility.

The Commission's determinations under this section will be subject to judicial review under the administrative procedure provisions of title V, United States Code.

ADDITIONAL OFFICERS FOR COMMISSION

The Senate amendment (subsection 208(a)) provided for a Director of Nuclear Reactor Safety. This language is deleted since provision is made in subsection 203 (a) for a Director of Nuclear Reactor Regulation.

The Senate amendment (subsection 208 (b)) but not the House bill provides for nine additional officers (executive level V) for the Commission.

The conference substitute (subsection 209(c)) authorizes five additional officers at executive level V for the Commission, recognizing that the Commission has important and complex duties to perform in regulating nuclear energy industries. These officers will be considered career officers in the same sense as discussed in connection with other additional officers at executive level V for ERDA.

AUTHORIZATION OF APPROPRIATIONS

The House bill (section 304) provided that appropriations under the Act shall be subject to annual authorization. The Senate amendment (section 305) had an identical provision, but added several requirements:

(1) At least 7 percent of amounts appropriated for nondefense programs of ERDA would be available for each of the functions assigned to each of the non-defense Assistant Administrators provided in subsection 102(d) of the Act. This requirement was to obtain until the Congress enacted legislation on research and development policy.

(2) Authorization for appropriations to the Commission was to reflect the need for effective licensing and other regulation of the nuclear power industry in relation to its growth.

(3) The Administrator was to provide the Congress with a range of program options and corresponding funding levels within each of the six program areas headed by the Assistant Administrators.

The conference substitute (section 305) deletes the reference to 7% allocation since the House and Senate both have passed legislation on research and development policy (S. 1283 and H.R. 13565). Also deleted is the reference to program options and corresponding funding levels. The conferees believe that requests for such program options should be handled by the committees of legislative and funding jurisdiction.

ANNUAL REPORTS

Both the House bill (section 306) and the Senate amendment (section 307) provided for annual reports by ERDA on its activities to the President and the Congress. Reports by the Commission were not specified in the House bill, since such reports would be required under applicable provisions of the Atomic Energy Act. The Senate amendment specified that the Commission submit annual reports. The Senate amendment also differed from the House bill in specifying in some detail information to be included in both the ERDA and Commission reports.

The conference substitute (section 307) retains the Senate language, with modifications to permit more flexibility in the reporting requirements.

The conferees, in agreeing to omit a requirement in the Senate amendment that the ERDA annual report include a description of activities to promote energy efficiency, wish to make it clear that this is one of the important activities to be covered in the report.

COMPTROLLER GENERAL AUDIT OF COMMISSION

Both the House bill (section 305) and the Senate amendment (section 306) specified that the Comptroller General's audit functions under the Atomic Energy Act would apply to ERDA and the Commission. The Senate amendment added language requiring the Comptroller General to report to the Congress within 54 to 60 months after the effective date of the Act on an evaluation of the effectiveness of the Commission's activities, with copies of the report to be furnished to the chairmen, respectively, of the Commission, the Senate Committee on Government Operations, the House Committee on Government Operations, and the Joint Committee on Atomic Energy.

The Senate language, with conforming changes, is retained in the conference substitute (section 306), except that reports are to be made to the Congress rather than to the chairmen of the designated committees. Considering that many committees of the Congress have legislative and jurisdictional oversight responsibilities which involve one aspect or another of energy affairs, the conferees believe it more appropriate to have the report referred to the Congress as a whole. Of course, the Comptroller General, within his general audit responsibilities, can report to the Congress at any time.

NON-NUCLEAR RESEARCH AND DEVELOPMENT

The Senate amendment included a title (title VI) on non-nuclear research and development, incorporating in large part, with some modifications, the provisions of S. 1283, which passed the Senate on December 7, 1973.

Since, as noted above, the House has passed a companion bill (H.R. 13565), and both bills are to be considered in conference by the House and Senate Committees on Interior and Insular Affairs, the conferees see no need for inclusion of title VI in the conference substitute.

DAYLIGHT SAVING TIME AMENDMENT

The Senate amendment (title VII) amended the Emergency Daylight Saving Time Energy Conservation Act of 1973 in several particulars.

This title is deleted in the conference substitute. Legislation on this subject has been reported by other committees and passed by the House and Senate.

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WILLIAM S. MOORHEAD,
FERNAND J. ST GERMAIN,
DON FUQUA,
FRANK HORTON,
JOHN WYDLER,
CLARENCE J. BROWN,
Managers on the Part of the House.

SAM J. ERVIN, JR.,
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ABE RIBICOFF,
CHARLES PERCY,
JACOB JAVITS,
EDWARD J. GURNEY,
W. V. ROTH,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 15427, AMENDING THE RAIL PASSENGER SERVICE ACT OF 1970

Mr. STAGGERS submitted the following conference report and statement on the bill (H.R. 15427) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 93-1441)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15427) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Amtrak Improvement Act of 1974".

SEC. 2. Section 304(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 544(b)) is amended by striking out "owned" and inserting in lieu thereof "voted", and by adding at the end thereof the following new sentence: "If any railroad or any person controlling one or more railroads, as defined in section 1(3)(b) of the Interstate Commerce Act (49 U.S.C. 1(3)(b)), owns, directly or indirectly through subsidiaries or affiliated companies, nominees, or any person subject to its direction or control, a number of shares in excess of 33⅓ per centum of the total number of common shares issued and outstanding, such excess number shall, for voting and quorum purposes, be deemed to be not issued and outstanding.".

SEC. 3. Section 305 of such Act (45 U.S.C. 545) is amended by adding at the end thereof the following new subsections:

"(f) The Corporation shall, to the maximum extent practicable, directly perform all maintenance, rehabilitation, repair, and refurbishment of rail passenger equipment. Until the Corporation obtains, by purchase, lease, construction, or any other method of acquisition, Corporation-owned or controlled facilities which are adequate for the proper maintenance, repair, rehabilitation, and refurbishment of the rolling stock and other equipment and facilities of the Corporation, the railroads performing such services shall do so as expeditiously as possible.

"(g) The Corporation shall advise, consult and cooperate with, and, upon request, is authorized to assist in any other manner the Secretary, the United States Railway Association, the Corps of Engineers, and the Consolidated Rail Corporation in order to facilitate completion and implementation of the Northeast Corridor project, as defined in section 206(a)(3) of the Regional Rail Reorganization Act of 1973, by the earliest practicable date. The Secretary shall assign the highest priority to its completion.".

SEC. 4. Section 305(e) of such Act (45 U.S.C. 545(e)) is amended by inserting immediately (after paragraph 18) the following new sentence:

"The Secretary of the Treasury shall establish and maintain, in cooperation with the Corporation, customs inspection procedures aboard trains operated in international intercity rail passenger service under paragraph 7 of this subsection, which procedures will be convenient for passengers and will result in the most rapid possible transit between embarkation and debarkation points on such service.".

SEC. 5. (a) Section 403 of such Act (45 U.S.C. 563) is amended by striking out subsection (b) and (c) and inserting in lieu thereof the following new subsection:

"(b) Any State, regional, or local agency may request of the Corporation rail passenger service beyond that included within the basic system. The Corporation shall institute such service if the State, regional, or local agency agrees to reimburse the Corporation for 66⅔ per centum of the solely related costs and associated capital costs of such service, including interest on passenger equipment, less revenues attributable to such service".

(b) Such section 403 is amended by redesignating subsection (d) as subsection (c) and by adding at the end of such subsection the following new sentence: "In carrying out the provisions of this subsection, the Secretary shall give priority to experimental routes designed to extend intercity rail passenger service to the major population area of each of the contiguous 48 States which does not have such service to any large population area designated as part of the basic system.".

SEC. 7. Section 404(b) of such Act (45 U.S.C. 564(b)), relating to discontinuance of service by the Corporation, is amended—

(1) by striking out "July 1, 1974" in paragraph (1) and paragraph (3) and inserting in lieu thereof in each such paragraph "July 1, 1975"; and

(2) by striking out "the expiration of the one-year period beginning on the date of enactment of this sentence" in the second sentence of paragraph (2) and inserting in lieu thereof "July 1, 1975".

SEC. 8. (a) Section 601(a) of such Act (45 U.S.C. 601(a)), relating to authorization for appropriations, is amended (1) by striking out "$334,300,000" and inserting in lieu thereof "$534,300,000"; and (2) by adding at the end thereof the following new sentence: "Payments by the Secretary to the Corporation of appropriated funds shall be made no more frequently than every 90 days, unless the Corporation, for good cause, requests more frequent payment before the expiration of any 90-day period".

SEC. 9. (a) Section 602(d) of such Act (45 U.S.C. 602(d)), relating to the maximum amount of guaranteed loans which may be outstanding at any time, is amended by striking out "$500,000,000" and inserting in lieu thereof "$900,000,000".

(b) Section 602 of such Act (45 U.S.C. 602) is amended by adding at the end thereof the following new subsections:

"(h) The Secretary shall, within 180 days after the date of enactment of this subsection, issue general guidelines designed to assist the Corporation in the formulation of capital and budgetary plans.

"(i) Any request made by the Corporation for the guarantee of a loan pursuant to this section, which has been approved by the Board of Directors of the Corporation, shall be approved by the Secretary if, in the discretion of the Secretary, such request falls within the approved capital and budgetary guidelines issued under subsection (h).".

SEC. 10. Section 801(b) of such Act (45 U.S.C. 641(b)) is amended to read as follows:

"(b) A civil action may be brought by the Commission to enforce any provision of subsection (a) of this section. The Department of Justice shall represent the Commission in all court proceedings pursuant to this subsection, except that in any case in which the Commission seeks to challenge action or inaction on the part of any party which the Department of Justice is representing, the Commission may be represented by its own attorneys. Unless the Attorney General notifies the Commission within 45 days of a request for representation that he will represent the Commission, such representation may be made by attorneys designated by the Commission. Any action to enforce the provisions of subsection (a) may be maintained in the district court of the United States for any district in which a defendant is found, resides, transacts business, or maintains an agent for service of process. All process in any such suit may be served in any judicial district in which the person to be served is an inhabitant or in which he may be found.".

SEC. 11. Section 805(2)(A) of such Act (45 U.S.C. 644(2)(A)) is amended—

(1) by striking out the first two sentences and inserting in lieu thereof the following: "The Comptroller General of the United States shall conduct annually a performance audit of the activities and transactions of the Corporation in accordance with generally accepted management principles, and under such rules and regulations as may be prescribed by the Comptroller General. Any such audit shall be conducted at such place or places as the Comptroller General may deem appropriate."; and

(2) by striking out "financial transactions" in the third sentence and inserting in lieu thereof "financial and other transactions".

SEC. 12. The Rail Passenger Service Act of 1970 is amended by striking out "Rail Passenger Service Act of 1970" each place it appears and inserting in lieu thereof at each such place "Rail Passenger Service Act".

SEC. 13. The High Speed Ground Transportation Act (49 U.S.C. 1631 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 13. (a) The Secretary shall make an investigation and study, for the purpose of determining the social advisability, technical feasibility, and economic practicability, of 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—

"(1) the various means of providing such transportation, including both existing modes and those under development, such as the tracked levitation vehicle;

"(2) the cost of establishing and operating such a system, including any acquisition of necessary rights-of-way;

"(3) the environmental impact of such a system, including the future environmental impact from air and other transportation modes if such a system is not established;

"(4) the factors which would determine the future adequacy and commercial success of any such system, including the speed at which it would operate, the quality of service which could be offered, its cost to potential users, its convenience to potential users, and its ability to expand to meet projected increases in demand;

"(5) 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;

"(6) the ability of such a system to be integrated with other local and intrastate transportation systems, both existing and planned, in order to create balanced and comprehensive transit systems;

"(7) coordination with other studies undertaken on the State and local level;

"(8) the impact of the design and location of transportation lines in creating desirable patterns of population distribution and growth; and

"(9) such other matters as he deems appropriate.

"(b) In carrying out any investigation and study pursuant to this section, the Secretary shall consult with, and give consideration to the views of, the Civil Aeronautics Board, the Interstate Commerce Commission, the National Railroad Passenger Corporation, the Corps of Engineers, and regional, State, and local transportation planning agencies. The Secretary may, for the purpose of carrying out such investigation and study, enter into contracts and agreements with public or private agencies, institutions, organizations, corporations or individuals, without regard to section 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529; 41 U.S.C. 5).

"(c) The Secretary shall report the results of the study and investigation made pursuant to this section, together with his recommendations, to the Congress and the President no later than January 30, 1977. The Secretary shall submit an interim report to the Congress on January 30, 1976.

"(d) There are authorized to be appropriated not to exceed $8,000,000 to carry out the provisions of this section.".

SEC. 14. Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C. 302(b)(2)), is amended by striking the period at the end of the second sentence thereof and by inserting in lieu thereof the following: ": *Provided*, That (1) any amendments of such standards, which are determined by the national organization of the State commissions and promulgated by the Commission prior to the initial effective date of such standards shall become effective on such initial effective date; and (2) after such standards, become effective initially, and amendments of such standards, which are subsequently determined by the national organization of the State commissions, shall become effective at the time of promulgation or at such other time, subsequent to promulgation by the Commission, as may be determined by such organization.".

SEC. 15. Section 4 of the Department of Transportation Act (49 U.S.C. 1653) is amended by inserting the following two new subsections at the end thereof:

"(h)(1) The Secretary is authorized, in consultation with the Secretary of the Interior, to design, plan, and coordinate the construction of a model intermodal transportation terminal at Union Station in the District of Columbia. Such terminal may combine the new railroad passenger station described in paragraph (4) of section 102(a) of Public Law 90–264 as amended, and accommodations for such other modes of transportation as the Secretary deems appropriate. To the extent practicable, the Secretary shall incorporate into the design and plans for such intermodal transportation terminal features which will make such facility a model facility and which will attract private investors willing to undertake the development and construction of the terminal.

"(2) Notwithstanding any provision of Public Law 90–264 as amended, in order to facilitate construction of such model intermodal transportation terminal, the Secretary of the Interior shall lease or transfer such space (including air space), which is not required for purposes of the National Visitor Center, as the Secretary of the Interior holds or may acquire north of the Union Station Building to such party or parties and upon such terms and conditions as the Secretary deems appropriate, notwithstanding section 321 of the Act of June 30, 1932 (40 U.S.C. 303(b)). The Secretary and the Secretary of the Interior may, to the extent required to complete a visitor center, agree to joint use of the concourse.

"(3) The design and plans for the intermodal terminal shall be completed within 2 years following enactment of this subsection. The construction of the intermodal terminal shall be completed within 5 years following enactment of this subsection.

"(4) There is authorized to be appropriated to the Secretary, for the purposes of carrying out this subsection, such sums as are necessary, not to exceed $5,000,000.

"(5) Nothing in this subsection (h) shall be construed as relieving the Washington Terminal Company, its successors or assigns, from the obligation to finance and construct a new railroad passenger station in compliance with the terms of paragraph (4) of section 102(a) of Public Law 90–264 (82 Stat. 43).

(6) Section 305(d)(1) of such Act (45 U.S.C. 305(d)(1)) is amended to read as follows:

"(d)(1) The Corporation is authorized, to the extent financial resources are available—

"(A) to acquire any property which the Secretary, acting in furtherance of his responsibility to design and construct an intermodal transportation terminal at Union Station in the District of Columbia, requests, upon assurance of full reimbursement by the Secretary; and

"(B) to acquire any right-of-way, land, or other property (except right-of-way, land, or other property of a railroad or property of a State or political subdivision thereof or of any other governmental agency), which is required for the construction of tracks or other facilities necessary to provide intercity rail passenger service;

by the exercise of the right of eminent domain, in accordance with the provisions of this subsection, in the district court of the United States for the judicial district in which such property is located or in any such court if a single piece of property is located in more than one judicial district: *Provided*, That such right may only be exercised when the Corporation cannot acquire such property by contract or is unable to agree with the owner as to the amount of compensation to be paid.".

"(1)(1) The Secretary shall provide financial, technical, and advisory assistance in accordance with this subsection for the purpose of (A) promoting on a feasibility demonstration basis the conversion of not less than three railroad passenger terminals into intermodal transportation terminals; (B) preserving railroad passenger terminals that have a reasonable likelihood of being converted or otherwise maintained pending the formulation of plans for reuse; and (C) stimulating State and local governments, local and regional transportation authorities, common carriers, philanthropic organizations, and other responsible persons to develop plans for the conversion of railroad passenger terminals into intermodal transportation terminals and civic and cultural activity centers.

"(2) Financial assistance for the purpose set forth in paragraph (1)(A) of this subsection shall be granted in accordance with the following criteria: (A) the railroad terminal can be converted to accommodate such other modes of transportation as the Secretary deems appropriate, including motorbus transportation, mass transit (rail or rubber tire), and airline ticket offices and passenger terminal providing direct transportation to area airports; (B) the railroad passenger terminal is listed on the National Register of Historic Places maintained by the Secretary of the Interior; (C) the architectural integrity of the railroad passenger terminal will be preserved and such judgment is concurred in by consultants recommended by the Chairman of the National Endowment of the Arts and the Advisory Council on Historic Preservation and retained for this purpose by the Secretary; (D) to the extent practicable, the use of station facilities for transportation purposes may be combined with use for other civic and cultural activities, especially when such use is recommended by the Advisory Council on Historic Preservation or the Chairman of the National Endowment for the Arts, or the consultants retained by the Secretary upon their recommendation; and (E) the railroad passenger terminal and the conversion project meet such other criteria as the Secretary shall develop and promulgate in consultation with the Chairman of the National Endowment of the Arts and the Advisory Council on Historic Preservation. The Secretary shall make grants not later than July 1, 1976. The amount of the Federal share of any grant under this paragraph shall not exceed 60 per centum of the total cost of conversion of a railroad passenger terminal into an intermodal transportation terminal.

"(3) Financial assistance for the purpose set forth in paragraph (1)(B) of this subsection may be granted in accordance with regulations, to any responsible person (including a governmental entity) who is empowered by applicable law, qualified, prepared, and committed, on an interim basis pending the formulation of plans for reuse, to maintain (and prevent the demolition, dismantling, or further deterioration of) a railroad passenger terminal: *Provided*, That (A) such terminal has, in the opinion of the Secretary, a reasonable likelihood of being converted to or conditioned for reuse as an intermodal transportation terminal, a civic or cultural activities center, or both; and (B) planning activity aimed at conversion or reuse has commenced and is proceeding in a competent manner. Funds appropriated for the purpose of this paragraph and paragraph (1)(B) of this subsection shall be expended in the manner most likely to maximize the preservation of railroad passenger terminals capable reasonably of conversion to intermodal transportation terminals or which are listed in the National Register of Historic Places maintained by the Secretary of the Interior or which are recommended (on the basis of architectural integrity and quality) by the Chairman of the National Endowment for the Arts or the Advisory Council on Historic Preservation. The amount of the Federal share of any grant under this paragraph shall not exceed 60 per centum of the total cost of such interim maintenance for a period not to exceed five years.

"(4) Financial assistance for the purpose set forth in paragraph (1)(C) of this subsection may be granted, in accordance with regulations, to a qualified person (including a governmental entity) who is prepared to develop practicable plans meeting the zoning, land use, and other requirements of the applicable State and local jurisdictions in which the rail passenger terminal is located as well as requirements under this subsection; who shall incorporate into the designs and plans proposed for the conversion of such terminal into an intermodal transportation terminal, a civic or cultural center, or both, features which reasonably appear likely to attract private investors willing to undertake the implementation of such planned conversion and its subsequent maintenance and operation; and who shall complete the designs and plans for such conversion within two years following the approval of the application for Federal financial assistance under this subsection. In making grants under this paragraph, the Secretary shall give preferential consideration to applicants whose completed designs and plans will be implemented and effectuated within three years after the date of completion. Funds appropriated for the purpose of this paragraph and paragraph (1)(C) of this subsection shall be expended in the manner most likely

to maximize the conversion and continued public use of railroad passenger terminals which are listed in the National Register of Historic Places maintained by the Secretary of the Interior or which are recommended (on the basis of architectural integrity and quality) by the Advisory Council on Historic Preservation or the Chairman of the National Endownment for the Arts. The amount of the Federal share of any grant under this paragraph shall not exceed 60 per centum of the total cost of the project or undertaking for which the financial assistance is provided.

"(5) Within ninety days after the date of enactment of this subsection, the Secretary shall issue, and may from time to time amend, regulations with respect to financial assistance under this subsection and procedures for the award of such assistance. Each application for assistance under this subsection shall be made in writing in such form and with such content and other submissions as the Secretary shall require.

"(6) The National Railroad Passenger Corporation shall give preference to using station facilities that would preserve buildings of historical and architectural significance.

"(7) Each recipient of financial assistance under this subsection shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit. Until the expiration of three years after completion of such project or undertaking, the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts which, in the opinion of the Secretary or the Comptroller General, may be related or pertinent to such financial assistance.

"(8) There is authorized to be appropriated to the Secretary for the purpose set forth in paragraph (1)(A) of this subsection sums not to exceed $15,000,000; (B) for the purpose set forth in paragraph (1)(B) of this subsection sums not to exceed $5,000,000; and (C) for the purpose set forth in paragraph (1)(C) of this subsection sums not to exceed $5,000,000. Such sums as are appropriated shall remain available until expended.

"(9) As used in this subsection, 'civic and cultural activities include, but are not limited to, libraries, musical and dramatic presentations, art exhibitions, adult education programs, public meeting place for community groups, convention visitors and others, and facilities for carrying on activities supported in whole or in part under Federal law.

"(10) Nothing in this subsection shall be construed to invalidate the eligibility of any station for funds designed to assist in its preservation or reuse under any other Federal program or statute.".

SEC. 15. (a) Section 3(b) of the Department of Transportation Act (49 U.S.C. 1652 (b)) is amended by striking out "Under Secretary" each place it appears and inserting in lieu thereof at each such place "Deputy Secretary".

(b) Section 9(p)(1) of the Department of Transportation Act (49 U.S.C. 1657(p)(1)) is amended by striking out "Under Secretary" and inserting in lieu thereof "Deputy Secretary".

(c) Section 5313 of title 5, United States Code, is amended by striking out "(7) Under Secretary of Transportation" and inserting in lieu thereof "(7) Deputy Secretary of Transportation".

SEC. 16. The Secretary of Transportation shall conduct a study and report to the Congress within one year after the date of enactment of this section on the potential for integrating rail service provided by the National Railroad Passenger Corporation with other modes of transportation, including buses, with particular attention to the transportation needs of rural areas. Such study and report shall include an evaluation of the funding mechanisms to assist increased service by other modes of transportation, including buses, connected to rail service provided by the National Railroad Passenger Corporation where such assistance will provide the opportunity for increased utilization of such rail service, especially by persons residing in rural areas.

And the Senate agree to the same.

HARLEY O. STAGGERS,
JOHN JARMAN,
BROCK ADAMS,
SAMUEL L. DEVINE,
DAN KUYKENDALL,
RICHARD G. SHOUP,
Managers on the Part of the House.

WARREN MAGNUSON,
VANCE HARTKE,
JOHN V. TUNNEY,
JAMES B. PEARSON,
J. GLENN BEALL, Jr.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R 15427) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text, and the House disagreed to the Senate amendment.

The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment.

The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees and minor drafting and clarifying changes.

Unless otherwise indicated, references to provisions of existing law refer to provisions of the Rail Passenger Service Act of 1970.

SHORT TITLE

House bill

No provision.

Senate amendment

The Senate amendment provided that this legislation could be cited as the "Amtrak Improvement Act of 1974".

Conference substitute

The conference substitute is the same as the Senate amendment.

SALARY LIMITATION EXEMPTION

House bill

No provision.

Senate amendment

The Senate amendment provided that the limitation upon compensation of AMTRAK officers contained in section 303(d) of existing law ($60,000 per annum) would not apply if the Board of Directors of AMTRAK determined, with respect to particular positions, that a higher level of compensation was necessary and was not higher than the general level of compensation paid to railroad officers in positions of comparable responsibilities.

Conference substitute

The conference substitute omits this provision of the Senate amendment.

STOCK OWNERSHIP LIMITATION

House bill

The House bill amended the limitation on stock ownership contained in section 304(b) by removing the existing provision that prohibits any one railroad or any person controlling one or more railroads from owning more than 33⅓ percent of the total number of AMTRAK common shares issued and outstanding. The House bill prohibited any such railroad or person from voting any shares which it owns in excess of 33⅓ percent.

Senate amendment

The Senate amendment was identical in substance but contained technical differences in language relating to the definitions of control and ownership.

Conference substitute

The conference substitute is the same as the Senate amendment.

MAINTENANCE AND REPAIR

House bill

No provision.

Senate amendment

The Senate amendment added a new provision to section 305 of existing law, relating to general powers of AMTRAK, which required, to the maximum extent practicable, that AMTRAK must directly perform all maintenance, rehabilitation, repair, and refurbishment of rail passenger equipment. Pending the acquisition by AMTRAK of adequate facilities to carry out this requirement, the railroads performing such services for AMTRAK were (1) required to do so as expeditiously as possible, and (2) required to accord a higher priority to maintenance and repair of passenger equipment than to maintenance and repair of equipment used in freight transportation.

Conference substitute

The conference substitute is the same as the Senate amendment, except that the priority requirement of (2) above is omitted.

NORTHEAST CORRIDOR

House bill

No provision.

Senate amendment

The Senate amendment added to section 305 of existing law a new provision which provided that AMTRAK must advise, consult, cooperate with, and, on request, assist in any other manner the Secretary of Transportation, the United States Railway Association, the Corps of Engineers, and the Consolidated Rail Corporation to facilitate the earliest practicable completion and implementation of the Northeast Corridor project, as defined in the Regional Rail Reorganization Act of 1973. The Secretary of Transportation was required to assign the highest priority to the completion of the Corridor project.

Conference substitute

The conference substitute is the same as the Senate amendment, but in order to avoid any implication that AMTRAK funds could be committed without approval of AMTRAK's board of directors, AMTRAK is authorized rather than required to provide assistance in any manner requested by the Secretary of Transportation, the United States Railway Association, the Corps of Engineers, and the Consolidated Rail Corporation.

PRIVATELY OWNED RAILROAD CARS

House bill

No provision.

Senate amendment

The Senate amendment also added a new provision to section 305 of existing law which authorized AMTRAK to issue rules and regu-

lations governing the movement of privately owned railroad cars on AMTRAK's trains, consistent with the needs of AMTRAK, but AMTRAK could not issue any rule or regulation which would require alteration of the exterior color or markings of any privately owned railroad car having historical significance.

Conference substitute

This provision of the Senate amendment is omitted from the conference substitute.

The conferees decided that it was unnecessary to put into the statute a solution to this problem; however, it was agreed that AMTRAK has in most cases acted arbitrarily in regard to the requirement for painting private cars. The conferees agreed that if AMTRAK did not change their policies in regard to alteration of exterior color or markings of privately owned railroad cars having true historical significance, legislation would be necessary in the next Congress.

CUSTOMS INSPECTION PROCEDURES

House bill

No provision.

Senate amendment

The Senate amendment added a new sentence to section 305(e)(7) of existing law, relating to AMTRAK's authority to develop and operate international intercity rail passenger service. The new provision required the Secretary of the Treasury, in cooperation with AMTRAK, to establish and maintain aboard trains customs inspection procedures that would be convenient for travelers and that will result in the most rapid possible movement in such international service.

Conference substitute

The conference substitute is the same as the Senate amendment.

RAIL SERVICE BEYOND BASIC SYSTEM

House bill

No provision.

Senate amendment

The Senate amendment changed sections 403 (b) and (c) of existing law, relating to requests for additional service and apportionment of costs, by adding a requirement that AMTRAK must institute rail passenger service beyond the basic system which is requested by a State, regional, or local agency if such State or agency agreed to reimburse AMTRAK for 33⅓ percent of the solely related costs and associated capital costs of such service, including interest on passenger equipment, less revenues attributable to such service. Under existing law, any such agency is required to reimburse AMTRAK for a "reasonable portion" of any losses associated with such service, and for purposes of this provision, the reasonable portion of such losses cannot be less than 66⅔ percent of, nor more than, the solely related costs, and associated capital costs, including interest on passenger equipment, less revenues attributable to such service.

The Senate amendment also authorized an appropriation of $10 million for fiscal 1975 to meet the increased costs to AMTRAK of providing service beyond the basic system, if AMTRAK is required to pay two-thirds rather than one-third of such costs.

The Senate amendment also provided that, in considering the provision of any new service (including any request referred to in the preceding paragraph), AMTRAK could not deny such service solely on the basis of lack of necessary equipment. If AMTRAK has the financial ability to acquire such equipment, AMTRAK must order such equipment and make a commitment for the provision of such service within 90 days after determining that the necessary equipment is lacking.

Conference substitute

The conference substitute retains that portion of the Senate amendment requiring AMTRAK to institute service beyond the basic system requested by a State, regional, or local agency, but the reimbursement required from such agency is increased from 33⅓ percent to 66⅔ percent of the solely related costs and associated capital costs of such service, including interest on passenger equipment, less revenues attributable to such service.

The portion of the Senate amendment authorizing an additional $10 million appropriation for fiscal 1975, together with that portion of the Senate amendment prohibiting AMTRAK from denying any new service solely on the basis of lack of equipment, are omitted from the conference substitute.

SERVICE TO LARGE POPULATION AREAS

House bill

No provision.

Senate amendment

The Senate amendment required the Secretary to designate an extension of the basic system to provide adequate intercity rail passenger service to the major population area of each of the contiguous 48 States which did not have such service under the present system. The Secretary was required to make such designation within 180 days after enactment of this legislation. The Secretary was authorized to expend $14.7 million to provide such service to the State of Idaho and $23.2 million to provide service to other areas.

Conference substitute

The conference substitute omits the provisions of the Senate bill, but adds a new sentence to section 403(d) of existing law, relating to experimental service, to require the Secretary to give priority consideration to providing service to the major population aeras of the contiguous 48 States which do not have intercity rail passenger service to any large population area. In this regard, the conferees agreed that the first experimental route designated in calendar year 1975 will provide service to Boise, Idaho.

EXPERIMENTAL RECREATION ROUTES

House bill

No provision.

Senate amendment

The Senate amendment added a new provision to section 403 of existing law, relating to new service. The new provision required the Secretary of Transportation to study the need for, and the potential use of, rail passenger service between major centers of population and heavily used recreation areas 100 to 300 miles from such centers. The Secretary was required to designate not less than one experimental recreation route by July 1, 1976, and one annually thereafter, on the basis of demonstrated need, probable use, cost of establishing service, and other factors. Service was required to be initiated by AMTRAK on designated routes as soon as practicable after route designation by the Secretary, and was required to be conducted for not less than 2 years. After such 2-year period, AMTRAK would be required to terminate any such route it found had attracted insufficient patronage to serve the public convenience and necessity, or it could designate such route as part of the basic system.

Conference substitute

This provision of the Senate amendment is omitted from the conference substitute.

DISCONTINUANCE OF SERVICE

House bill

The House bill amended section 404(b) of existing law, relating to discontinuance of service by AMTRAK, by prohibiting AMTRAK from discontinuing, until July 1, 1975, service over any route which was operating on January 1, 1973. This provision would freeze, until July 1, 1975, existing route service, including any experimental train in operation on January 1, 1973.

Senate amendment

No provision.

Conference substitute

The conference substitute is the same as the provision of the House bill.

COMPENSATION FOR PASS PRIVILEGES

House bill

No provision.

Senate amendment

The Senate amendment added a new provision to section 405(f) of existing law, relating to free or reduced-rate transportation by railroad employees, which provided that, if AMTRAK and a railroad cannot agree on the amount owed by the railroad for pass privileges, any decision by the Interstate Commerce Commission resolving the issue must accord AMTRAK a just and reasonable compensation for such pass privileges.

Conference substitute

This provision of the Senate amendment is omitted from the conference substitute.

In lieu of amending the provisions of section 405(f) at the present time, the conferees wished to express their dissatisfaction with the level of compensation provided AMTRAK by the Interstate Commerce Commission in Finance Docket No. 27194. It is the view of the conferees that the Commission, in deciding any future cases under section 405(f), should accord AMTRAK sufficient compensation to remove the current economic disincentives to the carriage of passholders. The conferees, while realizing that carriage of passholders on a space available basis will not entitle AMTRAK to reimbursement of the regularly applicable fare, cost determinations with respect to this type of transportation should assure that AMTRAK is reimbursed for all costs, including administrative costs, which it would not have incurred in the absence of carrying passholders. It is hoped that the receipt of additional compensation by AMTRAK will permit the relaxation of some of the current excessively restrictive regulations concerning passes and passholders, such as requiring the passholder to appear in person to purchase his ticket, and that further legislation will not be necessary.

FEDERAL GRANTS AND LOAN GUARANTEES

The House bill, the Senate amendment, and the conference substitute authorize an additional $200 million in appropriations for financial assistance to AMTRAK.

The House bill, the Senate amendment, and the conference substitute also increased the maximum amount of guaranteed loans which may be outstanding at any one time by $400 million.

PERIODIC PAYMENTS TO AMTRAK

House bill

The House bill amended section 601(a) of existing law, relating to Federal grants, to prohibit the Secretary of Transportation from making payments of appropriated funds to AMTRAK more often than once every 3 months.

Senate amendment

No provision.

Conference substitute

The conference substitute is the same as the House amendment, except that the Secretary could make payments more frequently than once every 3 months if AMTRAK, for good cause, requests more frequent payment.

LOAN GUARANTEE APPROVAL BY SECRETARY OF TRANSPORTATION

House bill

No provision.

Senate amendment

The Senate amendment added a new provision to section 602 of existing law, relating to guarantee of loans, which required the Secretary of Transportation to approve any loan guarantee request made by AMTRAK which had been approved by AMTRAK's board of directors, without substantive review of AMTRAK's capital and budgetary plans. Any such review by the Secretary was required to be carried out in his capacity as a member of AMTRAK's board of directors

and through general guidelines issued under section 601 of existing law.

Conference substitute

The conference substitute requires the Secretary to issue guidelines, within 180 days after the enactment of this legislation, designed to assist AMTRAK in the formulation of capital and budgetary plans. Thereafter, any request for a loan guarantee by AMTRAK which has been approved by its Board of Directors will be approved by the Secretary if such request falls within the guidelines he has issued. The words "in the discretion of the Secretary" were added by the conferees to preclude the possibility of litigation over the question of whether or not a request for guarantee of a loan falls within the guidelines.

ENFORCEMENT POWER OF INTERSTATE COMMERCE COMMISSION

House bill

No provision.

Senate amendment

The Senate amendment eliminated the $500 civil penalty provision contained in section 801(b) of existing law and substituted therefor a provision authorizing the Interstate Commerce Commission to institute a civil action, through its own attorneys or through the Attorney General, to enforce any provision of section 801(a) of existing law, relating to Commission regulations governing adequacy of service. The Senate amendment established venue for any such action in the U.S. District Court in the district in which a defendant is found, resides, transacts business, or maintains an agent for service of process, and provided that such process could be served in any district in which the person to be served is found, or wherein he is an inhabitant.

Conference substitute

The conference substitute is the same as the Senate amendment, except that the Commission is required to act through the Attorney General in all but the following 2 situations:

1. Any case in which the Commission is challenging action or inaction by any party already represented by the Attorney General.

2. Whenever the Attorney General fails to notify the Commission within 45 days of a request for representation that he will represent the Commission. In such situations the Commission may be represented by its own attorney.

AUDIT OF AMTRAK

House bill

The House bill amends the provision authorizing the Comptroller General of the United States to audit the transactions of the National Railroad Passenger Corporation by making it mandatory upon the Comptroller General to conduct such an audit annually. The Rail Passenger Service Act of 1970 is further amended to make clear that information and records of AMTRAK are to be furnished to duly authorized committees of the Congress.

Senate amendment

No provision.

Conference substitute

The conference substitute is the House provision with a modification to indicate that it is a performance or management type efficiency audit that is required. It is not the intention of the committee of conference that the General Accounting Office duplicate existing financial audits, but rather that additional examinations be conducted in coordination with the other entities having oversight responsibilities as to AMTRAK—the Interstate Commerce Commission, the Department of Transportation, and the duly authorized committees of Congress.

HIGH SPEED GROUND TRANSPORTATION

House bill

No provision.

Senate amendment

The Senate amendment provides for the Secretary of Transportation to make an investigation and study to determine the social advisability, technical feasibility, and economic practicability of the transportation system that will be needed for the future between major west coast cities.

Conference substitute

The conference substitute is the same as the provision in the Senate amendment.

TECHNICAL AMENDMENT TO INTERSTATE COMMERCE COMMISSION REGULATORY AUTHORITY

House bill

No provision.

Senate amendment

The Senate amendment amends section 202(b)(2) of the Interstate Commerce Act to accomplish two things. First, it would provide that any amendments to the standards certified by NARUC and promulgated by the Commission prior to the effective date of the standards themselves would become effective at the same time as the standards, that is, retroactively to December 14, 1971, rather than 5 years from the date of publication of each amendment. Certain amendments were certified by NARUC and promulgated by the Commission prior to December 14, 1971, and thus would be affected by this provision. Second, it would provide that amendments to the standards promulgated subsequent to the effective date of the standards themselves would become effective at the time of their promulgation or at such other time, subsequent to promulgation by the Commission, as may be determined by such organization.

Conference substitute

The conference substitute is the same as the Senate amendment.

INTERMODAL TRANSPORTATION TERMINAL IN WASHINGTON, D.C.

House bill

No provision.

Senate amendment

The Senate amendment authorized the Secretary of Transportation, in consultation with the Secretary of the Interior, to design, and plan a model intermodal transportation terminal at Union Station in Washington, D.C., to be constructed in a five-year period. The Secretary is directed, to the extent practicable, to incorporate into the design and plans features which will attract private investment for development and construction. The provision does not relieve the Washington Terminal Company of its obligation to finance and construct a new railroad passenger station pursuant to the National Visitor Center Facilities Act of 1968; the sum of $7 million is authorized to be appropriated to the Secretary of Transportation for the purpose of carrying out his responsibilities.

Conference substitute

The conference substitute is the same as the Senate amendment except that language was inserted making clear that the new intermodal terminal is not to use any properties needed to construct a visitor center, and that the Secretary is to coordinate the construction of the new terminal facilities.

The conferees also agreed to amend section 305 of existing law in order to allow Amtrak to condemn any property at the request of the Secretary (upon assurance of full reimbursement) in order to facilitate completion of the intermodal terminal within the required time. The conferees wished to emphasize that this amendment in no way alters Amtrak's existing authority under such section 305. The conferees authorized $5 million instead of the $7 million provided in the Senate amendment for design and coordination of construction of the facility.

PROGRAM FOR PRESERVATION AND REUSE OF RAIL PASSENGER SERVICE TERMINALS OF HISTORICAL OR ARCHITECTURAL SIGNIFICANCE

House bill

No provision.

Senate amendment

The Senate amendment establishes a cooperative program with the States for the preservation and conversion to modern needs of railroad passenger terminals of distinction and architectural integrity. The Secretary of Transportation is authorized to provide financial, technical, and advisory assistance in three forms: (1) demonstration projects converting not less than 3 existing terminals into intermodal transportation terminals and civic and cultural activity centers in accordance with criteria to be developed with the Chairman of the National Endowment of the Arts and the Advisory Council on Historic Preservation; (2) interim maintenance assistance to maintain (and prevent the demolition, dismantling, or further deterioration) of terminals that have a reasonable likelihood of being converted to intermodal or civic use; and (3) planning grants for the development of practicable conversion plans.

Conference substitute

The conference substitute is the same as the Senate amendment except that the maximum permissible percentage of the Federal financial contribution was changed from 80 and 90 percent respectively to 60 percent in all cases and a specific authorization for fiscal year 1976 was substituted which provides $15,000,000 for the purposes of paragraph (1)(A), $5,000,000 for the purposes of paragraph (1)(B), and $5,000,000 for purposes of paragraph (1)(C).

DOWNTOWN-TO-AIRPORTS TRANSPORTATION STUDIES

House bill

No provision.

Senate amendment

The Senate amendment directs the Secretary of Transportation to finance the cost of a feasibility study for a rapid transit line between Washington, D.C. and Dulles International Airport in Virginia, and between Washington, D.C. and Baltimore-Washington International Airport in Maryland. The sum of $3 million is authorized to be appropriated for the two studies. Another provision of the Senate amendment required the Secretary to study rail access to all airports.

Conference substitute

The conference substitute omits both provisions of the Senate amendment. The conferees were in agreement that the feasibility study is needed, and hope that the appropriate Committees will consider this matter during the next Congress.

RAIL TRANSPORTATION FOR RECREATIONAL VEHICLES

House bill

No provision.

Senate amendment

The Senate amendment provided that the Corporation would be required to carry recreational vehicles on railroad flatcars.

Conference substitute

The conference substitute omits the Senate provision.

LEASE OF PASSENGER EQUIPMENT

House bill

No provision.

Senate bill

The Senate amendment would empower the ICC to order lease of passenger equipment retained by operating railroads to AMTRAK.

Conference substitute

The conference committee omits the Senate provision.

TECHNICAL CHANGE IN TITULAR DESIGNATION

House bill

No provision.

Senate bill

Provided for a change in the titular designation of the "Under Secretary" of the Department of Transportation to the "Deputy Secretary" of the Department of Transportation.

Conference substitute

The conference substitute is the same as the Senate provision.

HARLEY O. STAGGERS,
JOHN JARMAN,
BROCK ADAMS,
SAMUEL L. DEVINE,
DAN KUYKENDALL,
RICHARD G. SHOUP,
Managers on the Part of the House.

WARREN MAGNUSON,
VANCE HARTKE,
JOHN V. TUNNEY,
JAMES B. PEARSON,
J. GLENN BEALL, Jr.,
Managers on the Part of the Senate.

CONFERENCE REPORT ON S. 3355, AMENDING THE DRUG ABUSE CONTROL ACT OF 1970

Mr. STAGGERS submitted the following conference report and statement on the Senate bill (S. 3355) to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide appropriations to the Drug Enforcement Administration on a continuing basis:

CONFERENCE REPORT (H. REPT. No. 93-1442)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3355) to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide appropriations to the Drug Enforcement Administration on a continuing basis, having met, after full and free conference, have agreed to recommend and do recommend to their respective House 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 to the text of the bill insert the following: That section 709 of the Controlled Substances Act (21 U.S.C. 904) is amended to read as follows:

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 709. (a) There are authorized to be appropriated $105,000,000 for the fiscal year ending June 30, 1975, $175,000,000 for the fiscal year ending June 30, 1976, and $200,000,000 for the fiscal year ending June 30, 1977, for the expenses of the Department of Justice (other than its expenses incurred in connection with carrying out section 103(a)) in carrying out its functions under this title.

"(b) No funds appropriated under any other provision of this Act may be used for the expenses of the Department of Justice for which funds are authorized to be appropriated by subsection (a) of this section."

SEC. 2. Section 702 of the Controlled Substances Act is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding subsection (a) of this section or section 1103, section 4202 of title 18, United States Code, shall apply to any individual convicted under any of the laws repealed by this title or title III without regard to the terms of any sentence imposed on such individual under such law."

SEC. 3. Section 509 of the Controlled Substances Act (21 U.S.C. 879) is amended by striking out "(a)" and subsection (b).

SEC. 4. (a) Subchapter VI of chapter 6 of title 23 of the District of Columbia Code is repealed and the analysis of such chapter is amended by striking out the item relating to such subchapter.

(b) Section 23-521(f) of such title 23 is amended—

(1) by inserting "and" at the end of paragraph (5), and

(2) by striking out paragraph (6) and redesignating paragraph (7) as paragraph (6).

(c) Section 23-522(c) of such title 23 is amended to read as follows:

"(c) The application may also contain a request that the search warrant be made executable at any hour of the day or night upon the ground that there is probable cause to believe that (1) it cannot be executed during the hours of daylight, (2) the property sought is likely to be removed or destroyed if not seized forthwith, or (3) the property sought is not likely to be found except at certain times or in certain circumstances. Any request made pursuant to this subsection must be accompanied and supported by allegations of fact supporting such request."

(d) Section 23-524(a) of such title 23 is amended to read as follows:

"(a) An officer executing a warrant directing a search of a dwelling house or other building or a vehicle shall execute such warrant in accordance with section 3109 of title 18, United States Code."

(e) The last sentence of section 23-561 (b)(1) of such title 23 is repealed.

SEC. 5. Section 1114 of title 18, United States Code, is amended by striking out "Bureau of Narcotics and Dangerous Drugs" and inserting in lieu thereof "Drug Enforcement Administration".

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 bill and agree to the same.

HARLEY O. STAGGERS,
PAUL G. ROGERS,
DAVID E. SATTERFIELD,
PETER N. KYROS,
SAMUEL L. DEVINE,
ANCHER NELSEN,
TIM LEE CARTER,
Managers on the Part of the House.

BIRCH BAYH,
JAMES O. EASTLAND,
SAM J. ERVIN, Jr.,
MARLOW W. COOK,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3355) to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide appropriations to the Drug Enforcement Administration on a continuing basis, 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 amendment to the title of the bill reflected an extension of the Controlled Substances Act for three years. Since the conference substitute extends that Act for three years, the Senate receded from its disagreement to the House amendment to the title of the bill.

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House to the text of the bill with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment to the text of the bill, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreement reached by the conferees, and minor drafting and clarifying changes.

AUTHORIZATION OF APPROPRIATIONS

The Senate bill amended section 709 of the Controlled Substance Act to extend the authorization of appropriations for the Department of Justice to carry out its functions under the Act. The amendment made by the Senate bill provided the following:

[Millions]

Fiscal year	
1975	$125
1976	150
1977	175
1978	200
1979	250

The House amendment extended such authorizations as follows:

[Millions]

Fiscal year	
1975	$105
1976	175
1977	200

The conference substitute is the same as the House amendment.

DENIAL OF FOREIGN AID TO COUNTRIES WHICH DO NOT EFFECTIVELY CONTROL THE DIVERSION OF OPIUM AND ITS DERIVATIVES INTO ILLICIT MARKETS

The Senate bill contained a provision not in the House amendment which amended section 481 of the Foreign Assistance Act (1) to require the denial of economic and military aid to foreign countries which after January 1, 1975, do not ban the production of opium poppies and do not have effective measures to prevent the diversion of opium and its derivatives into illicit markets, and (2) to require the Director of the Drug Enforcement Administration to report immediately to the President and the Congress any evidence that opium and its derivatives are being diverted from permitted production in foreign countries into illicit markets, and to make a detailed report on or before June 30 of each year which would describe the extent to which opium and its derivatives are being diverted into illicit markets from producing countries. The amended section 481 further provided that if the Congress, within a specified period of time after receipt of such report, adopts a concurrent resolution finding that any country has not effectively banned the growing of opium poppies and that such country is not effectively preventing opium, or its derivatives, produced in such country from being diverted into illicit markets, then the President would be required to take specified actions including suspension of economic and military assistance to such country.

The conferees agreed that Congress should take action in response to the Turkish Government's decision to again cultivate the opium poppy. They were of the view, however, that a resolution such as H. Con. Res. 507, which passed the House on August 5, 1974, calling on the President to suspend aid to Turkey if that country fails to take steps to assure that opium is not diverted or amendments to the pending foreign assistance legislation would be more appropriate vehicles for expressing the concern of Congress about a matter with such grave foreign policy ramifications.

The conference substitute conforms to the House bill.

NO-KNOCK

The Senate bill amended section 509 of the Controlled Substances Act to repeal the authority of a judge or magistrate to issue a search warrant (relating to offenses involving controlled substances) which authorizes, under certain circumstances, an officer to break and enter a building in the execution of the search warrant without giving notice of his authority and purpose.

The Senate bill also amended title 23 of the District of Columbia Code to repeal (1)

the statutory authority under that title of the District of Columbia Code for an officer to break and enter in the execution of a search warrant or in making an arrest and to make, under certain specified circumstances, such break and entry without announcing his identity and purpose; (2) a provision making it a specific criminal offense to destroy evidence subject to seizure; and (3) a provision to exclude from the concept of breaking and entering entries obtained by trick and stratagem. In addition, the Senate bill made the requirements of section 3109 of title 18, United States Code (announcement of identity and purpose and actual refusal of admittance before breaking and entering) applicable to District of Columbia police.

The House amendment was the same as the Senate bill, except that it did not contain any provision relating to the District of Columbia Code.

The conference substitute conforms to the Senate bill.

The effect of the conference substitute is to return law enforcement officers in the District of Columbia to the same legal situation that existed prior to the enactment of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (referred to as the "1970 Act") which added the provisions of title 23 of the D.C. Code repealed by the Senate bill. Prior to that Act judicial decisions made the requirements of 18 U.S.C. 3109 applicable to District of Columbia police (*see, e.g., Miller v. United States* 357 U.S. 301 (1958)). The conference substitute converts these judicial holdings to a statutory rule.

Various exceptions to the rule of announcement of identity and purpose before breaking and entering have been noted by the Supreme Court and by State and lower Federal courts. By way of example, in the *Miller* case the "useless gesture" exception was noted by the Court as follows:

It may be that, without an express announcement of purpose, the facts known to officers would justify them in being virtually certain that the petitioner already knows their purpose so that announcement would be a useless gesture. 357 U.S. at 310.

Moreover, in *Ker* v. *California* 374 U.S. 23 (1964) a 5–4 majority found that the fact that officers had reason to believe the person to be arrested was in possession of evidence which was easily destroyed and that such person indicated he knew police were following him excused the officer's compliance with the announcement rule.

Although various exceptions to the rule have been identified by the courts, the courts have not been consistent in defining what standard of proof is needed to justify the various exceptions or what set of facts will satisfy a particular standard of proof. Furthermore, since the courts are continuing to define and explicate the exceptions to the announcement rule, the conferees do not intend the references in this statement to specific examples of exceptions (and the facts underlying them) as being an enumeration of the only exceptions to be permitted in the District of Columbia. Rather, it is the intent of the conferees that the common law exceptions, as they may be prescribed by judicial decisions which must be adhered to in the District of Columbia, apply in the District. It is the conferees' intent that D.C. police be required to announce their authority and purpose in the same situations in which other Federal law enforcement officers are required to make such announcement. Conversely, they should be excused from compliance with the rule in those situations where other Federal law enforcement officers are excused. This is achieved by repeal of D.C. Code 23–591, and the concomitant application of 18 U.S.C. 3109 to the D.C. police.

As noted above the conference substitute also repeals a provision added to the 1970 Act which made it a specific new crime to destroy or conceal evidence subject to seizure after an officer had given notice of his presence, or, if notice was excused by the statute, after he had entered the home or dwelling place. Prior to the 1970 Act, such criminal behavior was prosecuted under one of three provisions: The general prohibition in the District law against obstruction of justice (D.C. Code 22–703); the general prohibition in the United States Code prohibiting the destruction of evidence subject to seizure (18 U.S.C. 2232); or the provision of District law punishing the obstruction of an officer who is authorized to execute a search warrant for narcotic drugs (D.C. Code 33–414(n)). Each of these provisions is still part of the law, and provides grounds for prosecution. It is not the conferees' intent to foreclose criminal prosecution for the destruction of evidence. The conferees felt only that there were sufficient grounds for prosecution of such behavior already available, and therefore, retention of this feature of the 1970 Act was unnecessary.

The conference substitute also repealed a provision added by the 1970 Act which exempted from the requirement of giving notice of identity and purpose, police officers who obtained entry without force by means of a "trick or stratagem". This is consistent with the conferees' intent that D.C. police be guided like other Federal law enforcement officers in regard to the requirements of the announcement rule. Entry by trick or stratagem was judicially recognized as an exception to the announcement rule in the District of Columbia prior to the 1970 Act (*See, e.g., Jones v. United States* 304 F. 2d 381 (1962)). Therefore, even with repeal of the statutory language, this rule continues to obtain in the District of Columbia. In view of this, the conferees felt that retention of this provision added by the 1970 Act was unnecessary and that, if kept, may lead to confusion with regard to congressional intent. Since the other statutory exceptions to the announcement rule are repealed, the conferees were concerned that retention of the exception relating to entry by trick or stratagem could lead courts to conclude that no other exceptions are available in the District of Columbia. This was not the conferees' intent.

PROTECTION OF AGENTS OF THE DRUG ENFORCEMENT ADMINISTRATION

The Senate bill contained a provision not in the House amendment which amended section 1114 of title 18 of the United States Code (which makes it a Federal crime to kill certain designated Federal officers and employees) to conform the provisions of that section to Reorganization Plan No. 2 of 1973 (which established the Drug Enforcement Administration and abolished the Bureau of Narcotics and Dangerous Drugs) and, consequently, to extend the protection of such section 1114 to officers and employees of the Drug Enforcement Administration.

The conference substitute conforms to the Senate bill.

PAROLE

The House amendment contained a provision not in the Senate bill which made the parole provisions of section 4202 of title 18 of the United States Code applicable to persons who were convicted under laws repealed by the Comprehensive Drug Abuse Prevention and Control Act of 1970.

The conference substitute conforms to the House amendment.

