HOUSE OF REPRESENTATIVES—*Tuesday, March 18, 1975*

The House met at 12 o'clock noon.

Rev. James C. Cammack, Snyder Memorial Baptist Church, Fayetteville, N.C., offered the following prayer:

In the majesty of a new morning, our Heavenly Father, we ask Thee to give patience and wisdom to each of these legislators as they begin another day of work.

Give them an openness toward each—and toward Thee. Show them how to differ without being difficult. Teach them the economy of words which neither wound nor offend.

May there be in their deliberations concession without coercion, and conciliation without compromise. Help them to be aware of Thy presence today as the Unseen Representative who is always present and voting.

In these troubled times, when lying has become an art and deceit a costly habit, guide each legislator so to speak and vote and live as to merit Thy blessing.

For Jesus' sake. 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. Sparrow, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3260. An act to rescind certain budget authority recommended in the message of the President of November 26, 1974 (H. Doc. 93–398), and as those rescissions are modified by the message of the President of January 30, 1975 (H. Doc. 94–39), and in the communication of the Comptroller General of November 6, 1974 (H. Doc. 93–391), transmitted pursuant to the Impoundment Control Act of 1974; and

H.R. 4075. An act to rescind certain budget authority recommended in the Message of the President of January 30, 1975 (H. Doc. 94–39), and in the communications of the Comptroller General of February 7, 1975 (H. Doc. 94–46), and of February 14, 1975 (H. Doc. 94–50), transmitted pursuant to the Impoundment Control Act of 1974.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3260) entitled "An act to rescind certain budget authority recommended in the message of the President of November 26, 1974 (H. Doc. 93–398) and as those rescissions are modified by the message of the President of January 30, 1975 (H. Doc. 94–39) and in the communication of the Comptroller General of November 6, 1974 (H. Doc. 93–391), transmitted pursuant to the Impoundment Control Act of 1974," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McCLELLAN, Mr. MAGNUSON, Mr. PASTORE, Mr. McGEE, Mr. PROXMIRE, Mr. MONTOYA, Mr. INOUYE, Mr. CHILES, Mr. YOUNG, Mr. HRUSKA, Mr. FONG, Mr. MATHIAS, and Mr. BELLMON to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4075) entitled "An act to rescind certain budget authority recommended in the Message of the President of January 30, 1975 (H. Doc. 94–39) and in the communications of the Comptroller General of February 7, 1975 (H. Doc. 94–46) and of February 14, 1975 (H. Doc. 94–50), transmitted pursuant to the Impoundment Control Act of 1974," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McCLELLAN, Mr. MAGNUSON, Mr. PASTORE, Mr. McGEE, Mr. PROXMIRE, Mr. MONTOYA, Mr. INOUYE, Mr. CHILES, Mr. YOUNG, Mr. HRUSKA, Mr. FONG, Mr. MATHIAS, and Mr. BELLMON to be the conferees on the part of the Senate.

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

S. 326. An act to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands; and

S. 1172. 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.

REV. JAMES CAMMACK

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

Mr. ROSE. Mr. Speaker, our prayer today was offered by one of the best preachers and pastors in the whole Baptist Church. Rev. James Cammack is a spiritual leader from my hometown of Fayetteville, N.C., and I welcome him today to the floor of the Congress of the United States.

Mr. Speaker, if we could but follow the prayer that Rev. James Cammack has offered to this august body, can we but dream of what our Nation could become?

May we have the faith and the courage, Mr. Speaker, to try.

Dr. James Cammack is a native of Dallas, Tex. He graduated in 1945 from the Southern Baptist Theological Seminary in Louisville, Ky., with a master of divinity degree. He holds an honorary doctor of divinity degree from Campbell College, Buie's Creek, N.C.

Dr. Cammack recently participated in traveling seminars under the auspices of Southeastern Baptist Seminary at Wake Forest in Winston-Salem, N.C. He covered 17 countries, including Africa, the Near East, Europe, and the Holy Land in a period of 2 months.

He has had preaching missions to Germany under the auspices of the Foreign Missions Board of his church in Richmond, Va.

His first parish was in Smithfield, N.C., in 1945, and he is presently serving as minister of the Snyder Memorial Baptist Church in Fayetteville, N.C., having been there since 1957.

Of his many community services, Dr. Cammack is on the board of the Cancer Society, the Council on Human Relations, and the Narcotics Commission. He is also a Kiwanian, and the author of a book entitled, "Yours To Share."