HARLEY O. STAGGERS,
PAUL G. ROGERS,
DAVID E. SATTERFIELD,
PETER N. KYROS,
SAMUEL L. DEVINE,
ANCHER NELSEN,
TIM LEE CARTER,
Managers on the Part of the House.
BIRCH BAYH,
JAMES O. EASTLAND,
SAM J. ERVIN, JR.,
MARLOW W. COOK,
Managers on the Part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 14225, AMENDING AND EXTENDING THE REHABILITATION ACT OF 1973 FOR 1 ADDITIONAL YEAR

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14225) to amend and extend the Rehabilitation Act of 1973 for 1 additional year, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate on the disagreeing votes of the two Houses.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none and appoints the following conferees: Messrs. PERKINS, BRADEMAS, and QUIE.

REFERENCE OF PRESIDENT'S MESSAGE

The SPEAKER. Without objection, the message of the President to the joint session of the Congress shall be referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

There was no objection.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

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

[Roll No. 579]

Adams	Giaimo	Podell
Anderson, Ill.	Goldwater	Powell, Ohio
Andrews, N.C.	Grasso	Pritchard
Arends	Gray	Rangel
Armstrong	Gubser	Rarick
Badillo	Hanna	Reid
Barrett	Hansen, Idaho	Reuss
Biester	Harsha	Rhodes
Blackburn	Hastings	Riegle
Blatnik	Hawkins	Robinson, Va.
Boland	Hébert	Roncalio, Wyo.
Brademas	Heckler, Mass.	Rooney, N.Y.
Brasco	Hogan	Rose
Breaux	Holtzman	Runnels
Breckinridge	Horton	Satterfield
Brown, Mich.	Hosmer	Schroeder
Buchanan	Johnson, Colo.	Seiberling
Burke, Calif.	Jones, Ala.	Shuster
Carey, N.Y.	Karth	Smith, N.Y.
Clancy	King	Snyder
Clark	Kuykendall	Steed
Clawson, Del	Kyros	Steele
Collins, Ill.	Lagomarsino	Steiger, Ariz.
Collins, Tex.	Landrum	Stokes
Conyers	Long, Md.	Stubblefield
Corman	Lujan	Stuckey
Crane	McCollister	Symms
Danielson	McDade	Teague
Davis, Ga.	Madigan	Tiernan
Davis, S.C.	Mann	Traxler
de la Garza	Mathias, Calif.	Udall
Delaney	Mathis, Ga.	Ullman
Dellums	Mayne	Veysey
Devine	Melcher	Waldie
Diggs	Michel	White
Dorn	Mills	Whitehurst
Drinan	Mink	Whitten
Eilberg	Minshall, Ohio	Wilson, Charles H., Calif.
Erlenborn	Mizell	
Esch	Moss	
Fisher	Murphy, N.Y.	Wyatt
Fraser	Nelsen	Young, Ga.
Frelinghuysen	O'Neill	Young, S.C.
Frey	Parris	
Fulton	Pike	

The SPEAKER. On this rollcall 303 Members have recorded their presence by electronic device, a quorum.

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

COMMITTEE REFORM AMENDMENTS OF 1974

Mr. BOLLING. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the resolution (H. Res. 988) to reform the structure, jurisdiction, and procedures of the committees of the House of Representatives by amending rules X and XI of the Rules of the House of Representatives.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri (Mr. BOLLING).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of House Resolution 988, with Mr. NATCHER in the chair.

The Clerk read the title of the resolution.

The CHAIRMAN. When the Committee rose, there was pending the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. HANSEN); the amendment offered as a substitute by the gentleman from Nebraska (Mr. MARTIN) for the Hansen amendment; the amendment offered by the gentleman from Florida (Mr. GUNTER) to the Hansen amendment; and the amendment offered by the gentlewoman from Missouri (Mrs. SULLIVAN) to the amendment offered as a substitute by the gentleman from Nebraska (Mr. MARTIN).

The time remaining under the limitation of time agreed to by the Committee of the Whole on yesterday is 3 hours and 27 minutes.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Florida (Mr. GUNTER).

Mr. Chairman, I rise to commend the gentleman from Florida (Mr. GUNTER) on his presentation of the Gunter-Brown amendment to the House for consideration as part of this resolution.

When Mr. GUNTER and I agreed last April to offer this amendment to open the committees and subcommittees of the House to the press and the public—except during very restrictive instances—we were concerned that the Bolling committee makes no substantial changes in the present rules of the House relating to open meetings. The present situation leaves unchanged the opportunity for members of committees and subcommittees to close the doors of their deliberations for what often amounts to personal—political—reasons rather than reasons of genuine need.

We believe that the time has come when public confidence in Congress and the public's right to know what its government is doing will not be satisfied by anything less than a full and open posture with respect to the conduct of the public's business. Under the amendment we have offered, a vote of the majority of a committee or subcommittee will still be required to close a meeting, but the basis by which such a vote for closing meetings may be taken will be much more limited. In designing the amendment, we were cognizant of a certain number of sensitive information areas in which the committees and subcommittees of Congress should have the authority to exercise their own discretion as to whether the meetings involving those sensitive areas should be open or closed. These protections can be found in our amendment in sections (g)(1)(A) through (g)(1)(E) and cover such areas as national security, personnel records and internal committee staff memoranda concerning committee management and procedure. Also provided for is discretion in areas involving invasion of personal privacy, confidential business information, trade secrets, and criminal investigatory information.

In addition, I want to point out that our amendment tracks with the major information areas which are excluded from disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552).

But this amendment goes further than the opening of committee and subcommittee meetings to the press and the public, except in certain narrowly defined areas.

It also provides that the transcripts of such meetings or portions of meetings that are closed by majority vote under provisions of the amendment would have to be made public within 7 days of such meetings, in which only those portions of the transcript could be deleted which were directly related to specific provisions of their amendment covering circumstances when the meetings had been closed. A majority vote of the committee or subcommittee would be required to approve each proposed deletion.

Mr. Chairman, Congress cannot expect the public view to change and reflect a greater confidence in Congress unless it brings its deliberations fully out from behind the locked doors that still exist on Capitol Hill. The Gunter-Brown amendment will insure that those doors are unlocked to an increasing degree and the public's business is conducted in the open.

As my colleague, Mr. GUNTER, noted, 78 other Members of this body have joined with us in supporting the Gunter-Brown amendment. I am pleased with their support. But it pleases me even more to note the broad bipartisanship of this support, which knows no particular political philosophical narrowness. It ranges from support by some of the Members who consider themselves the most liberal to those who are proud of their conservatism. All have recognized the need for the public to observe firsthand what Congress does when it meets to spend their tax dollars; to provide new programs and rules governing the peoples' lives.

I urge the rest of the Members of this body to join with us in the adoption of the Gunter-Brown amendment.

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

Mr. BROWN of Ohio. I shall be glad to yield to the gentleman from Texas.

Mr. ECKHARDT. The gentleman will concede to me, I am sure, that the Gunter-Brown amendment actually tends to close hearings but would tend to open certain markup sessions.

Mr. BROWN of Ohio. The thrust of the amendment is to provide the rationale which would be the same for the closing of a meeting, whether it be a hearing or a markup session, and that rationale would be applied to either kind of hearing on the committee's determination that it wanted to close it or open it. There would be a vote based only on one of the reasons outlined in our amendment.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. Chairman, I rise in support of the amendment offered by my friend and colleague, the gentleman from Florida.

Early in this Congress, we took a healthy half step toward total reform. I think this half step has proved that we can take the next half step, and require open committee meetings in all cases, except those narrowly defined circumstances permitted by the amendment, such as matters of national security.

We in Florida have what is called government in the sunshine. It is based on the concept that government belongs to the people, and is responsible to the people, and ought to be conducted before the people.

Congress is not a secret club, as we all know. We are the elected representatives of the people back home, and are here to represent them. Are we less capable of representing them in the open? And do not all the people of the United States have the right to see what we Congressmen and Congresswomen are doing? This is the people's Congress, not ours.

There have been arguments made in the past that open doors make more difficult the hard political decisions that occasionally come before us. That is no doubt true, but to my mind, is no argument against opening the doors. The difficulty is not so great to justify closed meetings.

The Education and Labor Committee on which I serve has held no closed meetings in the past 2 years. We made all of our decisions before the public, to whom we are, after all, accountable.

Mr. Chairman, I urge the support of all my colleagues for this amendment.

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

Mr. Chairman, I rise in strong support of this amendment, and commend my colleagues, Mr. BROWN and Mr. GUNTER, for offering it today.

I am no stranger to the fight for openness in government. I began this fight 6 years ago in the California Legislature. I thought then, and I think now, that

any legislator, State or Federal, who does not have the courage to face the public with his own convictions and reasons for acting as he does, should forfeit the right to be a legislator.

It took us 6 years to win the fight for openness in California, but the result has been healthy and reassuring to the public. The vast majority of our fellow citizens want to see mandatory open meetings, not only here in Congress but in their State legislatures, and in Federal agency meetings. Aside from legitimate instances of national security or protection of specific legal rights of individuals, there is no excuse at all for carrying on the people's business behind closed doors.

The amendment offered by Mr. GUNTER and Mr. BROWN is simply a recognition of the need to restore public trust in our institutions by opening up our deliberations. It protects individual rights and national security concerns by allowing closed meetings on these topics. But it also protects the public's right to know what we are doing on their behalf, and in their name.

There is far too much secrecy in this town, and in this Government. Today we have the opportunity to do something about it, and set our own House straight. We can do that by voting for this amendment, and showing that we have nothing to hide from the people who have sent us here.

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

Mr. Chairman, I do not think it is necessary for me to lay my credentials on the line for openness in Government and I do not intend to, but this amendment, while well intentioned by its sponsors, in my judgment is the fashioning of a straitjacket and the providing of more ways of closing meetings than opening them. I have had a fair amount of experience both in chairing committees and in dealing with matters of disclosure and nondisclosure of information to the public. I served in the same body as the distinguished gentleman who preceded me in this well, and during my service in the California Legislature we had no closed meetings. I do not know what happened after I left, some 16 years later, when he became a member of that body, that it had closed meetings. But I have been voting here in this House for the reforms that were true reforms, that made committee meetings open. and we now operate in our Committee on Interstate and Foreign Commerce most of the time just as a matter of course with the committee being open.

I do not think anyone wants to close meetings, but the invitations here to close them are certainly numerous. In chairing the Subcommittee on Commerce and Finance of the Committee on Interstate and Foreign Commerce, where I have had the jurisdiction over the Federal Trade Commission and the Federal Product Safety Commission and the Securities and Exchange Commission, under (E) (1), (2), and (3), I can well imagine that I would have a confrontation on almost every occasion by someone who would want to protect the so-called trade secrets.

It is interesting what we here in this country call trade secrets. We all know how sensitive the petroleum industry is to trade secrets. Material they may even file with the governments of the Provinces of Canada and make widely available to all persons there, that same material is carefully foreclosed from public availability in the United States, because it is a trade secret. A trade secret can have to do with any cost figure or estimate of production, or almost anything one can think of can be called a trade secret.

So as I look at this proposed change in the rules of the House, to the sponsors I say their intentions are noble, their words are confusing, they could have said in far fewer sentences much more with greater impact, and this amendment out of all charity ought to be defeated.

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

Mr. MOSS. Yes, I will be happy to yield first to the gentleman from Ohio, who first requested, and then to the gentleman from Florida.

Mr. BROWN of Ohio. Mr. Chairman, I have great respect for the gentleman from California. I serve on the Committee on Interstate and Foreign Commerce with the gentleman. I know the gentleman from California conducts reasonable, rational, and thorough hearings when he prepares legislation for markup.

What we are trying to do is provide an opportunity for committees such as ours and the subcommittee such as his to exercise judgment in this regard. If the committee in the work of markup decides there is no danger in its deliberations of exposing trade secrets or no danger of getting itself involved in a regulatory case when it is not proper to do so, then it is perfectly reasonable for the committee to determine that its meeting be an open meeting. This is exactly what we are trying to accomplish.

Mr. MOSS. Mr. Chairman, let me say to the gentleman, as I said earlier, I have had a great deal of experience in chairing committees, investigating committees. We have one rule of this House that says where a person feels that his reputation might be injured, he may request an executive session.

I recall on occasion after occasion where the insistence upon that right of the individual appearing before the investigative committee was made either personally or by his counsel and then we held our hearing.

The CHAIRMAN. The time of the gentleman from California has expired.

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

Mr. MOSS. Mr. Chairman, I wonder if the gentleman from Texas would yield for one moment?

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

Mr. MOSS. I merely wanted to complete what I had to say. Under the rule then we took the testimony in executive session after the committee had reviewed it and then we were able to release it. This kind of abuse is invited by the language of this legislation. I urge its defeat.

Mr. ECKHARDT. Mr. Chairman, the problem that this amendment addresses itself to is one that the gentleman from Florida (Mr. FASCELL) the gentleman from Washington (Mr. FOLEY) and other Members of the House worked on for maybe 6 months. What we were trying to do was achieve maximum openness in meetings; but at the same time recognize certain limitations with respect to one kind of meeting, the markup session.

What we ultimately decided is that a hearing ought to be open completely with the narrowest of exceptions, because a hearing produces the evidence that comes before the Congress, that the people of the United States are entitled also to know about, in order to determine why we made our decision and on what facts.

There is not any excuse for closing a hearing for anything, except in narrow areas like that of national security. If there is a trade secret involved, the witness does not have to disclose it in the hearing. He can say he has a trade secret. Ordinarily nobody would push him on the point. If he insisted, he might even have the right to refuse to reveal it.

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

Mr. ECKHARDT. Yes, surely.

Mr. ICHORD. The gentleman said there is only one place——

Mr. ECKHARDT. I am getting to two others.

Mr. ICHORD. Does the gentleman not agree with the gentleman from California (Mr. Moss) that we are going to subject a person to ridicule by this process?

Mr. ECKHARDT. If the gentleman will permit me, those are the other two points. There is one point on national security, one that recognizes that wholesome provision that was put into our rules in order to meet the old problem of the Dies Committee when persons were being investigated for alleged personal matters, and aprobrium resulted from their merely being called and interrogated in public as to whether they were Communists.

Our rules say that hearings that would subject a person to aprobrium may be closed. The third exception is with respect to typical housekeeping matters within the House. What this does is enlarge the possibility of opening a hearing to another very broad exception.

It says that a hearing may be closed if it will disclose information relating to trade secrets or financial or commercial information pertaining specifically to a given person, or the information is required to be kept secret in order to prevent undue injury to the competitive position of such person.

So, what we are doing is giving the committee a right to close the hearing in a case which the present rules will not permit the committee to close the hearing. The whole argument for openness was that no matter how much the committee wants to close the hearing, the committee should not be permitted to exclude the people of the United States from knowing what Congress was acting upon. It just passes my understanding that men can get in this well and say that this amendment is for openness, that it increases openness, when in fact, as the gentleman from Florida (Mr. FASCELL),

and the gentleman from Washington (Mr. FOLEY), and myself, who all worked on the original rule, felt that no hearing should be closed and we should not have the power to keep information from the public except on these three narrow exceptions. This opens another exception in the hearings.

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

Mr. ECKHARDT. I yield to the gentleman from Florida.

Mr. GUNTER. The gentleman concedes, does he not, that there is another bloc of thinking which has significance and importance—perhaps even more importance—that we provide openness in our committee markup sessions where the merits and faults of the language of the legislation we write in committee is ultimately acted upon. The sunshine should be let into markup committee sessions as well as committee hearings, in the form of the public and the press.

Mr. ECKHARDT. Mr. Chairman, my time is running out and I cannot yield further because I want to explain exactly what we did on that point.

With respect to the markup session, we provided in the original rule——

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

Mr. ECKHARDT. Mr. Chairman, I ask unanimous consent that I be granted 3 additional minutes.

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

Mr. STEIGER of Wisconsin. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, a point of order. The objection is not timely made.

The CHAIRMAN. The Chair feels the gentleman from Wisconsin was on his feet, that the objection was in order, and was timely.

Mr. FRENZEL. Mr. Chairman, I rise to speak in favor of the amendment.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. Mr. Chairman, I yield to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I would like to address myself to the comments being made by the gentleman in the well who just preceded me, that this legislation that is proposed here, this amendment, provides that the committee members may vote when it is considered appropriate to close a meeting because, among other things, that the information they may be discussing has been obtained by the Federal Government pursuant to an agreement to maintain confidentiality of such information, or when a Federal statute requires the information be kept confidential by Government officers and employees.

I think that fully squares with the language that the gentleman from Texas referred to with respect to Federal laws and rules of the House. It seems to me that this becomes a time when the meeting either can be decided as open or closed by the members of the subcommittee or committee, and that seems to be written into this legislation.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for his contribution, and would say that this was my interpretation, that the amendment offered by the gentleman from Florida and the gentleman from Ohio does, in fact, give us a better way of opening our committees. I am proud to be among its sponsors, and hope it will be passed overwhelmingly.

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

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

Mr. ECKHARDT. Mr. Chairman, let me say the first three, A, B, and C sections, deal with those three exceptions, but D and E add additional exceptions by which a hearing may be closed merely because the hearing would disclose information relating to financial and commercial information which might do harm to some person, so that is an addition.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield further?

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

Mr. BROWN of Ohio. Mr. Chairman, if the gentleman from Texas would go on and read, it says:

No. 2, a Federal statute requires information to be kept confidential by Government officers or employees. As officers, or at least participants, in Government.

Mr. ECKHARDT. Mr. Chairman, if the gentleman will yield, I do not disagree with respect to the confidentiality in here. But there is another exception that has nothing to do with either security or confidentiality with respect to a person's reputation or housekeeping matters, and that is simply a desire for secrecy with respect to business.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

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

Mr. BROWN of Ohio. Mr. Chairman, with all due respect to the gentleman from Texas the effort in our amendment is clearly to try to clarify the legislation as it exists now. I respect the gentleman's skill, his draftsmanship, in the original language. I think this improves the language and provides very defined and limited area wherein Members of the committee can close that committee during either hearings or markups with good and legitimate reasons, most of which are covered in law, with respect to the things we have been discussing, in terms of security, a person's prospective loss of his legal rights, and such things as Federal statutes that require the information to be kept confidential.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman.

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

Mr. FRENZEL. I yield to the gentleman from Florida.

Mr. GUNTER. Mr. Chairman, I just would like to make the point that there is, and I think it should be emphasized, an appeal provision within the amendment itself, such that a small number of committee members can, if a majority of the committee were to decide to close a particular meeting, bring the issue to the House of Representatives itself on a point of order. The House could then order full disclosure of the proceedings of such a committee meeting by majority vote. I think the appeal procedure ought to be stressed.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman. I thank all of the Members for their contributions. I still endorse the amendment strongly.

Mr. FOLEY. Mr. Chairman, I move to strike the necessary number of words.

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

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

Mr. ECKHARDT. I thank the gentleman for yielding. Mr. Chairman, when I was stopped by the objection to an extension of time, I was about to say that I thought we had very, very carefully balanced the problem of open meetings in the bill that we had passed. It received a great deal of thought. On later study of that bill, in connection with writing an article for the Harvard Legislative Review, I had occasion to utilize a study by the distinguished gentlewoman from Washington (Mrs. HANSEN). She sent a questionnaire to committee chairmen asking them what had actually happened under the provisions that we put into effect in the new rule establishing the presumption of openness. What I discovered is that virtually all hearings were open, all hearings. I do not know of a single hearing in which one of the three exceptions were raised. Before the provision that is now law, and which appears in the Hansen bill and appears in the Bolling bill, the Foreign Affairs Committee had held all of its hearings and its markups in closed session. Now it holds them all in open session. Even the Committee on Appropriations holds all its hearings in open session. The amendment urged by the gentleman from Florida would, of course, invite an objection by a business at any time, where it thought information was likely to hurt it. At such point the company witness would ask the chairman, "Will you please close the session because this information is a company secret? It has something to do with our interests, we do not want the public to know about it, we do not mind if you know it, but we do not want your boss to know it." That is what you would invite. We have no problem now in hearings with respect to markup sessions.

I suppose the committee that has closed more hearings than any other is the one I sit on, and that has not been over 10 percent. Most of those, of course, could be closed under the rule proposed in the Gunter amendment.

The important thing is that the hearings be open and that there be no business exception, no secrecy because of the interests of business, as a result of which the people of the United States do not know the facts that the legislators know, the facts upon which the legislators are relying.

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

Mr. ECKHARDT. I am on the gentleman from Washington's time, but, if he will permit me, I yield to the gentleman from Michigan.

Mr. DINGELL. I have just completed a very lengthy set of hearings with regard to oil and gas and the effect that oil and gas in public lands will have on the taxpayers.

Under this amendment a witness appearing on behalf of Exxon or one of the giants of the oil industry could have demanded and gotten the right to close those proceedings.

This does not open the hearings. On the contrary, it serves the vested interests and gives them a superb opportunity to have the hearings that are now public *hearings closed*.

It is an outrageous amendment.

Mr. ECKHARDT. I certainly agree with my distinguished friend the gentleman from Michigan. Mr. Chairman, I might say in closing that when such a balance has been arranged, when such an agreement has been had by this whole House after full study, after full debate on the rule as a separate rule, it would be a pity for us in this brief time to undo that balance, and in fact, to move toward closed hearings.

That is precisely what we would do if we were to pass this amendment.

The Bolling committee bill the Hansen substitute the Martin substitute and the present rules follow the design that was so carefully worked out in this House. That design should not lightly be discarded.

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

Mr. Chairman, I want to reemphasize what the gentleman from Texas has said in detail. This is really a closed hearings amendment.

This is what one gets into when one takes one paragraph in the rules which has worked well and makes a three-page rule out of it. When one itemizes exceptions and rephrases it, it ends up with more loopholes than we started with.

As the gentleman from Texas says, we have a provision in the rules that has worked well.

Four years ago this same Hansen committee got a mandate from the caucus to do something about opening the hearings. The gentleman from Texas and many others in the House came with proposed rules to accomplish that objective.

After a month or two working on that, we came up with a version which is essentially the present rule. Two years ago we redrafted it and it is working well.

Let me just give an example or two of the problems with this amendment. In the first paragraph of this rule it says that they may, by a majority of the members of the committee present, determine to close the meeting. Presently a committee must have a quorum. Under the proposed amendment, they could have two people there and close the meeting.

It is a backward step. It makes it easier to close these meetings.

Then it says that among the other problems, a number of things have to be published. It does not say how they are published. I do not know whether that is in the Washington Post or where.

Then a meeting has to be scheduled 1 week ahead of time. We do not even know the schedule on the House floor a week ahead of time.

If some emergency comes up and we need to schedule a hearing 2 days later, we could not do it. We would have to wait for at least a week before we could schedule a hearing.

This would help to bring this House to a halt. This does not help to increase the efficiency and the effectiveness of the House. It makes it even more cumbersome to operate.

Therefore, Mr. Chairman, I say that in spite of the fact that it is called a "Sunshine Amendment," it really is not. It is a backward step.

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

Mr. SMITH of Iowa. I yield to the gentleman from Florida.

Mr. GUNTER. With all due respect to the gentleman, if he read the language of the amendment regarding the calling of meetings, it points out that meetings could be called at an earlier date than 1 week's notice and that the committee can make public announcement at the earliest practical opportunity.

Mr. SMITH of Iowa. Mr. Chairman, that is the problem. In other words, the amendment does something and then provides a way to undo it, so why try to do it to start with? Why not leave the whole paragraph out of the rules? With such surplusage, we will end up with a rules book as big as a Sears, Roebuck catalog if we fill it up with that kind of stuff.

I say that we ought to defeat this amendment. We have a good, short, concise rule. It opens meetings. It is an open meetings rule now, and let us not tinker with it or we are going to come up with something worse.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. Mr. Chairman, I would like to call the gentleman's attention to this: The gentleman's amendment, with regard to appropriations, refers to subsection (3) where the provision is calling for a complete transcript.

Every member of the Committee on Appropriations is aware of the difficulty of getting a transcript up and printed and ready to look at in 7 days. It is an impossibility at this time. I think the gentleman knows that these transcripts are available to the public at the earliest possible time. This is just a technical impossibility at the present time, due to all manner of difficulties.

Mr. SMITH of Iowa. Mr. Chairman, I strongly urge that the Members vote against this amendment.

The Chairman. The question is on the amendment offered by the gentleman from Florida (Mr. GUNTER) to the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. HANSEN).

The amendment to the amendment in the nature of a substitute was rejected.

Mr. HECHLER of West Virginia. Mr. Chairman, I move to strike out the last word. I would like to ask the gentlewoman from Washington (Mrs. HANSEN), if I have a correct understanding of the relationships between two jurisdictions assigned in House Resolution 1248 to the Committee on Merchant Marine and Fisheries and the Committee on Science and Technology.

On page 69, lines 5 and 6, "Oceanography and Marine Affairs, including coastal zone management" is assigned to Merchant Marine and Fisheries.

On page 73, line 18, "National Weather Service," is assigned to Science and Technology.

These jurisdiction assignments tend to suggest a division of responsibility between the oceanic and atmospheric sciences. However, within the executive department the National Oceanic and Atmospheric Agency was established—in part—due to a growing recognition that the ocean and the atmosphere are closely related. For example, the Atlantic Oceanic and Atmospheric Laboratory in Miami, Fla., carries out an integrated research program on the oceans and the atmosphere and the interactions between them. The laboratory does research on weather generating mechanisms, hurricanes, and the oceans—all in an integrated way.

The National Oceanic and Atmospheric Agency includes the following:

First. National Marine Fisheries Service—this was formerly the Bureau of Commercial Fisheries which was in the Department of the Interior.

Second. National Ocean Services—formerly the old Coast and Geodetic Survey.

Third. National Weather Services—formerly the Weather Bureau. This organization performs weather and oceanographic forecasting.

Fourth. National Environmental Satellite Service—this organization handles meteorological satellites such as TIROS.

Fifth. Environmental Data Service—this organization handles the management of data, the storage of data, and the retrieval of data on the atmosphere, the oceans, and the Earth.

The first two services are of major legislative interest to the Committee on Merchant Marine and Fisheries; the second two are of primary interest to Science and Technology; and the fifth is of interest to both committees. The combining of these services into one agency reflects the trend toward integration of oceanic and atmospheric research.

The Congress itself has previously recognized the integrated nature of oceanic and atmospheric research. During the 92d Congress it passed Public Law 92–125, which set up a National Advisory Commission on the Oceans and the Atmosphere—NACOA—originating in the Merchant Marine and Fisheries Committee.

Three major points can be made from a research and organization point of view.

First. For several decades we have been moving in the direction of integrating oceanic and atmospheric research be-

cause of their complex interactions. In short, it does not seem possible to separate atmospheric and oceanic research and have a sensible program.

Second. As noted above, the National Weather Service has forecasting responsibility for oceanography as well as weather, and includes such items as sea state, swell, ocean temperature, and storm effects.

Third. A major finding from the space program is to reinforce the first point and add to it the understanding that the Sun, the atmosphere, and the oceans are closely interrelated.

In summary, I would hope that it is the intent of House Resolution 1248 to encourage integration of oceanic and atmospheric research rather than to divide the research effort.

Mrs. HANSEN of Washington. If the gentleman from West Virginia will yield, it is indeed our intent to encourage such integration of research work in the oceanic and atmospheric research areas.

Mr. HECHLER of West Virginia. Based on this intent, would it appear to be a reasonable interpretation that the Committee on Merchant Marine and Fisheries and Committee on Science and Technology should cooperate closely in legislative and oversight matters affecting the National Oceanic and Atmospheric Agency, and that, in the case of subjects having a high content of research and development, joint referrals and oversight would be appropriate?

Mrs. HANSEN of Washington. That is a reasonable interpretation, if the gentleman from West Virginia will yield further. I am sure our atmospheric and oceanic research program could only benefit from the expertise available on both the Committee on Merchant Marine and the Committee on Science and Technology.

Mr. HECHLER of West Virginia. I thank the gentlewoman from Washington.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Missouri (Mrs. SULLIVAN) to the amendment offered as a substitute by the gentleman from Nebraska (Mr. MARTIN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DINGELL. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was refused.

So the amendment to the substitute amendment was rejected.

AMENDMENT OFFERED BY MR. FROEHLICH TO THE AMENDMENT OFFERED AS A SUBSTITUTE BY MR. MARTIN OF NEBRASKA

Mr. FROEHLICH. Mr. Chairman, I offer an amendment to the substitute.

The Clerk read as follows:

Amendment offered by Mr. FROEHLICH to the amendment offered as a substitute by Mr. MARTIN of Nebraska: On page 51, immediately following line 25, insert the following paragraph:

"(4) Each report of a committee on each bill or joint resolution of a public character reported by such committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy."

Mr. FROEHLICH. Mr. Chairman, the resolution under consideration contains a number of historic reforms; and hence I am glad to pay tribute to the Members on both sides of the aisle who have contributed so much to bringing this matter forward.

I hope today to add one additional reform to House procedure—and contribute to the battle against inflation in our country.

My amendment, in short, would require that each committee report on each bill or joint resolution of a public character shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

The amendment is modest. It is also profound. It is grounded on two premises—first, that legislative actions including, but not limited to spending, can have an important impact on inflation in our economy—and, second, that informed lawmakers ought to be able to weigh this impact along with all the other considerations that go into the passage of a bill.

This amendment will force us to focus on inflation. It will make the House of Representative more accountable for the impact of its actions on the economy of our Nation. One theme that runs through these reforms is the desire to create an informed Congress. This amendment may bring us out of the darkness on economic matters.

This amendment offers one concrete way that we can demonstrate that we are truly interested in combating inflation. There is no rational reason why we should know much, much more about the impact of some small public works project on its immediate environment than we know about the impact of a major bill upon our entire economy.

I do not dispute for a moment that the inflationary impact of a bill may often be outweighed by other, more important considerations. But I think it is self-evident that the Members of this body ought to be in a position to know the economic costs of a bill—the inflationary costs—so that they can make an informed, intelligent, deliberate judgment.

I appeal to the Members for suppport on this amendment, which I first introduced in April and which is based upon the suggestion of Prof. Richard W. Rahn. This amendment is an important reform in our procedures—and I hope it will be adopted.

Mr. MARTIN of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. FROEHLICH. I am happy to yield to the gentleman from Nebraska.

Mr. MARTIN of Nebraska. Mr. Chairman, I would like to compliment the gentleman from Wisconsin for offering this very excellent amendment.

As the gentleman from Wisconsin knows, President Ford only 2 hours ago in this very Chamber requested of the Congress action in regard to the impact of inflation on the economy, not only in the Congress, but in other areas of the Government.

Again I say that I wish to compliment the gentleman from Wisconsin for offering this amendment, which would have, I believe, a salutary effect on the work of the Congress, and would speed up the first implementation of one of the recommendations that the President made to us this afternoon.

Mr. Chairman, I support this amendment.

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

Mr. FROEHLICH. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I thank my colleague, the gentleman from Wisconsin (Mr. FROEHLICH) for yielding to me. I want to compliment the gentleman on the amendment he has offered. It is a good amendment. It makes sense. It would be entirely reasonable for the House of Representatives to respond as quickly as it is humanly possible to the President's request for this kind of report on the inflationary impact which would be attached to legislation. I hope the amendment is adopted.

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

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

Mr. PICKLE. Mr. Chairman, I would like to ask the gentleman from Wisconsin who is going to make this impact statement?

Mr. FROEHLICH. The committee staff in the committee report.

Mr. PICKLE. Each committee will determine whether it is inflationary or not?

Mr. FROEHLICH. That is right.

Mr. PICKLE. Are we going to be dependent on the statement, then, from OMB or the White House?

Mr. FROEHLICH. They will be able to draw their information from various and sundry agencies of the Government, but they make the determination. The committee writes the legislation, therefore, the committee also writes the impact report on the legislation.

Mr. PICKLE. Mr. Chairman, if the gentleman will yield further, I thought the gentleman made some reference to the fact that a committee would be established.

Mr. FROEHLICH. No. All it says is that the committee report that accompanies a bill when it comes to the floor of the House must additionally have the inflationary impact effect of the legislation.

Mr. PICKLE. Mr. Chairman, I am sure we are all sympathetic with the gentleman's approach, but from a practical standpoint I wonder whether each committee can determine whether this is inflationary or not. It seems to me that we may be making the Parliamentarian the person who well determines whether it is inflationary or not.

The CHAIRMAN. The question is on the amendment offered by the gentleman

from Wisconsin (Mr. FROEHLICH) to the amendment offered as a substitute by the gentleman from Nebraska (Mr. MARTIN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ALEXANDER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. HANSEN OF WASHINGTON

Mr. ALEXANDER. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

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

The CHAIRMAN. The Chair will count. Sixty-two Members are present, not a quorum.

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

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

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

The Committee will resume its business.

The Clerk will read the amendment offered by the gentleman from Arkansas (Mr. ALEXANDER).

The Clerk read as follows:

Amendment offered by Mr. ALEXANDER to the amendment in the nature of a substitute offered by Mrs. HANSEN of Washington: Page 54, after line 21, insert the following:

"(19) Rural development"

Mr. ALEXANDER. Mr. Chairman, under the present rules of the House, the Committee on Agriculture is allotted a wide range of responsibility for rural development. In fact, the Committee on Agriculture has been working in this area for a number of years; but under section 302, title III of the Hansen proposal, rural development is not specifically mentioned as a jurisdiction of the Committee on Agriculture. Both House Resolution 988 and the amendment of the gentleman from Nebraska (Mr. MARTIN) in the nature of a substitute specifically identify rural development as a Committee on Agriculture responsibility.

Simply stated, this is a technical amendment which provides jurisdiction for rural development to the Committee on Agriculture. I am sure that it was an oversight that it was not included in the first instance.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield.

Mr. ALEXANDER. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. I thank the gentleman for offering the amendment. It is a delight to see and accept it, because as we understand our resolution, responsibility for rural programs is a jurisdiction of the Committee on Agriculture. We join with the gentleman in support of the amendment.

Mr. ALEXANDER. I thank the gentlewoman from Washington.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas (Mr. ALEXANDER) to the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. HANSEN).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENTS OFFERED BY MR. DENNIS TO THE AMENDMENT OFFERED AS A SUBSTITUTE BY MR. MARTIN OF NEBRASKA

Mr. DENNIS. Mr. Chairman, I offer two amendments to the substitute amendment, and I ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

Amendments offered by Mr. DENNIS to the amendment offered as a substitute by Mr. MARTIN of Nebraska: Page 11, lines 18 and 19, strike out in lines 18 and 19 the words "and the administration and Government of the Canal Zone."

Page 17, after line 16, insert the following: "(7) The Administration and Government of the Canal Zone".

And renumber subsequent lines accordingly.

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

There was no objection.

Mr. DENNIS. Mr. Chairman and members of the committee, these two amendments do just one thing. They take jurisdiction over the Panama Canal and the Panama Canal Zone, which in both the Martin substitute and the Bolling resolution are taken from the Committee on Merchant Marine and Fisheries and given to the Committee on Foreign Affairs, and put that jurisdiction over the Canal Zone back in the Committee on Merchant Marine and Fisheries where it now resides.

The reason for the amendments is that, in my judgment, the Panama Canal Zone is American territory, and therefore it does not belong under the jurisdiction of the Committee on Foreign Affairs. I think that is a very important point. It is important because, as I say, American territory does not belong under the jurisdiction of the Foreign Affairs Committee.

It is important, particularly today, because the Department of State, which administers the foreign affairs of this country, is engaged in the effort to cede away this American territory, the control over it, to the Republic of Panama. If we put that American territory in the jurisdiction of the Committee on Foreign Affairs, it encourages that effort on the part of the Department of State, which I think we should definitely discourage.

It is important because, in my judgment, this House, as well as the other body, has a constitutional function to perform in the question which will ultimately arise of the disposition of the Panama Canal Zone. It is true that ordinarily, as we know, treaties are made by the President by and with the advice and consent of the Senate, but the Constitution also provides in article IV, section 6, clause 2, that "the Congress" that is, both Houses—"shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

It is my submission that under that constitutional provision, we cannot cede or release our jurisdiction over the Panama Canal Zone, through the action of the Senate alone. I think it takes an act of the Congress. Therefore, this House is involved as well as the other body.

I understand that there is an argument as to whether this is American territory under the provisions of the treaty of 1903. I would submit that it is, under that treaty and the subsequent treaties I put it to the committee, that we could not cede the State of Florida, for instance. We could not cede Puerto Rico. We could not cede the Virgin Islands, without the action of this body as well as that of the Senate.

As Henry Clay said on one occasion, a treaty could determine the location of a boundary line, where no one knew where it was, but it could not cede whole provinces. That takes an act of the Congress.

That being my theory, and because I believe that this is American territory, and this treaty being in the offing, I think it is a bad mistake to put this American territory in the Foreign Affairs Committee. It does not belong there any more than any other American territory. It is not a Foreign Affairs proposition; and that is the thrust and the reason for these amendments, which of course will have to be offered to the Bolling resolution also if it ever becomes the viable legislative vehicle.

Mr. MARTIN of Nebraska. Mr. Chairman, will the gentleman yield?

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

Mr. MARTIN of Nebraska. I thank the gentleman for yielding. I think the gentleman has made a very fine statement. There is a great deal of logic to his amendment and, as the author of the substitute which he is amending, I accept the gentleman's amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Indiana (Mr. DENNIS) to the amendment offered as a substitute by the gentleman from Nebraska (Mr. MARTIN).

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

RECORDED VOTE

Mr. O'HARA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 132, not voting 74, as follows:

[Roll No. 580]

AYES—228

Abdnor	Bafalis	Breaux
Abzug	Baker	Breckinridge
Anderson, Calif.	Bauman	Brinkley
Andrews, N. Dak.	Beard	Brooks
Annunzio	Bell	Brotzman
Archer	Bennett	Brown, Ohio
Arends	Biaggi	Broyhill, N.C.
Ashbrook	Blatnik	Burgener
	Boggs	Burke, Fla.
	Bray	Burke, Mass.

Burleson, Tex.	Hogan	Randall
Burton, John	Holifield	Rangel
Burton, Phillip	Holt	Regula
Byron	Huber	Rodino
Camp	Hudnut	Rogers
Carney, Ohio	Hungate	Roncallo, N.Y.
Carter	Hunt	Rooney, Pa.
Casey, Tex.	Hutchinson	Rose
Cederberg	Ichord	Rousselot
Chappell	Jarman	Roy
Clark	Johnson, Calif.	Roybal
Clausen, Don H.	Johnson, Pa.	Ruth
Clay	Jones, N.C.	St Germain
Cochran	Jones, Okla.	Sandman
Collins, Tex.	Jones, Tenn.	Satterfield
Conlan	Jordan	Scherle
Cotter	Kazen	Sebelius
Cronin	Kemp	Shipley
Daniel, Dan	Ketchum	Shoup
Daniel, Robert W., Jr.	Kuykendall	Shriver
Daniels, Dominick V.	Kyros	Shuster
Danielson	Landgrebe	Sikes
Davis, S.C.	Latta	Sisk
Denholm	Leggett	Skubitz
Dennis	Lent	Smith, Iowa
Dent	Litton	Spence
Devine	Long, Md.	Staggers
Dingell	Lott	Stanton, J. William
Donohue	Luken	Stark
Downing	McCollister	Steiger, Ariz.
Dulski	McCormack	Stokes
Duncan	McDade	Stratton
du Pont	McEwen	Studds
Eckhardt	McFall	Sullivan
Esch	McKay	Symington
Evins, Tenn.	Macdonald	Talcott
Flood	Madden	Taylor, Mo.
Flowers	Madigan	Taylor, N.C.
Flynt	Maraziti	Thompson, N.J.
Ford	Martin, Nebr.	Thone
Fountain	Matsunaga	Thornton
Frey	Mayne	Tiernan
Froehlich	Melcher	Towell, Nev.
Fuqua	Metcalfe	Traxler
Gettys	Milford	Treen
Giaimo	Miller	Vigorito
Ginn	Mink	Waggonner
Goldwater	Mitchell, N.Y.	Walsh
Gonzalez	Moorhead, Calif.	Wampler
Goodling	Mosher	Ware
Green, Oreg.	Moss	Whitten
Griffiths	Myers	Wilson, Bob
Grover	Natcher	Wilson, Charles H., Calif.
Gubser	Nedzi	Winn
Gunter	O'Hara	Wright
Guyer	O'Neill	Wydler
Hammer-schmidt	Parris	Wylie
Hanley	Passman	Wyman
Hanrahan	Patman	Yatron
Hansen, Wash.	Patten	Young, Alaska
Harsha	Pepper	Young, Fla.
Hays	Peyser	Young, Ga.
Henderson	Pike	Young, Ill.
Hicks	Price, Ill.	Young, Tex.
Hillis	Price, Tex.	Zion
Hinshaw	Quillen	
	Railsback	

NOES—132

Addabbo	Delaney	Howard
Alexander	Dellenback	Jones, Ala.
Anderson, Ill.	Dellums	Karth
Andrews, N.C.	Derwinski	Kastenmeier
Ashley	Dickinson	Kluczynski
Aspin	Diggs	Koch
Badillo	Drinan	Lehman
Bergland	Edwards, Ala.	Long, La.
Bevill	Edwards, Calif.	McClory
Biester	Erlenborn	McCloskey
Bingham	Eshleman	McKinney
Boland	Fascell	Mahon
Bolling	Fish	Mallary
Brademas	Foley	Mazzoli
Broomfield	Fraser	Meeds
Brown, Calif.	Frenzel	Mezvinsky
Brown, Mich.	Fulton	Minish
Buchanan	Gaydos	Moakley
Burke, Calif.	Gibbons	Mollohan
Burlison, Mo.	Gilman	Moorhead, Pa.
Butler	Green, Pa.	Morgan
Chamberlain	Gude	Murphy, Ill.
Chisholm	Haley	Murtha
Cohen	Hamilton	Nix
Collins, Ill.	Harrington	Obey
Conte	Hechler, W. Va.	O'Brien
Conyers	Heckler, Mass.	Owens
Corman	Heinz	Perkins
Coughlin	Helstoski	Pettis
Culver	Holtzman	Pickle
Davis, Wis.	Horton	Poage
Preyer	Ryan	Ullman
Quie	Sarasin	Van Deerlin
Rees	Sarbanes	Vander Jagt
Reid	Schneebeli	Vander Veen
Reuss	Seiberling	Vanik
Rinaldo	Smith, N.Y.	Veysey
Roberts	Stanton, James V.	Whalen
Robison, N.Y.	Steed	Wiggins
Roe	Steelman	Wilson, Charles, Tex.
Roncalio, Wyo.	Steiger, Wis.	Wolff
Rosenthal	Stephens	Yates
Rostenkowski	Thomson, Wis.	Zablocki
Roush	Udall	
Ruppe		

NOT VOTING—74

Adams	Gross	Powell, Ohio
Armstrong	Hanna	Pritchard
Barrett	Hansen, Idaho	Rarick
Blackburn	Hastings	Rhodes
Bowen	Hawkins	Riegle
Brasco	Hébert	Robinson, Va.
Broyhill, Va.	Hosmer	Rooney, N.Y.
Carey, N.Y.	Johnson, Colo.	Runnels
Clancy	King	Schroeder
Clawson, Del	Lagomarsino	Slack
Cleveland	Landrum	Snyder
Collier	Lujan	Steele
Conable	McSpadden	Stubblefield
Crane	Mann	Stuckey
Davis, Ga.	Mathias, Calif.	Symms
de la Garza	Michel	Teague
Dorn	Mills	Waldie
Eilberg	Minshall, Ohio	White
Evans, Colo.	Mitchell, Md.	Whitehurst
Findley	Mizell	Widnall
Fisher	Montgomery	Williams
Forsythe	Murphy, N.Y.	Wyatt
Frelinghuysen	Nelsen	Young, S.C.
Grasso	Nichols	Zwach
Gray	Podell	

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ECKHARDT TO THE AMENDMENT OFFERED AS A SUBSTITUTE BY MR. MARTIN OF NEBRASKA

Mr. ECKHARDT. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT to the amendment offered as a substitute by Mr. MARTIN of Nebraska: strike all of pages 36, 37, 38 and lines 1 through 7 on page 39 and add the following:

"(d) After the introduction in the House of each bill or resolution the Congressional Research Service of the Library of Congress shall prepare a factual description of the subject involved therein not to exceed one hundred words; such description shall be published in the Congressional Record and the Digest of Public General Bills and Resolutions as soon as possible after introduction."

Mr. ECKHARDT. Mr. Chairman, this amendment does not in any way affect the salubrious provisions of all three bills contained in section 6(c). Section 6(c) is found in the Bolling resolution at page 35 and in the Martin bill at page 34. The language of the Bolling resolution and the Martin bill are identical. Indeed, the language of 6(c) in the Hansen bill is also identical with the comparable 6(c) sections in Bolling and Martin. That is an extremely important provision because it gives the Speaker the additional authority to appoint ad hoc committees, to assign a single bill to several committees, to assign a bill in sequence to committees. All three bills contain extremely desirable language in this area, language that all of my fellow members of the Committee on Interstate and Foreign Commerce will recognize the importance of with respect to our hearing on the bill having to do with railroad retirement, in which an ad hoc committee would have been the only way, as the gentleman from North Carolina (Mr. BROYHILL) pointed out in his amendment, to reach three different choices, one of which would have fallen in the jurisdiction of the Committee on Ways and Means.

But then both the Bolling resolution and the Martin bill go farther, and they need not go farther. The desirable provision is to give the Speaker this flexible authority. If a legislative body is to have real power, the real ability to move, it is important that the bills be started on their legislative journey quickly, considered promptly. To do this somebody must make that decision authoritatively at the beginning. After that point the question of whether or not a bill should reach the floor at all, the question of the dispatching of legislation out of the committees, is properly in the Committee on Rules.

Of course, the floor itself can do anything it wants to with a bill. But if a parliamentary body is to be effective, if it is not to be hog-tied, authority must reside in the Speaker to make an initial assignment to a committee. That must be something that is acted on quickly and is final and is not reviewable.

Under the Martin substitute and under the Bolling resolution there is this rather complicated procedure; subsection (c) is in those bills just as it is in the Hansen bill, but subsection (d) also provides that the Speaker may send a bill to the Committee on Rules instead of the committee of major jurisdiction. He has some leeway in this area presently. But the real bad provisions are the later ones.

In subsection (d) it is provided that the Rules Committee shall have authority to review and modify the referral by the Speaker of a bill to the committee of substantive jurisdiction. So the Rules Committee could say for example the Speaker has sent a bill wrongfully to Public Works that ought to have gone to Merchant Marine and Fisheries. In that way a body which must always be somewhat political—any committee is somewhat political—would supplant the judgment of the Speaker, which is as we all know generally the judgment of the Parliamentarian, as to the appropriateness of the committee, by a committee which cannot avoid some touch of politics and would make the decision on other than those bare-bones parliamentary determinations that are now used to determine where the bill should go.

But this is not the worst of it.

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

Mr. ECKHARDT. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

Mr. STEIGER of Wisconsin. Mr. Chairman, I object.

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

Mr. Chairman, I yield to my good friend, the gentleman from Texas (Mr. ECKHARDT), one of the most able lawyers in this establishment, for purposes of

making such comments as he deems appropriate.

Mr. ECKHARDT. I thank the gentleman.

What I was about to say was that the worst thing in the bill is not that power of the Rules Committee, but then a provision by which any chairman of any committee may protest the Rules Committee's action and raise the question on the floor to get the floor to reverse the Rules Committee.

Now how in the world can we run a legislative body if we first engage in a lengthy political maneuver with respect to what committee a bill will go to before we even get to the substance of the bill?

I think that anyone looking at this from an earlier age, from say the 19th century, or from the vantage point of the British Parliament or any other legislative body in the world would say we were mad to provide for a preliminary skirmish at the Rules Committee level and on the floor with respect to the referral of the bill and then go through that whole battle at a later time with respect to the merits of the bill.

Therefore what my amendment does is simply remove those peculiar added provisions that call for this complicated review by the Rules Committee of the Speaker's assignment of bills and which then provide that any committee chairman may protest the determination of the Rules Committee and ask for a vote on the floor of the House.

All my amendment does is remove that extraneous matter from the Martin proposal.

Mr. DINGELL. Mr. Chairman, we are coming now to one of the peculiarities of reform. Reform is like beauty, much in the eye of the beholder. It is most peculiar to observe that reform usually is done by the reformers to add some small measure to their own comfort, importance, or other emoluments.

I do not want to say that the Bolling committee which presented us with this most obnoxious piece of legislation had any self interest, but by a most peculiar coincidence a careful analysis of different members of that committee will reveal they are either: First, retiring; or second, running for some other office—and I might say with some charity that those who are running for some other office will, if they are successful, cause I think a rise in the IQ of both bodies; or third, stand to see their committee assignments enhanced in this body. I think it should be observed that this language, which the amendment of the gentleman from Texas would strike, the gentleman from Missouri who chaired this peculiar panel which gives us this most obnoxious piece of legislation would put his hands around the throat of every legislative committee in this Congress.

It would give him the power not only to block rules for legislation to come to the floor, but it would give him the additional power of seeing to it that the legislation went to hostile and unfriendly committees.

Now, my colleagues who have served in this House for a number of years will recall that one of the most extraordinary roadblocks which progressive legislation has had to contend with has been the Committee on Rules. By a most unique coincidence, not only does the gentleman from Missouri strengthen the Committee on Rules of which he will shortly be perhaps a most important and senior Member, but in addition he gives them the power further to block, destroy, and emasculate progressive legislation in the public interest.

The amendment is highly desirable, and although very little can be done to improve the legislation before us, certainly it must be said that this is a long step toward making the legislation now before us less obnoxious.

Mr. MARTIN of Nebraska. Mr. Chairman, I rise in opposition to the amendment.

The provisions in my substitute resolution in this regard are exactly the same as in House Resolution 988, the select committee's resolution. The determination for giving the Speaker the authority and the power for joint referral was arrived at after much testimony and very careful discussion and consideration in the select committee on this matter. We worked out what I consider a fairly simple procedure for the Committee on Rules to handle the matter.

First of all, the Speaker is given the authority for joint referral where jurisdiction seems to lie in more than one committee. If another committee, a legislative committee of the House, objects to the actions of the Speaker in the joint referral, then that committee may object. Then the Speaker—and I am trying to simplify this because it is a simple operation—the Speaker then refers it to the Committee on Rules for a hearing and the Committee on Rules must meet within five days after the referral is sent to them, hold a hearing on it immediately, make a determination, and send it back to the floor of the House where it is a privileged matter. It may be called up and the Members of the House work their will as to what the final determination is. It is not a complicated procedure at all. It is one that I do not think would arise very often, but it is one that would alleviate the difficulties that we get into of jurisdictional disputes between committees at the present time, over which we have no control and no solution.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT) to the amendment offered as a substitute by the gentleman from Nebraska (Mr. MARTIN).

The question was taken; and the Chair announced that the noes appeared to have it.

RECORDED VOTE

Mr. DINGELL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 186, noes 168, not voting 80, as follows:

[Roll No. 581]

AYES—186

Addabbo	Fuqua	Nichols
Alexander	Gaydos	Nix
Anderson, Calif.	Gettys	Obey
Annunzio	Giaimo	O'Hara
Archer	Gibbons	O'Neill
Ashbrook	Goldwater	Parris
Aspin	Gonzalez	Passman
Badillo	Goodling	Patten
Baker	Green, Oreg.	Perkins
Bauman	Griffiths	Pettis
Beard	Gross	Pike
Bennett	Grover	Price, Ill.
Bevill	Guyer	Rangel
Biaggi	Haley	Rees
Bingham	Hammer-schmidt	Reid
Blatnik	Hanley	Roberts
Boggs	Hansen, Wash.	Robinson, Va.
Brademas	Harrington	Rodino
Breckinridge	Hays	Roe
Brooks	Helstoski	Rogers
Broyhill, N.C.	Henderson	Roncalio, Wyo.
Burgener	Holifield	Rooney, Pa.
Burke, Calif.	Holt	Rose
Burke, Fla.	Howard	Rosenthal
Burke, Mass.	Huber	Rousselot
Burleson, Tex.	Hungate	Roy
Burton, John	Hunt	Roybal
Burton, Phillip	Hutchinson	St Germain
Byron	Ichord	Satterfield
Camp	Jarman	Scherle
Carney, Ohio	Johnson, Calif.	Schneebeli
Casey, Tex.	Johnson, Pa.	Seiberling
Clay	Jones, Ala.	Shipley
Collins, Ill.	Jones, Okla.	Sikes
Collins, Tex.	Jones, Tenn.	Smith, Iowa
Conyers	Jordan	Snyder
Corman	Karth	Spence
Cotter	Kastenmeier	Staggers
Daniel, Dan	Ketchum	Steed
Daniel, Robert W., Jr.	Kyros	Steelman
Daniels, Dominick V.	Landgrebe	Steiger, Ariz.
Danielson	Leggett	Stokes
Davis, S.C.	Lehman	Stratton
Dellums	Long, Md.	Studds
Dent	Lott	Sullivan
Devine	Luken	Taylor, Mo.
Diggs	McEwen	Thompson, N.J.
Dingell	McFall	Thornton
Donohue	McKay	Tiernan
Downing	Mahon	Traxler
Dulski	Mathis, Ga.	Treen
Duncan	Mazzoli	Vander Jagt
Eckhardt	Melcher	Vanik
Edwards, Calif.	Metcalfe	Vigorito
Evins, Tenn.	Milford	Waggonner
Flood	Minish	Wampler
Flowers	Mink	Whitten
Flynt	Mollohan	Wilson, Charles H., Calif.
Ford	Montgomery	Yates
Fountain	Moorhead, Pa.	Yatron
Fulton	Moss	Young, Fla.
	Murtha	Zion
	Natcher	

NOES—168

Abdnor	Cohen	Hechler, W. Va.
Abzug	Collier	Heckler, Mass.
Anderson, Ill.	Conlan	Heinz
Andrews, N. Dak.	Conte	Hicks
Arends	Coughlin	Hillis
Armstrong	Cronin	Hinshaw
Ashley	Culver	Holtzman
Bafalis	Delaney	Horton
Bell	Dellenback	Hudnut
Bergland	Denholm	Jones, N.C.
Biester	Dennis	Kazen
Boland	Derwinski	Kemp
Bolling	Drinan	Kluczynski
Bray	du Pont	Koch
Breaux	Edwards, Ala.	Landrum
Brinkley	Erlenborn	Latta
Broomfield	Esch	Lent
Brotzman	Eshleman	Litton
Brown, Calif.	Fascell	Long, La.
Brown, Mich.	Fish	McClory
Brown, Ohio	Foley	McCloskey
Buchanan	Forsythe	McCollister
Burlison, Mo.	Frenzel	McCormack
Butler	Frey	McDade
Carter	Froehlich	McKinney
Cederberg	Gilman	McSpadden
Chamberlain	Ginn	Madden
Chappell	Gray	Madigan
Chisholm	Green, Pa.	Mallary
Clausen, Don H.	Gude	Maraziti
Cochran	Gunter	Martin, Nebr.
	Hamilton	Martin, N.C.
	Hanrahan	Matsunaga

Mayne	Rinaldo	Towell, Nev.
Meeds	Roncallo, N.Y.	Udall
Mezvinsky	Rostenkowski	Ullman
Miller	Roush	Van Deerlin
Mitchell, Md.	Ruppe	Vander Veen
Mitchell, N.Y.	Ruth	Veysey
Moakley	Sandman	Walsh
Moorhead, Calif.	Sarasin	Ware
Morgan	Sarbanes	Whalen
Mosher	Shoup	Widnall
Murphy, Ill.	Shriver	Wiggins
Myers	Shuster	Wilson, Bob
O'Brien	Sisk	Wilson, Charles, Tex.
Owens	Stanton, J. William	Winn
Pepper	Stanton, James V.	Wolff
Peyser	Stark	Wright
Pickle	Steiger, Wis.	Wydler
Preyer	Stephens	Wylie
Price, Tex.	Symington	Wyman
Quie	Talcott	Young, Alaska
Quillen	Taylor, N.C.	Young, Ga.
Railsback	Thomson, Wis.	Young, Ill.
Randall	Thone	Young, Tex.
Regula		Zablocki

NOT VOTING—80

Adams	Hanna	Pritchard
Andrews, N.C.	Hansen, Idaho	Rarick
Barrett	Harsha	Reuss
Blackburn	Hastings	Rhodes
Bowen	Hawkins	Riegle
Brasco	Hébert	Robison, N.Y.
Broyhill, Va.	Hogan	Rooney, N.Y.
Carey, N.Y.	Hosmer	Runnels
Clancy	Johnson, Colo.	Ryan
Clark	King	Schroeder
Clawson, Del	Kuykendall	Sebelius
Cleveland	Lagomarsino	Skubitz
Conable	Lujan	Slack
Crane	Macdonald	Smith, N.Y.
Davis, Ga.	Mann	Steele
Davis, Wis.	Mathias, Calif.	Stubblefield
de la Garza	Michel	Stuckey
Dickinson	Mills	Symms
Dorn	Minshall, Ohio	Teague
Eilberg	Mizell	Waldie
Evans, Colo.	Murphy, N.Y.	White
Findley	Nedzi	Whitehurst
Fisher	Nelsen	Williams
Fraser	Patman	Wyatt
Frelinghuysen	Poage	Young, S.C.
Grasso	Podell	Zwach
Gubser	Powell, Ohio	

So the amendment to the substitute amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEINZ TO THE AMENDMENT OFFERED AS A SUBSTITUTE BY MR. MARTIN OF NEBRASKA

Mr. HEINZ. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. HEINZ to the amendment offered as a substitute by Mr. MARTIN of Nebraska: Page 41, immediately after line 19, insert the following new paragraph:

"(g) There shall be in the House the permanent Select Committee on Aging, which shall not have legislative jurisdiction but which shall have jurisdiction—

"(1) to conduct a continuing comprehensive study and review of the problems of the older American, including but not limited to income maintenance, housing, health (including medical research), welfare, employment, education, recreation, and participation in family and community life as self-respecting citizens;

"(2) to study the use of all practicable means and methods of encouraging the development of public and private programs and policies which will assist the older American in taking a full part in national life and which will encourage the utilization of the knowledge, skills, special aptitudes, and abilities of older Americans to contribute to a better quality of life for all Americans;

"(3) to develop policies that would encourage the coordination of both governmental and private programs designed to deal with problems of aging; and

"(4) to review any recommendations made by the President or by the White House Conference on Aging relating to programs or policies affecting older Americans."

Mr. HEINZ (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

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

Mr. DINGELL. Mr. Chairman, regretfully, I object.

The CHAIRMAN. Objection is heard.

Mr. HEINZ (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with, and that it be printed in the RECORD.

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

There was no objection.

Mr. HEINZ. Mr. Chairman, this amendment is identical to the amendment that this House adopted last week by a vote of 323 to 84 to create a nonlegislative Select Committee on the Aging. It is identical to the amendment that the gentleman from Florida (Mr. YOUNG) introduced and that the House strongly supported.

I said at the time that we would introduce this amendment both to the Martin and the Bolling proposals as well. I am doing so at this time, and I hope that, having supported this as an amendment to the Hansen substitute, the House will support this amendment to the Martin amendment now and to the Bolling resolution later.

Mr. Chairman, several times in the last 6 years, efforts to create such an investigatory committee have gained the bipartisan support of more than a majority of House Members. And in this Congress to date nearly 200 Members have joined the effort to create a select committee which began when the gentleman from Missouri (Mr. RANDALL) and I urged cosponsorship of such a resolution to create the committee.

It was through serving on Chairman RANDALL's Government Operations Subcommittee that I first gained deep insight into the problems faced by some 20 million Americans who are over 65. This experience demonstrated for me the tremendous need for the House of Representatives to focus intelligently on all the complex problems of the elderly.

I believe we must develop an efficient method for comprehending these needs, and for carefully evaluating legislative proposals affecting what is unquestionably the fastest growing proportion of our population.

In the last 2 years, the House has considered legislation which has profound effects on the lives of older persons, including the SSI program, improved social security benefits, and the Older Americans Act. We can be proud of the progress made by these initiatives. The Older Americans Act goes a long way toward filling the gaps between the social security provisions and the aid and incentives Government can provide to allow older citizens to live with dignity and self-sufficiency, but I believe we would have done far better still if we had had a Select Committee on Aging

I am disappointed that this legislation, in its present form, does little to address this continuing problem of coordination. In part, the legislation we are considering worsens today's situation in which we have minimally eight committees to consider legislation directly affecting programs for the aging.

These eight committees are the Committees on Education and Labor, Banking and Currency, Interstate and Foreign Commerce, Post Office and Civil Service, Retirement and Employee Benefits Subcommittee, Veterans' Affaris, Ways and Means, Government Operations, District of Columbia, and Appropriations, Health, Education and Welfare, and Labor Subcommittee.

More to the point, programs which affect the aging are tucked away in legislation considered by nearly all the legislative committees of the House.

Because of these divisions, it is difficult for any of us to get a clear impression of the operation of programs and, more important, the possible shortcomings or overlapping of programs produced by committees with different jurisdictions.

At a point in our history when we have become keenly aware of the need to be fiscally responsible and to spend our taxpayers' dollars wisely, I can think of no more important mission than to develop legislation for our deserving elderly which would be effective in anticipating the interrelationship of the problems of an increasing proportion of this country's population. Such a committee could not only provide information and services to standing committees, but it could also apply itself to the task of analyzing the broad sweep of legislation for the aging. It could make periodic reports on topics of general interest in this area, and it could examine and work for the implementation of recommendations coming out of the White House Conference on Aging, which has stimulated and set the tone for much of the debate.

I would summarize briefly, Mr. Chairman. What is proposed is not a standing committee, but a Select Committee on the Aging without the jurisdiction to infringe on the legislative prerogatives or responsibilities of the standing committees. Instead, we propose to aid in the solutions of the problems of aging and for the benefit of 20 million elderly people and the many millions more who will be retiring. We propose it as a means of focusing and making effective what is now the well-meaning, but uncoordinated, activity of at least eight separate committees. With double-digit inflation gripping those who live on fixed incomes, we need the work of a Select Committee on Aging now.

Mr. QUIE. Mr. Chairman, I offer an amendment as a substitute for the Heinz amendment.

The CHAIRMAN. The Chair would like to advise the gentleman from Minnesota that such an amendment would not be in order at this time.

Mr. QUIE. I thank the Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania to the amendment offered as a substitute by the gentleman from Nebraska (Mr. MARTIN).

The question was taken; and on a division (demanded by Mr. HEINZ) there were—ayes 22, noes 34.

RECORDED VOTE

Mr. HEINZ. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 299, noes 44, answered "present" 2, not voting 89, as follows:

[Roll No. 582]

AYES—299

Abdnor	Denholm	Jones, N.C.
Abzug	Dennis	Jones, Okla.
Addabbo	Dent	Jones, Tenn.
Alexander	Devine	Jordan
Anderson, Calif.	Dickinson	Karth
	Diggs	Kazen
Anderson, Ill.	Dingell	Kemp
Andrews, N. Dak.	Donohue	Ketchum
	Downing	Kluczynski
Annunzio	Drinan	Koch
Archer	Duncan	Kyros
Arends	du Pont	Landgrebe
Armstrong	Edwards, Ala.	Landrum
Aspin	Esch	Latta
Badillo	Eshleman	Leggett
Bafalis	Evins, Tenn.	Lehman
Baker	Fish	Lent
Bauman	Flood	Litton
Beard	Flynt	Long, Md.
Bell	Forsythe	Lott
Bennett	Fountain	Luken
Biaggi	Frenzel	McClory
Biester	Frey	McCloskey
Bingham	Froehlich	McCollister
Blatnik	Fulton	McCormack
Boggs	Fuqua	McDade
Boland	Gaydos	McEwen
Bray	Gettys	McFall
Breckinridge	Giaimo	McKinney
Brinkley	Gibbons	McSpadden
Brooks	Gilman	Madden
Broomfield	Ginn	Madigan
Brown, Calif.	Goldwater	Mallary
Brown, Mich.	Gonzalez	Maraziti
Broyhill, N.C.	Gray	Martin, Nebr.
Buchanan	Green, Oreg.	Martin, N.C.
Burke, Calif.	Green, Pa.	Mathis, Ga.
Burke, Fla.	Griffiths	Matsunaga
Burke, Mass.	Grover	Mayne
Burleson, Tex.	Gude	Mazzoli
Burton, John	Gunter	Melcher
Burton, Phillip	Guyer	Metcalfe
Butler	Haley	Mezvinsky
Byron	Hamilton	Milford
Camp	Hammer-schmidt	Miller
Carney, Ohio		Minish
Carter	Hanley	Mitchell, Md.
Casey, Tex.	Hanrahan	Mitchell, N.Y.
Cederberg	Hansen, Wash.	Moakley
Chamberlain	Harrington	Mollohan
Chappell	Hays	Montgomery
Chisholm	Hechler, W. Va.	Moorhead, Calif.
Clausen, Don H.	Heckler, Mass.	Moorhead, Pa.
Cohen	Heinz	Morgan
Collins, Ill.	Helstoski	Mosher
Conlan	Hicks	Murphy, Ill.
Conte	Hillis	Murtha
Conyers	Hinshaw	Myers
Cotter	Hogan	Natcher
Coughlin	Holt	Nelsen
Cronin	Holtzman	Nichols
Culver	Horton	Nix
Daniel, Dan	Howard	O'Brien
Daniel, Robert W., Jr.	Huber	O'Neill
	Hudnut	Owens
Daniels, Dominick V.	Hungate	Parris
	Hunt	Passman
Danielson	Hutchinson	Patman
Davis, S.C.	Ichord	Pepper
Delaney	Jarman	Perkins
Dellums	Johnson, Pa.	Pettis
Peyser	Jones, Ala.	Thomson, Wis.
Pike	Sarasin	Thone
Preyer	Satterfield	Thornton
Price, Ill.	Scherle	Tiernan
Price, Tex.	Schneebeli	Traxler
Quillen	Seiberling	Treen
Railsback	Shipley	Van Deerlin
Randall	Shoup	Vander Jagt
Rangel	Shriver	Vanik
Rees	Shuster	Veysey
Regula	Slack	Vigorito
Reid	Smith, Iowa	Waggonner
Riegle	Smith, N.Y.	Walsh
Rinaldo	Spence	Wampler
Roberts	Staggers	Ware
Robinson, Va.	Stanton, J. William	Whalen
Rodino	Stanton, James V.	Wilson, Bob
Rogers		Wilson, Charles, Tex.
Roncallo, Wyo.	Stark	
Roncallo, N.Y.	Steed	Winn
Rooney, Pa.	Steelman	Wolff
Rose	Stephens	Wright
Rostenkowski	Stokes	Wydler
Roush	Stratton	Wyman
Rousselot	Studds	Yatron
Roy	Sullivan	Young, Alaska
Roybal	Symington	Young, Fla.
Ruppe	Talcott	Young, Ill.
Ruth	Taylor, Mo.	Young, Tex.
St Germain	Taylor, N.C.	Zablocki
Sandman	Thompson, N.J.	Zion

NOES—44

Bergland	Flowers	Patten
Bevill	Foley	Pickle
Bolling	Ford	Quie
Brademas	Gross	Robison, N.Y.
Breaux	Henderson	Sarbanes
Burlison, Mo.	Johnson, Calif.	Steiger, Ariz.
Clay	Kastenmeier	Steiger, Wis.
Cochran	Long, La.	Udall
Collins, Tex.	McKay	Ullman
Corman	Mahon	Vander Veen
Davis, Wis.	Meeds	Whitten
Dellenback	Mink	Wylie
Eckhardt	Moss	Yates
Erlenborn	Obey	Young, Ga.
Fascell	O'Hara	

ANSWERED "PRESENT"—2

Goodling	Wilson, Charles H., Calif.

NOT VOTING—89

Adams	Fraser	Rarick
Andrews, N.C.	Frelinghuysen	Reuss
Ashbrook	Grasso	Rhodes
Ashley	Gubser	Roe
Barrett	Hanna	Rooney, N.Y.
Blackburn	Hansen, Idaho	Rosenthal
Bowen	Harsha	Runnels
Brasco	Hastings	Ryan
Brotzman	Hawkins	Schroeder
Brown, Ohio	Hébert	Sebelius
Broyhill, Va.	Holifield	Sikes
Burgener	Hosmer	Sisk
Carey, N.Y.	Johnson, Colo.	Skubitz
Clancy	King	Snyder
Clark	Kuykendall	Steele
Clawson, Del	Lagomarsino	Stubblefield
Cleveland	Lujan	Stuckey
Collier	Macdonald	Symms
Conable	Mann	Teague
Crane	Mathias, Calif.	Towell, Nev.
Davis, Ga.	Michel	Waldie
de la Garza	Mills	White
Derwinski	Minshall, Ohio	Whitehurst
Dorn	Mizell	Widnall
Dulski	Murphy, N.Y.	Wiggins
Edwards, Calif.	Nedzi	Williams
Eilberg	Poage	Wyatt
Evans, Colo.	Podell	Young, S.C.
Findley	Powell, Ohio	Zwach
Fisher	Pritchard	

So the amendment to the substitute amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ICHORD TO THE AMENDMENT OFFERED AS A SUBSTITUTE BY MR. MARTIN OF NEBRASKA

Mr. ICHORD. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. ICHORD to the amendment offered as a substitute by Mr. MARTIN of Nebraska:

Page 12, strike out lines 24 and 25.

Page 13, line 1, strike out "(9)" and insert in lieu thereof "(8)".

Page 13, line 2, strike out "(10)" and insert in lieu thereof "(9)".

Page 13, line 3, strike out "(11)" and insert in lieu thereof "(10)".

Page 14, immediately after line 20, insert the following:

"(m) Committee on Internal Security, the legislative jurisdiction of which shall include—

"(1) Communist and other subversive activities affecting the internal security of the United States.

"(2) The Committee on Internal Security, acting as a whole or by subcommittee, is authorized to make investigations from time to time of (A) the extent, character, objectives, and activities within the United States of organizations or groups, whether of foreign or domestic origin, their members, agents, and affiliates, which seek to establish, or assist in the establishment of, a totalitarian dictatorship within the United States, or to overthrow or alter, or assist in the overthrow or alteration of, the form of government of the United States or of any State thereof, by force, violence, treachery, espionage, sabotage, insurrection, or any unlawful means, (B) the extent, character, objectives, and activities within the United States of organizations or groups, their members, agents, and affiliates, which incite or employ acts of force, violence, terrorism, or any unlawful means, to obstruct or oppose the lawful authority of the Government of the United States in the execution of any law or policy affecting the internal security of the United States, and (C) all other questions, including the administration and execution of any law of the United States, or any portion of law, relating to the foregoing that would aid the Congress or any committee of the House in any necessary remedial legislation. The Committee on Internal Security shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable."

Page 14, line 21, strike out "(m)" and insert in lieu thereof "(n)".

Page 16, line 3, strike out "(n)" and insert in lieu thereof "(o)".

Page 16, line 24, strike out "(o)" and insert in lieu thereof "(p)".

Page 17, line 17, strike out "(p)" and insert in lieu thereof "(q)".

Page 18, line 17, strike out "(q)" and insert in lieu thereof "(r)".

Page 19, line 6, strike out "(r)" and insert in lieu thereof "(s)".

Page 20, line 3, strike out "(s)" and insert in lieu thereof "(t)".

Page 20, line 14, strike out "(t)" and insert in lieu thereof "(u)".

Page 21, line 7, strike out "(u)" and insert in lieu thereof "(v)".

Page 21, line 20, strike out "(v)" and insert in lieu thereof "(w)".

Page 41, line 4, immediately after "the Committee on House Administration," insert "the Committee on Internal Security,".

Mr. ICHORD (during the reading). Mr. Chairman, this amendment was printed in the RECORD of September 30. I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

Mr. BOLLING. Mr. Chairman, I would like to reserve the right to object and make a brief statement.

The gentleman knows I am opposed to the amendment. I cannot see any point in discussing it. It passed by an overwhelming vote the other day. It seems to me this is a waste of time to go over this again.

Mr. ICHORD. I agree with the gentleman and I am ready for a vote now.

Mr. BOLLING. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri (Mr. ICHORD)?

Mr. MARTIN of Nebraska. Mr. Chairman, I reserve the right to object until we have an explanation of the amendment.

Mr. ICHORD. Mr. Chairman, following the suggestion of the gentleman from Missouri (Mr. BOLLING), I would note that the Martin resolution does exactly the same thing that the Bolling resolution does. The Hansen resolution transferred the jurisdiction of the House Committee on Internal Security to the Committee on the Judiciary. Both the Bolling and the Martin proposals transferred it to Government Operations. The leadership of Government Operations has stated that they do not want the jurisdiction.

This amendment does exactly the same thing that the amendment to the Hansen resolution did. It restores the House Committee on Internal Security with the same jurisdiction, no more and no less. With that explanation, Mr. Chairman, I ask that the amendment be adopted and yield back the balance of my time.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri (Mr. ICHORD)?

Mr. MARTIN of Nebraska. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri (Mr. ICHORD)?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. ICHORD) to the amendment offered as a substitute by the gentleman from Nebraska (Mr. MARTIN).

The question was taken; and on a division (demanded by Mr. MARTIN of Nebraska) there were—ayes 50; noes, 30.

So the amendment to the substitute amendment was agreed to.

AMENDMENT OFFERED BY MR. FROEHLICH TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. HANSEN OF WASHINGTON

Mr. FROEHLICH. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. FROEHLICH to the amendment in the nature of a substitute offered by Mrs. HANSEN of Washington: On page 25, immediately following line 8, insert the following paragraph:

"(4) Each report of a committee on each bill or joint resolution of a public character reported by such committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy."

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

The CHAIRMAN. The Chair will count; 131 Members are present, a quorum.

Mr. FROEHLICH. Mr. Chairman, this is identical to the amendment to the Martin of Nebraska substitute which was adopted earlier this afternoon, requiring that each committee report shall include an analytical statement regarding the effect of any legislation on the private economy, inflationary impact.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. FROEHLICH) to the amendment in the nature of a substitute offered by Mrs. HANSEN of Washington.

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. DUNCAN TO THE AMENDMENT OFFERED AS A SUBSTITUTE BY MR. MARTIN OF NEBRASKA

Mr. DUNCAN. Mr. Chairman, I offer an amendment to the amendment offered as a substitute.

The Clerk read as follows:

Amendment offered by Mr. DUNCAN to the amendment offered as a substitute by Mr. MARTIN of Nebraska:

Page 56, line 1, strike out "committee".

Page 56, line 2, insert "(1)" after "(n)".

Page 56, line 13, strike out "(1)" and insert "(A)".

Page 56, line 17, strike out "(2)" and insert "(B)".

Page 57, after line 2, insert the following new subparagraph:

"(2) Notwithstanding any other provision of law, no funds authorized for a committee shall be available for payment of any expenses, nor shall transportation be provided by the United States, in connection with travel outside the fifty States (including the District of Columbia) of the United States of—

"(A) any Delegate, Resident Commissioner, or Member of the House after he has been defeated as a candidate for nomination, or election, to a seat in the House in any primary or regular election until such time as he shall thereafter again become a Member; or

"(B) any Delegate, Resident Commissioner, or Member of the House after the adjournment sine die of the last session of a Congress if he is not a candidate for reelection in the next Congress.

The preceding sentence shall not apply with respect to any Delegate, Resident Commissioner, or Member where a concurrent resolution passed by Congress so exempts that individual, or with respect to utilization of Federal funds provided by law for round trip travel of such Delegate or Resident Commissioner between the District of Columbia and the District which he represents."

Mr. DUNCAN. Mr. Chairman, on March 6, 1969, I was the original author of House Resolution 299 providing that no Federal funds shall be available to pay for the expense of foreign travel of any Member of the House after he has been defeated for election to a seat in the House of Representatives until such time as he shall thereafter become a Member of the House, or for any Member of the House of Representatives after the adjournment sine die of the last session of a Congress if he is not a candidate for reelection in the next Congress.

After the resolution was introduced, editorials of approval appeared in daily newspapers throughout the United States.

The resolution was introduced again in the 92d Congress, and is now pending in this Congress under the sponsorship of Mr. MICHEL, Mr. DERWINSKI, Mr. DEVINE, Mr. DU PONT, Mr. ERLENBORN, Mr. ESHLEMAN, Mr. EVANS of Colorado, Mr. FISH, Mr. FISHER, Mr. FORSYTHE, Mr. FROEHLICH, Mr. FULTON, Mr. FUQUA, Mr. GIBBONS, Mr. GONZALEZ, Mr. GUNTER, Mr. GUYER, Mr. HAMILTON, Mr. HANRAHAN, Mr. HASTINGS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. HINSHAW, and Mr. HOGAN.

Mr. Chairman, I urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. DUNCAN) to the amendment offered as a substitute by the gentleman from Nebraska (Mr. MARTIN).

The question was taken; and the Chairman announced that the noes appear to have it.

RECORDED VOTE

Mr. DUNCAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 301, noes 43, not voting 90, as follows:

[Roll No. 583]

AYES—301

Abdnor	Daniel, Dan	Heckler, Mass.
Abzug	Daniel, Robert W., Jr.	Heinz
Addabbo	Daniels, Dominick V.	Helstoski
Anderson, Calif.	Davis, S.C.	Henderson
Andrews, N.C.	Delaney	Hicks
Andrews, N. Dak.	Dellenback	Hillis
Archer	Dellums	Hinshaw
Arends	Denholm	Hogan
Armstrong	Dent	Holt
Ashbrook	Devine	Holtzman
Ashley	Dickinson	Horton
Aspin	Dingell	Howard
Bafalis	Donohue	Huber
Baker	Downing	Hudnut
Bauman	Duncan	Hungate
Bell	du Pont	Hunt
Bennett	Eckhardt	Hutchinson
Bergland	Edwards, Ala.	Ichord
Bevill	Edwards, Calif.	Jarman
Biaggi	Erlenborn	Johnson, Calif.
Biester	Esch	Johnson, Pa.
Bingham	Eshleman	Jones, Ala.
Boland	Evins, Tenn.	Jones, N.C.
Brademas	Fascell	Jones, Okla.
Bray	Fish	Jones, Tenn.
Breaux	Flood	Jordan
Breckinridge	Flynt	Karth
Brinkley	Foley	Kastenmeier
Brooks	Ford	Kazen
Broomfield	Fountain	Kemp
Brotzman	Frenzel	Ketchum
Brown, Mich.	Frey	Koch
Brown, Ohio	Froehlich	Kyros
Broyhill, N.C.	Fulton	Landgrebe
Buchanan	Fuqua	Landrum
Burgener	Gaydos	Latta
Burke, Calif.	Giaimo	Lehman
Burleson, Tex.	Gibbons	Lent
Burton, John	Gilman	Litton
Butler	Ginn	Long, La.
Byron	Goldwater	Long, Md.
Camp	Gonzalez	Lott
Carter	Goodling	Luken
Casey, Tex.	Green, Oreg.	McClory
Cederberg	Green, Pa.	McCloskey
Chamberlain	Griffiths	McCollister
Clausen, Don H.	Gross	McCormack
Cochran	Grover	McDade
Cohen	Gude	McEwen
Collier	Gunter	McFall
Collins, Tex.	Guyer	McKay
Conlan	Haley	McKinney
Conte	Hamilton	McSpadden
Conyers	Hammer-schmidt	Madden
Cotter	Hanley	Madigan
Coughlin	Hanrahan	Mahon
Cronin	Hansen, Wash.	Mallary
Culver	Hechler, W. Va.	Maraziti
		Martin, Nebr.
		Martin, N.C.
		Mathis, Ga.

Mayne	Regula	Steelman
Mazzoli	Reid	Steiger, Ariz.
Melcher	Reuss	Steiger, Wis.
Mezvinsky	Riegle	Stephens
Milford	Rinaldo	Stratton
Miller	Roberts	Studds
Minish	Robinson, Va.	Symington
Mink	Roe	Talcott
Mitchell, N.Y.	Rogers	Taylor, Mo.
Moakley	Roncalio, Wyo.	Taylor, N.C.
Mollohan	Roncallo, N.Y.	Thompson, N.J.
Montgomery	Rooney, Pa.	Thomson, Wis.
Moorhead, Calif.	Rose	Thone
	Rosenthal	Thornton
Morgan	Roush	Traxler
Mosher	Rousselot	Ullman
Moss	Roy	Van Deerlin
Murphy, N.Y.	Roybal	Vander Jagt
Murtha	Ruppe	Vander Veen
Myers	Ruth	Vanik
Natcher	St Germain	Veysey
Nelsen	Sandman	Vigorito
Nichols	Sarasin	Waggonner
Nix	Sarbanes	Wampler
Obey	Satterfield	Ware
O'Brien	Scherle	Whalen
Owens	Schneebeli	Whitten
Parris	Seiberling	Wiggins
Patten	Shipley	Wilson, Bob
Pepper	Shoup	Wilson, Charles, Tex.
Perkins	Shriver	
Pettis	Shuster	Winn
Peyser	Sikes	Wolff
Pickle	Slack	Wydler
Pike	Smith, Iowa	Wylie
Preyer	Smith, N.Y.	Wyman
Price, Tex.	Spence	Yates
Quie	Staggers	Yatron
Quillen	Stanton, J. William	Young, Alaska
Railsback		Young, Fla.
Randall	Stanton, James V.	Young, Ill.
Rangel		Zion
Rees	Steed	

NOES—43

Alexander	Davis, Wis.	O'Neill
Annunzio	Diggs	Passman
Badillo	Drinan	Poage
Bolling	Gettys	Price, Ill.
Brown, Calif.	Harrington	Rodino
Burke, Mass.	Hays	Rostenkowski
Burlison, Mo.	Kluczynski	Sisk
Burton, Phillip	Leggett	Stark
Carney, Ohio	Matsunaga	Stokes
Chappell	Meeds	Sullivan
Chisholm	Metcalfe	Udall
Clay	Mitchell, Md.	Young, Ga.
Collins, Ill.	Moorhead, Pa.	Young, Tex.
Corman	Murphy, Ill.	
Danielson	O'Hara	

NOT VOTING—90

Adams	Frelinghuysen	Robison, N.Y.
Anderson, Ill.	Grasso	Rooney, N.Y.
Barrett	Gray	Runnels
Beard	Gubser	Ryan
Blackburn	Hanna	Schroeder
Blatnik	Hansen, Idaho	Sebelius
Boggs	Harsha	Skubitz
Bowen	Hastings	Snyder
Brasco	Hawkins	Steele
Broyhill, Va.	Hébert	Stubblefield
Burke, Fla.	Holifield	Stuckey
Carey, N.Y.	Hosmer	Symms
Clancy	Johnson, Colo.	Teague
Clark	King	Tiernan
Clawson, Del	Kuykendall	Towell, Nev.
Cleveland	Lagomarsino	Treen
Conable	Lujan	Waldie
Crane	Macdonald	Walsh
Davis, Ga.	Mann	White
de la Garza	Mathias, Calif.	Whitehurst
Dennis	Michel	Widnall
Derwinski	Mills	Williams
Dorn	Minshall, Ohio	Wilson, Charles H., Calif.
Dulski	Mizell	
Eilberg	Nedzi	
Evans, Colo.	Patman	Wright
Findley	Podell	Wyatt
Fisher	Powell, Ohio	Young, S.C.
Flowers	Pritchard	Zablocki
Forsythe	Rarick	Zwach
Fraser	Rhodes	

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GIBBONS TO THE AMENDMENT OFFERED AS A SUBSTITUTE BY MR. MARTIN OF NEBRASKA

Mr. GIBBONS. Mr. Chairman, I offer an amendment to the substitute.

PARLIAMENTARY INQUIRY

Mr. PEYSER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. PEYSER. Mr. Chairman, my parliamentary inquiry is this: How much time is there remaining to complete the 5-hour time limitation?

I would also like to inquire, Mr. Chairman, does the time stop when a recorded vote is taking place, or a quorum is taking place?

The CHAIRMAN (Mr. NATCHER). The Chair would like to advise the gentleman from New York that there are 2 hours and 25 minutes remaining.

The Chair would further advise the gentleman from New York that the gentleman's statement is correct; that when a vote is taking place the time stops. The gentleman is correct.

The Clerk read as follows:

Amendment offered by Mr. GIBBONS to the amendment offered as a substitute by Mr. MARTIN of Nebraska: On page 92 after line 5, insert the following:

SEC. — The Speaker of the House of Representatives is authorized and directed to take whatever steps necessary to insure that a portion of the James Madison Memorial Library Building that is now under construction be utilized by the House of Representatives for additional office space until the House can acquire sufficient additional space for its orderly function.

POINT OF ORDER

Mr. MEEDS. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman from Washington will state his point of order.

Mr. MEEDS. The point of order is based on the fact that none of the resolutions deal with the acquisition of space in any buildings but only the study of the needs of the House of Representatives for space. Therefore, it is not germane.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. GIBBONS. I do, Mr. Chairman.

Mr. Chairman, we are amending the rules of the House to provide for the procedures of the House and for the operation of the House. All three of the amendments that have been offered are proposals, of course, that are very broad. They go to staffing and to allowances and to travel, and they go to the entire operation of the House. This amendment is just directed toward that purpose.

Mr. ALBERT. Mr. Chairman, would the gentleman yield?

Mr. GIBBONS. I yield to our distinguished Speaker.

Mr. ALBERT. I thank the gentleman for yielding.

The House Office Building Commission has endeavored many times to obtain additional office space for Members and committees. I believe it will require an amendment to existing law to use a portion of the Madison Memorial Library Building for House office space, even on a temporary basis. The matter is still under study, even though a related suggestion was not approved by the House in 1971. I just throw that out for your information. I am in favor of temporarily using part of the Madison Library Building, but I do not think that is possible.

Mr. WAGGONNER. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Louisiana on the point of order.

Mr. WAGGONNER. Mr. Chairman, I listened attentively to what the distinguished Speaker just said about a simple resolution amending a rule of the House. We have amended the Atomic Energy Act in the same way in this legislation.

Mr. BOLLING. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Missouri (Mr. BOLLING) on the point of order.

Mr. BOLLING. On the point that the gentleman from Louisiana makes, the amendment is not germane to the act but is made to the rules of the House and is an entirely different situation from the situation that obtains now.

Mr. GIBBONS. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Florida.

Mr. GIBBONS. Mr. Chairman, I have listened to the gentleman from Missouri intently, but I fail to distinguish any difference in that when we amended the Atomic Energy Act, we were doing it under the rules of the House, the same rule that we are attempting to amend here now. There is no difference between the action I seek to take now and the action that has previously been taken.

The CHAIRMAN (Mr. NATCHER). The Chair is ready to rule.

The amendment offered by the gentleman from Florida (Mr. GIBBONS) directs the Speaker to take action toward the acquisition of committee and office space. The substitute before this Committee at this time does not contain any provision allocating office space although it establishes a commission to study the problem. There is no provision in any of the amendments directing the allocation of space for committees or space for offices. Therefore, the amendment is not germane, and the Chair will have to sustain the point of order.

The point of order is sustained.

AMENDMENT OFFERED BY MR. ROUSSELOT TO THE AMENDMENT OFFERED AS A SUBSTITUTE BY MR. MARTIN OF NEBRASKA

Mr. ROUSSELOT. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. ROUSSELOT to the amendment offered as a substitute by Mr. MARTIN of Nebraska: Page 41, line 1, strike out "No member" and insert "From and after the beginning of the Ninety-fifth Congress, no Member".

Page 89, lines 14 and 15, strike out "at the beginning of the Ninety-fourth Congress" and insert "at the beginning of a Congress".

Page 89, line 18, strike out "in the Ninety-third Congress" and insert "in the preceding Congress".

Mr. ROUSSELOT. Mr. Chairman, this amendment is very simple. It basically grandfathers for 2 more years those Members now serving on what would be considered under this language two major committees. Under the Martin bill, it will be known as "A" committees. We have roughly 81 Members, that would have a potential problem of selecting "A"

committees who have given good service to the Congress. These Members have a good understanding of the committees on which they serve and the subjects these standing committees cover. This amendment merely says that those Members of Congress who have had that kind of service will be grandfathered for 2 more years through the 94th Congress. I believe that it eliminates the complaint that we are discarding some of the Members with better service and experience—our senior Members.

Mr. Chairman, I hope that our colleagues will be inclined to support this in the name of helping keep those Members who have good and substantial experience on some of these major committees.

Mr. MARTIN of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Nebraska.

Mr. MARTIN of Nebraska. Mr. Chairman, I want to compliment the gentleman for offering this amendment because there is some dissatisfaction particularly from Members in the House who are currently serving on two of the committees that would be classified under these resolutions as A committees or major committees, and under the terms of the resolutions as currently offered they would, beginning next January, no longer be able to serve on two major committees.

The amendment offered by the gentleman is a grandfather clause that would allow these Members who are in such a situation to continue to serve on two A or major committees through the 94th Congress before this would become effective. In other words this provision knocking a Member off two major committees would not take effect until January 3, 1977.

I believe it is a good amendment. With the Members retiring and the attrition we normally have in the Congress, after 2 more years we really would have very few Members who would be affected by the provision.

I compliment the gentleman and support his amendment.

Mr. ROUSSELOT. Mr. Chairman, I thank the gentleman from Nebraska for his comment.

I believe this does protect the Members with the kind of experience we need and they would not have to make a judgment in deciding on "A" committee for 2 more years.

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

Mr. Chairman, the gentleman from California, my good friend (Mr. ROUSSELOT), has offered this amendment in good faith and he has proven to the House one thing, if Members have been listening, that is that the Bolling-Martin proposal is so drastic that it will not work because it does disrupt the efficiency of the committees. There is no provision made for transferring Members from one committee to another to follow jurisdictions, and there is no more basis for grandfathering Members to a committee than there is for grandfathering in jurisdiction.

So I say to the Members that either the Bolling-Martin resolution is good or bad. The proposal is too drastic or else no one would feel constrained to grandfather anybody. We have got to decide. If we believe the proposal is worthwhile, we do not need to grandfather Members onto a committee.

I urge a vote in opposition to the amendment.

Mr. DINGELL. Mr. Chairman, will the gentleman from Louisiana yield?

Mr. WAGGONNER. I am happy to yield to the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman from California for offering a most helpful amendment. Nevertheless, the amendment should be voted down. The amendment is helpful, because as the gentleman from Louisiana points out, it brings clearly before us the facts that have been consistently made clear by the gentleman from California (Mr. HOLIFIELD), that Members all over this body are going to be bumped from their committee assignments. That point the Members should bear clearly before them.

However, there are certain Members who will not be helped by the amendment. If one is a member of the Committee on Post Office and Civil Service or the Committee on Education and Labor, he is bumped. This amendment does not help him. If he is a freshman coming in after the first of the year there will be no place for him under the Bolling resolution or the Martin resolution, even with the pending amendment. Under the amendment offered by the gentleman from California, and the gentleman is an able Member and offers this in good faith, the hard facts of the matter are that freshmen Members coming in will find it even harder to obtain a decent committee spot.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

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

Mr. O'HARA. I express my agreement with the gentleman. If the single track system is good enough for the new Members, it ought to be good enough for the old Members. If it is not, we ought to vote for the Hansen amendment and get it over with.

I hope the amendment will be defeated, because it is indefensible to set one rule for the people already here and another rule for the people yet to come.

Mr. WAGGONNER. Mr. Chairman, I close by urging a vote against the amendment of the gentleman from California.

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

Mr. Chairman, I have been talked to and have talked to a great number of Members on both sides of the aisle. There is a substantial amount of time left under the agreement voted yesterday. I believe the time is in the order of 2 hours and 15 minutes.

The CHAIRMAN. Two hours and 19 minutes, the Chair would like to state.

Mr. BOLLING. Two hours and 19 minutes.

Most of the Members with whom I have discussed this matter would like to cut back that amount of time.

Now, there is no attempt in any request that I make to limit the right of Members with noticed amendments to offer their noticed amendments. There is a significant number of those. I do not have the current number before me, but they will take some time, perhaps an hour or more on the Hansen and the Martin substitutes; so I propose to ask by unanimous consent that the debate on amendments, not including those noticed under the rule, be limited to 30 minutes on the amendment in the nature of a substitute offered by the gentlewoman from Washington and all amendments thereto.

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

Mr. ARENDS. Mr. Chairman, reserving the right to object, I would ask if the gentleman from Missouri has had a change of heart since yesterday? Last night he was very eloquent suggesting that he did not want to close debate. Now my understanding is he does want to shut off further debate.

Mr. BOLLING. I would be glad to answer the distinguished gentleman from Illinois. Last night I was trying very hard not to have unlimited debate, so I asked for 5 hours.

Now the situation has changed. Many Members have indicated to me they desire a limitation of time. I am seeking by unanimous consent to accommodate the House in a reasonable approach to this problem.

Mr. ARENDS. I think we should stay with the time the gentleman suggested last night. I do not want to object but since it is now late in the evening, I think we should rise now and go on with the 2 hours and 19 minutes additional debate tomorrow.

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

Mr. ARENDS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. BOLLING. Mr. Chairman, I would like to continue. I cannot move, because there is no way to move. What the gentleman from Illinois has done, whether on purpose or inadvertently, is to make it necessary for me to say that the reason I have persisted in our debate tonight is that I am charged as the chairman of the committee with bringing the product of that committee to a vote, and the product of that committee is House Resolution 988.

The substitutes are the Hansen and the Martin substitutes. I must, carrying out my duties as chairman, try to see to it that there is reasonable time for the House to amend House Resolution 988, if it survives the tests of the Martin and the Hansen substitutes. I am not trying to change anything. I am trying to accommodate the House.

There is no change in the approach. It seems to me essential that we approach this in a reasonable manner to accommodate the Members. I think I will renew my unanimous-consent request that debate on the amendment in the nature of a substitute offered by the gentlewoman from Washington, and all amendments thereto, conclude in 30 minutes.

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

Mr. ROUSSELOT. Mr. Chairman, reserving the right to object I understood, because this legislation was such a landmark bill and because it affected the total House, that we wanted to consider all ramifications of the transfer of jurisdiction.

Therefore, I want to hear those arguments, and therefore I object.

The CHAIRMAN. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. BOLLING. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOLLING. Mr. Chairman, would it be proper to make my unanimous-consent request as a motion?

The CHAIRMAN. The Chair would like to inform the gentleman that such a motion would not be in order at this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. MARTIN) as amended, as a substitute for the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. HANSEN).

RECORDED VOTE

Mr. MARTIN of Nebraska. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 41, noes 319, not voting 74, as follows:

[Roll No. 584]

AYES—41

Abdnor	Goldwater	Quillen
Arends	Goodling	Regula
Armstrong	Gross	Rousselot
Ashbrook	Hutchinson	Schneebeli
Bray	Ichord	Shoup
Broomfield	Landgrebe	Smith, N.Y.
Brown, Ohio	Latta	Steiger, Ariz.
Butler	McClory	Thomson, Wis.
Collins, Tex.	McCollister	Thone
Davis, Wis.	Martin, Nebr.	Treen
Devine	Miller	Veysey
Duncan	Mosher	Ware
Forsythe	Nelsen	Wiggins
Frenzel	O'Brien	

NOES—319

Abzug	Brown, Calif.	Cotter
Addabbo	Brown, Mich.	Coughlin
Alexander	Broyhill, N.C.	Cronin
Anderson, Calif.	Buchanan	Culver
	Burgener	Daniel, Dan
Anderson, Ill.	Burke, Calif.	Daniel, Robert W., Jr.
Andrews, N.C.	Burke, Mass.	
Andrews, N. Dak.	Burleson, Tex.	Daniels, Dominick V.
	Burlison, Mo.	
Annunzio	Burton, John	Danielson
Archer	Burton, Phillip	Davis, Ga.
Ashley	Byron	Davis, S.C.
Aspin	Camp	Delaney
Badillo	Carney, Ohio	Dellenback
Bafalis	Carter	Dellums
Baker	Casey, Tex.	Denholm
Bauman	Cederberg	Dent
Beard	Chamberlain	Dickinson
Bell	Chappell	Diggs
Bennett	Chisholm	Dingell
Bergland	Clark	Donohue
Bevill	Clausen, Don H.	Downing
Biaggi		Drinan
Biester	Clay	du Pont
Bingham	Cleveland	Eckhardt
Boland	Cochran	Edwards, Ala.
Bolling	Cohen	Edwards, Calif.
Brademas	Collier	Erlenborn
Breaux	Collins, Ill.	Esch
Breckinridge	Conlan	Eshleman
Brinkley	Conte	Evins, Tenn.
Brooks	Conyers	Fascell
Brotzman	Corman	Fish
Fisher	McCloskey	Rosenthal
Flood	McCormack	Rostenkowski
Flowers	McDade	Roush
Flynt	McEwen	Roy
Foley	McFall	Roybal
Ford	McKay	Ruppe
Fountain	McKinney	Ruth
Frey	McSpadden	St Germain
Froehlich	Macdonald	Sandman
Fulton	Madden	Sarasin
Fuqua	Madigan	Sarbanes
Gaydos	Mahon	Satterfield
Gettys	Mallary	Scherle
Giaimo	Maraziti	Seiberling
Gibbons	Martin, N.C.	Shipley
Gilman	Mathis, Ga.	Shriver
Ginn	Matsunaga	Shuster
Gonzalez	Mayne	Sikes
Green, Oreg.	Mazzoli	Sisk
Green, Pa.	Meeds	Skubitz
Griffiths	Melcher	Slack
Grover	Metcalfe	Smith, Iowa
Gude	Mezvinsky	Spence
Gunter	Milford	Staggers
Guyer	Minish	Stanton, J. William
Haley	Mink	
Hamilton	Mitchell, Md.	Stanton, James V.
Hammer-schmidt	Mitchell, N.Y.	
	Moakley	Stark
Hanley	Mollohan	Steed
Hanrahan	Montgomery	Steelman
Hansen, Wash.	Moorhead, Calif.	Steiger, Wis.
Harrington		Stephens
Hastings	Moorhead, Pa.	Stokes
Hays	Morgan	Stratton
Hechler, W. Va.	Moss	Studds
Heckler, Mass.	Murphy, Ill.	Sullivan
Heinz	Murphy, N.Y.	Symington
Helstoski	Murtha	Talcott
Henderson	Myers	Taylor, Mo.
Hicks	Natcher	Taylor, N.C.
Hillis	Nichols	Thompson, N.J.
Hinshaw	Nix	Thornton
Hogan	Obey	Tiernan
Holifield	O'Hara	Traxler
Holt	O'Neill	Udall
Holtzman	Owens	Ullman
Horton	Parris	Van Deerlin
Howard	Passman	Vander Jagt
Huber	Patten	Vander Veen
Hudnut	Pepper	Vanik
Hungate	Perkins	Vigorito
Hunt	Pettis	Waggonner
Jarman	Peyser	Walsh
Johnson, Calif.	Pickle	Wampler
Johnson, Pa.	Pike	Whalen
Jones, Ala.	Poage	Whitten
Jones, N.C.	Preyer	Wilson, Charles H., Calif.
Jones, Okla.	Price, Ill.	
Jones, Tenn.	Price, Tex.	Wilson, Charles, Tex.
Jordan	Quie	
Karth	Railsback	Winn
Kastenmeier	Randall	Wolff
Kazen	Rangel	Wright
Kemp	Rees	Wydler
Ketchum	Reid	Wylie
Kluczynski	Reuss	Wyman
Koch	Riegle	Yates
Kyros	Rinaldo	Yatron
Landrum	Roberts	Young, Alaska
Leggett	Robinson, Va.	Young, Fla.
Lehman	Rodino	Young, Ga.
Lent	Roe	Young, Ill.
Litton	Rogers	Young, Tex.
Long, La.	Roncalio, Wyo.	Zion
Long, Md.	Roncallo, N.Y.	
Lott	Rooney, Pa.	
Luken	Rose	

NOT VOTING—74

Adams	Gray	Rhodes
Barrett	Gubser	Robison, N.Y.
Blackburn	Hanna	Rooney, N.Y.
Blatnik	Hansen, Idaho	Runnels
Boggs	Harsha	Ryan
Bowen	Hawkins	Schroeder
Brasco	Hébert	Sebelius
Broyhill, Va.	Hosmer	Snyder
Burke, Fla.	Johnson, Colo.	Steele
Carey, N.Y.	King	Stubblefield
Clancy	Kuykendall	Stuckey
Clawson, Del	Lagomarsino	Symms
Conable	Lujan	Teague
Crane	Mann	Towell, Nev.
de la Garza	Mathias, Calif.	Waldie
Dennis	Michel	White
Derwinski	Mills	Whitehurst
Dorn	Minshall, Ohio	Widnall
Dulski	Mizell	Williams
Eilberg	Nedzi	Wilson, Bob
Evans, Colo.	Patman	Wyatt
Findley	Podell	Young, S.C.
Fraser	Powell, Ohio	Zablocki
Frelinghuysen	Pritchard	Zwach
Grasso	Rarick	

So the substitute amendment, as amended, for the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. HANSEN) was rejected.

The result of the vote was announced as above recorded.

Mr. MARTIN of Nebraska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I understand that very shortly we will be taking a vote on the Hansen substitute, even though there are probably many amendments to be considered on that substitute. I would like to call the attention, particularly of my colleagues on this side of the aisle, before that vote is taken, that this resolution, the Hansen substitute resolution, is a product of the Democrat Caucus. It is a product of a partisan body without any on the minority side having any say as to its composition.

The Members on this side of the aisle should keep that in mind when they cast their vote on the Hansen substitute.

The Select Committee on Committees has spent about 15 months of intensive study and hearings and work on the product of that committee. It is a good product. I disagree with some of the provisions, and I shall have some amendments to offer tomorrow to House Resolution 988, but it is far superior in my judgment and in my estimation to the product of the Hansen committee.

I urge—and I am speaking to the Members on my side of the aisle—a "no" vote against the product of the Democrat Caucus when that matter comes before us.

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

Mr. MARTIN of Nebraska. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I thank the gentleman for yielding.

Mr. Chairman, I supported the gentleman on his amendment. I support the gentleman generally in his long efforts on this subject, but I would ask, since the matter has been injected, could the gentleman outline the general areas where the minority was considered in the Bolling report? Frankly, I do not see a whole lot of consideration for us in either.

Mr. MARTIN of Nebraska. Mr. Chairman, I would reply to the gentleman from Ohio that the Select Committee on Committees was a bipartisan committee of five Members from both sides of the aisle. I do not think a single one of the 10 members of that committee considered the provisions of that resolution, from a partisan standpoint. We considered it from the standpoint of what is best for the institution of the House of Representatives to be able to meet the problems of the 1970's, the 1980's, and the 1990's, because, I would say to the gentleman from Ohio (Mr. ASHBROOK) that has not been done for over a quarter of a century, so that we are a little bit out of date in the organization of the House itself. We certainly need to make our operations more efficient, as attested to by the confidence that the American people have in the Congress of the United States at this time.

Mr. ASHBROOK. I thank the gentleman from Nebraska.

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

Mr. Chairman, I was a little surprised to hear the speech of the gentleman from Nebraska (Mr. MARTIN) because if this bill which the gentleman now says is such a perfect product, is such a perfect product, I do not understand why the gentleman offered his substitute amendment in the first place.

Mr. Chairman, I was on the Hansen committee, and we tried to balance out the needs of the Members with the addition of making some progress and getting better action in the House of Representatives. But I will tell you what we did for the minority—we spread the action around for the minority a little bit. Instead of allowing—and maybe this will lose a few votes, but it ought to pick up a few—instead of allowing the ranking minority member on the committee to appoint a third of the staff, we allowed every subcommittee ranking member to appoint a member of the staff.

So we would have subcommittee ranking members with staff equal to the staff of the subcommittee chairman on the majority side. The differences in the Hansen bill and the Bolling resolution have been explained and reexplained and explained all over again, but I will say that if we take a long and unbiased look at them, for the benefit of most Members, the Hansen bill is far superior. Furthermore, it does not gut the Bolling resolution. It does not destroy it. It takes a great many of the Bolling things and keeps them as they were.

I think the minority ought to take a long look at this. I think it might be helpful if they talked to the two ranking members on the House Committee on Administration and see how they have been treated. That is the kind of treatment that we tried to write into the Hansen bill for the minority. I do not think it means a thing in the world that the composition of the Bolling committee was equally divided. It might be a little ironic. I do not know the motives of the people involved. I have talked to a good many of the Bolling committee people, at least five or six of them, and I said:

It seems a little ironic that if your bill should pass tomorrow, when I am going to bring up the Election Reform Bill, my committee loses jurisdiction. Even the newspapers who have been critical have said it is a great bill.

Newsweek magazine yesterday quoted Common Cause as saying that it was a great stride forward, and quoted Senator HART as saying:

Who would have believed last year that we would get a bill like this?

So I pass the conference report tomorrow, and then if Mr. BOLLING's bill becomes law, the Committee on House Administration loses the oversight of this bill, on which we labored for a year and a half to produce, to a committee, the chairman of which says they do not want it. So those are some of the things there are to be considered in this matter.

I would suggest to the minority that they not look at it as a partisan matter, and that they not vote against it as a partisan matter, but to take a look at it and see where their individual interests lie, and if they take a good, close look at it most of them will vote for the Hansen bill.

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

Mr. Chairman, I will say to my friend who is asking for a vote that I am ready to vote. I would not have taken this time except that I thought Mr. HAYS' remarks were worthy of comment.

I agreed with him. I think that the Hansen committee did a good job. I think it deserves to be considered on a nonpartisan basis. I do not know for what reason it was nonpartisan, but it ended up being nonpartisan. I will say that while they at one time accused us of trying to buy the minority by giving one-third of the staff, they ended up outbidding us, which is, as the Members know, part of the legislative ball game.

But I should like to point out to my colleagues some fundamental differences. I was rather impressed by the work of the Hansen committee in the Democratic Caucus when I thought it might end up undoing all the work that a bunch of us had done. I was still impressed. But the difference between the two is very important.

If the Hansen substitute is voted down, then tomorrow we will have an opportunity to amend House Resolution 988, and a variety of things that are good may be adopted as amendments. There will still be that opportunity.

But I should like to explain the difference. The Hansen committee is very strong on procedure, and in some respects I think they do a better job procedurally than some of the provisions of House Resolution 988. But they are incredibly weak on a key element, and that is on jurisdiction, because it is very hard to deal with jurisdiction. It upsets a lot of people.

What the select committee tried to do in a bipartisan way was to do very simple things—not many, not very many: a one-track system; 15 major committees and that can be adjusted somewhat; opportunity for Members to concentrate on that one area of jurisdiction; four areas of jurisdiction more concentrated in one committee—energy, environment, health, transportation and the transfer of trade from the committee on economics of the Ways and Means Committee to the Committee on Foreign Affairs.

We tried to do something that would make it possible for this House as a whole to participate more effectively in the Government. And I am not going to say for a moment that the Hansen proposition is not worthy of consideration. I just think that the proposal of the select committee is substantially more worthy and will make a greater contribution to the ability of this institution to function, and this institution functions for more than one party or even two parties What we are trying to do here is to make the House of Representatives effective so that it can take its place under the Constitution once again as a coequal branch of the Government along with the Senate—and that is the difference.

The CHAIRMAN. The Chair would like to inquire as to whether or not there are additional amendments to the Hansen amendment in the nature of a substitute, and if not the vote on the Hansen amendment in the nature of a substitute will be put at this time.

AMENDMENT OFFERED BY MR. FROEHLICH TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. HANSEN OF WASHINGTON

Mr. FROEHLICH. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. FROEHLICH to the amendment in the nature of a substitute offered by Mrs. HANSEN of Washington:

On page 50, immediately following line 5, insert the following new subsection:

205(a) There is hereby created a select committee to be composed of eleven Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

"(b) The committee is authorized and directed to conduct a full and complete study of the constitutional basis of the January 22, 1973, United States Supreme Court decisions on abortion, the ramifications of such decisions on the power of the several States to enact abortion legislation, and the need for remedial action by Congress on the subject of abortions.

"(c) For the purpose of carrying out this resolution the committee, or any subcommittee thereof authorized by the committee to hold hearings, is authorized to sit and act during the 94th Congress at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is in session, has recessed, or had adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary; except that neither the committee nor any subcommittee thereof may sit while the House is meeting unless special leave to sit shall have been obtained from the House. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member. The committee or any subcommittee thereof authorized by the committee to hold hearings shall publish reports of the hearings, and shall have authority to report legislation to the Congress.

"(d) The committee shall report to the House within nine months after January 3, 1975, the results of its study, together with such recommendation as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

Mr. FROEHLICH. Mr. Chairman, on January 22, 1973, the Supreme Court rendered two unprecedented decisions on abortion. In so doing, the Court divided the country, and created one of the great moral and political issues of our time. Every Member knows that abortion, which has come up repeatedly over the past 2 years, has been one of the important and difficult problems to confront this Congress. It will not go away.

Many proposals have been offered to bills, or constitutional amendments to modify or reverse the Supreme Court's decisions. There has been widespread discussion on what substantive response, if any, Congress should make. There have

been great demonstrations of concern across our country.

Nonetheless, although 20 months have passed since the Court's decisions, the House Committee on the Judiciary has failed to come to grips with the issue of abortion. Despite millions of letters and the pleas of many Members to the committee leadership, not one single day of committee hearings has been held.

Early on, the gentleman from Maryland (Mr. HOGAN) determined that the committee was not likely to take action, and he offered a discharge petition which is still pending. I commend the gentleman for his foresight and his leadership.

But, Mr. Chairman, I honestly believe that this issue of abortion is so controversial, so difficult, and so complex that we need full-scale public hearings before we act on ultimate issues. We need a comprehensive understanding of the facts. We need a complete grasp of the implications. And we need to determine the consensus of the American people.

Therefore, last October, I offered a compromise between the discharge petition and Judiciary Committee inaction. I proposed the creation of a select committee to study the impact and ramifications of the Supreme Court's decisions on abortion. Over the last year more than 50 Members from both parties have cosponsored my resolution or introduced their own proposals.

The select committee would have full authority to study abortion and report out legislation, if that was thought desirable. It would prejudge nothing—except the undeniable need to give attention to the problem.

I realize that this House generally frowns upon the creation of select committees. I share this view. But there are clearly exceptions—and this is one of them.

I have great respect for the distinguished chairman of the Judiciary Committee and for the gentleman from California, who is chairman of the subcommittee—but they simply have not acted. By this amendment, I hope to lift the burden of abortion from their shoulders.

This is really a moment of decision for the House of Representatives. Will we make a commitment to provide a sensible forum for the abortion controversy next year, or will we shut off House consideration of one of the great issues of our time? Many Americans are waiting for some action on this issue. My amendment clearly provides a vehicle to give the attention needed to this subject. I urge its adoption.

Mr. O'HARA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I recognize the gentlemen's amendment. It is a resolution of which I am a cosponsor. As a matter of fact, I believe that I have voted for all the amendments that the gentleman from Wisconsin has offered during this Congress on the subject of abortion, but I do not think this resolution is the place to get into that fight, even though I am opposed to abortion. For that reason I am going to vote against the amendment offered by the gentleman from Wisconsin. I would hope that the other members of the committee would join me in doing so.

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

Mr. Chairman, I think that the amendment is a good idea. This is one of the most serious issues facing this country. To hide from it, I think, is unwise. In some way or another we need to address ourselves to it and to find some answers.

I think we need to have hearings with the best medical authorities, theologians and constitutional lawyers, plus other individuals who have studied the whole question of abortions. I do not know of any better way to bring the facts before us than to set up such a committee when we are reorganizing the House and also provide for its termination.

I urge my colleagues to support the amendment.

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

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

Mr. BAUMAN. I would like to say that the gentleman from Wisconsin is correct in his position calling for a Select Committee on Abortion. We have voted twice in recent days while considering this very resolution in favor of Select Committees dealing with problems of the aged. I supported those amendments.

The gentleman from Wisconsin now offers a chance for the House to vote on an issue which will protect the unborn who have no organized lobby, a chance for those of us who believe in the right to life to demonstrate that belief.

I hope those who had the political courage to vote for the Select Committee on the Aged also will have the moral courage to vote to allow the unborn children to receive the proper consideration of this House, which has so far been denied.

Mr. QUIE. Mr. Chairman, let me say in closing, I happen to be in support of and have introduced an amendment known as the Buckley amendment, but there are two sides to this question. Both sides ought to be heard and both sides can be heard if we accept the proposal of the gentleman from Wisconsin.

Ms. ABZUG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there are many issues in this Congress with which we disagree or agree, but we do not subject this legislative body to setting up select committees on controversial issues just because we have differences.

I think it is an abuse of the legislative process. I believe very strongly that those who wish to be heard on this subject have found many methods of abusing the legislative process. I think, if we are serious about this issue, that there have been votes on this subject in this House and in the other body. There has been ample opportunity to express ourselves.

There have, from time to time, been many controversial issues in this House. We have not set up select committees because issues are controversial. Quite the contrary. On the question of aging, a Select Committee on Aging has been noted not because it is a controversial issue, but rather because there was universal agreement on the need for such a committee.

So, I think it is a distortion of the purposes of a select committee to suggest that simply because abortion is a controversial issue, we should set up a select committee.

We have voted on this issue. There are other votes that will come up. But to use this particular vehicle does violence to the legislative process and does not meet the purpose for which a select committee is intended.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. FROEHLICH) to the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. HANSEN).

The question was taken.

RECORDED VOTE

Mr. FROEHLICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 193, not voting 78, as follows:

[Roll No. 585]

AYES—163

Abdnor	Frenzel	Nelsen
Andrews, N. Dak.	Frey	Nix
Annunzio	Froehlich	O'Brien
Archer	Gaydos	Owens
Ashbrook	Green, Pa.	Parris
Bafalis	Grover	Patten
Baker	Gude	Perkins
Bauman	Guyer	Pettis
Bennett	Hammer-schmidt	Price, Ill.
Bergland	Hanley	Quie
Boggs	Hanrahan	Quillen
Boland	Hays	Randall
Bray	Heckler, Mass.	Regula
Brinkley	Heinz	Rinaldo
Broomfield	Hillis	Roe
Brotzman	Hinshaw	Roncallo, N.Y.
Brown, Ohio	Hogan	Rooney, Pa.
Broyhill, N.C.	Holt	Rostenkowski
Burgener	Huber	Roush
Burke, Mass.	Hudnut	Rousselot
Butler	Hungate	Roy
Byron	Hunt	Ruppe
Camp	Hutchinson	Ruth
Carney, Ohio	Ichord	St Germain
Carter	Johnson, Pa.	Sandman
Casey, Tex.	Karth	Sarasin
Cederberg	Kemp	Satterfield
Clark	Ketchum	Scherle
Clausen, Don H.	Landgrebe	Shipley
Cleveland	Latta	Shoup
Cochran	Lent	Shriver
Cohen	Lott	Skubitz
Collier	Luken	Slack
Collins, Tex.	McCollister	Staggers
Conlan	McDade	Stanton, J. William
Conte	McEwen	Stanton, James V.
Cotter	McKay	Sullivan
Cronin	Macdonald	Talcott
Daniel, Dan	Madden	Taylor, Mo.
Daniel, Robert W., Jr.	Madigan	Taylor, N.C.
Daniels, Dominick V.	Maraziti	Thomson, Wis.
Davis, Ga.	Martin, N.C.	Thone
Delaney	Miller	Traxler
Denholm	Minish	Treen
Dent	Mitchell, N.Y.	Vander Jagt
Devine	Moakley	Vanik
Dickinson	Moorhead, Calif.	Veysey
Donohue	Moorhead, Pa.	Walsh
Duncan	Morgan	Winn
Esch	Mosher	Wydler
Fish	Murphy, Ill.	Wyman
Flood	Murphy, N.Y.	Yatron
Flynt	Murtha	Young, Alaska
	Myers	Young, Fla.
	Natcher	Young, Ill.
		Zion

NOES—193

Abzug	Gilman	Passman
Addabbo	Ginn	Pepper
Alexander	Goldwater	Peyser
Anderson, Calif.	Gonzalez	Pickle
	Goodling	Pike
Anderson, Ill.	Griffiths	Poage
Arends	Gross	Preyer
Armstrong	Gunter	Price, Tex.
Ashley	Haley	Railsback
Aspin	Hamilton	Rangel
Badillo	Hansen, Wash.	Rees
Beard	Harrington	Reid
Bell	Hastings	Reuss
Bevill	Hechler, W. Va.	Riegle
Biester	Helstoski	Roberts
Bingham	Henderson	Robinson, Va.
Bolling	Hicks	Rodino
Bowen	Holifield	Rogers
Brademas	Holtzman	Roncalio, Wyo.
Breaux	Horton	Rose
Breckinridge	Howard	Rosenthal
Brooks	Jarman	Roybal
Brown, Calif.	Johnson, Calif.	Sarbanes
Brown, Mich.	Jones, Ala.	Schneebeli
Buchanan	Jones, N.C.	Seiberling
Burke, Calif.	Jones, Okla.	Shuster
Burleson, Tex.	Jones, Tenn.	Sikes
Burlison, Mo.	Jordan	Sisk
Burton, John	Kastenmeier	Smith, Iowa
Burton, Phillip	Kazen	Smith, N.Y.
Chamberlain	Kluczynski	Stark
Chappell	Koch	Steed
Chisholm	Kyros	Steelman
Clay	Landrum	Steiger, Ariz.
Collins, Ill.	Leggett	Steiger, Wis.
Conyers	Lehman	Stephens
Corman	Litton	Stokes
Coughlin	Long, La.	Stratton
Culver	Long, Md.	Studds
Danielson	McClory	Symington
Davis, S.C.	McCloskey	Taylor, N.C.
Davis, Wis.	McCormack	Thompson, N.J.
Dellenback	McFall	Thornton
Dellums	McKinney	Tiernan
Dingell	McSpadden	Udall
Downing	Mahon	Ullman
Drinan	Mallary	Van Deerlin
du Pont	Martin, Nebr.	Vander Veen
Eckhardt	Mathis, Ga.	Vigorito
Edwards, Ala.	Matsunaga	Waggonner
Edwards, Calif.	Mayne	Wampler
Erlenborn	Mazzoli	Ware
Eshleman	Meeds	Whalen
Evins, Tenn.	Melcher	Whitten
Fascell	Metcalfe	Wiggins
Fisher	Mezvinsky	Wilson, Charles H., Calif.
Flowers	Milford	
Foley	Mink	
Ford	Mitchell, Md.	Wilson, Charles, Tex.
Fountain	Mollohan	
Fraser	Montgomery	Wright
Fulton	Moss	Wylie
Fuqua	Nichols	Yates
Gettys	Obey	Young, Ga.
Giaimo	O'Hara	Young, Tex.
Gibbons	O'Neill	

NOT VOTING—78

Adams	Gray	Rhodes
Andrews, N.C.	Green, Oreg.	Robison, N.Y.
Barrett	Gubser	Rooney, N.Y.
Biaggi	Hanna	Runnels
Blackburn	Hansen, Idaho	Ryan
Blatnik	Harsha	Schroeder
Brasco	Hawkins	Sebelius
Broyhill, Va.	Hébert	Snyder
Burke, Fla.	Hosmer	Spence
Carey, N.Y.	Johnson, Colo.	Steele
Clancy	King	Stubblefield
Clawson, Del	Kuykendall	Stuckey
Conable	Lagomarsino	Symms
Crane	Lujan	Teague
de la Garza	Mann	Towell, Nev.
Dennis	Mathias, Calif.	Waldie
Derwinski	Michel	White
Diggs	Mills	Whitehurst
Dorn	Minshall, Ohio	Widnall
Dulski	Mizell	Williams
Eilberg	Nedzi	Wilson, Bob
Evans, Colo.	Patman	Wolff
Findley	Podell	Wyatt
Forsythe	Powell, Ohio	Young, S.C.
Frelinghuysen	Pritchard	Zablocki
Grasso	Rarick	Zwach

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DUNCAN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. HANSEN OF WASHINGTON

Mr. DUNCAN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. DUNCAN to the amendment in the nature of a substitute offered by Mrs. HANSEN of Washington: page 54, line 9, strike out "committee".

Page 54, line 10, insert "(1)" after "(n)".

Page 54, line 21, strike out "(1)" and insert "(A)".

Page 55, line 1, strike out "(2)" and insert "(B)".

Page 55, after line 11, insert the following new subparagraph:

"(2) Notwithstanding any other provision of law, no part of any appropriation and no local currency owned by the United States shall be available for payment of any expenses, nor shall transportation be provided by the United States, in connection with travel outside the fifty States (including the District of Columbia) of the United States of—

"(A) any Delegate, Resident Commissioner, or Member of the House after he has been defeated as a candidate for nomination, or election, to a seat in the House in any primary or regular election until such time as he shall thereafter again become a Member; or

"(B) any Delegate, Resident Commissioner, or Member of the House after the adjournment sine die of the last session of a Congress if he is not a candidate for reelection in the next Congress.

The preceding sentence shall not apply with respect to any Delegate, Resident Commissioner, or Member where a concurrent resolution passed by Congress so exempts that individual, or with respect to utilization of Federal funds provided by law for round trip travel of such Delegate or Resident Commissioner between the District of Columbia and the District which he represents."

The CHAIRMAN. The Chair would like to advise the distinguished gentleman from Tennessee (Mr. DUNCAN) that the gentleman's amendment is not properly drafted so as to be offered as an amendment to the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. HANSEN). For that reason the amendment cannot be entertained at this time.

Mr. DUNCAN. Mr. Chairman, could I ask why the amendment is not properly drafted? It is the same amendment that we voted on 301 to 43 before.

The CHAIRMAN. The Chair would like to advise the gentleman from Tennessee that certainly the gentleman has a right to know why the Chair has so ruled.

The amendment presented by the distinguished gentleman from Tennessee (Mr. DUNCAN) is drafted to House Resolution 988. The amendment now before the Committee is the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. HANSEN). Therefore, the amendment offered by the gentleman from Tennessee is not in the proper form.

Mr. DUNCAN. Mr. Chairman, might I say that I believe the Chairman and the Parliamentarian have looked at the wrong amendment. This is the proper amendment.

The CHAIRMAN. The Clerk will report the amendment that was just handed to the Chair.

The Clerk read as follows:

Amendment offered by Mr. DUNCAN to the amendment in the nature of a substitute offered by Mrs. HANSEN of Washington:

Page 28, line 20, strike out "committee".

Page 28, line 21, insert "(1)" after "(n)".

Page 29, line 7, strike out "(1)" and insert "(A)".

Page 29, line 11, strike out "(2)" and insert "(B)".

Page 29, after line 21, insert the following new subparagraph:

"(2) Notwithstanding any other provision of law, no part of any appropriation and no local currency owned by the United States shall be available for payment of any expenses, nor shall transportation be provided by the United States, in connection with travel outside the fifty States (including the District of Columbia) of the United States of—

"(A) any Delegate, Resident Commissioner, or Member of the House after he has been defeated as a candidate for nomination, or election, to a seat in the House in any primary or regular election until such time as he shall thereafter again become a Member; or

"(B) any Delegate, Resident Commissioner, or Member of the House after the adjournment sine die of the last session of a Congress if he is not a candidate for reelection in the next Congress.

The preceding sentence shall not apply with respect to any Delegate, Resident Commissioner, or Member where a concurrent resolution passed by Congress so exempts that individual, or with respect to utilization of Federal funds provided by law for round trip travel of such Delegate or Resident Commissioner between the District of Columbia and the District which he represents.

The CHAIRMAN (during the reading). The Chair would like to advise the gentleman from Tennessee that his amendment is now in proper form. Does the gentleman from Tennessee desire to ask unanimous consent that his amendment be considered as read and printed in the RECORD?

Mr. DUNCAN. I do, Mr. Chairman. I so ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

Mr. KAZEN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk concluded the reading of the amendment.

POINT OF ORDER

Mr. SMITH of Iowa. Mr. Chairman, I make a point of order against the amendment.

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

Mr. SMITH of Iowa. As I heard the amendment, I believe it is directed at some general laws of the United States, not just at the Rules of the House of Representatives.

The CHAIRMAN. Does the gentleman from Tennessee desire to be heard on the point of order?

Mr. DUNCAN. I do, Mr. Chairman. It is directed to the Rules of the House of Representatives. I think the gentleman misunderstood or did not hear correctly

It is properly applied to the Rules of the House of Representatives—expenditure of travel funds. It is in the committee.

Mr. HAYS. Mr. Chairman, I desire to be heard on the point of order.

Mr. Chairman, I think the point of order should be sustained, because it goes far beyond the Rules of the House and it deals with appropriations. It puts jurisdictions on agencies. It puts additional duties on the Department of State, and while I do not know that this directly affects the point of order, it interferes with the 2-year elected term of a Member of Congress.

It says, in other words, that he becomes a second-class citizen when he decides to retire, even if he decides to retire voluntarily. When he does that, he cannot fully participate in his committee or his committee assignments. I think it is definitely subject to a point of order.

The CHAIRMAN (Mr. NATCHER). The Chair is ready to rule.

The Chair has carefully examined the second amendment read by the Clerk. At the bottom of the page the paragraph starts out:

Notwithstanding any other provision of law, no funds authorized for a committee, no part of any appropriation shall be available—

and so forth.

This prefatory provision itself makes the amendment subject to a point of order. Therefore, the point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. LATTA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. HANSEN OF WASHINGTON

Mr. LATTA. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. LATTA to the amendment in the nature of a substitute offered by Mrs. HANSEN of Washington: Page 19, strike out line 17 through line 7, page, page 20, and insert:

"(f) no vote by any Member of any Committee or subcommittee with respect to any measure or matter may be cast by proxy."

Mr. LATTA. Mr. Chairman, this amendment, if adopted, would make the Hansen substitute conform with the Bolling resolution and also the Martin substitute insofar as proxy voting is concerned.

I think every Member of this House who has been here long enough to get to a committee session has seen proxy voting abused. I have many times. The Committee on Rules of the House does not have proxy voting. One is there or he does not vote. Many times Members vote proxies for other Members, and they do not know how those Members would have voted on an amendment or on a bill had they been present. I well realize that the Hansen substitute provides some new language in this area but continues proxy voting. I think if we want to do something meaningful in the name of reform, we should adopt this amendment. It does the House no credit to continue the present practice of proxy voting.

Proxy voting should come to an end. We have a chance to bring it to an end tonight by adopting my amendment.

Mr. SMITH of Iowa. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we examined this matter very carefully, and on the surface and at first blush it seems as if this amendment is good. One would say make everyone be there every day every minute. But let us just take a practical look at the way committees operate.

What could happen, for example, if no proxies are permitted? Sometime the minority of the committee—and it does not necessarily mean Republicans or Democrats, it can be those opposed to a certain bill, could adjourn the committee for a month. Or perhaps those who happen to want to report a bill out while others are resisting them could just wait until that 1 minute when a few of the others are gone and those who want the bill could report the bill out.

We have got to permit proxies for the purposes of voting for recesses and adjournments and procedures.

We have drafted in the Hansen committee proposal a very tight proxy amendment. It does not permit proxies for markups unless in writing and specific. It prohibits general proxies except for general purposes of recesses and adjournments and so forth. It is a very tight proxy amendment and I think the one in the bill is the only one we can operate under as a legislative body if we really want the subcommittees to function in this House.

I urge the Members to vote down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. LATTA) to the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. HANSEN).

The vote was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LATTA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 196, noes 166, not voting 72, as follows:

[Roll No. 586]

AYES—196

Abdnor	Broomfield	Collier
Anderson, Calif.	Brotzman	Collins, Tex.
Anderson, Ill.	Brown, Mich.	Conable
Andrews, N. Dak.	Brown, Ohio	Conlan
Archer	Broyhill, N.C.	Conte
Arends	Buchanan	Coughlin
Armstrong	Burgener	Cronin
Ashbrook	Burlison, Mo.	Culver
Bafalis	Butler	Daniel, Dan
Baker	Camp	Daniel, Robert W., Jr.
Bauman	Carter	Davis, Ga.
Beard	Cederberg	Davis, Wis.
Bell	Chamberlain	Dellenback
Bennett	Chappell	Denholm
Biester	Chisholm	Derwinski
Bolling	Clausen, Don H.	Devine
Bray	Cleveland	Dickinson
Brinkley	Cochran	Downing
	Cohen	Drinan
Duncan	Lent	Roy
du Pont	Long, Md.	Ruppe
Edwards, Ala.	Lott	Ruth
Erlenborn	McClory	Sandman
Esch	McCloskey	Sarasin
Eshleman	McCollister	Satterfield
Fascell	McDade	Scherle
Fish	McEwen	Schneebeli
Flynt	McKinney	Shipley
Forsythe	Madigan	Shoup
Fraser	Mahon	Shriver
Frenzel	Mallary	Shuster
Frey	Maraziti	Skubitz
Froehlich	Martin, Nebr.	Slack
Fuqua	Martin, N.C.	Smith, N.Y.
Gilman	Mayne	Spence
Ginn	Mazzoli	Stanton, J. William
Goldwater	Milford	Steelman
Goodling	Miller	Steiger, Ariz.
Gross	Mitchell, N.Y.	Steiger, Wis.
Grover	Moorhead, Calif.	Stephens
Gude	Mosher	Talcott
Gunter	Myers	Taylor, Mo.
Guyer	Nelsen	Thomson, Wis.
Hamilton	O'Brien	Thone
Hammer-schmidt	Owens	Traxler
Hanrahan	Parris	Treen
Harrington	Pettis	Vander Jagt
Harsha	Peyser	Vanik
Hastings	Pickle	Veysey
Hechler, W. Va.	Pike	Walsh
Heckler, Mass.	Poage	Wampler
Heinz	Quie	Ware
Hillis	Quillen	Whalen
Hinshaw	Railsback	Whitten
Hogan	Randall	Wiggins
Holt	Rees	Wilson, Bob
Horton	Regula	Wilson, Charles, Tex.
Huber	Reid	Winn
Hudnut	Riegle	Wydler
Hunt	Rinaldo	Wylie
Hutchinson	Robinson, Va.	Wyman
Jarman	Roe	Young, Alaska
Johnson, Pa.	Roncallo, N.Y.	Young, Fla.
Ketchum	Rooney, Pa.	Young, Ill.
Landgrebe	Roush	Zion
Latta	Rousselot	

NOES—166

Abzug	Fountain	Mitchell, Md.
Addabbo	Fulton	Mollohan
Alexander	Gaydos	Montgomery
Andrews, N.C.	Gettys	Moorhead, Pa.
Annunzio	Giaimo	Morgan
Ashley	Gibbons	Moss
Aspin	Gonzalez	Murphy, Ill.
Badillo	Green, Pa.	Murphy, N.Y.
Barrett	Griffiths	Murtha
Bergland	Haley	Natcher
Bevill	Hanley	Nichols
Biaggi	Hansen, Wash.	Nix
Bingham	Hays	Obey
Boggs	Helstoski	O'Hara
Boland	Henderson	O'Neill
Bowen	Hicks	Passman
Brademas	Holifield	Patten
Breaux	Holtzman	Pepper
Breckinridge	Howard	Perkins
Brooks	Hungate	Preyer
Brown, Calif.	Ichord	Price, Ill.
Burke, Calif.	Johnson, Calif.	Price, Tex.
Burke, Mass.	Jones, Ala.	Rangel
Burleson, Tex.	Jones, N.C.	Reuss
Burton, John	Jones, Okla.	Roberts
Burton, Phillip	Jones, Tenn.	Rodino
Byron	Jordan	Rogers
Carney, Ohio	Kastenmeier	Roncalio, Wyo.
Casey, Tex.	Kazen	Rose
Clay	Kluczynski	Rosenthal
Collins, Ill.	Koch	Rostenkowski
Conyers	Kyros	Roybal
Corman	Landrum	St Germain
Cotter	Leggett	Sarbanes
Daniels, Dominick V.	Lehman	Seiberling
	Litton	Sikes
Danielson	Long, La.	Sisk
Davis, S.C.	Luken	Smith, Iowa
Delaney	McCormack	Staggers
Dellums	McFall	Stanton, James V.
Dent	McKay	Stark
Diggs	McSpadden	Steed
Dingell	Macdonald	Stokes
Donohue	Madden	Stratton
Eckhardt	Mathis, Ga.	Studds
Edwards, Calif.	Matsunaga	Sullivan
Evins, Tenn.	Meeds	Symington
Fisher	Melcher	Taylor, N.C.
Flood	Metcalfe	Thompson, N.J.
Flowers	Mezvinsky	Thornton
Foley	Minish	Tiernan
Ford	Mink	

Udall	Waggonner	Yates
Ullman	Wilson,	Yatron
Van Deerlin	Charles H.,	Young, Ga.
Vander Veen	Calif.	Young, Tex.
Vigorito	Wright	

NOT VOTING—72

Adams	Hansen, Idaho	Rhodes
Blackburn	Hawkins	Robison, N.Y.
Blatnik	Hébert	Rooney, N.Y.
Brasco	Hosmer	Runnels
Broyhill, Va.	Johnson, Colo.	Ryan
Burke, Fla.	Karth	Schroeder
Carey, N.Y.	Kemp	Sebelius
Clancy	King	Snyder
Clark	Kuykendall	Steele
Clawson, Del	Lagomarsino	Stubblefield
Crane	Lujan	Stuckey
de la Garza	Mann	Symms
Dennis	Mathias, Calif.	Teague
Dorn	Michel	Towell, Nev.
Dulski	Mills	Waldie
Eilberg	Minshall, Ohio	White
Evans, Colo.	Mizell	Whitehurst
Findley	Moakley	Widnall
Frelinghuysen	Nedzi	Williams
Grasso	Patman	Wolff
Gray	Podell	Wyatt
Green, Oreg.	Powell, Ohio	Young, S.C.
Gubser	Pritchard	Zablocki
Hanna	Rarick	Zwach

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DUNCAN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. HANSEN OF WASHINGTON

Mr. DUNCAN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. DUNCAN to the amendment in the nature of a substitute offered by Mrs. HANSEN of Washington: Page 28, line 20, strike out "committee".

Page 28, line 21, insert "(1)" after "(n)".

Page 29, line 7, strike out "(1)" and insert "(A)".

Page 29, line 4, strike out "(2)" and insert "(B)".

Page 29, after line 21, insert the following new subparagraph:

"(2) No funds authorized for a committee shall be available for payment of any expenses, nor shall transportation be provided by the United States, in connection with travel outside the fifty States (including the District of Columbia) of the United States of—

"(A) any Delegate, Resident Commissioner, or Member of the House after he has been defeated as a candidate for nomination, or election, to a seat in the House in any primary or regular election until such time as he shall thereafter again become a Member; or

"(B) any Delegate, Resident Commissioner, or Member of the House after the adjournment sine die of the last session of a Congress if he is not a candidate for reelection in the next Congress.

The preceding sentence shall not apply with respect to any Delegate, Resident Commissioner, or Member where a concurrent resolution passed by Congress so exempts that individual, or with respect to utilization of Federal funds provided by law for round trip travel of such Delegate or Resident Commissioner between the District of Columbia and the District which he represents."

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

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

Mr. HAYS. Mr. Chairman, I object. I want to hear it.

The CHAIRMAN. Objection is heard.

(The Clerk concluded reading of the amendment.)

POINT OF ORDER

Mr. HAYS. Mr. Chairman, I make a point of order.

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

Mr. HAYS. Mr. Chairman, I make a point of order against the amendment. It changes the Constitution of the United States wherein it reduces the term of office of a Member and takes away some of his prerogatives and privileges that he has for a 2-year term equal to other Members, and it in effect makes a second-class citizen of a Member who may decide to retire.

To make a distinction about whether he can travel is another thing. If he is on the Committee on Foreign Affairs, he can travel anywhere in the United States, but he cannot travel outside of the United States.

If that is not a limitation on the constitutional term of office, then I do not know what it is.

The CHAIRMAN. Does the gentleman from Tennessee desire to be heard on the point of order?

Mr. DUNCAN. I do, Mr. Chairman.

Apparently the gentleman from Ohio has not read the amendment.

Section (B) provides that any Delegate, Resident Commissioner, or Member of the House cannot do so until after the adjournment sine die.

It does not affect him at all until after the Congress adjourns sine die.

If he has decided that he is not going to run, the constitutional provision certainly is on the most limited grounds that I have ever heard anyone in this House get up and talk about. If this is unconstitutional, then all sections in this whole resolution are unconstitutional.

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

Mr. DUNCAN. Yes, I yield to the gentleman from Pennsylvania.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. DENT. Yes.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Pennsylvania on the point of order.

Mr. DENT. The question that comes to my mind is this: If this does not take effect until after adjournment sine die, after the election, how would he be violating anything that is now the law of the land?

Mr. DUNCAN. This only involves foreign travel.

Mr. DENT. Yes, but if I am elected to Congress and my term does not expire until the swearing-in process of the next term, am I not allowed, as the Constitution says, all the emoluments and privileges of the office?

The CHAIRMAN. The Chair is ready to rule.

Mr. DENT. Mr. Chairman, let me make my statement, please.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania on the point of order.

Mr. DENT. The point I make is that I am entitled to whatever emoluments the office calls for upon my election and whatever privileges are allowed to a Member whether or not he has been reelected or is already in office.

The CHAIRMAN. The Chair is ready to rule.

The Chair cannot pass upon constitutional questions. The Chair can only pass upon the germaneness of the amendment offered by the gentleman from Tennessee.

The Chair notes that the amendment is directed to the portion of the Hansen amendment relating to funds for committee travel and unlike the language in the prior amendment against which the point of order was sustained, does not appear to be broader in effect than the language in the Hansen amendment. The Chair holds the amendment germane and overrules the point of order.

The Chair now recognizes the gentleman from Tennessee (Mr. DUNCAN) for 5 minutes in support of his amendment.

Mr. DUNCAN. Mr. Chairman, I will abide by the 1-minute rule.

This amendment does not take effect until 1975, and I call for a vote on it.

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

Mr. Chairman, as I have said many times, I have no great objection to a little pleasant demagoguery. If we took that all away, this could be a dull place indeed.

Let us understand what the gentleman is doing in effect. He says, of course, that his amendment does not take effect until 1975. Now, I am chairman of the U.S. delegation to the North Atlantic Assembly, and I am very delighted indeed that the gentleman from Illinois (LES ARENDS), is a member of that delegation. He was appointed before he announced his retirement. At least it was my understanding that he was on the slate.

Now, it just seems to me that we understand we can have a little pleasant demagoguery around here about travel—and this is obviously what this is, because it only mentions foreign travel, not domestic travel—but we might bar from a delegation of that kind a man who, as in the case of the gentleman from Illinois (LES ARENDS), has been a member and has a lot of valuable experience and can make a great contribution.

Mr. Chairman, I do not see why we would be so inclined as to create two classes of citizens around here: one class of those who are still in the running and still candidates or who have not been defeated, and another class consisting of Members who have decided voluntarily to retire.

Mr. Chairman, I do not think it would take very much intestinal fortitude to vote against this amendment, and I urge the House to defeat it.

Mr. BAKER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, in response to the remarks made by the gentleman from Ohio, I wish to point out the final paragraph in the amendment clarifies the situation. It reads as follows:

The preceding sentence shall not apply with respect to any Delegate, Resident Commissioner, or Member where a concurrent resolution passed by Congress so exempts that individual, or with respect to utilization of Federal funds provided by law for round trip travel of such Delegate or Resident Commissioner between the District of Columbia and the District which he represents.

I will ask the gentleman, is that correct?

Mr. DUNCAN. The gentleman is absolutely correct.

Mr. WIGGINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, earlier this evening I voted in support of an identical amendment. I did so without a full understanding of the amendment, and I publicly and for the record acknowledge that. It is a bad amendment.

I oppose this amendment, and I urge my colleagues to vote likewise.

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

Mr. Chairman, I am in the same situation as the gentleman from California (Mr. WIGGINS). I am concerned about the wording of this amendment.

I would like to ask the gentleman from Tennessee (Mr. DUNCAN), for whom I have the highest regard, if his amendment would not prevent a former Member of Congress, either defeated or resigned, from receiving transportation from the United States or by the use of counterpart funds should he be appointed by the President as a delegate to an international conference.

As I read the language of the gentleman's amendment, no funds could be provided by a committee, nor could transportation be provided by the United States nor could the use of counterpart funds be provided until that Member was reelected again as a delegate or a Member of Congress.

Former Members of Congress are appointed by the President from time to time to represent the United States at various international conferences.

Mr. Chairman, I wonder if the gentleman does not agree that his amendment would prevent that.

Mr. DUNCAN. Mr. Chairman, if the gentleman will yield, if he is appointed under any other provision of law, he would absolutely be entitled to that.

Mr. FOLEY. Mr. Chairman, as I read the amendment, the gentleman's amendment says that until he is again reelected, there shall be no transportation provided by the United States outside the continental limits of the United States, and no counterpart funds provided to any former Member of Congress.

I do not believe the gentleman's amendment covers the situation I raise. I will be happy if the gentleman can point to the language in the amendment, if I have overlooked it.

Mr. DUNCAN. Mr. Chairman, if the gentleman will yield further, the last paragraph covers anything which the House of Representatives may do, as far as any other provision in the law is concerned. That was the point of order that was ruled on, and under any other provisions of the law he could do that.

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

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

Mr. MOSS. Mr. Chairman, does the gentleman understand the amendment, as I do, in this respect: Should the House adjourn sine die at an earlier time, say the time provided for by law, and then was summoned back into an extraordinary session, what would be the rights of this Member who was defeated?

Mr. DUNCAN. Then it could be taken care of then.

Mr. MOSS. Supposing that the duties involved in the participation of an extraordinary session require him to perform duties for his committee outside the United States?

Mr. DUNCAN. Then again it could be taken care of as provided in the last paragraph of the amendment?

Mr. MOSS. By a concurrent resolution?

Mr. DUNCAN. Yes.

Mr. MOSS. I would suggest that that is rather a cumbersome procedure.

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

Mr. Chairman, I will only take but a minute to address myself to what I think is a much broader issue, and that is to consider the fact that we ought to put a positive image on the value of congressional foreign study. In considering that we should consider also the fact that there is not a greater legislative body in the world than the U.S. Congress. When any Congressman travels, regardless of his philosophy, regardless of his party, he is a legitimate representative of the Congress of the United States, and in effect is a spokesman for our country, in addition to being an asset to our foreign representatives abroad.

If there is any abuse that is something that the individual bears upon his conscience. But I do not think there is a more positive contribution that a Member of Congress could make than to properly represent our country abroad as a Member of the Congress.

I urge rejection of the amendment.

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

Mr. Chairman, I would like to refer to the last portion of the amendment offered by the gentleman from Tennessee (Mr. DUNCAN) through which the gentleman seeks to overcome objections to his amendment by suggesting that by a concurrent resolution of the Congress, a Member who would otherwise be prohibited by this amendment from traveling could be permitted to travel.

However, let me point out that by putting in the language "concurrent resolution passed by Congress" the gentleman from Tennessee is effectively stating that this House should give up some of the rights of some of its Members, and then to get those rights back we have to ask permission of the Senate to get those rights back.

I would suggest, Mr. Chairman, that I have always felt this House was independent of the other body, and I would not like to see us pass an amendment to establish a rule that would require permission from the other body to get back a right that we have given up.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. DUNCAN) to the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. HANSEN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DUNCAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment to the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. CLEVELAND TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. HANSEN OF WASHINGTON

Mr. CLEVELAND. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. CLEVELAND to the amendment in the nature of a substitute offered by Mrs. HANSEN of Washington: Page 15, add after line 2 the following:

"(h)(1) Whenever in any Congress the majority party in the House and Senate is the same party as that to which the President belongs, there shall be established in the House a Select Committee on Investigations consisting of fifteen Members appointed by the Speaker and distributed between the majority and minority parties as provided in subparagraph (2).

"(2)(A) The number of members of the select committee appointed from the minority party shall bear the same ratio to the number of members appointed from the majority party as the total number of the Members of the House who are from the majority party bears to the total number of the Members of the House who are from the minority party, rounded to the next higher whole number. The remaining members of the committee shall be appointed from the majority party.

"(B) Any vacancy occurring in the membership of the select committee shall be filled in the manner in which the original appointment was made.

"(3) It shall be the duty of the select committee to conduct studies and investigations of the administration and enforcement of Federal laws by the departments and agencies of the Federal Government, with particular reference to (A) whether such laws are being administered and enforced reasonably, effectively, and in a manner consistent with, and in furtherance of, the intent, purposes, and objectives for which such laws were enacted; (B) whether such departments and agencies are conducting their operations economically and efficiently; (C) whether each such department and agency is consulting with and seeking advice from all other significantly affected departments and agencies of the Federal Government in an effort to assure fully coordinated programs; and (D) whether the departments and agencies of the Federal Government are supplying full and accurate information to the Congress and the public in accordance with the requirements of law. The committee shall

not consider any subject matter under active investigation by any standing committee of the House or by any subcommittee thereof.

"(4) The select committee may from time to time submit to the House such reports as it deems advisable and prior to the close of the Congress for which it was appointed shall submit to the House its final report on the results of its study and investigation, together with such recommendations as it deems advisable. Any report submitted when the House is not in session may be filed with the Clerk of the House.

"(5) For the purpose of this clause the select committee, or any subcommittee thereof, is authorized to sit and act during the Congress for which it was appointed at such times and places within the United States, whether or not the House has recessed or adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as the committee deems necessary. Subpoenas may be issued under the signature of the chairman of the committee or any properly designated chairman of a subcommittee, or any member designated by him and may be served by any person designated by such chairman or member. The chairman of the committee or any member thereof may administer oaths to witnesses.

"(6) The majority of the members of the select committee shall constitute a quorum for the transaction of business, except that two or more shall constitute a quorum for the purpose of taking of evidence including sworn testimony.

"(7) There shall be paid to the select committee from the contingent fund of the House, upon passage of an expense resolution in the manner provided for standing committees under clause 5(a) of rule XI, such sums as may be necessary to carry out its functions. The minority party on the select committee shall be entitled, upon request of a majority of such minority, to one-third of the funds provided for the appointment of committee staff pursuant to such expense resolution."

Mr. CLEVELAND. Mr. Chairman, I certainly apologize to the Committee for bringing up this rather lengthy amendment at this late date, but we are faced with a rather peculiar parliamentary situation. I had this amendment drafted as an amendment to the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. HANSEN). I also had copies drafted to the basic resolution introduced by the gentleman from Missouri (Mr. BOLLING), as well as to Mr. MARTIN'S substitute.

But I am apologetic for bringing this up because I did think perhaps it would be brought up at a timely hour.

Every Member has received a letter signed by the gentleman from Illinois (Mr. MICHEL) and by me. This letter was written in support of this amendment. Very basically, without referring to my prepared text, I will tell the Members exactly what this amendment does.

When one political party controls the White House, the House, and the Senate, then the minority party is given one investigatory committee.

Mr. Chairman, I hear derision and laughter from my right—and for the record, to my right are seated members of the Democratic Party. I can well understand their laughter. But I would like to remind them that this proposal was crafted and drafted by the gentleman from Illinois (Mr. MICHEL) and Gerry Ford and by a group of Republicans who became seriously interested in congressional reform during the early sixties and mid-sixties. We found precedent for this proposal. The precedent may be startling to those Members who have not bothered to read our worst seller on congressional reform, we propose but the precedent is to point and the precedent is this: When the Teapot Dome scandal broke loose in this country, at that time in history the Republican Party controlled the U.S. House of Representatives, they controlled the Senate, and at that time the President of the United States was a member of the Republican Party. But who was chosen to investigate the Teapot Dome scandal? It was Senator Walsh, a good, Democratic Senator from Montana.

Maybe I should stop right now. Probably I should. But that is the precedent for this proposal. There are others but that one is most graphic.

This proposal is that when we have the White House and the Senate and the House controlled by one party—and this did not happen during the sixties, and the gentleman on the other side of the aisle can be grateful for that—however under those circumstances when the House is controlled by one party and the Senate by the same party and the White House by the same party, the rules would then give to the minority party control of one investigatory committee. It would help keep the majority honest, it would give the minority a function, and it would give the people of the United States a break.

Here is a chance for the Members to vote for real congressional reform. I am sorry the gentleman from Illinois (Mr. MICHEL) is not here tonight to join with me in presenting this amendment.

Mr. HAYS. Where is he?

Mr. CLEVELAND. The gentleman from Ohio just asked me where the gentleman from Illinois (Mr. MICHEL) is. I can only say to the gentleman from Ohio: The gentleman from Illinois (Mr. MICHEL) has worse problems than the gentleman from Ohio has.

Mr. Chairman, my formal remarks in favor of my amendment follow:

This amendment is a limited, modest, and logical extension of the principles reflected in the congressional reform proposals before us. It embodies the elements of fairness and realism, and is rooted in historic experience in this century, ranging from the Teapot Dome scandal of one Republican administration to Watergate in another, but also including the Bobby Baker and Billie Sol Estes cases under Democratic control of the White House.

Briefly and simply, it says that any time both Houses of the Congress are under the control of Members from the small political party as the occupant of the White House, a Select House Committee on Investigations under minority party control shall be established. The major party in the House, as the minority on the committee, would be fairly represented and given adequate allowance for staff. Its role would be to exercise a potentially wide range of oversight responsibility, but not to include areas under active investigation by any other committee or subcommittee.

In principle, it reflects the obvious fact that no administration can be relied upon totally to investigate itself. Nor can a congressional majority be relied upon—totally and inevitably in every conceivable instance—to investigate an administration of the same party.

This measure has been discussed in a joint letter to colleagues from my friend from Illinois, BOB MICHEL, and myself. A statement explaining it was contained in the RECORD for September 30, and both the joint letter and the text of the amendment are in the RECORD for October 1.

It is wholly consistent with—and a logical extension of—the legislative oversight and minority staffing proposals of the Bolling-Martin reform package and the Hansen and Martin substitutes.

It is consistent in principle with the independent elections commission contained in the campaign reform bill just agreed to by conference committee, and the Senate Watergate Committee's recommendations for a permanent special prosecutor and strengthened congressional oversight over election practices.

It recognizes, moreover, that far more pervasive than criminal wrongdoing are the problems of bureaucratic remoteness, rigidity, arbitrariness and disregard for the intent of Congress. Most widespread cover-ups are likely to conceal blunders and waste, and poor performance of programs.

I referred to this in my chapter in "We Propose: A Modern Congress," published in 1966 by the House Republican Task Force on Congressional Reform and Minority Staffing, which I had the honor to chair:

> It would help insure against whitewashes of wrongdoing and gross errors on the part of government officials.

This chapter also recalled that a Democrat, Senator Thomas J. Walsh of Montana, was given charge of the Teapot Dome scandal:

> This is a dramatic example of a case in which Republicans gave to the Democrats control of an investigation into a major scandal involving high-ranking members of a Republican Administration.

In conclusion, this proposed amendment has worthy precedent in our own experience, and in British parliamentary practice as well. It is a merging of long-standing proposals by BOB MICHEL, who also dealt with in the "We Propose," and our former colleague from New Jersey, Florence Dwyer. A similar proposal was supported by President Ford during his service in the House.

If there is any reform whose time has come, this is it.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I simply have this to say, that for all the respect that I have for the absent Member who has problems, I am sure that his are greater than

those of my chairman, the gentleman from Ohio (Mr. HAYS).

I have great respect and admiration for my colleague from New Hampshire. We do accept the apologies, both for the amendment and for the timing of it and ask that it be defeated.

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

Mr. THOMPSON of New Jersey. I yield to the gentleman from Ohio.

Mr. HAYS. I do not know how many of the Members are students of history, but I guess Senator Walsh's name rings some kind of bell to the younger Members.

I think this is aimed at the Democratic Party. I do not think the gentleman ever figures the Republicans will control the House and the Senate and the Presidency all at the same time. If it ever happens that we do, and I think it is likely that we will, we would not want to wish on anybody in the other party the same thing that happened to poor Senator Walsh.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. CLEVELAND) to the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. HANSEN).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CLEVELAND. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 148, noes 218, not voting 68, as follows:

[Roll No. 587]

AYES—148

Abdnor	Davis, S.C.	McClory
Anderson, Ill.	Davis, Wis.	McCollister
Andrews, N. Dak.	Derwinski	McDade
Archer	Devine	McEwen
Arends	Dickinson	Madigan
Armstrong	Duncan	Mallary
Ashbrook	Edwards, Ala.	Maraziti
Bafalis	Erlenborn	Martin, Nebr.
Baker	Esch	Martin, N.C.
Bauman	Eshleman	Mayne
Beard	Fisher	Miller
Bell	Forsythe	Mitchell, N.Y.
Bennett	Frenzel	Moorhead, Calif.
Biester	Froehlich	Mosher
Bray	Goodling	Myers
Breckinridge	Gross	Nelsen
Broomfield	Grover	O'Brien
Brotzman	Gude	Parris
Brown, Mich.	Guyer	Passman
Brown, Ohio	Hammer-schmidt	Pettis
Broyhill, N.C.	Hanrahan	Price, Tex.
Buchanan	Hastings	Quie
Burgener	Hechler, W. Va.	Quillen
Butler	Heckler, Mass.	Randall
Camp	Heinz	Regula
Carter	Hillis	Rinaldo
Cederberg	Hinshaw	Roncallo, N.Y.
Chamberlain	Hogan	Rousselot
Clausen, Don H.	Holt	Roy
Cleveland	Huber	Ruppe
Cochran	Hudnut	Ruth
Cohen	Hunt	Sandman
Collier	Hutchinson	Sarasin
Collins, Tex.	Jarman	Scherle
Conable	Johnson, Pa.	Schneebeli
Conlan	Jones, Okla.	Sebelius
Conte	Kemp	Shipley
Coughlin	Ketchum	Shoup
Cronin	Landgrebe	Shriver
Daniel, Robert W., Jr.	Latta	Shuster
	Lent	Skubitz
	Lott	Smith, N.Y.
Spence	Thone	Wydler
Stanton, J. William	Treen	Wylie
Steelman	Vander Jagt	Wyman
Steiger, Ariz.	Veysey	Young, Alaska
Steiger, Wis.	Walsh	Young, Fla.
Talcott	Ware	Young, Ill.
Taylor, Mo.	Wiggins	Zion
Thomson, Wis.	Wilson, Bob	
	Winn	

NOES—218

Abzug	Gilman	O'Neill
Addabbo	Ginn	Owens
Alexander	Goldwater	Patten
Anderson, Calif.	Gonzalez	Pepper
Andrews, N.C.	Green, Pa.	Perkins
Annunzio	Griffiths	Peyser
Ashley	Gunter	Pickle
Aspin	Haley	Pike
Badillo	Hamilton	Poage
Bergland	Hanley	Preyer
Bevill	Hansen, Wash.	Price, Ill.
Biaggi	Harrington	Rangel
Bingham	Harsha	Rees
Boggs	Hays	Reid
Boland	Helstoski	Reuss
Bolling	Henderson	Riegle
Bowen	Hicks	Roberts
Brademas	Holifield	Robinson, Va.
Breaux	Holtzman	Rodino
Brinkley	Horton	Roe
Brooks	Howard	Rogers
Brown, Calif.	Hungate	Roncalio, Wyo.
Burke, Calif.	Ichord	Rooney, Pa.
Burke, Mass.	Johnson, Calif.	Rose
Burleson, Tex.	Jones, Ala.	Rosenthal
Burlison, Mo.	Jones, N.C.	Rostenkowski
Burton, John	Jones, Tenn.	Roush
Burton, Phillip	Jordan	Roybal
Byron	Karth	Ryan
Carney, Ohio	Kastenmeier	St Germain
Casey, Tex.	Kazen	Sarbanes
Chappell	Kluczynski	Satterfield
Chisholm	Koch	Seiberling
Clark	Kyros	Sikes
Clay	Landrum	Sisk
Collins, Ill.	Leggett	Slack
Conyers	Lehman	Smith, Iowa
Corman	Litton	Staggers
Cotter	Long, La.	Stanton, James V.
Culver	Long, Md.	Stark
Daniel, Dan	Luken	Steed
Daniels, Dominick V.	McCloskey	Stephens
	McCormack	Stokes
Danielson	McFall	Stratton
Davis, Ga.	McKay	Studds
Delaney	McKinney	Sullivan
Dellenback	McSpadden	Symington
Dellums	Macdonald	Taylor, N.C.
Denholm	Madden	Thompson, N.J.
Dent	Mahon	Thornton
Diggs	Mathis, Ga.	Tiernan
Dingell	Matsunaga	Traxler
Donohue	Mazzoli	Udall
Downing	Meeds	Ullman
Drinan	Melcher	Van Deerlin
du Pont	Metcalfe	Vander Veen
Eckhardt	Mezvinsky	Vanik
Edwards, Calif.	Milford	Vigorito
Eilberg	Minish	Waggonner
Evins, Tenn.	Mink	Wampler
Fascell	Mitchell, Md.	Whalen
Fish	Moakley	Whitten
Flood	Mollohan	Wilson, Charles H., Calif.
Flynt	Montgomery	
Foley	Moorhead, Pa.	
Ford	Morgan	Wilson, Charles, Tex.
Fountain	Moss	Wolff
Fraser	Murphy, Ill.	Wright
Fulton	Murphy, N.Y.	Yates
Fuqua	Murtha	Yatron
Gaydos	Natcher	Young, Ga.
Gettys	Nichols	Young, Tex.
Giaimo	Nix	
Gibbons	Obey	
	O'Hara	

NOT VOTING—68

Adams	Evans, Colo.	King
Barrett	Findley	Kuykendall
Blackburn	Flowers	Lagomarsino
Blatnik	Frelinghuysen	Lujan
Brasco	Frey	Mann
Broyhill, Va.	Grasso	Mathias, Calif.
Burke, Fla.	Gray	Michel
Carey, N.Y.	Green, Oreg.	Mills
Clancy	Gubser	Minshall, Ohio
Clawson, Del	Hanna	Mizell
Crane	Hansen, Idaho	Nedzi
de la Garza	Hawkins	Patman
Dennis	Hébert	Podell
Dorn	Hosmer	Powell, Ohio
Dulski	Johnson, Colo.	Pritchard
Railsback	Steele	Whitehurst
Rarick	Stubblefield	Widnall
Rhodes	Stuckey	Williams
Robison, N.Y.	Symms	Wyatt
Rooney, N.Y.	Teague	Young, S.C.
Runnels	Towell, Nev.	Zablocki
Schroeder	Waldie	Zwach
Snyder	White	

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mrs. SCHROEDER. Mr. Chairman, contrary to some scientific analyses, the instinct for the territorial imperative does not seem to be a drive that is ingrained firmly at birth, but rather one which becomes stronger and stronger with advancing age.

I guess I have not been in Congress long enough for my own territorial instincts to become firmly entrenched. Upon entering Congress 2 years ago I did choose one area in which I wanted to develop an expertise that, joined with others of like mind, could lead to a responsible effort to reform our defense budgetary procedures and arrest the wasteful military projects which have for so long been robbing vital social programs. I have spent 2 years working hard at this often frustrating task, and would indeed hate to lose the time and effort I have devoted to it. However, I cannot let this self-interest stand in the way of committee reforms that almost everyone agrees are necessary to enable Congress to deal effectively with present day realities.

The past two decades have brought changes in priorities and issues which demand a realinement of the committee system. The illogical fracturing of substantive areas among numerous and unrelated committees and subcommittees has resulted in gross inefficiency, and is a boon to the well-heeled special interests who can afford to hire enormous staffs to cover every subcommittee which might conceivably affect their interests. Public interest lobby groups, whose resources are fractional in comparison, are forced to spread their resources so thin they often miss major legislative boondoggles slipped through by special interests.

Unfortunately, the real opposition to the reforms of the Bolling committee comes not because of disagreement with the need for reform, or even the designation of priority substantive areas which have emerged from the careful Bolling committee study. The opposition comes from entrenched powers—committee chairpersons, senior members, and lobbyists—who see their territory being threatened. An honest appraisal would force them to admit that the tremendous changes in our social institutions and problems occurring since the Legislative Reorganization Act of 1946 demand a streamlining of congressional procedures.

I am shaken and appalled that some opponents of committee reform have resorted to thinly veiled threats to more junior House Members in an attempt to scuttle the bill before us. Not so subtle hints to junior Members that a vote for reform will put them on the priority list of Members who will have to lose seats

on preferred committees in the reshuffling necessitated by the Bolling reforms have not been uncommon. I plead with my colleagues, both junior and senior, to put aside their personal interest and act in a fashion that is truly in the best interest of the Nation. We must reform the committee system as a first step in regaining the confidence of the American people.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. HANSEN).

The question was taken.

RECORDED VOTE

Mr. BOLLING. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 165, not voting 66, as follows:

[Roll No. 588]

AYES—203

Addabbo	Frey	Murphy, Ill.
Alexander	Fulton	Murphy, N.Y.
Anderson, Calif.	Fuqua	Murtha
	Gaydos	Myers
Andrews, N. Dak.	Gettys	Natcher
	Giaimo	Nichols
Annunzio	Gibbons	Nix
Archer	Gilman	O'Hara
Baker	Ginn	O'Neill
Beard	Goldwater	Passman
Bennett	Gonzalez	Pepper
Bevill	Goodling	Perkins
Biaggi	Gray	Pettis
Boggs	Green, Pa.	Peyser
Bowen	Griffiths	Poage
Brademas	Grover	Price, Ill.
Bray	Gude	Price, Tex.
Brinkley	Guyer	Rangel
Brooks	Haley	Rees
Brotzman	Hanley	Reid
Broyhill, N.C.	Hansen, Wash.	Roberts
Burke, Calif.	Hays	Rodino
Burke, Mass.	Henderson	Rogers
Burleson, Tex.	Hicks	Roncalio, Wyo.
Burton, John	Hogan	Rooney, Pa.
Burton, Phillip	Holifield	Rose
Byron	Horton	Rosenthal
Camp	Hudnut	Rostenkowski
Carney, Ohio	Hungate	Rousselot
Casey, Tex.	Hunt	Ruth
Chamberlain	Ichord	St Germain
Chappell	Jarman	Sandman
Clark	Johnson, Calif.	Satterfield
Clausen, Don H.	Johnson, Pa.	Scherle
	Jones, N.C.	Schneebeli
Clay	Jones, Okla.	Seiberling
Collier	Jones, Tenn.	Shipley
Collins, Ill.	Jordan	Shoup
Collins, Tex.	Karth	Sikes
Conyers	Kazen	Sisk
Corman	Kemp	Slack
Cotter	Kluczynski	Smith, Iowa
Daniel, Dan	Koch	Spence
Daniel, Robert W., Jr.	Kyros	Staggers
	Landrum	Steed
Daniels, Dominick V.	Latta	Steiger, Ariz.
	Leggett	Stokes
Danielson	Lehman	Stratton
Davis, S.C.	Lent	Sullivan
Delaney	Long, Md.	Taylor, Mo.
Dellums	Lott	Taylor, N.C.
Denholm	Luken	Thompson, N.J.
Dent	McCollister	Thornton
Derwinski	McEwen	Tiernan
Devine	McFall	Traxler
Diggs	McKay	Treen
Dingell	McSpadden	Ullman
Donohue	Macdonald	Vanik
Downing	Madden	Vigorito
Duncan	Mathis, Ga.	Waggonner
Eckhardt	Matsunaga	Walsh
Eilberg	Melcher	Wampler
Evins, Tenn.	Metcalfe	Ware
Fisher	Milford	Whitten
Flood	Mink	Wilson, Charles H., Calif.
Flowers	Moakley	
Flynt	Mollohan	Wright
Foley	Montgomery	Yatron
Ford	Moorhead, Pa.	Young, Tex.
Fountain	Moss	

NOES—165

Abdnor	Gunter	Quie
Abzug	Hamilton	Quillen
Anderson, Ill.	Hammer-schmidt	Railsback
Arends		Randall
Armstrong	Hanrahan	Regula
Ashbrook	Harrington	Reuss
Ashley	Harsha	Riegle
Aspin	Hastings	Rinaldo
Badillo	Hechler, W. Va.	Roe
Bafalis	Heckler, Mass.	Roncallo, N.Y.
Bauman	Heinz	Roush
Bell	Helstoski	Roy
Bergland	Hillis	Roybal
Biester	Hinshaw	Ruppe
Bingham	Holt	Ryan
Boland	Holtzman	Sarasin
Bolling	Howard	Sarbanes
Breaux	Huber	Sebelius
Breckinridge	Hutchinson	Shriver
Broomfield	Jones, Ala.	Shuster
Brown, Calif.	Kastenmeier	Skubitz
Brown, Mich.	Ketchum	Smith, N.Y.
Brown, Ohio	Landgrebe	Stanton, J. William
Buchanan	Litton	
Burgener	Long, La.	Stanton, James V.
Burlison, Mo.	McClory	
Butler	McCloskey	Stark
Carter	McCormack	Steelman
Cederberg	McDade	Steiger, Wis.
Chisholm	McKinney	Stephens
Cleveland	Madigan	Studds
Cochran	Mahon	Symington
Cohen	Mallary	Talcott
Conable	Maraziti	Thomson, Wis.
Conlan	Martin, Nebr.	Thone
Conte	Martin, N.C.	Udall
Coughlin	Mayne	Van Deerlin
Cronin	Mazzoli	Vander Jagt
Culver	Meeds	Vander Veen
Davis, Ga.	Mezvinsky	Veysey
Davis, Wis.	Miller	Whalen
Dellenback	Minish	Wiggins
Dickinson	Mitchell, Md.	Wilson, Bob
Drinan	Mitchell, N.Y.	Wilson, Charles, Tex.
du Pont	Moorhead, Calif.	
Edwards, Ala.		Winn
Edwards, Calif.	Morgan	Wolff
Erlenborn	Mosher	Wydler
Esch	Nelsen	Wylie
Eshleman	Obey	Wyman
Fascell	O'Brien	Yates
Fish	Owens	Young, Alaska
Forsythe	Parris	Young, Fla.
Fraser	Patten	Young, Ga.
Frenzel	Pickle	Young, Ill.
Froehlich	Pike	Zion
Gross	Preyer	

NOT VOTING—66

Adams	Hanna	Rhodes
Andrews, N.C.	Hansen, Idaho	Robinson, Va.
Barrett	Hawkins	Robison, N.Y.
Blackburn	Hébert	Rooney, N.Y.
Blatnik	Hosmer	Runnels
Brasco	Johnson, Colo.	Schroeder
Broyhill, Va.	King	Snyder
Burke, Fla.	Kuykendall	Steele
Carey, N.Y.	Lagomarsino	Stubblefield
Clancy	Lujan	Stuckey
Clawson, Del	Mann	Symms
Crane	Mathias, Calif.	Teague
de la Garza	Michel	Towell, Nev.
Dennis	Mills	Waldie
Dorn	Minshall, Ohio	White
Dulski	Mizell	Whitehurst
Evans, Colo.	Nedzi	Widnall
Findley	Patman	Williams
Frelinghuysen	Podell	Wyatt
Grasso	Powell, Ohio	Young, S.C.
Green, Oreg.	Pritchard	Zablocki
Gubser	Rarick	Zwach

So the amendment in the nature of a substitute, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution (H. Res. 988) to reform the structure, jurisdiction, and procedures of the committees of the House of Representatives by amending rules X and XI of the Rules of the House of Representatives, pursuant to House Resolution 1395, he reported the resolution back to the House with an amendment adopted by the Committee of the Whole.

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

PARLIAMENTARY INQUIRY

Mr. PHILLIP BURTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PHILLIP BURTON. Mr. Speaker, would it be appropriate at this time to recognize the great work of the gentlewoman from Washington State who has worked so long and contributed so much as a Member to this Congress? I think it would be.

The SPEAKER. Will the gentleman withhold that until we can put the question?

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted in the Committee of the Whole?

If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the resolution.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 359, noes 7, not voting 68, as follows:

[Roll No. 589]

AYES—359

Abdnor	Buchanan	Dellenback
Abzug	Burgener	Dellums
Addabbo	Burke, Calif.	Denholm
Alexander	Burke, Mass.	Dent
Anderson, Calif.	Burlison, Mo.	Derwinski
	Burton, John	Devine
Anderson, Ill.	Burton, Phillip	Dickinson
Andrews, N.C.	Butler	Diggs
Andrews, N. Dak.	Byron	Dingell
	Camp	Donohue
Annunzio	Carney, Ohio	Downing
Archer	Carter	Drinan
Arends	Casey, Tex.	Duncan
Armstrong	Cederberg	du Pont
Ashbrook	Chamberlain	Eckhardt
Ashley	Chappell	Edwards, Ala.
Aspin	Chisholm	Edwards, Calif.
Badillo	Clark	Eilberg
Bafalis	Clausen, Don H.	Erlenborn
Baker		Esch
Bauman	Clay	Eshleman
Beard	Cleveland	Evins, Tenn.
Bell	Cochran	Fascell
Bennett	Cohen	Fish
Bergland	Collins, Ill.	Flood
Bevill	Collins, Tex.	Flowers
Biaggi	Conable	Flynt
Biester	Conlan	Foley
Bingham	Conte	Ford
Boggs	Conyers	Forsythe
Boland	Corman	Fountain
Bolling	Cotter	Fraser
Bowen	Coughlin	Frenzel
Brademas	Cronin	Frey
Bray	Culver	Froehlich
Breaux	Daniel, Dan	Fulton
Breckinridge	Daniel, Robert W., Jr.	Fuqua
Brinkley		Gaydos
Brooks	Daniels, Dominick V.	Gettys
Broomfield		Giaimo
Brotzman	Danielson	Gibbons
Brown, Calif.	Davis, Ga.	Gilman
Brown, Mich.	Davis, S.C.	Ginn
Brown, Ohio	Davis, Wis.	Goldwater
Broyhill, N.C.	Delaney	Gonzalez

Goodling	Maraziti	Sandman
Gray	Martin, N.C.	Sarasin
Green, Pa.	Mathis, Ga.	Sarbanes
Griffiths	Matsunaga	Satterfield
Grover	Mayne	Scherle
Gude	Mazzoli	Schneebeli
Gunter	Meeds	Sebelius
Guyer	Melcher	Seiberling
Haley	Metcalfe	Shipley
Hamilton	Mezvinsky	Shoup
Hammer-schmidt	Milford	Shriver
	Miller	Shuster
Hanley	Minish	Sikes
Hanrahan	Mink	Skubitz
Hansen, Wash.	Mitchell, Md.	Slack
Harsha	Mitchell, N.Y.	Smith, Iowa
Hastings	Moakley	Smith, N.Y.
Hays	Mollohan	Spence
Hechler, W. Va.	Montgomery	Staggers
Heckler, Mass.	Moorhead, Calif.	Stanton, J. William
Heinz	Moorhead, Pa.	Stanton, James V.
Helstoski	Morgan	Stark
Henderson	Mosher	Steed
Hicks	Moss	Steelman
Hillis	Murphy, Ill.	Steiger, Ariz.
Hinshaw	Murphy, N.Y.	Steiger, Wis.
Hogan	Murtha	Stephens
Holifield	Myers	Stokes
Holt	Natcher	Stratton
Holtzman	Nelsen	Studds
Horton	Nichols	Sullivan
Howard	Nix	Symington
Huber	Obey	Talcott
Hudnut	O'Brien	Taylor, Mo.
Hungate	O'Hara	Taylor, N.C.
Hunt	O'Neill	Thompson, N.J.
Hutchinson	Owens	Thomson, Wis.
Ichord	Parris	Thone
Jarman	Passman	Thornton
Johnson, Calif.	Patten	Traxler
Johnson, Pa.	Pepper	Treen
Jones, Ala.	Perkins	Udall
Jones, N.C.	Pettis	Ullman
Jones, Okla.	Peyser	Van Deerlin
Jones, Tenn.	Pickle	Vander Jagt
Jordan	Pike	Vander Veen
Karth	Preyer	Vanik
Kazen	Price, Ill.	Veysey
Kemp	Price, Tex.	Vigorito
Ketchum	Quie	Waggonner
Kluczynski	Quillen	Walsh
Koch	Railsback	Wampler
Kyros	Randall	Ware
Landgrebe	Rangel	Whalen
Landrum	Rees	Whitten
Latta	Regula	Wiggins
Leggett	Reid	Wilson, Bob
Lehman	Reuss	Wilson, Charles H., Calif.
Lent	Riegle	
Litton	Rinaldo	Wilson, Charles, Tex.
Long, La.	Roberts	Winn
Long, Md.	Robinson, Va.	Wolff
Lott	Rodino	Wright
Luken	Roe	Wydler
McClory	Rogers	Wylie
McCloskey	Roncalio, Wyo.	Wyman
McCollister	Roncallo, N.Y.	Yates
McCormack	Rooney, Pa.	Yatron
McDade	Rose	Young, Alaska
McEwen	Rosenthal	Young, Fla.
McFall	Rostenkowski	Young, Ga.
McKay	Roush	Young, Ill.
McKinney	Rousselot	Young, Tex.
McSpadden	Roy	Zion
Macdonald	Roybal	
Madden	Ruth	
Madigan	Ryan	
Mahon	St Germain	
Mallary		

NOES—7

Burleson, Tex.	Kastenmeier	Sisk
Fisher	Martin, Nebr.	
Gross	Poage	

NOT VOTING—68

Adams	Evans, Colo.	Lujan
Barrett	Findley	Mann
Blackburn	Frelinghuysen	Mathias, Calif.
Blatnik	Grasso	Michel
Brasco	Green, Oreg.	Mills
Broyhill, Va.	Gubser	Minshall, Ohio
Burke, Fla.	Hanna	Mizell
Carey, N.Y.	Hansen, Idaho	Nedzi
Clancy	Harrington	Patman
Clawson, Del	Hawkins	Podell
Collier	Hébert	Powell, Ohio
Crane	Hosmer	Pritchard
de la Garza	Johnson, Colo.	Rarick
Dennis	King	Rhodes
Dorn	Kuykendall	Robison, N.Y.
Dulski	Lagomarsino	Rooney, N.Y.
Runnels	Symms	Widnall
Ruppe	Teague	Williams
Schroeder	Tiernan	Wyatt
Snyder	Towell, Nev.	Young, S.C.
Steele	Waldie	Zablocki
Stubblefield	White	Zwach
Stuckey	Whitehurst	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Dorn.
Mr. Zablocki with Mr. Tiernan.
Mr. Rhodes with Mr. Dulski.
Mr. Barrett with Mrs. Grasso.
Mr. Carey of New York with Mr. Hanna.
Mr. Rooney of New York with Mrs. Green of Oregon.
Mr. de la Garza with Mr. Rarick.
Mr. Runnels with Mr. Blatnik.
Mr. Nedzi with Mr. Blackburn.
Mr. Hawkins with Mr. Collier.
Mr. Adams with Mr. Burke of Florida.
Mr. Evans of Colorado with Mr. Crane.
Mr. Stuckey with Mr. Clancy.
Mr. Teague with Mr. Findley.
Mr. Mann with Mr. Del Clawson.
Mrs. Schroeder with Mr. Frelinghuysen.
Mr. Waldie with Mr. Gubser.
Mr. Mills with Mr. Hansen of Idaho.
Mr. Patman with Mr. Hosmer.
Mr. Stubblefield with Mr. Lagomarsino.
Mr. White with Mr. Mathias of California.
Mr. Broyhill of Virginia with Mr. Minshall of Ohio.
Mr. Dennis with Mr. Mizell.
Mr. King with Mr. Powell of Ohio.
Mr. Kuykendall with Mr. Robison of New York.
Mr. Michel with Mr. Steele.
Mr. Widnall with Mr. Williams.
Mr. Pritchard with Mr. Wyatt.
Mr. Towell of Nevada with Mr. Zwach.
Mr. Symms with Mr. Ruppe.
Mr. Whitehurst with Mr. Snyder.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 3007, APPROPRIATIONS FOR INDIAN CLAIMS COMMISSION FOR FISCAL YEAR 1975

Mr. MEEDS submitted the following conference report and statement on the Senate bill (S. 3007) to authorize appropriations for the Indian Claims Commission for fiscal year 1975:

CONFERENCE REPORT (H. REPT. No. 93-1446)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3007) to authorize appropriations for the Indian Claims Commission for fiscal year 1975, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the bill as passed by the Senate and agree to the same.

And the Senate agree to the same.

LLOYD MEEDS,
ROY A. TAYLOR,
ROBERT G. STEPHENS, Jr.,
RALPH REGULA,
Managers on the Part of the House.

HENRY M. JACKSON,
LEE METCALF,
JAMES ABOUREZK,
DEWEY F. BARTLETT,
JAMES A. MCCLURE,
Managers on the Part of the Senate.

JOINT STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing vote of the two Houses on the amendment of the House to the bill (S. 3007) to authorize appropriations for the Indian Claims Commission for fiscal year 1975, submit the following joint statement to the House and Senate in explanation of the action agreed upon by the managers and recommended in the accompanying conference report.

Pursuant to a 1972 amendment of the Indian Claims Commission Act of August 13, 1946, requiring annual enactment of legislation authorizing appropriations for the expenses of the Commission, legislation was introduced as S. 3007 and H.R. 12356.

In passing S. 3007, the Senate added a new section 2 which amended the Indian Claims Commission Act by providing that expenditures by the United States of funds for food, rations, or provisions could not be offset by the United States against any award of the Commission to an Indian tribe or other claimant. While couched in general terms, the amendment would have had or will have only a minimal effect on all claims decided or before the Commission except the claim of the Teton Sioux Nation in Indian Claims Commission Docket No. 74-B.

The House passed S. 3007 with an amendment substituting the language of the House bill, the effect of which was to strike section 2 amending the Indian Claims Commission Act. The Senate disagreed to the House amendment and requested a conference.

The Committee of Conference met on July 25, 1974. The only point in disagreement was the House amendment striking section 2 of the Senate bill.

While the House conferees recognized the possible merit of the proposed Senate modification of the Indian Claims Commission Act, they refused to accept the Senate language on the basis that (1) there had been no hearings or record established in the House on the proposal; (2) the House Committee on Interior and Insular Affairs had not had an opportunity to consider the vote upon such a proposal; and (3) it would be inappropriate for the House conferees to recommend to the House the acceptance of such a proposal without such a record inasmuch as the cost of such amendment to the Indian Claims Commission Act could approach $100 million.

The Conferees agreed to recess the conference pending introduction of separate House legislation containing the language of section 2 of S. 3007. It was understood that this legislation would be the subject of hearings by the House Subcommittee on Indian Affairs and would then be considered by both the Subcommittee and the Full Committee on Interior and Insular Affairs. It was further understood that the House conferees on S. 3007 would be guided by the action and vote of the House Committee on Interior and Insular Affairs on the Separate House legislation.

Pursuant to such understanding, the proposal was introduced in the House as H.R. 16170. Hearings were held on H.R. 16170 by the Subcommittee on Indian Affairs of the House Committee on Interior and Insular Affairs at which time both Administration and public testimony was taken. After markup, the bill was reported by the Subcommittee to the Full Committee favorably without amendment.

The Committee on Interior and Insular Affairs, after thorough debate and discussion on September 25 and October 3, 1974, voted to report the bill favorably without amendment by a rollcall vote of 31 ayes and 3 nays. Pursuant to the understanding of the conferees

on S. 3007 and by unanimous consent, the Committee agreed to table the bill, H.R. 16170 without further action.

Thereupon, the House conferees returned to the conference with the Senate on October 7, 1974, and moved to recede from their amendment to S. 3007 and concur in the language of the Senate, the result of which is the accompanying report.

LLOYD MEED,
ROY A. TAYLOR,
ROBERT G. STEPHENS, Jr.,
RALPH REGULA,
Managers on the Part of the House.

HENRY M. JACKSON,
LEE METCALF,
JAMES ABOUREZK,
DEWEY BARTLETT,
JAMES A. MCCLURE,
Managers on the Part of the Senate.

CONFERENCE REPORT ON S. 3473, APPROPRIATIONS FOR DEPARTMENT OF STATE AND U.S. INFORMATION AGENCY

Mr. HAYS submitted the following conference report and statement on the Senate bill (S. 3473) to authorize appropriations for the Department of State and U.S. Information Agency, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 93-1447)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3473) to authorize appropriations for the Department of State and the United States Information Agency, 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 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 may be cited as the "State Department—USIA Authorization Act, Fiscal Year 1975".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 2. (a) There are authorized to be appropriated for the Department of State for fiscal year 1975, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts:

(1) for the "Administration of Foreign Affairs", $370,045,000;

(2) for "International Organizations and Conferences", $229,604,000;

(3) for "International Commissions", $17,832,000;

(4) for "Educational Exchange", $75,000,000; and

(5) for "Migration and Refugee Assistance", $9,420,000.

(b) There are authorized to be appropriated for the United States Information Agency for fiscal year 1975, to carry out international informational activities and programs under the United States Information and Educational Exchange Act of 1948, the Mutual Education and Cultural Exchange Act of 1941, and Reorganization Plan Numbered 8 of 1953, and other purposes authorized by law, the following amounts:

(1) for "Salaries and Expenses" and "Salaries and Expenses (special foreign currency program)", $228,368,000, except that so much of such amount as may be appropriated for "Salaries and Expenses (special foreign currency program)" may be appropriated without fiscal year limitation;

(2) for "Special International Exhibitions", $6,770,000; and

(3) for "Acquisition and Construction of Radio Facilities", $4,400,000.

(c) In addition to amounts otherwise authorized, there are authorized to be appropriated to the Secretary of State for the fiscal year 1975 not to exceed $40,000,000 to carry out the provisions of section 101(b) of the Foreign Relations Authorization Act of 1972, relating to Soviet refugee assistance.

(d) In addition to amounts authorized in subsections (a) and (b) of this section, there are authorized to be appropriated for fiscal year 1975 for the Department of State and for the United States Information Agency such additional amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law which arise subsequent to the date of enactment of this Act.

(e) Amounts appropriated under subsection (a) and clauses (2) and (3) of subsection (b) of this section are authorized to remain available until expended.

REPEAL OF THE FORMOSA RESOLUTION

SEC. 3. The joint resolution entitled "Joint resolution authorizing the President to employ the Armed Forces of the United States for protecting the security of Formosa, the Pescadores and related possessions and territories of that area", approved January 29, 1955 (69 Stat. 7; Public Law 84-4), and known as the Formosa Resolution, is repealed.

PUBLICATION OF POLITICAL CONTRIBUTIONS OF CERTAIN NOMINEES

SEC. 4. (a) Section 6 of the Department of State Appropriations Authorization Act of 1973 is amended by inserting after the first sentence the following new sentence: "The Chairman of the Committee on Foreign Relations of the Senate shall have printed in the Congressional Record each such report."

(b) The amendment made by subsection (a) of this section shall only apply with respect to reports filed on and after the date of enactment of this Act.

PROHIBITION ON USE OF FUNDS

SEC. 5. No part of any funds appropriated under this Act shall be used to make any payment to the Foreign Service Retirement and Disability Fund to meet any unfunded liability of such fund created by the inclusion of officers and employees of the Agency for International Development in the Foreign Service Retirement and Disability System.

PRIOR AUTHORIZATION BY CONGRESS

SEC. 6. Section 701 of the United States Information and Educational Exchange Act of 1948 is amended by adding at the end thereof the following new subsection:

"(e) The provisions of this section shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the United States Information Agency as authorized by law."

ANNUAL UNITED STATES INFORMATION AGENCY REPORTS TO CONGRESS

SEC. 7. Section 1008 of the United States Information and Educational Exchange Act of 1948 is amended to read as follows:

"SEC. 1008. The Secretary shall submit to the Congress annual reports of expenditures made and activities carried on under authority of this Act, including appraisals and measurements, where feasible, as to the effectiveness of the several programs in each country where conducted."

LIMITATION ON PAYMENTS

SEC. 8. There are authorized to be appropriated funds for payment prior to January 1, 1975, of United States expenses of membership in the United Nations Educational, Scientific, and Cultural Organization, the International Civil Aviation Organization, and the World Health Organization notwithstanding that such payments are in excess of 25 percent of the total annual assessment of such organizations.

ASSIGNMENT OF FOREIGN SERVICE OFFICERS TO PUBLIC ORGANIZATIONS

SEC. 9. (a) Part H of title V of the Foreign Service Act of 1946 is amended by adding after section 575 thereof the following new section:

"ASSIGNMENTS TO PUBLIC ORGANIZATIONS

"SEC. 576. (a) Not less than fifty Foreign Service officers shall, between their eighth and fifteenth years of service as such officers, be assigned in the continental United States during each fiscal year for significant duty with State or local governments, public schools, community colleges, or other public organizations designated by the Secretary. Such assignment shall be for twelve consecutive months. Each such Foreign Service officer shall be entitled to state a preference with respect to the type of public organization to which he would like to be assigned but may not state a preference with respect to the geographical location to which he would like to be assigned.

"(b) A Foreign Service officer on assignment under this section shall be deemed to be on detail to a regular work assignment in the Service, and the officer remains an employee of the Department while so assigned. However, any period of time an officer is assigned under this section shall not be included as part of any period that the officer has remained in a class for purposes of determining whether he is to be selected out under section 633 of this Act, or regulations promulgated pursuant thereto. The salary of the officer shall be paid from appropriations made available for the payment of salaries of officers and employees of the Service.

"(c) Any period of time that a Foreign Service officer serves on an assignment under this section shall also be considered as a period of time that the officer was assigned for duty in the continental United States for purposes of section 572 of this Act.

"(d) For the purpose of this section—

"(1) 'State' means—

"(A) a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States; and

"(B) an instrumentality or authority of a State or States as defined in subparagraph (A) of this paragraph (1) and a Federal-State authority or instrumentality; and

"(2) 'local government' means—

"(A) any political subdivision, instrumentality, or authority of a State or States as defined in subparagraph (A) of paragraph (1); and

"(B) any general or special purpose agency of such a political subdivison, instrumentality, or authority."

(b) The amendment made by subsection (a) of this section shall apply only to a Foreign Service officer who completes his eighth year of service as such an officer on or after the date of enactment of this Act.

DEATH GRATUITIES FOR CERTAIN FOREIGN SERVICE PERSONNEL

SEC. 10. The Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 is amended by inserting immediately before section 15 the following new section:

"SEC. 14. (a) Subject to the provisions of this section and under such regulations as the Secretary of State may prescribe, the Secretary is authorized to provide for payment of a gratuity to the surviving dependents of any Foreign Service employee who dies as a result of injuries sustained in the performance of duty outside the United States in an amount equal to one year's salary at the time of death. Appropriations for this purpose are authorized to be made to the account for salaries and expenses of the employing agency. Any death

gratuity payment made under this section shall be held to have been a gift and shall be in addition to any other benefit payable from any source.

"(b) A death gratuity payment shall be made under this section only if the survivor entitled to payment under subsection (c) is entitled to elect monthly compensation under section 8133 of title 5, United States Code, because the death resulted from an injury (excluding a disease proximately caused by the employment) sustained in the performance of duty, without regard to whether such survivor elects to waive compensation under such section 8133.

"(c) A death gratuity payment under this section shall be made as follows:

"(1) First, to the widow or widower.

"(2) Second, to the child, or children in equal shares, if there is no widow or widower.

"(3) Third, to the dependent parent, or dependent parents in equal shares, if there is no widow, widower, or child.

If there is no survivor entitled to payment under this subsection, no payment shall be made.

"(d) As used in this section—

"(1) the term 'Foreign Service employee' means a chief of mission, Foreign Service officer, Foreign Service information officer, Foreign Service Reserve officer of limited or unlimited tenure, or a Foreign Service staff officer or employee;

"(2) each of the terms 'widow', and 'widower', 'child', and 'parent' shall have the same meaning given each such term by section 8101 of title 5, United States Code; and

"(3) the term 'United States' means the several States and the District of Columbia.

"(e) The provisions of this section shall apply with respect to deaths occurring on and after January 1, 1973."

PRIOR AUTHORIZATION REQUIRED

SEC. 11. Subsection (a) of section 15 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, is amended to read as follows:

"(a)(1) Notwithstanding any provision of law enacted before the date of enactment of the State Department-USIA Authorization Act, Fiscal Year 1975, no money appropriated to the Department of State under any law shall be available for obligation or expenditure with respect to any fiscal year commencing on or after July 1, 1972—

"(A) unless the appropriation thereof has been authorized by law enacted on or after February 7, 1972; or

"(B) in excess of an amount prescribed by law enacted on or after such date.

"(2) To the extent that legislation enacted after the making of an appropriation to the Department of State authorizes the obligation or expenditure thereof, the limitation contained in paragraph (1) shall have no effect.

"(3) The provisions of this section—

"(A) shall not be superseded except by a provision of law enacted after February 7, 1972, which specifically repeals, modifies, or supersedes the provisions of this section; and

"(B) shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Department as authorized by law."

AUTHORITY AND RESPONSIBILITY OF AMBASSADORS

SEC. 12. The Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, is further amended by adding at the end thereof the following new section:

"SEC. 16. Under the direction of the President—

"(1) the United States Ambassador to a foreign country shall have full responsibility for the direction, coordination, and supervision of all United States Government officers and employees in that country, except for personnel under the command of a United States area military commander;

"(2) the Ambassador shall keep himself fully and currently informed with respect to all activities and operations of the United States Government within that country, and shall insure that all Government officers and employees in that country, except for personnel under the command of a United States area military commander, comply fully with his directives; and

"(3) any department or agency having officers or employees in a country shall keep the United States Ambassador to that country fully and currently informed with respect to all activities and operations of its officers and employees in that country, and shall insure that all of its officers and employees, except for personnel under the command of a United States area military commander, comply fully with all applicable directives of the Ambassador."

TRAVEL EXPENSES OF STUDENT-DEPENDENTS OF STATE DEPARTMENT AND USIA EMPLOYEES

SEC. 13. The first sentence of section 5924(4)(B) of title 5, United States Code, is amended by striking out "one trip each way for each dependent" and inserting in lieu thereof, the following: "one annual trip each way for each dependent of an employee of the Department of State or the United States Information Agency, or one trip each way for each dependent of any other employee.".

INTERNATIONAL MATERIALS

SEC. 14. It is the sense of the Congress that the Secretary of State should, and he is authorized to, establish within the Department of State a bureau which shall be responsible for continuously reviewing (1) the supply, demand, and price, throughout the world, of basic raw and processed materials (including agricultural commodities), and (2) the effect of United States Government programs and policies (including tax policy) in creating or alleviating, or assisting in creating or alleviating, shortages of such materials. In conducting such review, the bureau should obtain information with respect to—

(A) the supply, demand, and price of each such material in each major importing, exporting, and producing country and region of the world in order to understand long-term and short-term trends in the supply, demand, and price of such materials;

(B) projected imports and exports of such materials on a country-by-country basis;

(C) unusual patterns or changes in connection with the purchase or sale of such materials;

(D) a list of such materials in short supply and an estimate of the amount of shortage;

(E) international geological, geophysical, and political conditions which may affect the supply of such materials; and

(F) other matters that the Secretary considers appropriate in carrying out this section.

FUTURE OF UNITED STATES ASSISTANCE TO SOUTH VIETNAM; REDUCTION OF CERTAIN PERSONNEL ABROAD

SEC. 15. (a) It is the sense of the Congress that—

(1) the Secretary of State should prepare a detailed plan for future United States economic and military assistance to the Government of South Vietnam, including a specific timetable for the phased reduction of such assistance to the point when the United States will cease to be the principal source of funds and material for South Vietnam's self-defense and economic viability;

(2) the total number of personnel of the executive branch of the United States Government (other than personnel of the Department of State, the United States Information Agency, the Central Intelligence Agency, and the Department of Defense, and volunteers carrying out the Peace Corps Act) who were present in foreign countries on January 1, 1974, and who were citizens or nationals of the United States, should be substantially reduced; and

(3) the total number of personnel of the Department of Defense assigned or detailed to military attache activities or to military assistance advisory groups or military aid missions, who were present in foreign countries on January 1, 1974, and who were citizens or nationals of the United States, should be substantially reduced.

(b) Not later less than six months after the date of enactment of this Act the Secretary shall report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate on the steps he has taken to carry out the provisions of this section.

And the House agree to the same.

WAYNE L. HAYS,
THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
PETER H. B. FRELINGHUYSEN,
VERNON W. THOMSON,
Managers on the Part of the House.

J. W. FULBRIGHT,
JOHN SPARKMAN,
MIKE MANSFIELD,
GEORGE AIKEN,
CLIFFORD P. CASE,
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 of the two Houses on the amendment of the House to the bill (S. 3473) to authorize appropriations for the Department of State and the United States Information Agency, and for other purposes, submit the following joint statement to the House and Senate in explanation to the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text, and the Senate disagreed to the House amendment.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment.

The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees and minor drafting and clarifying changes.

AUTHORIZATION OF APPROPRIATIONS

The following table shows, in thousands of dollars, the provisions of the Senate bill, the House amendment, and the conference substitute, with respect to the authorization of appropriations:

	Senate bill	House amendment	Conference substitute
DEPARTMENT OF STATE			
1. Administration of foreign affairs	$370,045	$360,785	$70,045
2. International organizations and conferences	229,604	229,604	229,604
3. International commissions	17,832	17,832	17,832
4. Educational exchange	65,014	75,000	75,000
5. Migration and refugee assistance	9,420	9,470	9,420
6. Salary benefits	(1)	11,500	(1)
7. Soviet refugee assistance	50,000	40,000	40,000
Total, Department of State	741,915	744,191	741,901

	Senate bill	House amendment	Conference substitute
USIA			
1. Salaries and expenses	$226,839	$228,368	$228,368
2. Special international exhibitions	6,770	6,770	6,770
3. Radio facilities	4,400	4,400	4,400
4. Salary benefits	(1)	4,200	(1)
Total, USIA	238,009	243,738	239,538
Grand total	979,924	987,929	981,439

[1] Open-ended authorization.

SHORT TITLE

Senate bill

The Senate bill provided that this legislation be cited as the "State Department/USIA Authorization Act, Fiscal Year 1975."

House amendment

The House amendment provided that this legislation be cited as the "Department of State and United States Information Agency Appropriations Authorization Act of 1974."

Conference substitute

The conference substitute is the same as the Senate provision.

TRANSFER OF FUNDS

Senate bill

The Senate bill provided that among the line items for the Department of State and the line items for USIA transfers of funds among the line items for USIA transfers of funds would be authorized so long as no item was increased or decreased by more than 5 percent.

Conference substitute

No provision.

Conference substitute

The conference substitute omits the Senate provision.

REPEAL OF THE FORMOSA RESOLUTION

Senate bill

The Senate bill contained a provision repealing the "Joint resolution authorizing the President to employ Armed Forces of the United States for protecting the security of Formosa, the Pescadores and related possessions and territories in that area", approved January 29, 1955. It is popularly referred to as the Formosa Resolution.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate bill.

PUBLICATION OF POLITICAL CONTRIBUTIONS OF CERTAIN NOMINEES

Senate bill

The Senate bill contained a provision to require the Chairman of the Senate Committee on Foreign Relations to have printed in the Congressional Record reports on political contributions of nominees for ambassadorial appointments.

House amendment

The House amendment did not contain a comparable provision.

Conference substitute

The conference substitute is the same as the Senate provision.

PROHIBITION ON USE OF FUNDS

Senate bill

No provision.

House amendment

The House amendment prohibits the use of State Department funds for payments to the Foreign Service Retirement and Disability Fund to meet the unfunded liability resulting from the inclusion of officers and employees of A.I.D. in that retirement system. The conferees intend that such payments be funded from A.I.D. appropriations.

USIA UTILIZATION OF CERTAIN FUNDS

House amendment

The House amendment contained a provision authorizing USIA to use any funds which may accrue to it under certain limited circumstances without further authorization. An example would be reparations paid by a foreign government for damage to USIA property.

Senate bill

No provision.

Conference substitute

The conference substitute is the same as the House amendment.

ASSIGNMENT OF FOREIGN SERVICE OFFICERS TO PUBLIC ORGANIZATIONS

Senate bill

The Senate bill required that every Foreign Service officer be assigned, sometime between his 8th and 15th year of service, to two years of non-State Department service in State or local government, public schools, or other public organizations—at State Department expense.

House amendment

No provision.

Conference substitute

The conference substitute requires such assignment for a minimum of 50 such Foreign Service officers per year and for a period of one year.

DEATH GRATUITIES

House amendment

The House amendment authorized the payment of one-year's salary to dependent survivors of Foreign Service employees killed in line of duty abroad. This gratuity is in addition to any other benefits.

Senate bill

No provision.

Conference substitute

The conference substitute is the same as the House amendment.

PRIOR AUTHORIZATION REQUIRED

Senate bill

The Senate bill requires that the annual authorization for State Department appropriations must be enacted before appropriations can be obligated.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate provision.

AUTHORITY AND RESPONSIBILITY OF AMBASSADORS

Senate bill

The Senate bill provided that the U.S. Ambassador to a foreign country is fully responsible for the activities of all U.S. Government employees assigned to duty in that country, except personnel under the command of a United States area military commander.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate provision, with a slight modification of wording.

TRAVEL EXPENSES OF STUDENT-DEPENDENTS

Senate bill

The Senate bill contained a provision authorizing government payment for one round-trip per year rather than one trip per four years, as presently authorized, for student-dependents of U.S. Government employees stationed abroad.

House amendment

No provision.

Conference substitute

The conference substitute limited this authorization for annual trips to student-dependents of personnel of the Department of State, A.I.D., and U.S.I.A.

INTERNATIONAL MATERIALS BUREAU

Senate bill

The Senate bill provided that there would be established in the State Department a new International Materials Bureau, to be responsible for reviewing continuously the situation surrounding international trade in various vital commodities and reporting periodically thereon to the Congress and the President.

House amendment

No provision.

Conference substitute

The conference substitute states it to be the sense of the Congress that such a bureau should be created, and authorizes its creation.

PLAN FOR FUTURE U.S. ASSISTANCE TO SOUTH VIETNAM

Senate bill

The Senate bill requires the submission to Congress of a detailed 5-year plan for future U.S. military and economic assistance to South Vietnam.

House amendment

No provision.

Conference substitute

The conference substitute declares it to be the sense of the Congress that such a plan should be prepared and requires a report to the Congress on such preparation within six months.

REDUCTION OF CERTAIN PERSONNEL ASSIGNED ABROAD

Senate bill

The Senate bill required reductions in certain U.S. personnel assigned abroad: (a) a reduction of 2 percent from the total of civilian-agency personnel assigned abroad (except for State Department, USIA, and CIA personnel and Peace Corps volunteers); and (b) a reduction of 10 percent in the total strength of military aid missions.

House amendment

No provision.

Conference substitute

The conference substitute declares it to be the sense of Congress that all such personnel should be substantially reduced and requires a report on such reductions within six months.

REORGANIZATION OF FOREIGN AFFAIRS LEGISLATION

Senate bill

The Senate bill contained a provision that, effective with fiscal year 1976, the executive branch consolidate the authorizations for the Department of State, USIA, the Peace Corps, the Arms Control and Disarmament Agency, Radio Free Europe, Radio Liberty, Foreign Service buildings, and foreign economic and military assistance into 3 annual bills, namely, foreign affairs, foreign economic assistance, and foreign military assistance.

House amendment

No provision.

Conference substitute

The conference substitute omits the Senate provision.

MILITARY BASE AGREEMENTS

Senate bill

The Senate bill provided that Congress must approve any military base agreement with a foreign country—including any extension or significant modification of an ex-

isting agreement—before funds can be expended to carry out the agreement.

House amendment

No provision.

Conference substitute

The conference substitute omits the Senate provision, which was dropped without prejudice to future consideration by the House and Senate.

DIEGO GARCIA AGREEMENT

Senate bill

The Senate bill provided that Congress must approve any new agreement with the United Kingdom concerning the U.S. base on Diego Garcia before funds can be expended to carry out the agreement.

House amendment

No provision.

Conference substitute

The conference substitute omits the Senate provision.

REVIEW OF POLICY TOWARD CUBA

Senate bill

The Senate bill stated it to be the sense of Congress that the time has come for a review of U.S. policy toward Cuba and the development of a new policy.

House amendment

No provision.

Conference substitute

The conference substitute omits the Senate provision.

WAYNE L. HAYS,
THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
PETER H. B. FRELINGHUYSEN,
VERNON W. THOMSON,
Managers on the Part of the House.

J. W. FULBRIGHT,
JOHN SPARKMAN,
MIKE MANSFIELD,
GEORGE AIKEN,
CLIFFORD P. CASE,
Managers on the Part of the Senate.

GENERAL LEAVE

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

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

There was no objection.

FINANCIAL GIFTS BY NELSON ROCKEFELLER

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

Mr. MEZVINSKY. Mr. Speaker, in the last few days, reports in the press have advised the American people that Nelson Rockefeller has made substantial financial gifts to several of his present and former aides and other public officials.

In at least three cases, the reports have been accompanied by the Vice Presidential nominee's confirmation that such gifts were made and a disclosure of the details of these gifts.

I commend Mr. Rockefeller's openness in this regard. In light of the events that led to the vacancy which he has been nominated to fill, I believe it is imperative that he be candid with the American people.

In this regard, I am concerned by the former Governor's gift to Dr. William J. Ronan, chairman of the Port Authority of New York and New Jersey. While Mr. Rockefeller's press secretary, Hugh Morrow, apparently volunteered the fact that a gift to Dr. Ronan had been made, details of the gift have been withheld. I fear that this inconsistency can only serve to generate suspicion about the gift to Dr. Ronan, especially considering the influence which some of my colleagues from New York advise me he wields as chairman of the Port Authority.

I am confident that Mr. Rockefeller will fully and candidly reply to questions about this gift as well as others during the Judiciary Committee's hearings on his nomination next month. However, I believe it would be in the best interests of the Nation, as well as Mr. Rockefeller himself, if the facts surrounding this gift are promptly disclosed.

The confirmation hearings are now more or less being held in abeyance as we await the staff report on the investigation of the nominee's taxes. The hearings will be further postponed by our recess for the upcoming election.

During this intervening time, I am concerned that suspicion and controversy could develop around the Ronan gift and fuel the distrust and cynicism which has become all too prevalent in recent months. For this reason, I have called on Mr. Rockefeller to voluntarily disclose the details of the Ronan gift as well as others made by him. Such a course of action would be far superior than allowing the facts to be disclosed in a piecemeal fashion through the press. Mr. Speaker, I would like to include for my colleagues' information a copy of a telegram I sent yesterday to Mr. Rockefeller:

TEXT OF TELEGRAM SENT BY EDWARD MEZVINSKY TO NELSON A. ROCKEFELLER

DEAR MR. ROCKEFELLER: Considering the era of justifiable public cynicism during which your nomination for Vice President is being considered, I hope that you will take the initiative and publicly disclose the details of financial gifts made by you.

As reports of the Kissinger and Morhouse gifts have appeared in the press, I have been pleased by the accompanying openness with which you have confirmed that such gifts were made and disclosed the circumstances surrounding and details of those gifts.

However, I am concerned by the inconsistency shown by the statement of your press secretary concerning the gift to Dr. William J. Ronan. Reports indicate that Mr. Morrow acknowledged a gift to Dr. Ronan had been made but declined to discuss the details of it.

Considering the influence Dr. Ronan wields as chairman of the Port Authority of New York and New Jersey, this contrasting lack of candor can only serve to generate suspicion about this gift. With the public starving for openness in government, attention is automatically focused on matters such as the Ronan gift, where generalities are provided but details withheld.

I urge you to voluntarily lay out the facts surrounding this gift as well as others made by you. If the facts are disclosed in a piecemeal fashion, through reports in the press that appear to be only begrudgingly verified by you, I fear that your best interests, as well as those of the nation, would suffer.

Sincerely,

EDWARD MEZVINSKY.

HOMEBUILDING INDUSTRY NEEDS HELP

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

Mr. WINN. Mr. Speaker, as the only former homebuilder in the 93d Congress, I am particularly concerned about the critical situation facing the homebuilding industry. We must take steps to alleviate the problems being encountered by this industry.

The situation is grim. The housing industry is in its most severe downturn on record. Record high interest rates and the unavailability of mortgage money are the main reasons for the decline. Business failures in the construction industry are growing. Construction unemployment is rising; and wages and materials costs continue to increase.

The problem raises many questions. "How do we balance the budget and at the same time increase Federal expenditures?" "How much homebuilding is needed to avert disaster in the industry, to meet housing needs?" "How much homebuilding can we sustain without increasing the pressure on costs and interest rates?" "How much subsidized housing is necessary; how much can we afford in 1 year?" "Where do the funds come from, if we are not going to foster further inflation by increasing Treasury borrowings and interest rates?"

At this time, I would like to share with you the goals of the National Association of Home Builders that were brought to my attention and which I believe warrant consideration. These actions are designed to "provide for the urgent housing needs of American families and halt the mounting unemployment of workers in the industry." First, additional special assistance funds must be provided through authorization of GNMA—Government National Mortgage Association—to purchase conventional mortgages, and through congressional approval of the Brooke-Cranston housing bill, S. 3979. Second, increase the availability of construction financing by the Federal Reserve Board using its discount window to increase the flow of construction lending, and authorization for FNMA—Federal National Mortgage Association—to make construction loans for single-family units as it now does in its multi-family operations. Third, tax exemption for the first $1,000 of interest earned on savings in thrift institutions.

The housing industry is the most vulnerable to inflation and has been the hardest hit of all the Nation's industries as a result of economic policies which have relied almost totally on "tight money."

At the presummit meeting on housing and construction chaired by Secretary of Housing and Urban Development James T. Lynn, most of the recommendations made were designed to increase the

amount of money available for mortgage loans.

As all of you know only too well, the biggest problem in the housing industry is the high cost of money, and that cost will not go down until inflation recedes. As Alan Greenspan, the new Chairman of the Council of Economic Advisers, noted at the housing and construction conference:

> Whatever is done to assist the home building industry, nothing will be of lasting significance until inflation is stopped.

In the meantime, we must attempt to find a delicate balance between a lack of money, on the one hand, and inflation, on the other.

ON PRESIDENT FORD'S SURTAX PROPOSAL

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

Mr. KOCH. Mr. Speaker, this afternoon the President is speaking before the Congress on the economy. Preliminary reports indicate that he will recommend a 5 percent income surtax.

At this time I am opposed to the surtax. Nevertheless, I am concerned that I may be in the minority and the surtax will be approved. If the surtax is invoked, it is important that it be applied equitably. Therefore, I would like at this time to take issue with the reported proposal that it be imposed on single persons with incomes over $7,500 and married persons with incomes over $15,000.

Since coming to Congress in 1969, I have worked to gain tax equity for the single taxpayer—and since 1971, the working married couple as well when this group began to suffer tax inequities, too. For years, single taxpayers have been paying taxes at rates higher than an individual filing a joint return.

With the application of the surtax, this differential will be compounded since the extra tax will be computed on the basis of an individual's tax. Thus, after a single taxpayer completes his or her tax computations based on the more expensive single taxpayer schedule, the higher tax will then be multipled by 5 percent—compounding the original differential.

I believe that every wage earner should be taxed at the same progressive rate, regardless of his or her marital status. Similarly, I believe that if a surtax is enacted, the minimum income necessary to invoke the surtax should be the same for every wage earner, regardless of his or her marital status.

Furthermore, I would urge that the minimum income used to invoke the tax be the taxpayer's taxable income and not simply a gross income that fails to take into account such factors as multiple dependents and medical expenses. Surely, a couple with an income of $15,000 with no dependents is in a far better position to pay a surtax than one with four dependents.

The use of the taxable income figure will not provide any significant advantages for high income people who do not pay taxes since a tax is needed on which the 5 percent surtax is computed. What is more accurately established by the use of the taxable income figure is the individual's ability to pay the surtax which is the point of setting a minimum income level needed to invoke the surtax. Finally, the tax should not be applied to taxes paid on the initial $15,000 income, or whatever minimum income level is established.

The surtax is supposed to raise an estimated $5 billion annually. The brunt of this tax will fall on the middle-income taxpayer. I cannot justify voting for a tax two-thirds of which will be borne by middle-income taxpayers while we allow costly loopholes to remain in our tax code. An increase in the minimum income tax alone which affects the very wealthy of this country, many of whom still pay no taxes or far less tax than they are capable of paying, would provide $2 billion under H.R. 967. This bill, introduced by our distinguished colleague (Mr. REUSS) and of which I am a cosponsor, would close eight tax preferences and provide approximately $9 billion in new revenues.

Our economy is in bad shape, and I am willing to vote for belt-tightening meaures—and I believe that my constituents are willing to make necessary sacrifices to restore the economy to good health. But, they are not willing to make these sacrifices if they are inequitably applied, or if existing inequities have not been corrected, particularly when their correction will bring in the needed revenues. So long as we have a tax code which permitted Nelson Rockefeller to pay no taxes in 1970, it is hard to justify an additional tax on the man earning $15,000 a year.

MISGUIDED CANCER RESEARCH

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

Mr. WAMPLER. Mr. Speaker, our colleague from New York, Mr. KOCH, has used the First Lady's illness for demand that the Federal tax on cigarettes be raised to fund a "Manhattan Project" to find the cause and cure of cancer.

In doing so, he has revealed himself to be appallingly misinformed about tobacco taxes and sadly misguided about cancer research.

The Federal Government already taxes cigarettes at the rate of 8 cents a pack—not 3 cents a pack as he said. As a result, the U.S. Treasury collected $2.2 billion and States collected $3.2 billion for the fiscal year ending June 30, 1973.

Each cigarette smoker paid an extra $43 in Federal taxes and $62 in State taxes—a tax burden of $105 more than Mr. KOCH and others like him who do not smoke. Thus smokers are already contributing more money to cancer research than nonsmokers. I would like to remind my colleague from New York that his proposal to increase the tobacco tax would be a regressive measure falling most heavily on those least able to afford it.

Despite Mr. KOCH's indictment of cigarette smoking, the cause of cancer is unknown. Each day, we are seeing more and more evidence that environmental and occupational health hazards may be responsible for cancers, which are so often misdiagnosed as being caused by cigarette smoking.

As the Wall Street Journal pointed out recently on October 7, 1974:

> The cancer danger of vinyl chloride was spotted only because it caused an exceedingly rare tumor, liver angiisarcoma, of which there are only slightly more than 100 cases in medical literature. If vinyl chloride were to cause a more common malignancy, such as lung cancer, it wouldn't have been so readily detected as a carcinogen.

And if so, is there any doubt that this occupational lung cancer would have been blamed on smoking?

The illogic of Mr. KOCH's argument is tragically misguided. On the one hand, he calls for a massive crash program of cancer research "to solve the mystery of cancer." On the other hand, he contends that cigarette smoking is the leading cause.

We all share a deep sympathy for Mrs. Ford. We all wish her a speedy recovery.

Cancer will be cured by scientific research, not emotional rhetoric. It is time for us to base our proposals on facts and abandon efforts to ride the current wave of media attention.

INTERNATIONAL DAY OF BREAD

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

Mr. SEBELIUS. Mr. Speaker, today, October 8, is the International Day of Bread. I hope each of my colleagues has now received the complimentary loaf of bread provided today by the wheat growers, the millers, and bakers in conjunction with this observance.

Several years ago, during a time when those of us privileged to represent agriculture interests were worried about our surplus stocks of wheat, I reminded my colleagues that if they did not eat the bread served them during their meals to be sure and "mess them up." I am sure that "advice" was taken in good humor. Today I would like to leave you with another admonition.

I think it is most appropriate today to reflect upon the true and very serious role that bread plays in our troubled and hungry world. As people around the world express thanksgiving for the annual harvest in their native lands, I cannot think of a more appropriate time or way to commit ourselves to world cooperation and understanding in our international fight against world hunger and malnutrition.

Wheat is man's oldest crop and cultivated food. It provides more nourishment for the people of the world than any other food. Bread, a product of wheat really symbolizes the harvest of all crops and food itself. Throughout history bread has been considered the "staff of life."

I think it is most ironic that during a time when we see an international coalition organizing to try and find answers to our growing world food problems that in this country some still think of bread as something to avoid—especially when we are trying to avoid gaining weight or in the process of dieting.

In truth, an increased amount of bread represents an opportunity to lower the fat content of the American diet and thus take an effective step in trying to lower cholesterol levels and mortality from heart disease.

But, more to the point, as we come to accept the challenge posed by the increasing problems of a troubled and hungry world, I think our concept of bread and wheat will include the realization that not only is bread symbolic of the staff of life but also our most effective weapon in mankind's war against hunger and inflation.

I would also like to comment on another matter that I feel is pertinent to this International Day of Bread observance. I know that my colleagues are very much interested in our Nation's food supplies and more especially in the suspension of the recent Russian grain sale announced this weekend.

I have the privilege of representing the Nation's largest wheat-producing district. I also will have the privilege of going to the coming World Food Conference in Rome this coming month.

I know there are many reasons why the President suspended the Russian grain sale. But, the practical effect of this decision has been to break the wheat market just at the time when wheat producers are paying record costs in putting in next year's crop. Today, the President will announce before this body, a detailed program to combat inflation. The farmer already has the message. It is coming out of his pocketbook.

No farmer in my district and no farmer in this Nation wants special treatment as we try to work our way through this inflation. Every farmer is more than willing to do his part in trying to feed a troubled and hungry world. But, if we continue to single out the farmer as the scapegoat in this fight we are in turn endangering our Nation's food supply. Next year, at this time, we could be talking about food shortages as we celebrate the International Day of Bread.

I am most gratified that our new export policy has ruled out export controls. Hopefully we will be able to ration our wheat stocks in such a way to lead to competitive bidding and grain prices that will enable the farmer to stay in business and produce. We must not take any action that could endanger the farmer's production capability. We must be fair with the farmer; he is in truth the backbone of the Nation.

That is the message I would like to convey to my colleagues on this International Day of Bread.

WORLD LIONS SERVICE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 15 minutes.

Mr. WOLFF. Today has been proclaimed World Lions Service Day. On this day more than 1 million Lions from over 27,000 clubs throughout the world are performing some special act of community or personal service demonstrating their dedication and commitment to help people in need. In thousands of communities all over the world, Lions clubs are channeling their efforts toward helping and comforting the disabled and needy, performing countless acts of kindness on behalf of the less fortunate.

As the largest civic organization in the world, Lions International has raised over $1 billion for the building of schools in underprivileged areas, for disaster relief assistance, and for medical attention for the blind and deaf. The Lions' contribution to eye care is the largest commitment of any organization in the world. As the key sponsor of eye banks across the United States, Lions are providing free eye care to the needy in the form of free examinations, eye glasses, and extensive treatment. Recently Lions have taken on yet another task, that of providing hearing aids, treatment, and assistance for the deaf.

Over the years, the Lions have reached out to the needy, providing an immeasurable contribution to society. Such contribution to humanitarian aims should not go unnoticed. I hope that my colleagues will join me in paying tribute to Lions all over the world for their accomplishments, dedication, and spirit that has meant so much to us all, as they celebrate World Lions Service Day.

POSITIONS ON LEGISLATIVE ISSUES OF PUBLIC CHARITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CONABLE) is recognized for 5 minutes.

Mr. CONABLE. Mr. Speaker, on December 19, 1973, I introduced H.R. 12037, a bill to amend section 501(c)(3) of the Internal Revenue Code to define and clarify the extent to which public charities could make known to Congress and other branches and levels of Government their positions on legislative issues. This issue has long been before the Congress with proposed solutions having been put forth as early as 1969 by the tax section of the American Bar Association.

Briefly the issue is as follows: public charities receive the benefit of tax exemption and their contributors the benefit of deductible contributions. These twin advantages are conditioned upon a charity meeting certain standards in order to continue to qualify. Among these is the requirement that "no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation." The key word here is "substantial" for it purports to set a quantitative standard which the charities must follow. But it does not. The word "substantial" remains undefined because no court case and no Government regulation or ruling has ever told the charities what it means. So we leave the poor manager of such a charity absolutely without guidelines to determine whether or not he is breaking the law which pretends to regulate his activities.

Meanwhile our need for the information he has is quite apparent. When the Congress or a State legislative body considers issues regarding the mentally afflicted, who would supply to Government better information than the National Association for Mental Health. The Congress recognized this principle in 1962 when it amended section 162 of the Internal Revenue Code to permit tax exempt trade associations to use deductible dollars from their member businesses to lobby. The analogy is very compelling for all the charities seek similar rights.

My bill and those of many other Members of this body and of the Senate seek to address this problem. H.R. 12037 was cosponsored by seven other members of the Committee on Ways and Means and I am pleased to say received the support of the full committee at the time tentative decisions were being made on matters to be included in the tax bill for this year.

When the bill was returned to the committee for final review my proposal had received the attention of drafting experts from the committee staff and from the Department of the Treasury. However, it had been changed in several critical ways with the result that it was, in the opinion of the charities who would be affected by it, more confusing and more stringent than existing law. In the press of the final few days of consideration of matters in the tax bill there was no opportunity to sort out this last set of problems. Therefore the committee at my request dropped the issue in its entirety from the tax bill.

I want to bring this matter to the attention of the House for two reasons. First, I want to make it clear that no negative inference can be drawn from the committee's decision to delete the matter from the tax bill. The committee is on record as supporting a fair and precise definition of the rights of public charities to participate in the legislative process. Second, I want to serve notice that the matter will not end here. Those who support the charities' request will renew their efforts in the next Congress to adopt legislation giving fair, equitable, and comprehensive treatment to the question of lobbying by tax-exempt public charities.

OUR INCREASING RELIANCE ON CIVIL DEFENSE

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

Mr. BRAY. Mr. Speaker, I have long known that civil defense officials and volunteers take their duties and responsibilities very seriously. In the last few weeks, I have been asked about title III of the Federal Civil Defense Act of 1950. In particular, Congress did not renew this, and there has been considerable concern that this means responsibility, duty, and powers under the Federal Civil Defense Act are curtailed.

No; it does not mean this at all. Title III dealt with standby presidential au-

thority for the President. It would permit the Federal Government to deal with any immediate emergency conditions that could arise if this country were attacked. Failure to renew this title at this time—although it will be considered when Congress returns after the election recess—bears, in part, on the question as to when such Presidential powers should go into effect and what should be their extent? But no action to date, to repeat, does not affect the rest of the Federal Civil Defense Agency, nor all its planned programs. Aid for States and local communities is still proceeding as scheduled. Basically, civil defense is moving ahead more rapidly with the times and changing demands than most people realize.

The Federal effort in civil defense, in particular, has undergone a sharp transformation. It was earlier mistakenly identified as dealing with nuclear attack primarily. But, under the guidance of John E. Davis, the Director of the Civil Preparedness Agency, DCPA, this narrow outlook has been discarded.

Americans today live in a more crowded and complex and, therefore, more dangerous environment than did their forebears, and we need a high-priority national effort to prevent disaster, or mitigate its effects. More basically, this effort is needed to save lives and property in the floods, large fires, tornadoes, earthquakes, and large-scale industrial and transportation accidents which seem to be daily occurrences.

There is not a flood, tornado, large fire, major accident, catastrophe or any action whereby the safety and well-being of people is endangered, that civil defense is not there, doing its job. We are placing more and more reliance on our civil defense organization in every community. We are highly dependent upon civil defense for our essential communication in times of disaster.

The philosophy of civil defense is as old as the American Colonies that banded together to assist each other in adversity. It was a volunteer organization and set the pattern of American strength and greatness as the country grew. In a sense, the civil defense people are the Minutemen of today.

Governor Davis requested a larger mission for his agency when he took office, and it was assigned to DCPA early in 1972. At that time, civil defense also got a new name—civil preparedness—to signify its broader approach to protecting people and property. Civil preparedness means that communities get Federal help in developing better plans for disasters of every kind—not just the nuclear variety.

The new approach to civil defense has been described as dual-use. It has an aspect that is highly significant in an era of inflation and tight budgets, in that resources formerly reserved for a nuclear emergency are used in daily peacetime occurrences. As a result, people and organizations get valuable on-the-job training and experience applicable to a nuclear crisis. More significantly, it seems to me, this policy would stretch today's civil preparedness dollar twice as far as formerly.

We are talking with the Soviets about peace and security—and this is a vast improvement over the Cold War era—but the millennium has not arrived. Long and difficult negotiations lie ahead to secure limitation agreements on offensive missiles. We will continue to need military strength second to none to deter aggression and civil preparedness is the backstop we need if deterrence fails and a nuclear crisis occurs. In a crisis, civil defense actions expand the number of options needed by our leaders to delay and cool off a confrontation of the nuclear powers.

It occurs to me, as I view the civil preparedness program, that no other agency of Government has the responsibility for an overall look at all the hazards—nuclear and otherwise—that may rise to plague us. Our police plan against crime, our firemen plan against fires, our health people plan to cope with health hazards. Some official or agency at both the national and local levels of government in this country is needed to tie this planning together and produce coordinated action when major emergencies occur. This is what Federal civil preparedness efforts should do.

Onsite assistance makes a great deal of sense to me. I have always noted the local community is in the front line of disaster, bears the brunt of the destruction, and needs the strongest disaster-fighting capability and the most help in the aftermath of the emergency.

DCPA provides direct help to our communities in other ways. In the extensive floods triggered by tropical storm Agnes in 1972, more than 50 DCPA staff members went to stricken communities to help disaster victims directly, as part of a cooperative effort with the Federal Disaster Assistance Agency, FDAA. DCPA also is able to supply urgently needed water supply and electrical generating equipment to damaged areas until normal services are restored. DCPA staff members and volunteers performed in an outstanding and praiseworthy manner in Indiana following the April 3 tornado disaster.

Local civil preparedness directors say these experiences give them a keener grasp of the problems, improved coordination of efforts, and more confidence in their capability to cope with an emergency.

I have a few personal observations to make about civil defense in my home State. I have always believed, for example, that civil defense personnel are among the most highly dedicated and motivated people I know. Many years ago a group of civil defense volunteers, through their times and highly skilled efforts, saved my law office from very extensive loss during a fire. Since that time I have been deeply aware of the contributions volunteer firemen, policemen, and civil preparedness workers make to public safety. However, volunteers must have capable leadership and centralized direction from duly constituted authorities in order to function most effectively.

Richmond, Ind., provides an example of dedication which has received national recognition. It is in the person of Charles E. Walker, who volunteered 8 years ago to serve with Wayne County civil defense and became the county's shelter officer.

Last year, he developed what we have come to call "Lou Gehrig's disease"—causing degeneration of the leg muscles. Mr. Walker now is confined to a wheelchair, but he continues to serve in the civil defense communications center in the county courthouse. His help is still essential during tornado watches and warnings. My hat is off to Charles Walker.

If the job of civil preparedness evokes volunteerism and dedication like that—it is a program all of us ought to look at, to see if our hometown is prepared, and to offer our help and guidance if it is not.

WILL CONGRESS JUST KEEP SAWING AWAY ON ITS ECONOMIC FIDDLES?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 10 minutes.

Mr. ROBISON of New York. Mr. Speaker, this afternoon the musings of the somnolent and election-preoccupied 93d Congress were interrupted briefly so as to permit President Ford to address it—and the Nation—on the urgent need for forging a Presidential/congressional response to the economic malaise from which our economy suffers.

After a full month of economic summit meetings and internal policy deliberations, President Ford has now suggested a comprehensive, package proposal for meeting the twin and related problems of inflation and recession.

The "Ford plan" as thus unveiled was about what had been predicted in recent days. There were a few surprises, but not many.

Equally predictable—however sad to relate—is the flood of criticism that may now come from the majority side of the aisle in both Houses of this Congress whose putative leaders may remain bent, like so many Neros, on going right along sawing away at their economic fiddles just as they have all year long up to now.

Mr. Ford can—and will have to—take care of himself; but the Nation deserves something better than it thus might receive, at least between now and election day, from the hands of its supposed representatives.

Mr. Ford is still new—and untrained—at his job.

But he has done what he, as President, is supposed to do—and that is to present this Congress, and its constituencies, with a specific, full-scale blueprint for mounting such a concerted attack on both inflation and recession as would provide, first, a long-needed focal point for discussion and debate, since differences of opinion and emphasis are inevitable; and, second, such a blueprint as would also provide an equally long-needed prod for congressional action toward the production of which Congress ought to be motivated by that spirit of accommodation which occasionally, and quite hopefully, surfaced at times among the participants in those economic summit conferences.

Based upon what I am beginning to hear from my friends and colleagues on the Democratic side of the aisle, it is evident that the urge to fully cooperate with the President is not paramount in their minds.

That, Mr. Speaker, is unfortunate since, in any such game—with inflation being now for us a deadly foe—there can be no winners but only losers, among whom the Nation is the ultimate victim.

To be fair about it—and I wish to be, Mr. Speaker—all is not, at the moment, entirely joyful on this, the Republican side of this aisle, either. That is because some of my Republican friends who now fancy they carry into the elections enough of a burden in the fact of their incumbency and their Republicanism, would just as soon not now also be identified—however indirectly—with the Ford proposals to increase Federal taxes which are bound to be unpopular with those taxpayers thus affected, or to restrain overall Federal spending to a degree that is bound to upset a variety of well-meaning special interest groups.

Well, I would remind them that no one ever said—and no one ought ever to have imagined—that beating back double-digit inflation while at the same time hauling the economy back from the brink of a depression was going to be either a simple, or a painless, process.

Along with most of what we call the Western World, we Americans suffer, as it were, from a monstrous economic "toothache." The sort of soothing nostrums one might, under less serious circumstances, apply are no longer adequate. In effect, the "tooth" must be pulled—a painful and even bloody prospect for any individual, let alone a nation composed of a lot of individuals who have forgotten that occasional hardships were the original price for the more recent privileges we have, nearly all of us, enjoyed.

If the time, then, has come for another period of national—and individual—sacrifice, I suggest we get on with it, just as the President has urged.

I suppose some will say it is easy for me to make such a suggestion since I am not standing for reelection.

Perhaps that is so, but I would devoutly hope I would be making it in any event since I believe such a spirit to be absolutely essential.

Let me, Mr. Speaker, in seeking to explain further why that is so, go abroad to these thoughts—as reprinted in one of our newspapers—of Lord Rothschild, former director of Britain's Central Policy Review Staff, as set forth in his letter of retirement sent to Prime Minister Wilson:

Lord Rothschild, after setting the stage by summarizing Britain's now familiar economic problems, declared:

> There is no chance of all of us maintaining our standard of living, of keeping up with inflation, even though politicians and other national leaders seem to think it axiomatic that this is both a possible and essential right of the people.
>
> We, the people, have no divine rights; only those that a democratic society can afford and has the will to provide. So if, in the interests of the future, democracy requires a freeze, rationing and harsh taxation of luxuries, it is no good saying that such measures are acceptable in war but not in peace: Because we are at war, with ourselves and with that neo-Hitler, that arch enemy, inflation.
>
> This is not to say that the underprivileged in our society . . . should remain in that condition. All the combined effort of which we are capable should be directed to shortening the time by when the word underprivileged will be insignificant on this island.
>
> We shall never achieve this goal by divisive policies nor by ignoring the writing on the wall. It is, I think, clear how we could achieve it, given our acceptance of the unimportant hardships that are necessary.
>
> It is customary nowadays to sneer at such concepts as the Dunkirk spirit, or the faith and courage of our nation when huge parts of London, Glasgow, Coventry and Plymouth were being destroyed.
>
> But the fact that we cannot point our finger at someone called Hitler, but only at something called inflation, does not make inflation and its evil consequences less dangerous than Hitler: More so in fact, because we have not—and no longer seem able to mobilize—the will to fight this new enemy with that formidable determination we exhibited in World War II and which won us the respect of the world.

Mr. Speaker, the British have a way of putting things, do they not—and oft-times better than we; and even though they have yet to win their own war against inflation, and perhaps cannot again summon the will to do so, let us listen briefly again now to what Lord Rothschild finally says in that same letter in his effort to develop a new sense of national unity among the people of his land. He continues:

> Not all managers, farmers, trade-unionists, politicians, miners, stock-brokers and, I dare say, peers are worthless, contemptible, disloyal, parasitic or perfect. Is there (though) really no chance of them joining forces to fight the common enemy? Maybe coalitions or Governments of national unity are out of date and out of reality. Must that mean no national unity, no common cause, no understanding of that other person, no friendship? Because, if it does, it also means no hope!

Mr. Speaker, President Ford, this afternoon, was almost equally eloquent and moving. And in his remarks today he has accepted the great challenge of the American Presidency—which is to provide that special leadership, which in turn is a far cry from Presidential dictatorship, without which there is, even in this country, only a threat of governmental drift and eventual anarchy.

Mr. Speaker, these remarks should not be taken as an endorsement of each and every facet of that which the President has proposed—we should no more wish to move in that direction than to reject, out of hand, because it is too near elections and someone will not like it, some or all of Mr. Ford's suggestions, and most particularly those in the field of fiscal discipline.

Instead, these remarks should be taken as a heartfelt call for this Congress to put away its "fiddles" and get down to the peoples' business—which is to take early but considered and responsible action on the President's proposals in order to save this Republic, and perhaps the Western World with it, from the threat of economic disaster.

ADEN NO SOVIET BASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, in late August, President Ford stated that the Soviets have three "major military bases in the Indian Ocean area." He did not name the three.

On September 3, Col. Robert Burke of the Defense Department, responding to reporters' questions, identified them as Berbera, Somalia; Umm Qasr, Iraq; and Aden, South Yemen. Colonel Burke referred to them several times as "facilities or bases." Then he said:

> I think the President described them as major bases.

In response to the question, "If you were asked if these are major bases—would you, based on Pentagon assessment, describe them as major bases?" Colonel Burke replied "Yes."

Most people would naturally assume from this information that the Soviet Union has a major military base at Aden, South Yemen.

Frankly, I do not know a thing about the military base situation at Berbera or Umm Qasr. I do know something about Aden. I was there for several days in May. I had free access to the harbor areas, and looked around thoroughly.

I left Aden convinced that it is not a military base for the Soviet Union or any other foreign nation. Everything I saw and heard supported this belief.

The misstatement probably reflects the excessive zeal of some officials in the Department of Defense to make a case for the improvement of U.S. naval facilities in Diego Garcia in the Indian Ocean.

Personally, I favor the Diego Garcia improvement and have so voted in the House. I feel that this U.S. facility makes for stability and peace in that area. However, it is a serious blunder to exaggerate Soviet military presence in that area as the justification.

It is particularly unfortunate to portray Aden as the locale for military base operations. It is an unjustified slur against a government which, I believe, wishes to develop better relations with the United States and a country which has effectively refused to be the base for military operations of any foreign nation, including the Soviet Union.

The harbor at Aden, which is one of the finest deepwater ports in the world, and the old British base facilities there are presently forlorn and neglected to say the least. The closing of the Suez Canal in 1967 brought the flow of shipping through Aden nearly to a halt. Aden was once a vital bunkering and supply base, and provided the British with some naval repair facilities. Today, bunkering, supply, and repair work are meager. The harbor and dock areas are nearly deserted and show clearly the protracted period of disuse.

Our intelligence reports confirm what I personally observed. On August 1, Senator SYMINGTON placed in the CONGRESSIONAL RECORD the testimony of CIA Director William Colby on the need for the U.S. base at Diego Garcia. With

respect to South Yemen, Mr. Colby stated:

Repair facilities at the former British naval base at Aden have not been used by Soviet warships, although support ships and occasionally small warships stop there for refueling and replenishment. Soviet transports periodically land at an ex-RAF airbase—now Aden's International Airport.

Contrary to numerous reports about Socotra (a small island which is part of South Yemen), the barren island has no port facilities or fuel storage and its airstrip is a small World War II gravel runway.

Moreover, the Soviets are not likely to acquire substantially better naval support facilities for their ships in the Indian Ocean area, at least in the near future. There seems to be little prospect for routine access to large shore facilities—such as those in Singapore, India, Sri Lanka, or Aden—for major repair and overhaul of warships.

In my judgment, the People's Democratic Republic of Yemen presents a unique opportunity for the creative diplomacy which has become the hallmark of this and the previous administration. However, this opportunity could easily slip by if strident misstatements replace studied reason.

RURAL ELECTRIC COOPERATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BRINKLEY), is recognized for 5 minutes.

Mr. BRINKLEY. Mr. Speaker, it is indeed a privilege for me, yet a high responsibility, to take this special order in behalf of our rural electric cooperatives. I can speak with intimate knowledge of their service to mankind and of their tangible contributions to the quality of life in America. They did for us that which no one else was willing to do at places off the big road such as Bettstown, in Decatur County, Ga., where the kerosene lamp has been replaced forever and where iced tea is now available to the rich and to the poor alike. I can testify to the continued example of service with which I am personally familiar in Geogia. The leaders of Georgia's rural electrics have long displayed people interest and special consideration for those who needed that interest most, and they still possess this quality of excellence.

Our rural electrics have also proven conclusively that they are one area through which the Federal Government can provide to the individual citizen first-class service—while using not a penny of free Government grants or handouts, but loans which are repaid with interest.

Therefore, I emphatically disapprove of the summary of proposed rescissions and Deferrals submitted by the White House which include $455,635,000 in loan funds for the Rural Electrification Administration, to be rescinded.

THE HOUSE CAN RESPOND TOMORROW ON THE PRESIDENT'S INFLATION PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, in his inflation message today to a joint session of Congress the President called upon every American farmer to produce food at full capacity. Full food production can net our Nation billions of dollars in income from foreign trade. Mr. Ford asked Congress to unshackle the farmer from obsolete and restrictive laws by removing acreage allotments on rice, among other commodities.

H.R. 15263, the Rice Act of 1974, is ready for action. But, the rice bill is deadlocked in the Rules Committee. I call upon the House leadership to show their willingness to cooperate with the President. I call upon the Members of the House to show their good will to wage war against inflation. Let us take the first step tomorrow by scheduling the rice bill for immediate consideration by the Congress.

NATIONAL CONDOMINIUM AND TENANTS RIGHTS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. DOMINICK V. DANIELS) is recognized for 5 minutes.

Mr. DOMINICK V. DANIELS. Mr. Speaker, I am today joining with my good friend and colleague from New York, Mr. ROSENTHAL, in introducing legislation which would go far in protecting condominium buyers and those forced to relocate because of condominium conversions.

In less than a decade, condominiums have already rapidly become one of the most popular types of dwellings being bought by Americans today. This year over 243,00 newly constructed condominium units have already been built in the United States and many buildings that once rented their apartments have converted them into condominiums.

With the rapid rise of this relatively new type of housing unit, the chances for consumer fraud and irresponsible evictions have also increased in large part because the transactions are not fully covered by traditional property law. Much of the problem faced by consumers extends from the fact that laws and other regulations vary from area to area and prospective buyers receive contradictory information from ill-informed sales personnel and other officials who have limited or outdated knowledge in this field.

The condominium buyer may find himself paying more than he expected for lease of land, maintenance, control of utilities and other areas if he does not investigate thoroughly before he makes a decision. Unfortunately, less than 10 States have comprehensive laws in this field and only two or three have any legislation covering those persons displaced by condominium conversion.

Others are also victims of the condominium boom. Senior citizens and the poor often times find themselves adversely affected by relocation forced upon them by such conversions. Many, who once felt secure in their apartments are now faced with a move that could cause undue financial and emotional hardships and physical illness if they cannot afford to pay condominium prices. The matter is further complicated by the widespread discrimination against senior citizens and the poor in obtaining mortgages for condominiums. Our poor and elderly citizens are being displaced and there are limited areas to which they can afford to move. With inflation and the high cost of living today many of these responsible citizens are now placed in jeopardy.

Consumer protection has advanced in many fields and it is our obligation to carry on this work. Neither can our elderly and poor be neglected. By taking this action today, we hope that it will indicate to the elderly and poor, consumers and condominium builders alike that we are serious about our commitment to fair and just legislation concerning condominium and tenant protection.

I urge all Members to join with me and my distinguished colleagues in supporting the Rosenthal bill.

RESPONSE TO CONGRESSMAN WAMPLER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 5 minutes.

Mr. KOCH. Mr. Speaker, our colleague, WILLIAM C. WAMPLER, was kind enough to furnish me with a copy of his remarks before he inserted them in today's CONGRESSIONAL RECORD, permitting me to respond.

He takes exception in his remarks to my calling for an additional tax on cigarettes with the money to be used for cancer research. In his statement, he says:

Despite Mr. KOCH's indictment of cigarette smoking, the cause of cancer is unknown.

Apparently Mr. WAMPLER, who may or may not be a smoker—I am not; I gave it up 22 years ago and do not regret it—still believes that cigarette smoking is not harmful.

Mr. Speaker, I wish he would read the warning on each pack of cigarettes put there by the Surgeon General of the United States. He like so many others will not read the warning or refuses to recognize its validity. Sometimes the Government has to help those who will not help themselves. And were we to put an additional 2-cent tax on cigarettes and raise $600 million more for cancer research we will hopefully be achieving a cancer cure sooner. Finally, Congressman WAMPLER objects that taxing cigarette smokers is unfair. He says:

. . . smokers are already contributing more money to cancer research than nonsmokers.

Let me say to Mr. WAMPLER, many of those smokers will ultimately and unfortunately have the 2 cents returned to them some time in the future when that cancer cure comes.

WE MUST ACT NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK) is recognized for 5 minutes.

Mr. RAILSBACK. Mr. Speaker, for the past several months, the Vietnam vet-

erans have been experiencing yet another frustration in their readjustment to civilian life—the failure of Congress to pass an adequate program of GI educational assistance to allow them to pursue their education and training at a time of soaring educational costs. Since the House first passed H.R. 12628 on February 19 of this year, these veterans have been waiting and waiting for Congress to complete action on this crucial legislation and send it to the President for signature. I feel very strongly that our veterans cannot and should not be forced to wait any longer. In just the past few weeks, I have received many letters from young veterans in my State who have shared with me their frustrations with the way Congress has treated a program that is essential to their readjustment back into civilian life. Understandably, they view Congress with a degree of cynicism.

When the House of Representatives first approved this bill, it authorized an increase in monthly payments from $220 to $250, as well as a 2-year extension of the delimiting period.

When the Senate considered the bill in June, they increased substantially the provisions of the House-passed bill. The Senate-passed measure increased the monthly allowance to $260; it provided a tuition supplement up to $720 per year; authorized a $2,000-per-year student loan program and granted an additional 9 months of educational entitlement above the 36 months authorized by current law.

Because of the excessive delay in the Senate's consideration of this bill, it became necessary to enact the 2-year extension of the 8-year delimiting date as a separate measure in order to protect the rights of many thousands of veterans who were facing the expiration date of their entitlement.

In the ensuing House and Senate conference to resolve the differences between the two versions of H.R. 12628, it was agreed to authorize a $270 monthly allowance; to provide a $1,000 annual student loan program; and to authorize the 9-month additional educational entitlement.

The conference report was approved by the Senate on August 20, but was rejected in the House on a point of order that the provisions of the compromise bill exceeded the monthly increases set forth in either the House or Senate bills.

In a last-ditch effort to have an educational benefits increase approved prior to the beginning of the fall term of school, the House immediately passed a new bill which the Senate subsequently revised.

What we have before us this week is the conference version. It provides an increase in educational benefits for all veterans other than those participating in vocational education by 23 percent; it extends training from 36 months to 45 months for those veterans pursuing an undergraduate degree; it also permits loans up to $600 a year if the veteran cannot obtain funds from other sources.

Mr. Speaker, there has been enough delay in enacting this measure into law. Millions of our veterans are awaiting Congress' prompt action in approving H.R. 12628, and I urge that we wait no longer. We must act now to be responsive!

CONGRESS MUST ACT TO COPE WITH COAL SHORTAGES

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, there is a strong possibility that the United Mine Workers will begin a national strike on November 12; a strike that, if it takes place, will shut down as much as 80 percent of U.S. coal production, denying the Nation three times as much energy per day as last winter's oil embargo. Management and labor are at the bargaining table trying to hammer out an agreement, and I support the UMW's efforts to obtain a contract comparable to that of other industrial workers. Miners presently lag far behind auto and steel workers in both wages and benefits, and are suffering disproportionately from inflation as a result. Both sides are negotiating in good faith, aware of the seriousness of our energy problems, but the process is likely to consume quite a bit of time, and there is no guarantee that agreement will be reached before the November 12 deadline. If there is a strike, Arnold Miller, UMW president, is reported to be doubtful that miners will respond to a Taft-Hartley injunction to return to work. It seems likely that we will soon be facing yet another dimension of the energy crisis—this time in coal.

Stockpiles at utilities and factories are low, while prices are sky high, and we can anticipate a vertical takeoff in prices just before or during a strike. It is incumbent upon Government to be prepared to cope with the problems this situation will present. That is why I intend to introduce legislation later this week to authorize and direct the Federal Energy Administrator to allocate and set prices for coal in the event of a nationwide disruption in coal production caused by a labor dispute.

I have made an extensive search of present law, and I have concluded that the President would be on very shaky legal grounds if he tried to take these actions based solely on his present authority. While there are three national emergencies still technically in effect which would allow the Defense Production Act of 1950 to be employed to allocate coal, it is highly doubtful that price controls could also be established. Even allocation of coal throughout the economy would be stretching the powers of this act, which was a wartime measure designed only to meet the Nation's defense needs. Broader interpretations of that authority have been the subject of increasing controversy in recent years.

A coal strike could so seriously disrupt the private and public sectors of our economy, and its consequences demand such forceful action, that the Federal Government's response must not be based on some broad, ill-defined Executive authority delegated years and years ago. It would only fuel the fires of controversy and increase the strain on a constitutional system forced to cope with unprecedented emergency situations.

I think it is the responsibility of the Congress to grant authority to a selected Executive agency to meet these specific problems, and to provide clear guidelines as to how the Government should act. My bills will take the form of amendments to the Energy Supply and Environmental Coordination Act of 1974, and to the Emergency Petroleum Allocation Act of 1973, and will be aimed at accomplishing exactly the goals I have just outlined.

Let me say a word here about the collective bargaining process. My record will show, Mr. Speaker, that I have consistently supported labor viewpoints on the floor of the House. I do not like to interfere with collective bargaining. That is why, in this case, I would oppose a Taft-Hartley injunction, and I would favor action to help the Nation cope with a sharp drop in coal production while negotiations go forward. I think we ought to let management and the UMW settle the problems caused by low wages and benefits while the government takes measures to insure that people do not freeze or go without electricity. There is no way to avoid some economic disruption, but I believe that my proposal will minimize it and meet the problem in the fairest possible way.

Just to emphasize the seriousness of the matter, I want to point out that 50 percent of U.S. electrical generation is coal-fueled. Many industries, particularly steel and automobile manufacturers, are partially coal dependent. Prisons, hospitals, schools, public facilities, and 1.8 million homeowners burn coal directly for heat.

All users have been faced recently with steep price rises, while coal company profits are also on the increase. The average price for all coal rose 64.3 percent between May 1973 and May 1974. The price of spot coal—coal bought on the market, not delivered under previous contract—has more than doubled in the past year, and will undoubtedly skyrocket in the event of a strike. Most smaller users depend on spot coal, and even utilities buy 20 percent of their coal on the spot market. This highlights the need for pricing authority as well as allocation: it does you no good to have coal available to you if you can not afford it. My legislation will propose that if a strike occurs, the price will be frozen at a level not higher than that which prevailed one month prior to the beginning of the strike.

The FEA appears to be, and this is understandable, reluctant to get into the coal rationing business. But I have yet to be convinced that there is a better way to serve the needs of coal users. Previous experience with voluntary controls—no matter how much jawboning accompanies them—indicates that they are unsatisfactory, to put it gently.

It could also increase the demand for other fuels, such as oil, and drive those prices up as well, with consequent further profits to the oil companies. I am convinced that Government must have more effective powers at hand, and the only such powers are mandatory allocation and price controls.

Stockpiles of coal have been seriously depleted. The latest information available indicates that the average utility's supplies would last about 2 months; a 90-day stockpile is considered desirable. This average hides the fact that some utilities and factories, particularly in the Southeast, are in much worse shape, with stockpiles which would last only 2 weeks or less. Supplies at New York utilities would last about 60 days, but steel mills would be forced to close if there is a strike. Nationally, steel mill stockpiles of coking coal are expected to average between 10 and 20 days by November 12. There are many users completely without stockpiles—institutional users, small businessmen, and homeowners—and these are the people who will most need Government assistance.

Most of our coal is mined in the East, where the UMW is strongest. Seventy-five percent of U.S. coal production in 1973 was from UMW mines, and UMW strength has increased somewhat this year. Most nonunion mines are in the West, and most of them are under contract to Western and Midwestern power companies. Much Western coal cannot be burned in Eastern facilities, not only because the sulfur content is too high to comply with emissions standards, but also because coal boilers are built for coal of specific composition, and many boilers in the East just cannot handle Western coal without frequent shutdowns for cleaning and maintenance. This suggests that a simple diversion of Western coal to the East would not solve supply problems in the event of a strike. Further complications result from the poor condition of some 20 percent of our railroad track, on which coal transportation depends. Speed is limited to 10 miles per hour or less on 8,300 out of 38,000 miles of track, mostly in the East and Midwest—and great difficulties would be caused by incompatible railroad equipment on western and eastern lines. Clearly, a carefully planned redistribution of stockpiles within the eastern region will be necessary.

I think it is evident that coal must be allocated from those with surplus supplies to those facing shortages, and prices must be regulated. New York State is already beginning to allocate coal to homeowners, hospitals, and small retailers, under special authority given the Governor last year. But this is a national problem, and will have to be solved on a national basis, in cooperation with State authorities. My legislation will provide that, in the event of a strike, coal would be allocated first to homeowners, second to institutional users, third to powerplants, and fourth to industrial and commercial users. Coal would be allocated from the spot market first, and second from stockpiles. Contracts in force would be interfered with only as a last resort. I believe that this set of priorities would provide for an equitable means of sharing available coal, and no user need suffer unduly if an allocation plan under these guidelines is carefully put into effect.

Mr. Speaker, I believe that this grant of specific authority, with guidelines for its application, is absolutely necessary if this Nation is to deal effectively with shortages resulting from a national coal strike. Let me reiterate that Presidential emergency powers ought not to be invoked—Congress would be shirking its responsibility if it were to sit back and wait for Presidential action.

In President Ford's economic address to the Congress this afternoon, he hinted broadly that he would use the Defense Production Act to allocate scarce materials for energy development. For the reasons already stated, I do not believe that this same authority can or should be used to allocate and freeze prices on coal.

I urge the Committee on Interstate and Foreign Commerce to consider this matter immediately. The Congress must insist that the administration focus on how this Nation will cope with a major disruption in the supply of coal in the weeks ahead. Congressional prodding can force the administration to consider the legislation I will introduce and decide what changes or additions may be desirable. Action begun now will make possible enactment of legislation immediately after the November elections, and thereby avoid cold, dark homes and closed factories this winter.

FINANCIAL DISCLOSURE

(Mr. HUNT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HUNT. Mr. Speaker, once more, during the silly season, namely the great election process, a few people desire to know how much money a Congressman has. They are only interested in the election year so I shall be brief.

Total gross income before deductions: $52,737.47.

Congressional salary, $42,500.

Dividends from stocks, $2,284.46.

Other income—interest on savings, bonds, et cetera, $2,967.78.

Income from State police annuity, $4,985.23.

After deductions, including salary, interest on mortgage, medical expenses, real estate tax, and interest on other items I paid Federal income tax of $11,870.40.

CONFERENCE REPORT ON S. 355

Mr. STAGGERS submitted the following conference report and statement on the bill (S. 355) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to promote traffic safety by providing that defects and failures to comply with motor vehicle safety standards shall be remedied without charge to the owner, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 93-1452)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 355) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to promote traffic safety by providing that defects and failures to comply with motor vehicle safety standards shall be remedied without charge to the owner, 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 may be cited as the "Motor Vehicle and Schoolbus Safety Amendments of 1974".

TITLE I—MOTOR VEHICLE SAFETY

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended to read as follows:

"SEC. 121. There are authorized to be appropriated for the purpose of carrying out this Act, not to exceed $55,000,000 for the fiscal year ending June 30, 1975, and not to exceed $60,000,000 for the fiscal year ending June 30, 1976."

SEC. 102. NOTIFICATION AND REMEDY.

(a) REQUIREMENT OF NOTIFICATION AND REMEDY.—Title I of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391, et seq.) is amended by striking out section 113 and by adding at the end of such title the following new part:

"PART B—DISCOVERY, NOTIFICATION, AND REMEDY OF MOTOR VEHICLE DEFECTS

"NOTIFICATION RESPECTING MANUFACTURER'S FINDING OF DEFECT OR FAILURE TO COMPLY

"SEC. 151. If a manufacturer—

"(1) obtains knowledge that any motor vehicle or item of replacement equipment manufactured by him contains a defect and determines in good faith that such defect relates to motor vehicle safety; or

"(2) determines in good faith that such vehicle or item of replacement equipment does not comply with an applicable Federal motor vehicle safety standard prescribed pursuant to section 103 of this Act;

he shall furnish notification to the Secretary and to owners, purchasers, and dealers, in accordance with section 153, and he shall remedy the defect or failure to comply in accordance with section 154.

"NOTIFICATION RESPECTING SECRETARY'S FINDING OF DEFECT OR FAILURE TO COMPLY

"SEC. 152. (a) If through testing, inspection, investigation, or research carried out pursuant to this Act, or examination of communications under section 158(a)(1), or otherwise, the Secretary determines that any motor vehicle or item of replacement equipment—

"(1) does not comply with an applicable Federal motor vehicle safety standard prescribed pursuant to section 103 of this Act; or

"(2) contains a defect which relates to motor vehicle safety;

he shall immediately notify the manufacturer of such motor vehicle or item of replacement equipment of such determination, and shall publish notice of such determination in the Federal Register. The notification to the manufacturer shall include all information upon which the determination of the Secretary is based. Such notification (including such information) shall be available to any interested person, subject to section 158(a)(2)(B). The Secretary shall afford such manufacturer an opportunity to present data, views, and arguments to establish that there is no defect or failure to comply or that the alleged defect does not affect motor vehicle safety; and shall afford other interested persons an opportunity to present data, views, and arguments respecting the determination of the Secretary.

"(b) If, after such presentations by the manufacturer and interested persons, the Secretary determines that such vehicle or item of replacement equipment does not comply with an applicable Federal motor vehicle safety standard, or contains a defect which relates to motor vehicle safety, the

Secretary shall order the manufacturer (1) to furnish notification respecting such vehicle or item of replacement equipment to owners, purchasers, and dealers in accordance with section 153, and (2) to remedy such defect or failure to comply in accordance with section 154.

"CONTENTS, TIME, AND FORM OF NOTICE

"SEC. 153. (a) The notification required by section 151 or 152 respecting a defect in or failure to comply of a motor vehicle or item of replacement equipment shall contain, in addition to such other matters as the Secretary may prescribe by regulation—

"(1) a clear description of such defect or failure to comply;

"(2) an evaluation of the risk to motor vehicle safety reasonably related to such defect or failure to comply;

"(3) a statement of the measures to be taken to obtain remedy of such defect or failure to comply;

"(4) a statement that the manufacturer furnishing the notification will cause such defect or failure to comply to be remedied without charge pursuant to section 154;

"(5) the earliest date (specified in accordance with the second and third sentences of section 154(b)(2)) on which such defect or failure to comply will be remedied without charge and, in the case of tires, the period during which such defect or failure to comply will be remedied without charge pursuant to section 154; and

"(6) a description of the procedure to be followed by the recipient of the notification in informing the Secretary whenever a manufacturer, distributor, or dealer fails or is unable to remedy without charge such defect or failure to comply.

"(b) The notification required by section 151 or 152 shall be furnished—

"(1) within a reasonable time after the manufacturer first makes a determination with respect to a defect or failure to comply under section 151; or

"(2) within a reasonable time (prescribed by the Secretary) after the manufacturer's receipt of notice of the Secretary's determination pursuant to section 152 that there is a defect or failure to comply.

"(c) The notification required by section 151 or 152 with respect to a motor vehicle or item of replacement equipment shall be accomplished—

"(1) in the case of a motor vehicle, by first class mail to each person who is registered under State law as the owner of such vehicle and whose name and address is reasonably ascertainable by the manufacturer through State records or other sources available to him;

"(2) in the case of a motor vehicle, or tire, by first class mail to the first purchaser (or if a more recent purchaser is known to the manufacturer, to the most recent purchaser known to the manufacturer) of each such vehicle or tire containing such defect or failure to comply, unless the registered owner (if any) of such vehicle was notified under paragraph (1);

"(3) in the case of an item of replacement equipment (other than a tire), (A) by first class mail to the most recent purchaser known to the manufacturer; and (B) if the Secretary determines that it is necessary in the interest of motor vehicle safety, by public notice in such manner as the Secretary may order after consultation with the manufacturer;

"(4) by certified mail or other more expeditious means to the dealer or dealers of such manufacturer to whom such motor vehicle or replacement equipment was delivered; and

"(5) by certified mail to the Secretary, if section 151 applies.

In the case of a tire which contains a defect or failure to comply (or of a motor vehicle on which such tire was installed as original equipment), the manufacturer who is required to provide notification under paragraph (1) or (2) may elect to provide such notification by certified mail.

"REMEDY OF DEFECT OR FAILURE TO COMPLY

"SEC. 154. (a)(1) If notification is required under section 151 or by an order under section 152(b) with respect to any motor vehicle or item of replacement equipment which fails to comply with an applicable Federal motor vehicle safety standard or contains a defect which relates to motor vehicle safety, then the manufacturer of each such motor vehicle or item of replacement equipment presented for remedy pursuant to such notification shall cause such defect or failure to comply in such motor vehicle or such item of replacement equipment to be remedied without charge. In the case of notification required by an order under section 152(b), the preceding sentence shall not apply during any period during which enforcement of the order has been restrained in an action to which section 155(a) applies or if such order has been set aside in such an action.

"(2)(A) In the case of a motor vehicle presented for remedy pursuant to such notification, the manufacturer (subject to subsection (b) of this section) shall cause the vehicle to be remedied by whichever of the following means he elects:

"(i) By repairing such vehicle.

"(ii) By replacing such motor vehicle without charge, with an identical or reasonably equivalent vehicle.

"(iii) By refunding the purchase price of such motor vehicle in full, less a reasonable allowance for depreciation.

Replacement or refund may be subject to such conditions imposed by the manufacturer as the Secretary may permit by regulation.

"(B) In the case of an item of replacement equipment the manufacturer shall (at his election) cause either the repair of such item of replacement equipment, or the replacement of such item of replacement equipment without charge with an identical or reasonably equivalent item of replacement equipment.

"(3) The dealer who effects remedy pursuant to this section without charge shall receive fair and equitable reimbursement for such remedy from the manufacturer.

"(4) The requirement of this section that remedy be provided without charge shall not apply if the motor vehicle or item of replacement equipment was purchased by the first purchaser more than 8 calendar years (3 calendar years in the case of a tire, including an original equipment tire) before (A) notification respecting the defect or failure to comply is furnished pursuant to section 151, or (B) the Secretary orders such notification under section 152, whichever is earlier.

"(5)(A) The manufacturer of a tire (including an original equipment tire) presented for remedy by an owner or purchaser pursuant to notification under section 153 shall not be obligated to remedy such tire if such tire is not presented for remedy during the 60-day period beginning on the later of (i) the date on which the owner or purchaser received such notification or (ii) if the manufacturer elects replacement, the date on which the owner or purchaser received notice that a replacement tire is available.

"(B) If the manufacturer elects replacement and if a replacement tire is not in fact available during the 60-day period, then the limitation under subparagraph (A) on the manufacturer's remedy obligation shall be applicable only if the manufacturer provides a notification (subsequent to the notification provided under subparagraph (A)(ii)) that replacement tires are to be available during a later 60-day period (beginning after such subsequent notification), and in that case the manufacturer's obligation shall be limited to tires presented for remedy during the later 60-day period if the tires are in fact available during that period.

"(b)(1) Whenever a manufacturer has elected under subsection (a) to cause the repair of a defect in a motor vehicle or item of replacement equipment or of a failure of such vehicle or item of replacement to comply with a motor vehicle safety standard, and he has failed to cause such defect or failure to comply to be adequately repaired within a reasonable time, then (A) he shall cause the motor vehicle or item of replacement equipment to be replaced with an identical or reasonably equivalent vehicle or item of replacement equipment without charge, or (B) (in the case of a motor vehicle and if the manufacturer so elects) he shall cause the purchase price to be refunded in full, less a reasonable allowance for depreciation. Failure to adequately repair a motor vehicle or item of replacement equipment within 60 days after tender of the motor vehicle or item of replacement equipment for repair shall be prima facie evidence of failure to repair within a reasonable time; unless prior to the expiration of such 60 day period the Secretary, by order, extends such 60-day period for good cause shown and published in the Federal Register.

"(2) For purposes of this subsection, the term 'tender' does not include presenting a motor vehicle or item of replacement equipment for repair prior to the earliest date specified in the notification pursuant to section 153(a) on which such defect or failure to comply will be remedied without charge, or (if notification was not afforded pursuant to section 153(a)) prior to the date specified in any notice required to be given under section 155(d). In either case, such date shall be specified by the manufacturer and shall be the earliest date on which parts and facilities can reasonably be expected to be available. Such date shall be subject to disapproval by the Secretary.

"(c) The manufacturer shall file with the Secretary a copy of his program pursuant to this section for remedying any defect or failure to comply, and the Secretary shall make the program available to the public. Notice of such availability shall be published in the Federal Register.

"ENFORCEMENT OF NOTIFICATION AND REMEDY ORDERS

"SEC. 155. (a)(1) An action under section 110(a) to restrain a violation of an order issued under section 152(b), or under section 109 to collect a civil penalty with respect to a violation of such an order, or any other civil action with respect to such an order, may be brought only in the United States district court for the District of Columbia or the United States district court for a judicial district in the State of incorporation (if any) of the manufacturer to which the order applies; unless on motion of any party the court orders a change of venue to any other district court for good cause shown. All actions (including enforcement actions) brought with respect to the same order under section 152(b) shall be consolidated in an action in a single judicial district, in accordance with an order of the court in which the first such action is brought (or if such first action is transferred to another court, by order of such other court).

"(2) The court shall expedite the disposition of any civil action to which this subsection applies.

"(b) If a civil action which relates to an order under section 152(b), and to which subsection (a) of this section applies, has been commenced, the Secretary may order the manufacturer to issue a provisional notification which shall contain—

"(A) a statement that the Secretary has determined that a defect which relates to motor vehicle safety, or failure to comply with a Federal motor vehicle safety standard,

exists, and that the manufacturer is contesting such determination in a proceeding in a United States district court,

"(B) a clear description of the Secretary's stated basis for his determination that there is such a defect or failure,

"(C) the Secretary's evaluation of the risk to motor vehicle safety reasonably related to such defect or failure to comply,

"(D) any measures which in the judgment of the Secretary are necessary to avoid an unreasonable hazard resulting from the defect or failure to comply,

"(E) a statement that the manufacturer will cause such defect or failure to comply to be remedied without charge pursuant to section 154, but that this obligation of the manufacturer is conditioned on the outcome of the court proceeding, and

"(F) such other matters as the Secretary may prescribe by regulation or in such order.

Issuance of the notification under this subsection does not relieve the manufacturer of any liability for failing to issue notification required by an order under section 152(b).

"(c)(1) If a manufacturer fails to notify owners or purchasers in accordance with section 153(c) within the period specified under section 153(b), the court may hold him liable for a civil penalty with respect to such failure to notify, unless the manufacturer prevails in an action described in subsection (a) of this section or unless the court in such an action restrains the enforcement of such order (in which case he shall not be liable with respect to any period for which the effectiveness of the order was stayed). The court shall restrain the enforcement of such an order only if it determines (A) that the failure to furnish notification is reasonable, and (B) that the manufacturer has demonstrated that he is likely to prevail on the merits.

"(2) If a manufacturer fails to notify owners or purchasers as required by an order under subsection (b) of this section, the court may hold him liable for a civil penalty without regard to whether or not he prevails in an action (to which subsection (a) applies) with respect to the validity of the order issued under section 152(b).

"(d) If (i) a manufacturer fails within the period specified in section 153(b) to comply with an order under section 152(b) to afford notification to owners and purchasers, (ii) a civil action to which subsection (a) applies is commenced with respect to such order, and (iii) the Secretary prevails in such action, then the Secretary shall order the manufacturer—

"(1) to afford notice (which notice may be combined with any notice required by an order under section 152(b) to each owner, purchaser, and dealer described in section 153(c) of the outcome of the proceeding and containing such other information as the Secretary may require;

"(2) to specify (in accordance with the second and third sentences of section 154(b)) the earliest date on which such defect or failure will be remedied without charge; and

"(3) if notification was required under subsection (b) of this section, to reimburse such owner or purchaser for any reasonable and necessary expenses (not in excess of any amount specified in the order of the Secretary) which are incurred (A) by such owner or purchaser; (B) for the purpose of repairing the defect or failure to comply to which the order relates; and (C) during the period beginning on the date such notification under subsection (b) was required to be issued and ending on the date such owner or purchaser receives notification pursuant to this subsection.

"REASONABLENESS OF NOTIFICATION AND REMEDY

"SEC. 156. Upon petition of any interested person or on his own motion, the Secretary may hold a hearing in which any interested person (including a manufacturer) may make oral (as well as written) presentations of data, views, and arguments on the question of whether a manufacturer has reasonably met his obligation to notify under section 151 or 152, and to remedy a defect or failure to comply under section 154. If the Secretary determines the manufacturer has not reasonably met such obligation, he shall order the manufacturer to take specified action to comply with such obligation; and, in addition, the Secretary may take any other action authorized by this title.

"EXEMPTION FOR INCONSEQUENTIAL DEFECT OR FAILURE TO COMPLY

"SEC. 157. Upon application of a manufacturer, the Secretary shall exempt such manufacturer from any requirement under this part to give notice with respect to, or to remedy, a defect or failure to comply, if he determines, after notice in the Federal Register and opportunity for interested persons to present data, views, and arguments, that such defect or failure to comply is inconsequential as it relates to motor vehicle safety.

"INFORMATION, DISCLOSURE, AND RECORDKEEPING

"SEC. 158. (a)(1) Every manufacturer shall furnish to the Secretary a true or representative copy of all notices, bulletins, and other communications to the dealers of such manufacturer or to owners or purchasers of motor vehicle or replacement equipment produced by such manufacturer regarding any defect or failure to comply in such vehicle or equipment which is sold or serviced.

"(2)(A) Except as provided in subparagraph (B), the Secretary shall disclose to the public so much of any information which is obtained under this Act and which relates to a defect which relates to motor vehicle safety or to a failure to comply with an applicable Federal motor vehicle safety standard, as he determines will assist in carrying out the purposes of this part or as may be required by section 152.

"(B) Any information described in subparagraph (A) which contains or relates to a trade secret or other matter referred to in section 1905 of title 18, United States Code, shall be considered confidential for purposes of that section and shall not be disclosed; unless the Secretary determines that disclosure of such information is necessary to carry out the purposes of this title.

"(C) Any obligation to disclose information under this paragraph shall be in addition to and not in lieu of the requirements of section 552 of title 5, United States Code.

"(b) Every manufacturer of motor vehicles or tires shall cause the establishment and maintenance of records of the name and address of the first purchaser of each motor vehicle and tire produced by such manufacturer. To the extent required by regulations of the Secretary, every manufacturer of motor vehicles or tires shall cause the establishment and maintenance of records of the name and address of the first purchaser of each item of replacement equipment other than a tire produced by such manufacturer. The Secretary may, by rule, specify the records to be established and maintained, and reasonable procedures to be followed by manufacturers in establishing and maintaining such records, including procedures to be followed by distributors and dealers to assist manufacturers to secure the information required by this subsection; except that the availability or not of such assistance shall not affect the obligation of manufacturers under this subsection. Such procedures shall be reasonable for the particular type of motor vehicle or tires for which they are prescribed, and shall provide reasonable assurance that customer lists of any dealer and distributor, and similar information, will not be made available to any person other than the dealer or distributor, except where necessary to carry out the purpose of this part.

"DEFINITIONS

"SEC. 159. For purposes of this part:

"(1) The retreader of tires shall be deemed the manufacturer of tires which have been retreaded, and the brand name owner of tires marketed under a brand name not owned by the manufacturer of the tire shall be deemed the manufacturer of tires marketed under such brand name.

"(2) Except as otherwise provided in regulations of the Secretary:

"(A) The term 'original equipment' means an item of motor vehicle equipment (including a tire) which was installed in or on a motor vehicle at the time of its delivery to the first purchaser.

"(B) The term 'replacement equipment' means motor vehicle equipment (including a tire) other than original equipment.

"(C) A defect in, or failure to comply of, an item of original equipment shall be deemed to be a defect in, or failure to comply of, the motor vehicle in or on which such equipment was installed at the time of its delivery to the first purchaser.

"(D) If the manufacturer of a motor vehicle is not the manufacturer of original equipment installed in or on such vehicle at the time of its delivery to the first purchaser, the manufacturer of the vehicle (rather than the manufacturer of such equipment) shall be considered the manufacturer of such item of equipment.

"(3) The term 'first purchaser' means first purchaser for purposes other than resale.

"(4) The term 'adequate repair' does not include any repair which results in substantially impaired operation of a motor vehicle or item of replacement equipment.

"EFFECT ON OTHER LAWS

"SEC. 160. The provisions of this part shall not create or affect any warranty obligation under State or Federal law. Consumer remedies under this part are in addition to, and not in lieu of, any other right or remedy under State or Federal law."

(b) CONFORMING AMENDMENTS.—

(1) Title I of such Act is amended by inserting after section 101 the following:

"PART A—GENERAL PROVISIONS".

(2) Section 110(c) of such Act is amended by striking out "Actions" and inserting in lieu thereof "Except as provided in section 155(a), actions".

(c) EFFECTIVE DATE.—The amendments made by this section shall not apply to any defect or failure to comply with respect to which before the effective date of this title, notification was issued under section 113(a) of such Act or was required to be issued under section 113(e).

SEC. 103. ENFORCEMENT.

(a) PROHIBITED ACTS.—

(1)(a) Section 108(a) of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by inserting "(1)" after "SEC. 108. (a)", by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively, and by adding at the end of such subsection the following new paragraph:

"(2)(A) No manufacturer, distributor, dealer, or motor vehicle repair business shall knowingly render inoperative, in whole or part, any device or element of design installed on or in a motor vehicle or item of motor vehicle equipment in compliance with an applicable Federal motor vehicle safety standard, unless such manufacturer, distributor, dealer, or repair business reasonably believes that such vehicle or item of equipment will not be used (other than for testing or similar purposes in the course of maintenance or repair) during the time such device or element of design is rendered inoperative. For purposes of this paragraph, the term 'motor vehicle repair business' means any person who holds himself out to the pub-

lic as in the business of repairing motor vehicles or motor vehicle equipment for compensation.

"(B) The Secretary may by regulation exempt any person from this paragraph if he determines that such exemption is consistent with motor vehicle safety and the purposes of this Act. The Secretary may prescribe regulations defining the term 'render inoperative'.

"(C) This paragraph shall not apply with respect to the rendering inoperative of (i) any safetybelt interlock (as defined in section 125(f)(1)) or (ii) any continuous buzzer (as defined in section 125(f)(4)) designed to indicate that safety belts are not in use.

"(D) Paragraph (1)(A) of this subsection shall not apply to the sale or offering for sale of any motor vehicle which has such a buzzer or interlock rendered inoperative by a dealer at the request of the first purchaser of such vehicle."

(B) Subsection (b) of section 108 of such Act is amended by inserting "(A)" after "Paragraph (1)" in paragraphs (1), (2), and (5) of such subsection and by inserting "(A)" after "paragraph (1)" in paragraph (3) of such subsection.

(2) Section 108(a) of such Act (as amended by paragraph (1) of this subsection) is amended—

(A) by inserting after the semicolon in paragraph (1)(B) the following: "fail to keep specified records in accordance with such section; or fail or refuse to permit impounding, as required under section 112(a);" and

(B) by adding at the end of subsection (a) the following new subparagraph:

"(E) fail to comply with any rule, regulation, or order issued under section 112 or 114; and"

(3) Section 108(a)(1)(D) of such Act is amended to read as follows:

"(D) fail—

"(i) to furnish notification,

"(ii) to remedy any defect or failure to comply, or

"(iii) to maintain records,

as required by part B of this title; or fail to comply with any order or other requirement applicable to any manufacturer, distributor, or dealer pursuant to such part B;"

(b) PENALTIES.—Section 109 of such Act is amended by striking out "$400,000" in the second sentence of such subsection (a) and inserting in lieu thereof "$800,000".

(c) INJUNCTIONS.—

(1) The first sentence of section 110(a) of such Act is amended (1) by inserting "(or rules, regulations or orders thereunder)" after "violations of this title", and (2) by inserting immediately after "pursuant to this title," the following: "or to contain a defect (A) which relates to motor vehicle safety and (B) with respect to which notification has been given under section 151 or has been required to be given under section 152(b),".

(2) The next to the last sentence of section 110(a) of such Act is amended by inserting before the period at the end thereof the following: "or to remedy the defect".

SEC. 104. INSPECTION AND RECORD-KEEPING.

(a) Subsections (a), (b), and (c) of section 112 of the National Traffic and Motor Vehicle Safety Act of 1966 are amended to read as follows:

"(a)(1) The Secretary is authorized to conduct any inspection or investigation—

"(A) which may be necessary to enforce this title or any rules, regulations, or orders issued thereunder, or

"(B) which relates to the facts, circumstances, conditions, and causes of any motor vehicle accident and which is for the purposes of carrying out his functions under this Act.

The Secretary shall furnish the Attorney General and, when appropriate, the Secretary of the Treasury any information obtained indicating noncompliance with this title or any rules, regulations, or orders issued thereunder, for appropriate action. In making investigations under subparagraph (B), the Secretary shall cooperate with appropriate State and local officials to the greatest extent possible consistent with the purposes of this subsection.

"(2) For purposes of carrying out paragraph (1), officers or employees duly designated by the Secretary, upon presenting appropriate credentials and written notice to the owner, operator, or agent in charge, are authorized at reasonable times and in a reasonable manner—

"(A) to enter (i) any factory, warehouse, or establishment in which motor vehicles or items of motor vehicle equipment are manufactured, or held for introduction into interstate commerce or are held for sale after such introduction, or (ii) any premises where a motor vehicle or item of motor vehicle equipment involved in a motor vehicle accident is located;

"(B) to impound for a period not to exceed 72 hours, any motor vehicle or item of motor vehicle equipment involved in a motor vehicle accident; and

"(C) to inspect any factory, warehouse, establishment, vehicle, or equipment referred to in subparagraph (A) or (B).

Each inspection under this paragraph shall be commenced and completed with reasonable promptness.

"(3)(A) Whenever, under the authority of paragraph (2)(B), the Secretary inspects or temporarily impounds for the purpose of inspection any motor vehicle (other than a vehicle subject to part II of the Interstate Commerce Act) or an item of motor vehicle equipment, he shall pay reasonable compensation to the owner of such vehicle to the extent that such inspection or impounding results in the denial of the use of the vehicle to its owner or in the reduction in value of the vehicle.

"(B) As used in this subsection, 'motor vehicle accident' means an occurrence associated with the maintenance, use, or operation of a motor vehicle or item of motor vehicle equipment in or as a result of which any person suffers death or personal injury, or in which there is property damage.

"(b) Every manufacturer of motor vehicles and motor vehicle equipment shall establish and maintain such records and every manufacturer, dealer, or distributor shall make such reports, as the Secretary may reasonably require to enable him to determine whether such manufacturer, dealer, or distributor has acted or is acting in compliance with this title or any rules, regulations, or orders issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee to inspect appropriate books, papers, records, and documents relevant to determining whether such manufacturer, dealer, or distributor has acted or is acting in compliance with this title or any rules, regulations, or orders issued thereunder. Nothing in this subsection shall be construed as imposing recordkeeping requirements on distributors or dealers, except those requirements imposed under section 158 and regulations and orders promulgated thereunder.

"(c)(1) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

"(2) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to any function of the Secretary under this title.

"(3) The Secretary is authorized to require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

"(4) Any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under paragraph (1) or paragraph (3) of this subsection, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(5) Witnesses summoned pursuant to this subsection shall be paid the same fees and mileage which are paid witnesses in the courts of the United States.

"(6)(A) The Secretary is authorized to request from any department, agency or instrumentality of the Federal Government such statistics, data, program reports, and other materials as he deems necessary to carry out his functions under this title; and each such department, agency, or instrumentality is authorized and directed to cooperate with the Secretary and to furnish such statistics, data, program reports, and other materials to the Department of Transportation upon request made by the Secretary. Nothing in this subparagraph shall be deemed to affect any provision of law limiting the authority of an agency, department, or instrumentality of the Federal Government to provide information to another agency, department, or instrumentality of the Federal Government.

"(B) The head of any Federal department, agency, or instrumentality is authorized to detail, on a reimbursable basis, any personnel of such department, agency, or instrumentality to assist in carrying out the duties of the Secretary under this title."

(b) Section 112(e) of such Act is amended by striking out "All" and inserting in lieu thereof "Except as otherwise provided in section 158(a)(2) and section 113(b), all"; and striking out "subsection (b) or (c)" and inserting in lieu thereof "this title".

SEC. 105. COST INFORMATION.

The National Traffic and Motor Vehicle Safety Act of 1966 (as amended by section 102) is further amended by inserting after section 112 the following:

"SEC. 113. (a) Whenever any manufacturer opposes an action of the Secretary under section 103, or under any other provision of this Act, on the ground of increased cost, the manufacturer shall submit such cost information (in such detail as the Secretary may by regulation or order prescribe) as may be necessary in order to properly evaluate the manufacturer's statement. The Secretary shall thereafter promptly prepare an evaluation of such cost information.

"(b)(1) Subject to paragraph (2), such cost information together with the Secretary's evaluation thereof, shall be available to the public. Notice of the availability of such information shall be published in the Federal Register.

"(2) If the manufacturer satisfies the Secretary that any portion of such information contains a trade secret or other confidential matter, such portion may be disclosed to the public only in such manner as to preserve the confidentiality of such trade

secret or other confidential matter, except that any such information may be disclosed to other officers or employees concerned with carrying out this title or when relevant in any proceeding under this title. Nothing in this subsection shall authorize the withholding of information by the Secretary or any officer or employee under his control, from the duly authorized committees of the Congress.

"(c) For purposes of this section, the term 'cost information' means information with respect to alleged cost increases resulting from action by the Secretary, in such form as to permit the public and the Secretary to make an informed judgment on the validity of the manufacturer's statements. Such term includes both the manufacturer's cost and the cost to retail purchasers.

"(d) The Secretary is authorized to establish rules and regulations prescribing forms and procedures for the submission of cost information under this section.

"(e) Nothing in this section shall be construed to restrict the authority of the Secretary to obtain, or require submission of, information under any other provision of this Act."

SEC. 106. AGENCY RESPONSIBILITY.

The National Traffic and Motor Vehicle Safety Act of 1966 is amended by inserting after section 123 the following new section:

"SEC. 124. (a) Any interested person may file with the Secretary a petition requesting him (1) to commence a proceeding respecting the issuance of an order pursuant to section 103 or to commence a proceeding to determine whether to issue an order pursuant to section 152(b) of this Act.

"(b) Such petition shall set forth (1) facts which it is claimed establish that an order is necessary, and (2) a brief description of the substance of the order which it is claimed should be issued by the Secretary.

"(c) The Secretary may hold a public hearing or may conduct such investigation or proceeding as he deems appropriate in order to determine whether or not such petition should be granted.

"(d) Within 120 days after filing of a petition described in subsection (b), the Secretary shall either grant or deny the petition. If the Secretary grants such petition, he shall promptly commence the proceeding requested in the petition. If the Secretary denies such petition he shall publish in the Federal Register his reasons for such denial.

"(e) The remedies under this section shall be in addition to, and not in lieu of, other remedies provided by law."

SEC. 107. NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL.

(a) PUBLIC MEMBERS.—Section 104 of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by inserting "(1)" after "SEC. 104. (a)", and by adding the following new paragraph at the end of subsection (a):

"(2) For the purposes of this section, the term, 'representative of the general public' means an individual who (A) is not in the employ of, or holding any official relation to any person who is (i) a manufacturer, dealer, or distributor, or (ii) a supplier of any manufacturer, dealer, or distributor, (B) does not own stock or bonds of substantial value in any person described in subparagraph (A)(i) or (ii), and (C) is not in any other manner directly or indirectly pecuniarily interested in such person. The Secretary shall publish the names of the members of the Council annually and shall designate which members represent the general public. The Chairman of the Council shall be chosen by the Council from among the members representing the general public."

(b) EXPIRATION.—Effective October 1, 1977, section 104 of such Act (as amended by subsection (a) of this section) is repealed.

SEC. 108. FUEL SYSTEM INTEGRITY STANDARD.

(a) RATIFICATION OF STANDARD.—Federal Motor Vehicle Safety Standard Number 301 (49 CFR 571.301–75; Docket No. 73–20, Notice 2) as published on March 21, 1974 (39 F.R. 10588–10590) shall take effect on the dates prescribed in such standard (as so published).

(b) AMENDMENT OR REPEAL OF STANDARD.—The Secretary may amend the standard described in subsection (a) in order to correct technical errors in the standard, and may amend or repeal such standard if he determines such amendments or repeal will not diminish the level of motor vehicle safety.

SEC. 109. OCCUPANT RESTRAINT SYSTEMS.

The National Traffic and Motor Vehicle Safety Act of 1966 is amended by inserting after section 124 the following new section:

"SEC. 125. (a) Not later than 60 days after the date of enactment of this section, the Secretary shall amend the Federal motor vehicle safety standard numbered 208 (49 CFR 571.208), so as to bring such standard into conformity with the requirements of paragraphs (1), (2), and (3) of subsection (b) of this section. Such amendment shall take effect not later than 120 days after the date of enactment of this section.

"(b) After the effective date of the amendment prescribed under subsection (a):

"(1) No Federal motor vehicle safety standard may—

"(A) have the effect of requiring, or

"(B) provide that a manufacturer is permitted to comply with such standard by means of,

any continuous buzzer designed to indicate that safety belts are not in use, or any safety belt interlock system.

"(2) Except as otherwise provided in paragraph (3), no Federal motor vehicle safety standard respecting occupant restraint systems may—

"(A) have the effect of requiring, or

"(B) provide that a manufacturer is permitted to comply with such standard by means of,

an occupant restraint system other than a belt system.

"(3)(A) Paragraph (2) shall not apply to a Federal motor vehicle safety standard which provides that a manufacturer is permitted to comply with such standard by equipping motor vehicles manufactured by him with either—

"(i) a belt system, or

"(ii) any other occupant restraint system specified in such standard.

"(B) Paragraph (2) shall not apply to any Federal motor vehicle safety standard which the Secretary elects to promulgate in accordance with the procedure specified in subsection (c), unless it is disapproved by both Houses of Congress by concurrent resolution in accordance with subsection (d).

"(C) Paragraph (2) shall not apply to a Federal motor vehicle safety standard if at the time of promulgation of such standard (i) the 60-day period determined under subsection (d) has expired with respect to any previously promulgated standard which the Secretary has elected to promulgate in accordance with subsection (c), and (ii) both Houses of Congress have not by concurrent resolution within such period disapproved such previously promulgated standard.

"(c) The procedure referred to in subsection (b)(3)(B) and (C) in accordance with which the Secretary may elect to promulgate a standard is as follows:

"(1) The standard shall be promulgated in accordance with section 103 of this Act, subject to the other provisions of this subsection.

"(2) Section 553 of title 5, United States Code, shall apply to such standard; except that the Secretary shall afford interested persons an opportunity for oral as well as written presentation of data, views, or arguments. A transcript shall be kept of any oral presentation.

"(3) The chairmen and ranking minority members of the House Interstate and Foreign Commerce Committee and the Senate Commerce Committee shall be notified in writing of any proposed standard to which this section applies. Any Member of Congress may make an oral presentation of data, views, or arguments under paragraph (2).

"(4) Any standard promulgated pursuant to this subsection shall be transmitted to both Houses of Congress, on the same day and to each House while it is in session. In addition, such standard shall be transmitted to the chairmen and ranking minority members of the committees referred to in paragraph (3).

"(d)(1) A standard which the Secretary has elected to promulgate in accordance with subsection (c) shall not be effective if, during the first period of 60 calendar days of continuous session of Congress after the date of transmittal to Congress, both Houses of Congress pass a concurrent resolution the matter after the resolving clause of which reads as follows: 'The Congress disapproves the Federal motor vehicle safety standards transmitted to Congress on ———, 19—;' (the blank space being filled with date of transmittal of the standard to Congress). If both Houses do not pass such a resolution during such period, such standard shall not be effective until the expiration of such period (unless the standard specifies a later date).

"(2) For purposes of this section—

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

"(B) the days on which either House is not in session because of an adjournment of more than 3 days to the day certain are excluded in the computation of the 60-day period.

"(e) This section shall not impair any right which any person may have to obtain judicial review of a Federal motor vehicle safety standard.

"(f) For purposes of this section:

"(1) The term 'safety belt interlock' means any system designed to prevent starting or operation of a motor vehicle if one or more occupants of such vehicle are not using safety belts.

"(2) The term 'belt system' means an occupant restraint system consisting of integrated lap and shoulder belts for front outboard occupants and lap belts for other occupants. With respect to (A) motor vehicles other than passenger vehicles, (B) convertibles, and (C) open-body type vehicles, such term also includes an occupant restraint system consisting of lap belts or lap belts combined with detachable shoulder belts.

"(3) The term 'occupant restraint system' means a system the principal purpose of which is to assure that occupants of a motor vehicle remain in their seats in the event of a collision or rollover. Such term does not include a warning device designed to indicate that seat belts are not in use.

"(4) The term 'continuous buzzer' means a buzzer other than a buzzer which operates only during the 8 second period after the ignition is turned to the 'start' or 'on' position."

SEC. 110. TECHNICAL AND CONFORMING AMENDMENTS.

(a) DEFINITION OF SECRETARY.—Section 102(10) of the National Traffic and Motor Vehicle Safety Act of 1966 is amended to read as follows:

"(10) 'Secretary' means the Secretary of Transportation."

(b) DATE OF ANNUAL REPORT.—The first sentence of section 120(a) of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by striking out "March 1" and inserting in lieu thereof "July 1".

(c) REGROOVED TIRES.—Section 204(a) of such Act is amended to read as follows:

"(a) No person shall sell, offer for sale, or introduction for sale, or deliver for introduction in interstate commerce, any tire or motor vehicle equipped with any tire which has been regrooved, except that the Secretary may by order permit the sale, offer for sale, introduction for sale, or delivery for introduction in interstate commerce, of regrooved tires and motor vehicles equipped with regrooved tires which he finds are designed and constructed in a manner consistent with the purposes of this Act."

SEC. 111. EFFECTIVE DATE.

The amendments made by this title (other than section 109) shall take effect on the sixtieth day after the date of enactment of this Act; except that section 108(a)(4)(D) of the National Traffic and Motor Vehicle Safety Act of 1966 (as added by section 103(a)(1)(A) of this Act) shall take effect on the date of enactment of this Act.

TITLE II—SCHOOLBUS SAFETY

SEC. 201. DEFINITIONS.

Section 102 of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by adding at the end thereof the following:

"(14) 'schoolbus' means a passenger motor vehicle which is designed to carry more than 10 passengers in addition to the driver, and which the Secretary determines is likely to be significantly used for the purpose of transporting primary, preprimary, or secondary school students to or from such schools or events related to such schools; and

"(15) 'schoolbus equipment' means equipment designed primarily as a system, part, or component of a schoolbus, or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as an accessory or addition to a schoolbus."

SEC. 202. MANDATORY SCHOOLBUS STANDARDS.

Section 103 of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by adding at the end thereof the following:

"(i)(1)(A) Not later than 6 months after the date of enactment of this subsection, the Secretary shall publish proposed Federal motor vehicle safety standards to be applicable to schoolbuses and schoolbus equipment. Such proposed standards shall include minimum standards for the following aspects of performance:

"(i) Emergency exits.

"(ii) Interior protection for occupants.

"(iii) Floor strength.

"(iv) Seating systems.

"(v) Crash worthiness of body and frame (including protection against rollover hazards).

"(vi) Vehicle operating systems.

"(vii) Windows and windshields.

"(viii) Fuel systems.

"(B) Not later than 15 months after the date of enactment of this subsection, the Secretary shall promulgate Federal motor vehicle safety standards which shall provide minimum standards for those aspects of performance set out in clauses (i) through (viii) of subparagraph (A) of this paragraph, and which shall apply to each schoolbus and item of schoolbus equipment which is manufactured in or imported into the United States on or after the expiration of the 9-month period which begins on the date of promulgation of such safety standards.

"(2) The Secretary may prescribe regulations requiring that any schoolbus be test-driven by the manufacturer before introduction into commerce."

SEC. 203. ENFORCEMENT.

Section 108(a)(1) of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by adding at the end thereof the following:

"(F) to fail to comply with regulations of the Secretary under section 103(i)(2)."

TITLE III—MOTOR VEHICLE DEMONSTRATION PROJECTS

SEC. 301. DEMONSTRATION PROJECTS.

(a) Title III of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1961 et seq.) is amended—

(1) by inserting after the heading for such title the following:

"PART A—STATE PROGRAMS";

(2) by striking out "this title" wherever it appears in sections 301, 302, and 303 and inserting in lieu thereof "this part";

(3) by redesignating section 304 as section 321; and

(4) by inserting after section 303 the following:

"PART B—SPECIAL DEMONSTRATION PROJECTS

"AUTHORITY TO ESTABLISH

"SEC. 311. The Secretary shall establish a special motor vehicle diagnostic inspection demonstration project to assist in the rapid development and evaluation of advanced inspection, analysis, and diagnostic equipment suitable for use by the States in standardized high volume inspection facilities and to evaluate the repair characteristics of motor vehicles. Such project shall be designed to facilitate evaluation of repair characteristics by small automotive repair garages.

"PART C—AUTHORIZATION OF APPROPRIATIONS"

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 amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for the fiscal years 1975 and 1976; to provide for the remedy of certain defective motor vehicles without charge to the owners thereof; to require that schoolbus safety standards be prescribed; to amend the Motor Vehicle Information and Cost Savings Act to provide for a special demonstration project; and for other purposes."

And the House agree to the same.

HARLEY O. STAGGERS,
JOHN E. MOSS,
W. S. (BILL) STUCKEY, Jr.,
SAMUEL L. DEVINE,
JAMES T. BROYHILL,
Managers on the Part of the House.

WARREN G. MAGNUSON,
VANCE HARTKE,
FRANK E. MOSS,
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. 355) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to promote traffic safety by providing that defects and failures to comply with motor vehicle safety standards shall be remedied without charge to the owner, and for other purposes, submits 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 amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The difference between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—MOTOR VEHICLE SAFETY

AUTHORIZATION OF APPROPRIATIONS

Senate bill

Section 4 of the Senate bill authorized the appropriation of sums not to exceed $46,773,000 for the fiscal year ending June 30, 1974 to carry out the purpose of the National Traffic and Motor Vehicle Safety Act of 1966 (hereinafter, "the Act").

House amendment

Section 101 of the House amendment authorized the appropriation of sums for three fiscal years to carry out the purpose of the Act. The amendment authorized the appropriation of sums not to exceed $55 million for the fiscal year ending June 30, 1975; $60 million for the fiscal year ending June 30, 1976; and $65 million for the fiscal year ending June 30, 1977.

Conference substitute

The conference substitute authorizes a two-year appropriation of sums not to exceed $55 million for the fiscal year ending June 30, 1975 and $60 million for the fiscal year ending June 30, 1976 for the purpose of implementing the Act.

DISCOVERY, NOTIFICATION, AND REMEDY OF MOTOR VEHICLE DEFECTS

In general, part B of this legislation is based on section 113 of existing law and incorporates the agency hearing and notification procedures of that section while adding the requirement to remedy defects related to motor vehicle safety and failures to comply with applicable safety standards without charge.

NOTIFICATION RESPECTING MANUFACTURER'S FINDING OF DEFECT OR FAILURE TO COMPLY

Senate bill

Section 3 of the Senate bill amended section 113(a) of the Act to require every manufacturer of motor vehicles or tires to furnish notification to the purchaser of such motor vehicle or item of motor vehicle equipment if the manufacturer discovered that the motor vehicle or item of equipment did not comply with an applicable Federal motor vehicle safety standard or contained a defect related to motor vehicle safety.

House amendment

Section 102 of the House amendment amended Title I of the Act by striking out section 113 and by adding at the end of such title a new part entitled "Part B—Discovery, Notification, and Remedy of Motor Vehicle Defects". Section 151 of Part B as added by the House amendment required manufacturers of vehicles or tires to furnish notification to the Secretary of Transportation (hereinafter, the Secretary) and to owners, purchasers, and dealers of any motor vehicle or item of motor vehicle equipment manufactured by him in accordance with section 153 as added by the House amendment, if he (1) obtained knowledge that such vehicle or item of equipment contained a defect and determined in good faith that such vehicle or item of equipment did not comply with an applicable Federal motor vehicle safety standard prescribed under the Act. Such manufacturer must also remedy such defect or failure to comply in accordance with section 154.

Conference substitute

The conference substitute incorporates section 151 as added to existing law by the House amendment with a conforming change.

NOTIFICATION RESPECTING SECRETARY'S FINDING OF DEFECT OR FAILURE TO COMPLY

Senate bill

Section 3 of the Senate bill also amended section 113(a) of the Act to provide that, if

the Secretary determined, through testing, inspection, investigation, research, examination of communications, or through other means, that any motor vehicle or item of motor vehicle equipment produced by a motor vehicle or tire manufacturer contained a defect which related to motor vehicle safety or did not comply with an applicable Federal motor vehicle safety standard prescribed under the Act, that such manufacturer had to notify the purchaser of such motor vehicle or item of motor vehicle equipment.

The Senate bill amended section 113(g) of the Act to require the Secretary to immediately notify the manufacturer of his determination of defect or failure to comply and to supply a statement of his reasons and basis for the findings. Such determination, reasons, and findings would be published immediately in the Federal Register. The Secretary was also required to make available to the manufacturer and any interested person all information, subject to the provisions on confidentiality, upon which the findings are based.

Within seven days after the manufacturer received notification, the manufacturer could file a petition to initiate a proceeding to establish that such motor vehicle or item of motor vehicle equipment did not comply with such standard or did not contain a defect which related to motor vehicle safety; or that such defect or failure to comply was *de minimis*. Such proceeding would commence within twenty-one days of the date of determination and a record of the proceeding would be maintained. In addition, the proceeding would be structured to proceed as expeditiously as possible while permitting the manufacturer and all interested persons an opportunity to present their views. Participants would be given a limited right to cross-examine experts on matters directly related to the issues of defect or failure to comply. Within fourteen days of the conclusion of the proceeding, the Secretary would issue his decision on the petition with a statement of his reasons. If the decision affirmed the original determination of the Secretary, the Secretary would direct such manufacturer to furnish the notification required by section 113 as amended. The Secretary's decision and reasons would be published immediately in the Federal Register.

House amendment

Section 152 of Part B as added by the House amendment required a manufacturer of motor vehicles or motor vehicle equipment to notify and remedy when the Secretary made a final determination that any motor vehicle or item of motor vehicle equipment did not comply with an applicable Federal motor vehicle safety standard or contained a defect which related to motor vehicle safety.

Under section 152(a) as added by the House amendment, if the Secretary made an initial determination (through testing, inspection, investigation, research, examination of communications, or otherwise) of the existence of a defect or failure to comply, he must immediately notify the manufacturer. The notice would contain the findings of the Secretary and include all information upon which the findings were based, including a statement of the primary reasons supporting the Secretary's initial determination that a defect or failure to comply exists. The Secretary was required to afford the manufacturer an opportunity to present his views and evidence to establish that there was no failure of compliance or that the alleged defect did not affect motor vehicle safety. Section 152(b) as added by the House amendment provided that, following the manufacturer's presentation, if the Secretary made a final determination that a motor vehicle or item of its equipment did not comply with an applicable safety standard or contained a defect which related to motor vehicle safety, he would order the manufacturer to notify owners, purchasers, and dealers pursuant to section 153 as added by the House amendment and to remedy the defect or failure to comply pursuant to section 154 as added by the House amendment.

Conference substitute

The conference substitute adopts the provisions of section 152 as added to existing law by the House amendment and incorporates several provisions contained in the Senate bill. Specifically, when the Secretary notifies the manufacturer of a motor vehicle or item of replacement equipment of the initial determination of the existence of the defect or failure to comply, he must also publish notice of such determination in the Federal Register. The notice to the manufacturer must contain the Secretary's findings and all information upon which his findings are based. Such notice, findings, and information must also be available to any interested person subject to the provisions of section 158(a)(2)(B), as added by the House amendment, with regard to the disclosure of trade secrets and other matter referred to in section 1905 of title 18, United States Code.

Both the manufacturer and other interested persons are afforded an opportunity to present data, views, and arguments respecting the determination of the Secretary. Existing law refers to the presentation of "views and evidence" by the manufacturer in section 133(e) of the Act. The House amendment retained this language. The conference substitute expands the opportunity for participation in the informal hearing to other interested persons. In addition, a technical amendment deletes the term "evidence," when referring to the type of information which may be presented to the Secretary. Instead, both the manufacturer and other interested persons may present "data, views, and arguments" to the Secretary. This change emphasizes the intention of the conferees to retain the informal hearing procedure in existing law. The Secretary's final determination concerning a defect or failure to comply under section 152(b) as added by the House amendment is made after the presentation of data, views, and arguments by the manufacturer and other interested persons.

CONTENTS, TIME, AND FORM OF NOTICE

Senate bill

Section 3 of the Senate bill amended section 113(b) of the Act to provide that the notification to be sent by the manufacturer to the purchaser or owner of a motor vehicle or item of motor vehicle equipment with a defect or failure to comply would contain, in addition to such other matters as the Secretary could prescribe by regulation: (a) a clear description of the defect in any motor vehicle or item of motor vehicle equipment or the failure to comply with any applicable motor vehicle safety standard; (b) an evaluation of the risk to traffic safety reasonably related to such defect or failure to comply; (c) a statement of the measures to be taken to remedy such defects or failure to comply; (d) a statement that the named manufacturer would cause such defect or failure to comply to be remedied without charge; (e) the date when such defect or failure to comply would initially be remedied without charge and, in the case of tires, the final date when such defect or failure to comply would be remedied without charge; and (f) a description of the procedure to be followed in informing the Secretary whenever a manufacturer, distributor, or dealer failed or was unable to remedy without charge such defect or failure to comply. The Senate bill further provided that notification would be furnished within a reasonable time after the discovery by the manufacturer of the defect or failure to comply, or, after the Secretary's determination of the existence of the defect or failure to comply.

Finally, the Senate bill required the notification to be accomplished by certified mail to the first purchaser of the motor vehicle or motor vehicle equipment containing such defect or failure to comply; to any subsequent purchaser of such vehicle or equipment to whom was transferred any warranty thereon; and to any other person who was a registered owner of such vehicle or equipment and whose name and address was reasonably ascertainable through State records or other sources available to such manufacturer. Additionally, the notification would be provided by certified mail or other more expeditious means to the dealer or dealers of such manufacturer to whom such motor vehicle or motor vehicle equipment was delivered.

House amendment

Section 153(a) as added by the House amendment contained provisions similar to those in the Senate bill regarding the contents of the notice respecting a defect or failure to comply. Regarding the time of notice, section 153(b) as added by the House amendment was also similar to the Senate bill; however, the House amendment provided that notification within a reasonable time by the manufacturer would be made after the manufacturer first made a determination with respect to a defect or failure to comply. After the manufacturer's receipt of notice of the determination by the Secretary of a defect or failure to comply, a manufacturer would furnish the prescribed notification within a reasonable time as prescribed by the Secretary.

Section 153(c) as added by the House amendment differed from the Senate bill regarding the form of notification. Section 153(c)(1) as added by the House amendment directed that notification be accomplished, in the case of a motor vehicle, by first class mail to each person who is registered under State law as the owner of such vehicle and whose name and address is reasonably ascertainable by the manufacturer through State records or other sources available to him. Section 153(c)(2) as added by the House amendment provided that, unless the registered owner (if any) of a motor vehicle or item of motor vehicle equipment was notified under section 153(c)(1), as added by the House amendment, notification would be furnished by first class mail to the first purchaser (or, if a more recent purchaser was known to the manufacturer, to the most recent purchaser known to the manufacturer) of each motor vehicle or item of motor vehicle equipment containing a defect or failure to comply. Like the Senate bill, the House amendment provided notification to the dealer or dealers of the manufacturer by certified mail or more expeditious means. Unlike the Senate bill, the House amendment also provided notification to the Secretary by certified mail. In the case of a tire, the manufacturer could elect to provide notification under section 153(c)(1) and (2) by certified mail.

Conference substitute

The conference substitute incorporates the new section 153 as added to existing law by the House amendment.

As in section 153(c) as added by the House amendment, the conference substitute provides that a tire manufacturer, or a motor vehicle manufacturer in the case of an original tire, may elect to provide notification required by section 153(c) by either first class or certified mail. The conferees agree that regardless of which mode of communication is used, the burden is on the manufacturer to establish the date upon which notification is received for purposes of calculating the 60-day period during which the tire must be repaired or replaced free of charge pursuant to section 154(a)(5).

The provisions of the House amendment as adopted by the committee of conference

contain a modification, the intent of which is to clarify the form of notification to be furnished by a manufacturer of replacement equipment concerning a defect or failure to comply in such item of replacement equipment manufactured by him. Unlike a motor vehicle or tire manufacturer, a replacement equipment manufacturer is not required by law to cause the establishment and maintenance of records of name and address of first purchasers. Therefore, the new section 153(c)(3) requires replacement equipment manufacturers to furnish notification to the most recent purchaser known to the equipment manufacturer. Also, if necessary in the interest of motor vehicle safety, the notification required by section 151 or 152 must be by public notice in such manner as the Secretary may order after consultation with the manufacturer.

The provisions for the form of notification by manufacturers of motor vehicles, original motor vehicle equipment, and tires are the same as those in the House amendment with clarifying changes.

REMEDY OF DEFECT OR FAILURE TO COMPLY

Senate bill

Section 3 of the Senate bill amended section 113(e) of the Act to require a manufacturer to repair a defective or non-complying motor vehicle and item of equipment without charge. It provided that, if any motor vehicle, motor vehicle equipment, or tire was determined by the manufacturer or by the Secretary (after a hearing, where applicable) to contain a safety-related defect or failure to comply with an applicable motor vehicle safety standard, then, after the required notification, the manufacturer of such motor vehicle or tire presented for remedy pursuant to such notification would cause the defect or failure to comply in such motor vehicle or equipment to be remedied without charge. In the case of a tire presented for remedy, the manufacturer of each such tire would replace it without charge for a period up to sixty days after the owner received notification, or sixty days after replacement tires were available, whichever was later. The Senate bill further provided that, in the case of a motor vehicle presented for remedy, if the defect or failure to comply could not be adequately remedied, the Secretary would require the manufacturer, at the manufacturer's option, either to (a) replace such motor vehicle without charge with a new or equivalent vehicle, or (b) refund the purchase price of the motor vehicle in full, plus a reasonable allowance for depreciation.

The Senate bill further provided that the dealer or retailer who performs such remedy work without charge would receive fair and equitable reimbursement for such work from the manufacturer.

The repair without charge provisions of the Senate bill did not apply if the motor vehicle or item of motor vehicle equipment was purchased by the first purchaser more than eight calendar years before the manufacturer received notification from the Secretary of defect or failure to comply.

House amendment

Section 154(a)(1) of Part B as added by the House amendment required the manufacturer of a motor vehicle or item of motor vehicle equipment to cause a defect or failure to comply in a motor vehicle or item of its equipment to be remedied without charge if notification was required under section 151 or under an order issued pursuant to section 152(b). This statutory obligation to remedy without charge would not apply, however, during any period of time when enforcement of the Secretary's order under section 152(b) was restrained in an action to which section 155(a) applied or when such order was set aside in such an action.

Concerning the method of remedy pursuant to such notification, section 154(a)(2) as added by the House amendment provided that the manufacturer of a tire would repair or replace a defective or noncomplying tire without charge during the sixty-day period beginning on the later of (i) the date on which the owner or purchaser received such notification, or (ii) the date on which he received notice that replacement tires were available. The sixty-day provision was intended to give owners or purchasers a reasonable period of time to obtain the remedy and also to encourage their prompt efforts to secure the remedy rather than continue to drive vehicles with unsafe tires.

Section 154(a)(2) also provided that in the case of a motor vehicle presented for remedy pursuant to notification, the manufacturer would elect and provide one of three forms of remedy. First, he could repair the vehicle. Second, he could replace the motor vehicle without charge with a new or equivalent vehicle. Third, he could refund the purchase price of the motor vehicle in full, less a reasonable allowance for depreciation. Replacement or refund could be subject to such conditions imposed by the manufacturer as the Secretary might permit by regulation.

With respect to an item of motor vehicle equipment which contains a safety-related defect or failure to comply with a motor vehicle safety standard, the manufacturer could elect either to repair the item of equipment or replace the item of equipment without charge with a new or equivalent item of equipment.

Like the Senate bill, the House amendment provided that the dealer or retailer who provided remedy pursuant to this section without charge would receive fair and equitable reimbursement for such remedy from the manufacturer. However, the House amendment also provided that such reimbursement was not available where the manufacturer chose to replace the motor vehicle.

Under the provisions of Section 154(b)(1) of Part B as added by the House amendment, whenever a manufacturer elected to repair a defect or failure to comply, he would do so within a reasonable time, which was defined as within 60 days after tender of the vehicle or item of equipment, unless the Secretary extended this period for good cause. If the manufacturer failed to adequately repair within such reasonable time, he would replace the vehicle or item of equipment with a new or equivalent vehicle or item of equipment without charge or, if a manufacturer so elected in the case of a motor vehicle, refund the purchase price in full, less a reasonable allowance for depreciation.

An extension of the 60-day period for remedying a defect or failure to comply was provided for upon a showing of good cause, primarily because the time required to produce and ship replacement parts to dealerships varies with the particular campaign.

The term "tender" was defined in section 154(b)(2) of Part B of the House amendment as not including any tender of a motor vehicle or item of equipment for repair prior to the earliest date specified in notification under section 153(a) on which such remedy would be provided without charge. If notification was not afforded pursuant to section 153(a), tender was not effective prior to the date specified in any notice required to be given under section 155(d). The earliest date, as specified by the manufacturer in any notification, would be the earliest date on which parts and services could reasonably be expected to be available and would be subject to disapproval of the Secretary.

Section 154(a)(4) as added by the House amendment further provided that the requirement of remedy without charge does not apply if the motor vehicle or item of motor vehicle equipment was purchased by the first purchaser more than eight calendar years (three calendar years in the case of a tire) before (1) notification pursuant to section 151 or 152 was issued respecting the defect or failure to comply, or (2) the Secretary ordered such notification, whichever was earlier.

Finally, the House amendment required the manufacturer to file with the Secretary a copy of his program for remedying any defect or failure to comply, and the program would be available to the public.

Conference substitute

The conference substitute adopts the provisions of the new section 154 of the House amendment with the following modifications: First, it clarifies a possible ambiguity in the House provisions relating to the commencement of the sixty-day period during which remedy at no charge is required for tires.

Under the provisions of section 154(a)(5) of the conference substitute, the manufacturer of a tire presented for remedy by an owner or purchaser shall not be obligated to remedy such tire if such tire is not presented during the 60 day period beginning on the later of (1) the date on which the owner or purchaser received notification of defect or failure to comply or (2) if the manufacturer elects replacement, the date on which the owner or purchaser received notice that a replacement tire is available.

The 60-day limitation on the manufacturer's obligation to remedy is effective only if the manufacturer elects to replace the tire and such replacement tires are in fact available during the 60-day period. If the owner or purchaser has presented the tire for replacement during the original 60-day period, but replacements are not in fact available, his right to the replacement tire is preserved. In such a case, the owner or purchaser is entitled to notification when the replacement tires become available. Upon receipt of this subsequent notification, the owner or purchaser is entitled to the 60-day period within which to present the tire for replacement as long as such replacement tire is in fact available during this period.

The conference substitute deletes the provision in the House amendment which denied reimbursement to the dealer or retailer who provides remedy work when the manufacturer replaces the motor vehicle. Under the conference substitute, such dealer or retailer is entitled to fair and equitable reimbursement recognizing, for example, that dealer preparation expenses may be involved when a new motor vehicle is offered as a remedy.

Third, the conference substitute requires notice of the availability of the manufacturer's remedy program to be published in the Federal Register.

Fourth, the conferees intend that the provision relieving a manufacturer of the obligation to remedy without charge if the motor vehicle or item of replacement equipment was first purchased more than eight calendar years (three years in the case of a tire) before notification was issued or required to be issued, does not relieve the manufacturer of the obligation to issue a notification concerning a defect or failure to comply or affect any other rights of the owner.

With respect to the manufacturer's assessment of the earliest date upon which parts and facilities can reasonably be expected to be available and the Secretary's authority to disapprove such date, the conferees agree that section 156 as added by the conference substitute is applicable. Where the Secretary disapproves such date, he may, pursuant to such section and on his own motion, hold a hearing to determine if the manufacturer has reasonably met his obligation to remedy a defect or failure to comply. If he determines that such obligation has not been met, than the Secretary may order the manufacturer to take speci-

fied action to comply with his obligation. Thus, under this procedure, the Secretary could determine that an earlier date than that determined by the manufacturer is practicable and the Secretary can order the manufacturer to provide parts and facilities on such date.

ENFORCEMENT OF NOTIFICATION AND REMEDY ORDERS AND JUDICIAL REVIEW

Senate Bill: The Senate bill provided specifically for pre-enforcement judicial review of the Secretary's determination that there was a defect or failure to comply with an applicable motor vehicle safety standard. Any person aggrieved by such determination was authorized to seek judicial review in the United States Court of Appeals for the District of Columbia within 20 days after the Secretary's determination. The Senate bill provided for expedited review and specifically provided that the factual findings of the Secretary were to be sustained if supported by substantial evidence on the record considered as a whole. The Senate bill did not make such judicial review exclusive. Therefore, under the Senate bill judicial review at the enforcement stage may have been available.

House Amendment: In general, the House amendment contemplated that there would be review of the Secretary's determination of defect or failure to comply at the enforcement stage of the administrative process. The House took no position on whether or not pre-enforcement judicial review was also available.

Section 155(a)(1) as added by the House amendment established the forum for an action under section 110(a) of the Act to restrain a violation of an order issued by the Secretary to furnish notification and to remedy a defect or failure to comply, or under section 109 of the Act to collect a civil penalty with respect to a violation of such an order, or for any other civil action with respect to such an order. All such enforcement or other actions may be brought only in the United States District Court for the District of Columbia or the United States district court for judicial district in the State of incorporation of the manufacturer to which the order applied. While (as noted above) the House did not take any position on the question of whether or not a manufacturer was entitled to pre-enforcement judicial review of a notification and remedy order, the amendment did not provide that if the court so permitted, the action would be consolidated with any enforcement action brought by the Secretary. All actions (including enforcement actions) brought with respect to the same order under section 152 (b) would be considered in an action in a single judicial district, in accordance with the order of the court in which the first action was brought.

Section 155(a)(2) as added by the House amendment also provided that, if an action was brought which related to an order under section 152(b), and to which section 155(a) applied, the Secretary could order the manufacturer to issue a notification in addition to, and not in lieu of, notification required by section 151 or 152 of the House amendment if such manufacturer had refused to issue with notification. Notification would contain (1) a statement that the Secretary determined that a defect which related to motor vehicle safety or a failure to comply with a motor vehicle safety standard existed, and that the manufacturer was contesting such determination in a proceeding in a United States district court; (2) a clear description of the Secretary's stated basis for his determination; (3) the Secretary's evaluation of the risk to motor vehicle safety reasonably related to such defect or failure to comply; (4) any measures which in the judgment of the Secretary were necessary to avoid an unreasonable hazard resulting from the defect or failure to comply; (5) a statement that the manufacturer would cause such defect or failure to comply to be remedied without charge, but that this obligation of the manufacturer was conditioned on the outcome of the court proceeding; and (6) such other matters as the Secretary could prescribe by regulation.

Section 155(c) as added by the House amendment provided that a manufacturer who failed to notify owners or purchasers in accordance with section 153(c) within the period specified under section 153(b) may be assessed a civil penalty with respect to such failure unless the manufacturer prevailed in an action under this section, or unless the court restrained the enforcement of such order throughout the pendency of the action. A manufacturer who failed to notify owners or purchasers as required by an order under section 155(b) could be assessed a civil penalty without regard to whether or not he prevailed in an action described in section 155(a) with respect to the validity of the Secretary's order to notify or remedy under section 152(b).

Section 155(d) of Part B as added by the House amendment contained the conditions and provisions for notification to owners and purchasers of the outcome of a section 155(a) proceeding in a United States district court. The Secretary was required to order a manufacturer to issue this notification if (i) a manufacturer failed within the specified period to comply with an order under section 152(b) to afford notification to owners and purchasers; (ii) a section 155(a) proceeding was commenced with respect to such order; and (iii) the Secretary prevailed in such proceeding. Therefore, this final notification would be required whether or not a manufacturer afforded notification to owners and purchasers pursuant to an order under section 152(b) after the commencement of a proceeding in a United States district court and whether or not a manufacturer was required to issue an additional notification under section 155(b) during the pendency of the court proceeding. The expense to the manufacturer of sending notification pursuant to section 155(d), which could or could not be the first notification actually mailed to owners and purchasers, was outweighed by the public interest in informing owners and purchasers of the outcome of the court proceeding if the Secretary prevailed and of the availability of remedy without charge for the defect or failure to comply. Subsection (d)(1) of section 155 permitted the combining of notification under this section with any notice required by an order under section 152(b), so that the manufacturer could be spared the expense of two notifications if the Secretary prevailed in a civil action under section 155(a). The notification under section 155(d) could contain such information as required by the Secretary, for example, the items specified in section 153(a), and would specify the earliest date on which such defect or failure to comply would be remedied without charge.

If the Secretary required the additional notification under section 155(b) during the pendency of a district court proceeding, then he would order the manufacturer to reimburse the owner or purchaser for any reasonable and necessary expenses (not in excess of any amount specified in the order) which were incurred: (A) by such owner or purchaser; (B) for the purpose or repairing the defect or failure to comply to which the order related; and (C) during the period beginning on the date such notification under section 155(b) was required to be issued and ending on the date such owner or purchaser received notification pursuant to this subsection. The Secretary would thus have the responsibility for deciding the amount of reimbursement to which owners and purchasers could be entitled and should consider carefully the nature of the defect or failure to comply to which his order under this section related and the type of remedy necessary for such defect or failure to comply. A reasonable estimate of the average prevailing rates for this type of remedy work would be necessary to establish the amount of reimbursement.

Conference Substitute: The conferees agreed to adopt the provisions of section 155 as added by the House amendment but made certain modifications, the substance of which is discussed below.

The conference substitute permits a person sued by the Secretary to restrain a violation of an order to notify and to remedy (or to collect a civil penalty) to seek removal from the district court in which such action is brought to any other District Court for good cause shown. It also specifically provides that a consolidation of all actions brought with respect to the same order under section 152 (b) will take place in the court in which the first such action is brought or in the court to which such first action brought is transferred. In other words, if an action is first brought in district court A and three weeks later an action is brought in district court B and four weeks later the action in court A is transferred to court C, then court C is required to consolidate the actions.

The conference substitute also specifies the test which the District court is to apply in determining whether to restrain the enforcement of an order to notify and remedy, (or to collect a civil penalty), thereby relieving the manufacturer during the pendency of the proceeding from exposure to civil penalties. The conference substitute provides that the court shall restrain the enforcement of the order only if it determines both that the failure to furnish notification is reasonable and that the manufacturer has demonstrated that he is likely to prevail on the merits.

The conferees disagreed with those who interpreted the House bill as possibly requiring a manufacturer, during the pendency of an action to restrain or enforce, to remedy without charge a defect or failure to comply. The conferees intend that a manufacturer for whom the order to notify and remedy has not been restrained during the pendency of such action would not be subject to a court order to remedy without charge and his exposure to a civil penalty would depend on the outcome of such action. In other words, a court could not compel him to remedy during the pendency of any enforcement or other civil action with respect to an order issued under section 152(b).

The conferees discussed but decided to take no position on whether or not pre-enforcement judicial review was available under the terms of the conference substitute. The conferees decided to leave that question to the courts. If the courts permit such pre-enforcement judicial review, then the venue and consolidation provisions of the conference substitute would apply so as to accomplish consolidation of any pre-enforcement judicial review actions which had not been completed prior to the Secretary's bringing in an action to restrain a violation of an order to notify and remedy or to collect a civil penalty for failure to notify or to remedy.

The conferees gave careful consideration to the question of the weight which a district court would give to the Secretary's determination of defect. While the conferees agreed that the proceding in the district court could appropriately be characterized as a "de novo" proceeding, the conferees expected the district court to give due consideration to the expertise of the agency in its consideration of the facts as to whether or not there was a defect and whether such defect was safety related. With respect to any challenge to the validity of an underlying motor vehicle safety standard when the Secretary has determined that there has been a failure to comply, the

conferees determined that a collateral attack on the motor vehicle safety standard was permissible if such attack was not *res judicata* because of previous judicial review. In any such collateral attack, however, the standard of review by the district court would be the same as a standard of review in a court reviewing the validity of the motor vehicle safety standard at the pre-enforcement stage of the administrative process. In other words, there would be no de novo review of the motor vehicle safety standard, while there would be de novo review of the facts as to whether or not there had been a failure to comply with such standard.

REASONABLENESS OF REMEDY

Senate bill

The Senate bill provided that the Secretary would approve with or without modification after consultation with the manufacturer of a motor vehicle or tire, such manufacturer's remedy plan. The review included the date when and the method by which the notification and remedy would be effectuated. The Senate bill further provided that the date would be the earliest practicable one, but would not exceed sixty days from the date of discovery or determination of the defect or failure to comply. The Secretary was empowered to grant an extension of this period for good cause and to publish notice of such extension in the Federal Register.

The manufacturer was bound to implement the remedy plan as approved by the Secretary. However, the manufacturer could apply to the Secretary to approve any amendment or modification of the plan for good cause shown, provided notice of such modification was reasonably publicized by the manufacturer. The application and the decision rendered on the application would be published in the Federal Register within five days after receipt or issuance. Good cause was defined to mean "unavoidable delay due to strikes, catastrophe, or natural disaster."

House amendment

As indicated previously, section 154(c) as added by the House amendment required the manufacturer to file with the Secretary a copy of his program to remedy a defect or failure to comply, and the program would be available to the public. Section 156 of the House amendment further provided that upon petition of any interested person, or on his own motion, the Secretary could hold a hearing in which any interested person (including a manufacturer) could make oral (as well as written) presentations of data, views, and arguments on the question of whether a manufacturer has reasonably met his obligation to remedy a defect or failure to comply under section 154. If the Secretary determined that a manufacturer did not reasonably meet the obligation, he would order the manufacturer to take specified action to comply with such obligation.

Conference substitute

The conference substitute adopts the provisions of the House amendment with two clarifying amendments. First, the Secretary is authorized under section 156 as added by the conference substitute to consider whether the manufacturer has reasonably met his obligation not only to remedy a defect or failure to comply, but also to provide notification pursuant to section 151 or 152.

Second, section 156 now states that if the Secretary determines the manufacturer has not reasonably met his obligation to notify and remedy, the Secretary shall order the manufacturer to take the specified action to comply and the Secretary may also take any other action authorized by Title I of the National Traffic and Motor Vehicle Safety Act. Thus, for example, the Secretary may assess a civil penalty for failure of the manufacturer to meet his obligation to notify and remedy.

EXEMPTION FOR INCONSEQUENTIAL DEFECT OR FAILURE TO COMPLY

Senate bill

The Senate bill allowed a manufacturer to petition the Secretary to initiate a proceeding to establish that a defect or failure to comply was *de minimis* in its impact on the number of traffic accidents and deaths and injuries to persons resulting from traffic accidents. If the manufacturer was successful in such a proceeding, he was not obligated to remedy without charge.

House amendment

Section 157 as added by the House amendment provided that upon application of a manufacturer, the Secretary would exempt such manufacturer from giving notice or remedying a defect or failure to comply if the Secretary determined, after public notice and opportunity for presentation of data, views, and arguments, that such defect or failure to comply was inconsequential as it related to motor vehicle safety.

Conference substitute

The conference substitute is the same as the House amendment except that interested persons as well as the manufacturer are given the opportunity to present data, views, and arguments to the Secretary after notice is published in the Federal Register.

IMMINENT HAZARD

Senate bill

Section 3 of the Senate bill added a new section 113(h) to the Act authorizing the Secretary to file an action against an imminently hazardous motor vehicle or item of motor vehicle equipment for the seizure of such vehicle or equipment, and against the manufacturer, distributor or dealer of such motor vehicle equipment. An "imminent hazard" was defined to mean a motor vehicle or item of motor vehicle equipment which presented immediate and unreasonable risk of death, serious illness, or severe personal injury. The court in which such an action was filed shall have jurisdiction to declare that such motor vehicle or item of motor vehicle equipment was imminently hazardous, and to grant such temporary or permanent relief as might be necessary to protect the public from the risk.

In an action filed against an imminently hazardous motor vehicle or item of motor vehicle equipment, such a vehicle or equipment could be proceeded against by process of libel for the seizure and condemnation of such product in any district court of the United States within the judicial district in which such motor vehicle or item of motor vehicle equipment was found.

House amendment.—No comparable provision.

Conference substitute

The conference substitute omits the "Imminent Hazard" provision of the Senate bill. The purpose of this section—to insure the ability of the Secretary to act swiftly when a motor vehicle or item of replacement equipment presents an immediate and unreasonable risk—can be accomplished under the provisions of the conference substitute.

Under the new section 152 of the conference substitute, when the Secretary makes an initial determination of a defect or failure to comply in a motor vehicle or item of replacement equipment, he shall immediately notify the manufacturer of such determination and shall publish notice of such determination in the Federal Register. The manufacturer and interested persons are afforded the opportunity to present data, views, and arguments on the issue of whether a defect or failure to comply exists. Section 152(b) of the conference substitute provides that after such presentation, if the Secretary determines that such vehicle or item of replacement equipment does not comply with an applicable Federal motor vehicle standard or contains a defect which relates to motor vehicle safety, then the Secretary shall order notification and remedy without charge.

The committee of conference believes that if the Secretary makes an initial determination that a defect or failure to comply in a motor vehicle or item of replacement equipment poses an immediate and unreasonable risk of death, serious illness, or personal injury, he may expedite the public notice and informal comment procedures. If the Secretary's final determination (after such notice and opportunity for comment) is that such defect or failure to comply poses such an immediate and unreasonable risk, he shall immediately issue an order under section 152(b) to the manufacturer to furnish notification and to remedy.

Additionally, the Secretary may seek to utilize the provisions of section 110(a) of the Act as modified by this legislation. The United States district courts are given jurisdiction thereunder to restrain violations of Title I of the Act, or rules, regulations, or orders thereunder, to restrain the sale or importation of any motor vehicle or item of replacement equipment which does not comply with an applicable motor vehicle safety standard or contains a defect which relates to motor vehicle safety and with respect to which notification has been required under section 152(b). Thus, once the section 152(b) order has been issued in the expedited procedure above, any vehicle or item of replacement equipment to which the order applies which has not yet been sold to a first purchaser (other than a dealer) is subject to a restraining order of the court.

INFORMATION, DISCLOSURE, AND RECORDKEEPING

Senate bill

Section 3 of the Senate bill included provisions similar to section 113(d) of existing law and provided that every manufacturer of motor vehicles or tires would furnish to the Secretary a true or representative copy of all notices, bulletins, and other communications to the dealers of such manufacturer or to the purchasers of motor vehicles or motor vehicle equipment produced by such manufacturer regarding any defect in such vehicle or equipment which is sold or serviced. The section also required the Secretary to disclose so much of any information referred to under this subsection, the subsection relating to the defect or failure to comply, or section 112(a) of the Act as the Secretary determined would assist in carrying out the purposes of the Act. However, the Secretary would not disclose to the public any information which contained or related to a trade secret or other matter referred to in section 1905 of title 18, United States Code, unless he determined that it was necessary to carry out the purposes of the Act.

Section 113(d) of the Act, as amended by the Senate bill further required every manufacturer of motor vehicles or tires to maintain records of the names and addresses of the first purchaser of motor vehicles or tires produced by the manufacturer. The Secretary was empowered to establish, by order, procedures to be followed by manufacturers in establishing and maintaining such records, including procedures to be followed by distributors and dealers to assist manufacturers to secure the required information. The availability or not of such assistance would not affect the obligation of manufacturers under this section.

House amendment

Section 153(a) of the House amendment contained a similar provision relating to information and disclosure. It further specified that the Secretary would disclose to the public so much of any information which is obtained under the Act and which related to a defect, which related to motor vehicle safety, or to failure to comply with an applicable federal motor vehicle safety standard, as he determined would assist in carrying out the purposes of Part B of the Act.

Any information containing or relating to a trade secret or other matter referred to in section 1905 of title 18, United States Code, would be considered confidential for purposes of that section and not be disclosed, unless the Secretary determined that disclosure was necessary to carry out the purposes of Part B of the Act.

Section 158(b) as added by the House amendment required every manufacturer of motor vehicles or tires to cause the establishment and maintenance of records of the name and address of the first purchaser of each motor vehicle and tire (and to the extent required by regulations of the Secretary, each item of motor vehicle equipment other than a tire) produced by such manufacturer. The Secretary could also, by rule, specify the records to be established and maintained, and reasonable procedures to be followed by manufacturers in establishing and maintaining such records, including procedures to be followed by distributors and dealers to assist manufacturers to secure the required information. The availability or not of such assistance would not affect the manufacturer's obligation. The Secretary's recordkeeping procedures must be reasonable and provide reasonable assurance that dealer and distributor customer lists, and similar information, would not be made available except where necessary to carry out the purpose of Part B of the Act.

Conference substitute

The new section 158 of the conference substitute adopts the House provisions with clarifying changes.

DEFINITIONS

Senate bill

Section 3 of the Senate bill amended section 113(a) of the Act to provide that for the purposes of notification and remedy without charge, the retreader of tires would be deemed the manufacturer of tires which have been retreaded, and the brand name owner of tires marketed under brand name not owned by the manufacturer of the tire, would be deemed the manufacturer of tires marketed under the brand name.

House amendment

Section 159(1) of Part B as added by the House amendment contained identical definitions relating to the retreader of tires and the brand name owner of tires.

In addition, the House amendment by definition in section 159(2) of Part B, the manufacturer of a motor vehicle was deemed to be the manufacturer of any motor vehicle equipment with which such vehicle was equipped at the time of delivery to the first purchaser for purposes other than resale, unless the Secretary provided otherwise by regulation. Any defect or failure to comply in such equipment was deemed to be a defect in such vehicle.

Section 159(3) of Part B of the House amendment specifically provides that the "first purchaser" means first purchaser for purposes other than resale. Also, section 159(4) of the House amendment provides that "adequate repair" does not include any repair which results in substantially impaired operation of a motor vehicle or item of motor vehicle equipment.

Conference substitute

The conference substitute adopts the provisions with respect to retreaders of tires and brand name owners contained in both the House amendment and the Senate bill. In addition, the conference substitute also incorporates the definitions of "first purchaser" and "adequate repair" contained in the House amendment.

In order to clarify ambiguities in both the Senate bill and House amendment, new definitions are adopted by the conference substitute. The new definitions do not reflect any policy changes in the provisions of the House amendment. Those new definitions are as follows:

(1) The term "original equipment" is defined to mean motor vehicle equipment which was installed in or on a motor vehicle at the time of its delivery to the first purchaser.

(2) The term "replacement equipment" is defined to mean motor vehicle equipment other than original equipment.

(3) A defect or failure to comply in an item of original equipment shall be deemed to be a defect or failure to comply in the motor vehicle in or on which such equipment was installed at the time of its delivery to the first purchaser.

(4) If the manufacturer of a motor vehicle is not the manufacturer of original equipment installed in or on such vehicle at the time of its delivery to the first purchaser, the manufacturer of the vehicle (rather than the manufacturer) of such equipment shall be considered the manufacturer of such item of equipment.

In addition, with respect to these definitions and as in the House amendment, the Secretary may provide otherwise by regulation. Conforming changes are made throughout the conference substitute to reflect these definitions.

EFFECTIVE DATE

Senate bill

No provision.

House amendment

The House amendment provided that the amendments to existing law made by section 102 would not apply to any defect or failure to comply with respect to which, before the effective date of this title, notification was issued by the manufacturer under section 113(a) of the Act, or was required to be issued under section 113(e).

Conference substitute

The conference substitute adopts the provisions of the House amendment.

Enforcement

Senate bill

Section 2 of the Senate bill amended Section 108(a)(4) of the National Traffic and Motor Vehicle Safety Act to make it a prohibited act to fail to furnish notification, fail to remedy any defect or failure to comply, fail to maintain records, or fail to meet any other obligation imposed upon any manufacturer, distributor, or dealer pursuant to the new notification and remedy provisions.

House amendment

Section 103 of the House amendment amended section 108 of the Act. A new section 108(a)(2) was added which prohibited any manufacturer, distributor, dealer, or motor vehicle repair business from knowingly rendering inoperative in whole or part, any device or element of design installed on or in a motor vehicle or item of motor vehicle equipment in compliance with an applicable Federal motor vehicle safety standard, unless such manufacturer, distributor, dealer, or repair business reasonably believed that such vehicle or item of equipment would not be used (other than for testing or similar purposes in the course of maintenance or repair) during the time such device or element of design was rendered inoperative. The term, "motor vehicle repair business" was defined to include any person who holds himself out to the public as in the business of repairing motor vehicles or their equipment for compensation.

The Secretary was authorized to prescribe regulations defining the term "render inoperative" and to exempt by rule any person if he determined such exemption was consistent with motor vehicle safety and the purposes of the Act.

Section 103 of the House amendment also amended section 108(a) of the Act to specify as prohibited acts the failure to keep specified records under section 112; failure or refusal to permit impounding of motor vehicles as required under section 112(b); and the failure to comply with any rule, regulation, or order issued under section 112 or 114 of the Act, as amended.

Section 108(a)(1)(D) of the Act was amended to make it a prohibited act to fail to furnish notification, fail to remedy any defect or failure to comply, fail to maintain records, or fail to comply with any order or other requirement applicable to any manufacturer, distributor, or dealer pursuant to Part B of Title I.

Section 103(b) of the House amendment amended section 109 of the Act by increasing the maximum civil penalty from $400,000 to $800,000.

Section 103(c)(1) of the House amendment altered section 110(a) of the Act to give the United States district courts the jurisdiction to restrain violations of rules, regulations, or orders issued under Title I of the Act. The district courts would also have the jurisdiction to restrain the sale or importation of motor vehicles or items of motor vehicle equipment which were non-complying or contained a defect which related to motor vehicle safety and with respect to which notification was given under section 151 or required to be given under section 152(b).

A conforming amendment to section 110(a) in section 103(c)(2) of the House amendment required the Secretary to give notice of a contemplated injunctive action and afford a reasonable opportunity to remedy the defect, as well as to achieve compliance.

Conference substitute

The conference substitute adopts the provisions of the House amendment.

Regarding the Secretary's authority to prescribe regulations defining the term "render inoperative," the conferees intend that these regulations should make it clear that the permanent removal, disconnection, or degradation of the safety performance of any such device or element of design is prohibited.

The words, device or element of design, are intended to include components of a motor vehicle or item of its equipment as well as an entire system to which safety standards are applicable.

However, an item of motor vehicle equipment installed in or on a motor vehicle may be replaced with an item of motor vehicle equipment which is a replacement part complying with any applicable Federal motor vehicle safety standard and any applicable Federal motor vehicle safety standard and any applicable Federal vehicle-in-use standard for equipment. It is not the purpose of this amendment to limit in any way the use of independent aftermarket repair and service parts in the repair or replacement of components incorporated in the vehicle at the time of manufacture pursuant to the requirements of Federal motor vehicle safety standards.

This amendment to the enforcement provisions of existing law is intended to insure that safety equipment on a motor vehicle continues to benefit motorists during the life of the vehicle. The protection of subsequent, as well as first, purchasers of a motor vehicle is thereby assured. The expenditure of federal funds on motor vehicle safety would be to little effect if as a general rule devices or elements of design installed in compliance with applicable Federal safety standards were rendered inoperative.

Section 110 of this legislation requires the Secretary to amend Federal motor vehicle safety standard 208 so as to no longer require or permit compliance by means of any continuous buzzer designed to indicate that safety belts are not fastened, or any safety belt interlock system.

Section 108 (a) of the Act as amended will permit a manufacturer, distributor, dealer, or motor vehicle repair business to render inoperative (1) any continuous buzzer (as

defined in section 125(f)(4)) designed to indicate that safety belts are not fastened, or (ii) any safety belt interlock. In addition, effective on the date of enactment of the bill, dealers could, at the request of purchasers, render inoperative interlocks and continuous buzzers that were required by the standards in effect at the time of manufacture of the vehicle.

The amendments to section 108 of the Act will remove any doubt that the civil penalty authority under section 109 of the Act can be used to enforce all rules, regulations and orders issued under section 112 or 114. These sections will also permit the Secretary to seek civil penalties against those persons who fail or refuse to permit impounding or inspection of motor vehicles or entry of premises for such purpose as required under section 112, as amended by this bill.

These amendments to section 110(a) expand the injunctive authority of the Secretary so as to permit the restraining of (1) the importation into the United States of vehicles that contain a defect related to motor vehicle safety and (2) the sale of vehicles in this country that contain such a defect. This authority will enable the Secretary, when he learns of the existence of vehicles that comply with all applicable safety standards but are nevertheless defective, to obtain a court order stopping the manufacturer and/or dealers from continuing to sell the defective vehicles. (Those defective vehicles already sold will, of course, be the subject of a defect notification campaign provided for in sections 151 and 152 of the Act, as amended by this legislation.)

This authority will also enable the Secretary to seek an injunction to prevent the importation or sale of foreign manufactured vehicles, certified as complying with the standards, but damaged in transit to such an extent that they are considered defective. Presently, these vehicles cannot be prevented from entering the country unless the Secretary has evidence of noncompliance with an applicable safety standard. In the past, several foreign vehicle manufacturers have advised the Secretary that unauthorized dealers were attempting to bring damaged vehicles into this country.

INSPECTION AND RECORDKEEPING

Senate bill

No comparable provision.

House amendment

Section 104 of the House amendment revised section 112 (a), (b), and (c) of the Act to make clear that the Secretary was authorized to conduct any inspection or investigation which might be necessary to enforce Title I and any rules, regulations, or orders issued thereunder, or which related to the facts, circumstances, conditions, and causes of any motor vehicle accident and which was for the purpose of carrying out his functions under this Act.

The Secretary was required to furnish the Attorney General and, when appropriate, the Secretary of the Treasury, any information obtained indicating noncompliance with this Title, or any rules, regulations, or orders issued thereunder. In carrying out these inspections or investigations, officers or employees designated by the Secretary, upon presenting appropriate credentials and written notice to the owner, operator or agent in charge, were authorized at reasonable times and in a reasonable manner to (1) enter any factory, warehouse, or establishment in which motor vehicles or items of motor vehicle equipment were manufactured, held for introduction in interstate commerce, or held for sale after such introduction, or to enter any premises where motor vehicle or item of motor vehicle equipment involved in a motor vehicle accident was located; (2) to impound for a period not to exceed 72 hours, any motor vehicle or item of motor vehicle equipment involved in a motor vehicle accident; and (3) to inspect any factory, warehouse, establishment, vehicle, or equipment referred to in (1) or in (2) above.

Whenever the Secretary inspected or temporarily impounded for the purpose of inspection any motor vehicle, he would pay reasonable compensation to the extent that such inspection or impounding resulted in denial of the use of the vehicle to its owner or in the reduction of value of the vehicle.

Section 104 of the House amendment also altered section 112(b) of the Act to require every manufacturer of motor vehicles and motor vehicle equipment to establish and maintain such records and every manufacturer, dealer, or distributor to make such reports as the Secretary could reasonably require to enable him to determine whether such person was in compliance with Title I or any rules, regulations, or orders issued thereunder. Duly designated officers or employees of the Secretary were authorized to inspect appropriate materials relevant to determining compliance.

Section 104 of the House amendment altered section 112(c) of the Act to allow the Secretary to conduct informational hearings and to obtain evidence from any person who had any information relevant to the implementation of the Act. The Secretary or any authorized officer of the Department could hold hearings, take testimony under oath, and require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of records. Access to and copying of any documentary evidence of any person having materials or information relevant to any function of the Secretary under Title I of the Act was authorized. The Secretary was also permitted to require, by general or special orders, any person to file prescribed reports or answers in writing to specific questions relating to any function of the Secretary under Title I. Such reports and answers would be made under oath or otherwise and filed within a reasonable period as prescribed. The district courts of the United States would have jurisdiction to enforce a subpoena or order of the Secretary or his officer or employee.

Under section 104 of the House amendment, section 112(c) permitted the Secretary to request from any department, agency, or instrumentality of the government, such statistics, data, program reports, and other materials as necessary to carry out his functions under Title I. Such departments, agencies, or instrumentalities were authorized and directed to cooperate and furnish such materials to the Secretary unless another provision of law limited their authority to do so.

Finally, the amendment to section 112(e) in section 104 of the House amendment would prohibit, except in expressly specified situations, the Secretary from disclosing information received under Title I, as amended, if it contained a trade secret or other material referred to in 18 U.S.C. 1905.

Conference substitute

The conference substitute adopts the House provisions.

COST INFORMATION

Senate bill

No comparable provision.

House amendment

Section 105 of the House amendment inserted a new section 113 which required a manufacturer to submit such cost information (in such detail as may be prescribed by rule or order of the Secretary), as may be necessary to properly evaluate the manufacturer's statement, whenever a manufacturer opposed an action of the Secretary under section 103 or any other provision of the Act. The Secretary was required to promptly prepare an evaluation of such cost information. Such information, together with the Secretary's evaluation would be available to the public by notice published in the Federal Register, unless the manufacturer established that it contained a trade secret. Any portion of such a trade secret may be disclosed to the public only in such manner as to preserve the confidentiality of such trade secret. However, a trade secret may be disclosed to other officers or employees carrying out this title or when relevant in any proceeding under this title. Nothing therein authorized the withholding of information from the duly authorized committees of Congress.

The term "cost information" is defined to include both the manufacturer's cost and the cost of the retail purchaser.

Conference substitute

The conference substitute incorporates the new section 113(a) of section 105 of the House amendment which requires manufacturers to submit cost information (in such detail as the Secretary may by rule or order prescribe) whenever such manufacturer opposes an action of the Secretary under section 103, or any other provision of this Act, on the ground of increased cost. The Secretary shall thereafter promptly prepare an evaluation of such cost information.

The conference substitute modifies the provisions of the House amendment with respect to the availability of such cost information to the public. Subject to the exceptions noted below, the cost information obtained under this section, as well as the Secretary's evaluation thereof, shall be available to the public. Notice of the availability of such information shall be published in the Federal Register.

The exception to the presumption of availability of the cost information to the public under this section is if the manufacturer satisfies the Secretary that any portion of such information contains a trade secret or other confidential matter. If the manufacturer succeeds, such portion of the cost information shall still be released, but only in a manner as to preserve the confidentiality of the trade secret or other confidential matter. Confidential matter is intended to mean that information which is not generally known to competitors and if known, would be competitively harmful. Any information obtained by the Secretary under this section may be disclosed to other officers or employees concerned with carrying out Title I of the Act or when relevant in any proceeding under such title. Nothing in the aforementioned subsection shall authorize the withholding of information by the Secretary or any officer or employee under his control, from the duly authorized committees of the Congress.

The conference substitute further retains the definition of "cost information" contained in the House amendment as well as the authority of the Secretary to establish rules and regulations prescribing forms and procedures for submission of cost information under this section.

Finally, the purpose of this section is to require the Secretary to solicit and evaluate cost information when there is a challenge to an action of the Secretary under section 103 or any other provision of the Act. However, nothing in this section restricts the authority of the Secretary to obtain or require the submission of information, including cost information, under any other provision of the Act.

AGENCY RESPONSIBILITY

Senate bill

No comparable provision.

House amendment

Section 106 of the House amendment added a new section 124 which allowed any interested person to file with the Secretary a petition requesting him to commence a proceeding to promulgate a Federal motor vehicle safety standard pursuant to Section 103 or

to determine whether to issue an order pursuant to the new section 152(b) concerning a defect or failure to comply. The petition would set forth the facts establishing that an order is necessary and a brief description of the substance of the order to be issued by the Secretary. The Secretary could hold a public hearing or conduct an investigation or proceeding to determine whether to grant the petition. The Secretary was required to either grant or deny the petition within 120 days after filing. If granted the proceeding would commence promptly; if denied, the reasons therefor would be published in the Federal Register.

Other remedies provided by law concerning agency responsibility, judicial review of agency action, or failure to act are preserved.

Conference substitute

The conference substitute adopts the House provisions.

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Senate bill

No comparable provision.

House amendment

Section 107 of the House amendment revised section 104 of the Act by defining the term "representative of the general public" to include individuals with an economic interest in the automobile industry. It further required the Secretary to publish the names of the members of the Council annually and to designate which members represent the general public. The Chairman of the Council would be chosen by the Council from among the members representing the general public.

Conference substitute

The conference substitute adopts the House provision with one addition. The Federal Advisory Committee Act provides that the life of any advisory committee not specifically extended shall lapse. The conference substitute extends the life of the National Motor Vehicle Safety Advisory Council until October 1, 1977. On that date the Council will lapse and the duty of the Secretary to consult the Council will be abolished unless Council again extends the life of the Council.

FUEL SYSTEM INTEGRITY STANDARD

Senate bill

No comparable provision.

House amendment

Section 108(a) of the House amendment provided that within 90 days after the effective date, the Secretary would promulgate a motor vehicle safety standard for fuel system integrity applicable to four wheeled motor vehicles designed to carry 10 or fewer passengers in addition to the driver in order to protect occupants of such vehicles, and other persons, from fuel-fed fires. The House language specified a specific performance standard as well as specific dates upon which the standard was to become effective. Section 108(b) of the House amendment provided that the Secretary could amend or repeal such standard if he determined that doing so would not diminish the level of motor vehicle safety.

Conference substitute

While the conference substitute adopts the intent of the House amendment to establish legislatively a fuel system integrity standard, it does so by incorporating by reference Federal Motor Vehicle Safety Standard Number 301, as published on March 21, 1974 in the Federal Register. The new language provides that such standard shall take effect on the dates prescribed in such standard as so published. The conference substitute permits the Secretary to amend such standard in order to correct technical errors in the standard, and may amend or repeal such standard if he determines such amendment or repeal will not diminish the level of motor vehicle safety.

OCCUPANT RESTRAINT SYSTEMS

Senate bill

No comparable provision.

House amendment

Section 110 of the House amendment added a new provision to section 103(a) of the Act which prohibited Federal motor vehicle safety standards from requiring that any motor vehicle be equipped (1) with a safety belt interlock system; (2) with any warning device other than a warning light designed to indicate that safety belts were not fastened; or (3) with any occupant restraint system other than an integrated lap and shoulder safety belt for front outboard occupants and lap belts for other occupants. In addition, the House amendment provided that, effective with respect to passenger cars manufactured on or after August 15, 1976, Federal motor vehicle safety standards would require that the purchaser of a motor vehicle be offered the option of purchasing either (1) passenger motor vehicles which are equipped with passive restraint systems which meet standards prescribed under section 103 of the Act or (2) passenger motor vehicles equipped with integrated lap and shoulder belts for front outboard occupants and lap belts for other occupants.

The House amendment further made it a prohibited act under the Act to fail to offer purchasers the option required above.

Conference substitute

The conference substitute, in summary, provides as follows:

1. As soon as possible, but no later than 120 days after the date of enactment, the Department of Transportation must amend the motor vehicle safety standard pertaining to occupant restraints so as to eliminate the safety belt interlock system and any continuous buzzer designed to indicate that safety belts are not fastened.

2. The authority of the Secretary to establish a mandatory occupant restraint standard using a belt system (integrated lap and shoulder belt except for certain special vehicles where only a lap belt or some other combination could be required) is not affected.

3. If the Secretary of Transportation wants to establish some other occupant restraint system, he must follow these procedures: a) afford interested persons an opportunity for the presentation of oral as well as written data, views, or arguments; b) keep a transcript of the oral presentation; c) notify the Chairmen of the House Interstate and Foreign Commerce Committee and the Senate Commerce Committee.

4. No occupant restraint system other than a belt system could become effective until Congress was given an opportunity to consider such standard for sixty days of continuous session (except that DOT could permit a manufacturer (at his option) to comply with a standard with a nonbelt system instead of a belt system). Once a nonbelt system is permitted to become effective, then further changes in occupant restraint standards would not be subject to disapproval. If Congress passes a concurrent resolution rejecting the standard promulgated by the Secretary of Transportation, then the standard does not take effect.

5. No matter what procedure is followed, the conference substitute prohibits the reestablishment of the safety belt interlock system or continuous buzzer as a mandatory or optional motor vehicle safety standard.

TECHNICAL AND CONFORMING AMENDMENTS

Senate bill

No comparable provisions.

House amendment

Section 110(a) of the House amendment amends section 102(10) of the Act to state that "Secretary" means the Secretary of Transportation to whom all functions under the Act were transferred by the Department of Transportation Act. Section 110(b) amends Section 120(a) of the Act to permit the Secretary to submit the Annual Report on the implementation of the Act on July 1 of each year rather than March 1.

Section 110(c) of the House amendment amended section 204(a) of the Act to authorize the Secretary to permit by order the lease, as well as the sale, of regrooved tires and motor vehicles equipped with regrooved tires which he found were designed and constructed in a manner consistent with the purposes of the Act.

Conference substitute

The conference substitute adopts the House provisions.

REDUCTION OF MOTOR VEHICLE WEIGHT AND COST

Senate bill

No comparable provision.

House amendment

Section 111 of the House amendment required the Secretary, in carrying out his responsibilities under the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act, to take all steps, consistent with his responsibilities under those Acts to encourage reduction in weight and cost of motor vehicles.

Conference substitute

The conference substitute deletes the provision of the House amendment relating to the reduction of motor vehicle weight and cost. The provision was intended by the House to be advisory in nature and neither expanded nor contracted the Secretary's existing authority with regard to motor vehicle safety. The conferees were informed by officials of the Department of Transportation that weight and cost factors are considered as a matter of course in standard-setting proceedings under the National Traffic and Motor Vehicle Safety Act.

Additionally, the conferees agreed to delete this section in anticipation of more comprehensive legislation designed to integrate federal conservation, environmental and safety goals for the motor vehicle.

EFFECTIVE DATE

Senate bill

No comparable provision.

House amendment

Section 113 of the House amendment provided that the amendments made by this title (other than the section on occupant restraint systems) would take effect on the sixtieth day after the date of enactment of this Act.

Conference substitute

Section 111 of the conference substitute adopts the House provision.

TITLE II—SCHOOLBUS SAFETY

Senate bill

No comparable provisions.

House amendment

Section 201 of Title II of the House amendment added two new definitions to section 102 of the Act. First, "schoolbus" was defined to mean a passenger motor vehicle which was designed to carry more than ten passengers in addition to the driver, and which the Secretary determined was likely to be significantly used for the purpose of transporting primary, pre-primary, or secondary school students to or from such schools or events related to such schools. Second, "schoolbus equipment" was defined to mean equipment designed primarily at a system, part, or component of a school bus, or any similar part or component manufactured or sold for replacement or improvement of such system, part, or com-

ponent, or as an accessory or addition to a schoolbus.

Section 202 of the House amendment amended section 103 of the Act to require that not later than six months after the date of enactment, the Secretary would publish proposed Federal motor vehicle safety standards to be applicable to schoolbuses and schoolbus equipment. Such proposed standards shall include minimum standards for the following aspects of performance: (1) emergency exits; (2) interior protection for occupants; (3) floor strength; (4) seating systems; (5) crashworthiness of body and frames (including protection against rollover hazards); (6) vehicle operating systems; (7) windows and windshields; and (8) fuel systems.

Not later than fifteen months after the date of enactment, the Secretary would promulgate Federal motor vehicle safety standards which provided minimum standards for the aforementioned aspects of performance and which would apply to each schoolbus and item of schoolbus equipment which is manufactured in or imported into the United States on or after the expiration of the nine-month period which begins on the date of promulgation of such safety standards. The Secretary was further authorized to prescribe regulations requiring that any schoolbus is to be test-driven by the manufacturer before introduction into commerce. Failure to so test is a prohibited act under section 108.

Conference substitute

The conference substitute adopts the House provisions.

TITLE III—MOTOR VEHICLE DEMONSTRATION PROJECTS

Senate bill

No comparable provision.

House amendment

Section 301 of the House amendment amended Title III of the Motor Vehicle Information and Cost Savings Act to require the Secretary to establish a special motor vehicle diagnostic inspection demonstration project to assist in the rapid development and evaluation of advanced inspection, analysis, and diagnostic equipment suitable for use by the States in standardized high-volume inspection facilities and to evaluate the repair characteristics of motor vehicles. Such project would be designed to facilitate evaluation of repair characteristics by small automotive repair garages.

Conference substitute

The conference substitute adopts the provisions of the House amendment with clarifying changes.

HARLEY O. STAGGERS,
JOHN E. MOSS,
W. S. (BILL) STUCKEY, Jr.,
SAMUEL L. DEVINE,
JAMES T. BROYHILL,
Managers on the Part of the House.

WARREN G. MAGNUSON,
VANCE HARTKE,
FRANK E. MOSS,
TED STEVENS,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

(By unanimous consent, leave of absence was granted as follows to:)

Mr. MANN (at the request of Mr. O'NEILL) for today on account of death in the family.

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. LOTT) to revise and extend their remarks and include extraneous material:)

Mr. KEMP, for 15 minutes, today.
Mr. CONABLE, for 5 minutes, today.
Mr. BRAY, for 10 minutes, today.
Mr. ROBISON of New York, for 10 minutes, today.
Mr. FINDLEY, for 5 minutes, today.
Mr. RAILSBACK, for 5 minutes, today.

(The following Members (at the request of Mr. BREAUX) to revise and extend their remarks and include extraneous matter:)

Mr. BRINKLEY, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. OWENS, for 15 minutes, today.
Mr. ROSENTHAL, for 5 minutes, today.
Mr. ALEXANDER, for 5 minutes, today.
Mr. DOMINICK V. DANIELS, for 5 minutes, today.
Mr. KOCH, for 5 minutes, today.
Mr. DELLUMS, for 15 minutes, on October 10.
Mr. DELLUMS, for 15 minutes, on October 11.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LOTT) and to include extraneous matter:)

Mr. QUIE in two instances.
Mr. STEIGER of Wisconsin.
Mr. DERWINSKI in three instances.
Mr. GILMAN in two instances.
Mr. LANDGREBE.
Mr. THOMSON of Wisconsin in two instances.
Mr. VEYSEY.
Mr. FREY.
Mr. CRONIN.
Mr. CLANCY.
Mr. MCCOLLISTER in three instances.
Mr. ASHBROOK in five instances.
Mr. O'BRIEN.
Mr. MILLER in four instances.
Mr. HUBER.
Mr. RONCALLO of New York.
Mr. MARTIN of Nebraska.
Mr. FINDLEY.
Mr. HUDNUT.
Mr. MALLARY in two instances.
Mr. WYMAN in two instances.
Mr. BOB WILSON.
Mr. ANDERSON of Illinois in two instances.
Mr. WALSH.
Mr. BRAY in two instances.

(The following Members (at the request of Mr. BREAUX) and to include extraneous matter:)

Mr. HARRINGTON in two instances.
Mr. WON PAT.
Mr. RARICK in three instances.
Mr. GONZALEZ in three instances.
Mr. ANDERSON of California in three instances.
Mr. HANNA in five instances.
Mr. HELSTOSKI.
Mr. SYMINGTON.
Mr. STARK.
Mr. GIBBONS.
Mr. EDWARDS of California.
Mr. EVINS of Tennessee in three instances.
Mr. BROWN of California.
Mr. REID in two instances.
Mr. MAHON.
Mr. ANNUNZIO.
Mr. HAMILTON.
Mr. EILBERG.
Mr. FRASER.
Mrs. SCHROEDER.
Mr. VIGORITO in three instances.
Mr. NEDZI.
Mr. GUNTER in 10 instances.
Mr. BENNETT.
Mr. ROGERS in five instances.
Mr. THOMPSON of New Jersey in four instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2106. An act to amend title VI of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a ten-year term for the appointment of the Director of the Federal Bureau of Investigation; to the Committee on the Judiciary.

S. 3957. An act to terminate certain authorities with respect to national emergencies still in effect, and to provide for orderly implementation and termination of future national emergencies; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 7954. An act to direct the Secretary of Agriculture to release on behalf of the United States conditions in a deed conveying certain lands to the State of New York and to provide for the conveyance of certain interests in such lands so as to permit such State, subject to certain conditions, to sell such land.

H.R. 9054. An act to amend the Act entitled "An Act to authorize the Secretary of Agriculture to execute a subordination agreement with respect to certain lands in Lee County, S.C.";

H.R. 11537. An act to extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands; and

H.R. 12471. An act to amend section 552 of title 5, United States Code, known as the Freedom of Information Act.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

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

S. 634. An act to declare that certain federaly owned lands shall be held by the United States in trust for the Kootenai Tribe of Idaho, and for other purposes; and

S. 2001. An act to redesignate the Alamogordo Dam and Reservoir, New Mexico, as Sumner Dam and Lake Sumner respectively.

ADJOURNMENT

Mr. BREAUX. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 27 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 9, 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:

2838. A letter from the Secretary of Defense, transmitting a report on his apportionment of the reduction in strength for Department of Defense civilian personnel among the services, activities, and agencies of the Department, pursuant to section 501 (a)(2) of Public Law 93-365; to the Committee on Armed Services.

2839. A letter from the Under Secretary of Health, Education, and Welfare, transmitting notice of a proposed rule entitled "Research Projects in Vocational Education, Part C—Additional Criteria for Selection of Applicants for Fiscal Year 1975," pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

2840. A letter from the Office of Congressional Relations, Department of State, transmitting a report of political contributions made by Ambassador-designate David K. E. Bruce, pursuant to section 6 of Public Law 93-126; to the Committee on Foreign Affairs.

2841. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting a transcript of a meeting held between the Commission and the Office of Management and Budget on October 4, 1974, concerning the Commissions budget proposals for fiscal year 1976, pursuant to section 27(k)(1) of Public Law 92-573 (86 Stat. 1229); to the Committee on Interstate and Foreign Commerce.

2842. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended X [8 U.S.C. 1154(d)]; to the Committee on the Judiciary.

2843. A letter from the Chairman, U.S. Civil Service Commission, transmitting the 51st Report of the Board of Actuaries of the Civil Service Retirement System, covering fiscal year 1971, pursuant to 5 U.S.C. 8347(f); to the Committee on Post Office and Civil Service.

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. PATMAN: Committee of conference. Conference report on H.R. 15977 (Rept. No. 93-1439). Ordered to be printed.

Mr. PATMAN: Committee of conference. Conference report on S. 3838; with amendment (Rept. No. 1440). Ordered to be printed.

Mr. STAGGERS: Committee of conference. Conference report on H.R. 15427; with amendment (Rept. No. 93-1441). Ordered to be printed.

Mr. STAGGERS: Committee of conference. Conference report on S. 3355; with amendment (Rept. No. 93-1442). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 16757. A bill to extend the Emergency Petroleum Allocation Act of 1973 until August 31, 1975 (Rept. No. 93-1443). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS: Committee on Foreign Affairs. House Joint Resolution 1115. Joint resolution to provide for the indemnification of the Metropolitan Museum of New York for loss or damage suffered by objects in exhibition in the Union of Soviet Socialist Republics; with amendment (Rept. No. 93-1444). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee of conference. Conference report on H.R. 11510 (Rept. No. 93-1445). Ordered to be printed.

Mr. MEEDS: Committee of conference. Conference report on S. 3007 (Rept. No. 93-1446). Ordered to be printed.

Mr. HAYS: Committee of conference. Conference report on S. 3473 (Rept. No. 93-1447). Ordered to be printed.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 1419. Resolution providing for the consideration of H.R. 16373. A bill to amend title 5, United States Code, by adding a section 552a to safeguard individual privacy from the misuse of Federal records and to provide that individuals be granted access to records concerning them which are maintained by Federal agencies (Rept. No. 93-1448). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 1420. Resolution providing for the consideration of S. 1296. An Act to further protect the outstanding scenic, natural, and scientific values of the Grand Canyon by enlarging the Grand Canyon National Park in the State of Arizona, and for other purposes (Rept. No. 93-1449). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 1421. Resolution providing for the consideration of S. 3906. An act to amend title 10, United States Code, by repealing the requirement that only certain officers with aeronautical ratings may command flying units of the Air Force (Rept. No. 93-1450). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 1422. Resolution waiving points of order against the conferences report on H.R. 11221. A bill to provide full deposit insurance for public units and to increase deposit insurance from $20,000 to $50,000 (Rept. No. 93-1451). Referred to the House Calendar.

Mr. STAGGERS: Committee of conference. Conference report on S. 355 (Rept. No. 93-1452). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 17129. A bill to allow Federal law-enforcement officers and firefighters who are 55 years of age and have completed 5 years of service the benefits of immediate retirement under section 8336(c) of title 5, United States Code; to the Committee on Post Office and Civil Service.

By Mr. COCHRAN:

H.R. 17130. A bill to amend the Clean Air Act to define the term "useful life of vehicles and engines" and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 17131. A bill to guarantee the right of employees to organize and bargain collectively which safeguards the public interest and promotes the free and unobstructed flow of commerce; to the Committee on Education and Labor.

By Mr. LANDGREBE:

H.R. 17132. A bill to amended the Higher Education Act of 1965 to provide that vocational schools may qualify as eligible institutions for purposes of federally insured student loans while in a preaccreditation status; to the Committee on Education and Labor.

By Mr. MEZVINSKY:

H.R. 17133. A bill to reform consent decree procedures, to increase penalties for violation of the Sherman Act, and to revise the Expediting Act as it pertains to appellate review; to the Committee on the Judiciary.

By Mr. MURTHA (for himself, Mr. HECHLER of West Virginia, Mr. MORGAN, Mr. MCSPADDEN, Mr. CHARLES H. WILSON of California, Mr. CONYERS, Mr. MOAKLEY, Mr. HELSTOSKI, Mr. ROSENTHAL, Mr. RIEGLE, Mrs. COLLINS of Illinois, Mr. YOUNG of Georgia, Mr. BEVILL, Mr. PRICE of Illinois, Mr. ROYBAL, Mr. JOHNSON of Pennsylvania, Mr. HARRINGTON, Ms. HOLTZMAN, and Mr. MURPHY of New York):

H.R. 17134. A bill to amend the Federal Coal Mine Health and Safety Act of 1969; to the Committee on Education and Labor.

By Mr. PICKLE:

H.R. 17135. A bill to amend the railroad accident reporting law to provide that copies of reports be made available to certain persons; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 17136. A bill to amend title XVIII of the Social Security Act to provide long-term care services as a part of the supplementary medical insurance program, to encourage the creation of community long-term care centers to assist in providing such services, and for other purposes; to the Committee on Ways and Means.

By Mr. WAMPLER:

H.R. 17137. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income $1,000 of interest on savings in the case of an individual taxpayer; to the Committee on Ways and Means.

By Mr. WOLFF (for himself and Mr. ROONEY of Pennsylvania):

H.R. 17138. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the interest on deposits in certain savings institutions; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois:

H.R. 17139. A bill to liberalize the retirement earnings limitation under the Social Security Act; to the Committee on Ways and Means.

By Mr. BRADEMAS:

H.R. 17140. A bill to establish within the Department of Commerce a Foreign Investment Review Administration to conduct a continuing review and analysis of foreign investment in the United States, to require reports and information from foreign investors in the United States, to publish reports with respect to such investment, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 17141. A bill to amend the Internal Revenue Code of 1954 to eliminate, in the case of any oil or gas well located outside the United States, the percentage depletion allowance and the option to deduct intangible drilling and development costs, and to deny a foreign tax credit with respect to the income derived from any such well; to the Committee on Ways and Means.

H.R. 17142. A bill to amend the Internal Revenue Code of 1954 to eliminate the percentage oil and gas depletion allowance; to the Committee on Ways and Means.

By Mr. COHEN (for himself and Mr. BLACKBURN):

H.R. 17143. A bill to amend the Internal Revenue Code of 1954 to encourage greater conservation of energy in home heating and

cooling by providing an income tax deduction for expenditures made for more effective insulation and heating equipment in residential structures; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 17144. A bill to increase the availability of reasonably priced mortgage credit for home purchases; to the Committee on Banking and Currency.

By Mr. CORMAN (for himself, Mr. ANDERSON of California, Mr. BROWN of California, Mrs. BURKE of California, Mr. DANIELSON, Mr. HAWKINS, Mr. HOLIFIELD, Mr. REES, Mr. ROYBAL, and Mr. CHARLES H. WILSON of California):

H.R. 17145. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 to protect and insure restoration of a subordinate labor organization after termination of a trusteeship; to the Committee on Education and Labor.

By Mr. DOWNING (for himself, Mr. MOAKLEY, Mr. JONES of North Carolina, Mr. CASEY of Texas, and Mr. HARRINGTON):

H.R. 17146. A bill to protect the domestic fishing industry by granting to it the same protections granted to the coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Mr. FLOOD:

H.R. 17147. A bill to limit the jurisdiction of the Supreme Court of the United States and of the district courts to enter any judgment, decree, or order, denying or restricting, as unconstitutional, voluntary prayer in any public school; to the Committee on the Judiciary.

By Mr. FISH:

H.R. 17148. A bill to increase the availability of reasonably priced mortgage credit for home purchases; to the Committee on Banking and Currency.

H.R. 17149. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the interest on deposits in certain savings institutions; to the Committee on Ways and Means.

By Mrs. HECKLER of Massachusetts:

H.R. 17150. A bill to amend the act of August 24, 1966, for the purposes of prohibiting the shipment in interstate commerce of dogs intended to be used to fight other dogs for purposes of sport, wagering, or entertainment; to the Committee on Agriculture.

H.R. 17151. A bill to discourage the use of painful devices in the trapping of animals and birds; to the Committee on Merchant Marine and Fisheries.

H.R. 17152. A bill to conserve energy and save lives by extending indefinitely the 55-miles-per-hour-speed limit on the Nation's highways; to the Committee on Public Works.

By Mr. HUNT:

H.R. 17153. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income $500 of interest on savings in the case of an individual taxpayer; to the Committee on Ways and Means.

By Mr. MARAZITI:

H.R. 17154. A bill to deauthorize permanently the Tocks Island Dam on the Delaware River; to the Committee on Public Works.

By Mr. MATHIS of Georgia:

H.R. 17155. A bill to amend the Social Security Act to prevent State supplementation benefits from being reduced on account of increase in the level of benefits payable under the supplemental security income program, to prevent certain individuals from losing medicaid eligibility because of increases in social security benefits or supplemental security income benefits and for other purposes; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 17156. A bill to amend the Federal Trade Commission Act to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. HAWKINS, Mr. MURPHY of New York, Mr. RIEGLE, and Mr. ROE):

H.R. 17157. A bill to establish the Reconstruction Finance Corporation to make loans and loan guarantees to business concerns which would otherwise be unable to obtain needed financing; to the Committee on Bank ing and Currency.

By Mr. PERKINS:

H.R. 17158. A bill to amend the Agricultural Act of 1949 to change the formula used to determine the price support level for tobacco; to the Committee on Agriculture.

By Mr. QUIE:

H.R. 17159. A bill to allow the distribution in interstate commerce of goods produced by prison inmates who are paid at less than the prevailing minimum wages as determined for purposes of the Walsh-Healy Act; to the Committee on Education and Labor.

By Mr. RANDALL:

H.R. 17160. A bill to terminate certain authorities with respect to national emergencies still in effect, and to provide for orderly implementation and termination of future emergencies; to the Committee on the Judiciary.

By Mr. ROSENTHAL (for himself, Ms. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BLATNIK, Mr. BINGHAM, Mr. BURKE of Florida, Mr. CONYERS, Mr. DOMINICK V. DANIELS, Mr. DELLUMS, Mrs. GRASSO, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Ms. HOLTZMAN, Mr. KOCH, Mr. METCALFE, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. NIX, Mr. REES, Mr. RODINO, and Mrs. SCHROEDER):

H.R. 17161. A bill to protect purchasers and prospective purchasers of condominium housing units and residents of multifamily rental structures being converted to condominium units, by providing for the establishment of national minimum standards for condominium sales and conversions (to be administered by an Assistant Secretary for Condominium Housing, Department of Housing and Urban Development); and to insure that financial institutions engaged in the extension of credit to prospective purchasers of condominium units make credit available without discrimination on the basis of age, sex, race, religion, marital status or national origin; to the Committee on Banking and Currency.

By Mr. ROSENTHAL (for himself, Mr. WON PAT, and Mr. YOUNG of Georgia):

H.R. 17162. A bill to protect purchasers and prospective purchasers of condominium housing units and residents of multifamily rental structures being converted to condominium units, by providing for the establishment of national minimum standards for condominium sales and conversion (to be administered by an Assistant Secretary for Condominium Housing, Department of Housing and Urban Development); and to insure that financial institutions engaged in the extension of credit to prospective purchasers of condominium units make credit available without discrimination on the basis of age, sex, race, religion, marital status or national origin; to the Committee on Banking and Currency.

By Mr. TOWELL of Nevada:

H.R. 17163. A bill to authorize the Secretary of Labor to make grants for the conduct of older American home-repair projects, and for other purposes; to the Committee on Education and Labor.

H.R. 17164. A bill to amend title XVI of the Social Security Act to require that the value of maintenance and support furnished an individual by a nonprofit retirement home be excluded from income for the purpose of determining eligibility for supplemental security income benefits under such act; to the Committee on Ways and Means.

By Mr. WALSH:

H.R. 17165. A bill to suspend the duty on railroad rolling stock exported for repairs or alteration on or before June 30, 1975; to the Committee on Ways and Means.

By Mr. WHITTEN:

H.R. 17166. A bill to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. BOB WILSON:

H.R. 17167. A bill to increase the availability of reasonably priced mortgage credit for home purchases; to the Committee on Banking and Currency.

H.R. 17168. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income $500 of interest on savings in the case of an individual taxpayer; to the Committee on Ways and Means.

By Mr. WRIGHT:

H.R. 17169. A bill to increase the availability of reasonably priced mortgage credit for home purchases; to the Committee on Banking and Currency.

By Mr. WYMAN:

H.R. 17170. A bill to prohibit any State from imposing a tax on the income derived by any individual from services in a Federal area within such State if such individual is not a resident or domiciliary of such State or of any other State which imposes a tax on income; to the Committee on the Judiciary.

By Mr. YOUNG of Illinois:

H.R. 17171. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income $500 of interest on savings in the case of an individual taxpayer; to the Committee on Ways and Means.

By Mr. BERGLAND (for himself, Mr. BLATNIK, Mr. KARTH, Mr. ZWACH, Mr. NELSEN, Mr. FRENZEL, Mr. QUIE, and Mr. FRASER):

H.J. Res. 1158. Joint resolution designating the National Air and Space Museum as the "Charles A. Lindbergh National Air and Space Museum; to the Committee on Public Works.

By Mr. GILMAN:

H.J. Res. 1159. Joint resolution to require the Watergate Special Prosecution Force to make available to the public a report on all information it has concerning Richard M. Nixon in offenses against the United States; to the Committee on the Judiciary.

By Mr. RANDALL:

H.J. Res. 1160. Joint resolution requiring full public access to all facts and the fruits of all investigations relating to the executive branch and full public access to all papers, documents, memorandums, tapes, and transcripts during the period January 20, 1969 through August 9, 1974; to the Committee on Government Operations.

By Mr. MAHON:

H. Con. Res. 659. Concurrent resolution to establish a target for budget outlays for fiscal year 1975 in the amount of $300 billion; to the Committee on Appropriations.

By Mr. LONG of Maryland:

H. Con. Res. 660. Concurrent resolution expressing the sense of Congress that total new budget authority for fiscal year 1976 shall not exceed the total budget outlays for fiscal year 1975 by more than 3 precent; to the Committee on Government Operations.

By Mr. HELSTOSKI:

H. Res. 1416. Resolution concerning the safety and freedom of Valentyn Moroz, Ukrainian historian; to the Committee on Foreign Affairs.

By Mr. MATHIS of Georgia (for himself, Mr. BEARD, Mr. BRINKLEY, Mrs. COLLINS of Illinois, Mr. DAVIS of Georgia, Mr. FLOWERS, Mr. FLYNT, Mr. GINN, Mr. LOTT, Mr. MEEDS, Mr. MILFORD, Mr. PREYER, Mr. RUNNELS, Ms. SCHROEDER, Mr. STUCKEY, Mr. WAGGONNER, and Mr. WHITEHURST):

H. Res. 1417. Resolution expressing the sense of the House that efforts of the Department of Health, Education, and Welfare to promote the desegregation of public schools should be applied with the same intensity, standards, and sanctions in every region of the United States; to the Committee on Education and Labor.

By Mr. STAGGERS (for himself, Mr. O'NEILL, Mr. DINGELL, and Mr. MCFALL):

H. Res. 1418. Resolution expressing the sense of the House concerning energy; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

548. By the SPEAKER: Memorial of the Legislature of the Territory of Guam, relative to the status of the judicial branch of the Guam Government; to the Committee on Interior and Insular Affairs.

549. Also, memorial of the Legislature of the State of California, requesting Congress to propose an amendment to the Constitution of the United States requiring the balancing of the Federal budget; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GUBSER:

H.R. 17172. A bill for the relief of Seferino Isaac Garcia; to the Committee on the Judiciary.

By Mr. NEDZI:

H.R. 17173. A bill for the relief of Mrs. Helen Wolski; to the Committee on the Judiciary.

By Mr. PIKE:

H.R. 17174. A bill for the relief of Christine Donnelly; to the Committee on the Judiciary.

By Mr. STOKES:

H.R. 17175. A bill for the relief of Slobodanka Petrovic; to the Committe on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

532. By the SPEAKER: Petition of Louis K. Lefkowitz, attorney general of the State of New York, relative to the petroleum industry; to the Committee on Interstate and Foreign Commerce.

533. Also petition of Donald Matlock, Moorestown, N.J., relative to an amendment to the Constitution of the United States concerning the election of the President and Vice President; to the Committee on the Judiciary.

534. Also, petition of the city council, Youngstown, Ohio, relative to general revenue sharing; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

LATE ALLEN J. ELLENDER—BENEFACTOR OF CLOSE UP

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 8, 1974

Mr. SCHWEIKER. Mr. President, September 24 marked the anniversary of the birth of the late President pro tempore of the U.S. Senate, Allen J. Ellender of Louisiana.

Senator Ellender was a valued and dedicated supporter of Close Up, a nonpartisan, nonprofit forum which provides an opportunity for students, teachers, and government officials alike to share perspectives on "living government." As a tribute to Senator Ellender, Congress created a limited number of Allen J. Ellender fellowships for participation in the Close Up program by students of limited economic means and by their teachers from participating communities.

Mr. President, as a member of the Senate Subcommittee on Education, I have been pleased to meet with students from the Close Up program in Delaware County, Pa., the first nonmetropolitan community sponsored by Close Up. I ask unanimous consent that four letters describing the Delaware County group's visit to Washington be printed in the RECORD at the conclusion of my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

GLEN MILLS, PA.,
May 5, 1974.

MS. MARGY KRAUS,
Close Up Program Director,
Washington, D.C.

DEAR MS. KRAUS, I would like to thank the founders of Close Up for making my week in Washington with Close Up possible. I would also like to extend my gratitude to you, Margy, Mike Scott, and Beverly Holmes, my workshop leader. The idea of the program itself is terrific and I am happy that other youths are able to find out more about their government in this fashion.

I thoroughly enjoyed my week with my group from Delaware County, Pennsylvania and Penncrest High Schoool. I was surprised myself that I was able to raise over three hundred dollars for the Close Up trip in seven days through a special fund raising idea developed by my faculty sponsor, Mr. Robert Lillie. Based on a stock-shareholder plan, sponsors helping us were invited to attend a dinner when we returned from Washington. We had that dinner last week and it was a great success. We, the Penncrest group, supplied the dinner with our mothers' help. The extra monies I acquired were used to help others at my school attend.

I learned a great deal from March 17th to March 24th. I most enjoyed the surprise meeting of Mr. Jack Anderson, who was so gracious as to talk to a group of Close Up students for over an hour Wednesday night.

I was also surprised at how much I was able to apply from what I had learned with Close Up. I am writing a report on my experiences with Close Up for my friends and relatives who have asked to know more about Close Up and my experiences. In many discussions at school and around my community, I have been able to share my experiences and add constructively to the conversations. Also my Social Studies teacher and faculty advisor for Close Up, is forming a Political Science class in hopes that the Close Up students will take the course as a follow up class and introduce other students to the political scene and Close Up.

I have been selected as a Foreign Exchange Student by Rotary International for the 1974–1975 year. I will stay in Ponte Nova, Brazil. I have a host sister attending Boston College who informed me last week that her mother wrote her saying that I would be their American son starting in early July. My Rotary Club that is sponsoring me for my trip helped me to attend Close Up. I will give a presentation to them May 28th similar to the one we gave to our stockholders. I am hoping that I will be able to come back to Close Up when I return in 1975.

I sincerely hope that Close Up's Directors will invite Delaware County, Pennsylvania back next year to participate in this enlightening experience. Thank you all so very much.

Sincerely,

L. PAUL MORRIS, Jr.

PHILADELPHIA, PA.,
April 2, 1974.

MRS. MARGERY KRAUS,
Program Director, Close-Up, Washington, D.C.

DEAR MRS. KRAUS: Although I assume you mean the enclosed evaluation form to be anonymous, I'm identifying myself because I'd like to make a few additional comments. I'm Mildred Collier, wife of Bob Collier of Sun Valley High School, and since I was the only non-teacher in the Delaware County group, have a somewhat different perspective than the teacher participants.

I myself wanted to take part in Close-Up not merely for the sake of accompanying my husband, but because I perceived it as a unique opportunity to learn more and to become better-informed. My own expectations were certainly fulfilled by the Close-Up program.

It's an obvious fact, of course, that much of government is conducted behind the scenes in ways not discernible to the casual observer, but I believe one good fallout of Watergate to be a healthy skepticism, an unwillingness to accept official government pronouncements and/or policy, unquestioningly, on face value. Here I think one of the advantages of Close-Up was the first-hand opportunity, which the kids took full advantage of, to ask hard questions of many of the speakers.

My own reaction to the criticism voiced by teachers at the March 22 meeting was that some seemed to anticipate perhaps too much of a one-week program, almost as if the students were expected to come up with instant solutions to the staggering problems facing the country. I would venture the opinion that Close-Up will motivate many students who participated to become involved in, and more aware of, politics at every level, but as with all education, the results may not be apparent for some time.

One final comment—I believe the opportunity for these kids to spend a week in an urban environment such as Washington, and to experience the interchange with