He is married to the former Julia Wallace of Waynesboro, Ga. They have one son, Chris.

RESOLUTION TO ESTABLISH SELECT COMMITTEE TO INVESTIGATE FACTUAL ACCOUNTING OF 921 U.S. SERVICEMEN STILL MISSING IN ACTION IN SOUTHEAST ASIA

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

Mr. MONTGOMERY. Mr. Speaker, today 29 Members and myself are introducing a resolution to establish a select committee of the House of Representatives to conduct a full and complete investigation into the factual accounting of the 921 U.S. servicemen still classified as missing in action in Southeast Asia, as well as the over 1,100 known dead whose remains have not been recovered as a result of continued military operations in North Vietnam, South Vietnam, Laos, and Cambodia.

Mr. Speaker, we must never cease in our efforts to gain compliance with paragraph 8B of the Paris peace accords until we have a complete accounting of these MIA's and until we make every effort to recover the remains of our known dead. The adoption of this resolution will further prove that the House of Representatives is deeply concerned about this problem and that this body will translate this concern into concrete action.

Later this week I will contact other Members of the House inviting their sponsorship of the resolution and urge them to become a cosponsor.

TOWARD SAVING $1.5 BILLION A YEAR THROUGH WELFARE REFORM LEGISLATION

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

Mr. ROBINSON. Mr. Speaker, today I have joined with a bipartisan group of Representatives in introducing welfare

reform legislation which is estimated to save taxpayers in excess of $1.5 billion a year.

By cutting fraudulent abuse and tightening loopholes, this legislation would save enough money to increase benefits to the truly needy.

The measure I refer to is the National Welfare Reform Act of 1975. It is aimed primarily at correcting deficiencies in the aid to families with dependent children—AFDC—program.

AFDC is the Nation's costliest welfare program, as well as the program most prone to abuse. The AFDC portion of the Federal budget has risen 6,800 percent since the program's inception in 1937 to the current level of $4 billion a year.

The detailed legislation which has been introduced today aims to eliminate the misuse of welfare funds which costs the taxpayer dearly.

Both parties of Congress must work together to restore fiscal sanity in the Government. This legislation is a step in the proper direction. No Federal program should be exempt from scrutiny as we approach a budget deficit now estimated to exceed $80 billion in the next fiscal year.

This bill represents only the first step toward reform of the major Federal welfare programs. Also under examination are the food stamp program, medicaid, and supplemental security income program.

I have long been on record for the reform of the food stamp program, Mr. Speaker. As the only Virginia member of the Agriculture Appropriations Subcommittee, I have seen firsthand how well-meaning programs can be subject to fraud and mismanagement which inflates costs beyond all reasonable levels.

As a significant move toward fiscal responsibility, the National Welfare Reform Act of 1975 represents one of the most thorough and comprehensive revisions of the AFDC program yet offered at the Federal level.

WORLD PRICE OF GASOLINE

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

Mr. COLLINS of Texas. Mr. Speaker, we have had much discussion in Congress about the price of gasoline. No one wants to see the price rise, but a pragmatic evaluation of gasoline prices indicates higher prices ahead. I would like to provide for your reference the current price per gallon of regular gasoline, including tax, in cities around the world:

Afghanistan, Kabul	$0.54
Angola, Luanda	1.34
Australia, Sydney	.68
Austria, Vienna	1.26
Bangladesh, Dacca	1.71
Belgium, Brussels	1.48
Brazil, Rio de Janeiro	1.02
Britain, London	1.65
Bulgaria, Sofia	2.13
Cameroon, Yaounde	1.16
Chile, Santiago	1.07
Denmark, Copenhagen	1.43
Finland, Helsinki	1.19
France, Paris	1.45
Iceland, Reykjavik	1.44
India, Delhi	2.00
Ireland, Dublin	1.39
Italy, Genoa	1.62
Japan, Tokyo	1.55
Liberia, Monrovia	.79
Mexico, Mexico City	.63
Nicaragua, Managua	.74
Philippines	.55
Singapore	1.01
South Korea, Seoul	1.62
South Vietnam, Saigon	1.27
Spain, Valencia	.97
Sweden, Stockholm	1.17
Taiwan, Taipei	1.40
U.S.S.R., Moscow	.47
Uruguay, Montevideo	1.60
U.S., New York	.50
U.S., Tulsa	.49
U.S., Los Angeles	.50
West Germany, Hamburg	1.28

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. O'NEILL. Mr. Speaker, I offer a privileged resolution (H. Res. 316) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 316

Resolution designating membership on certain standing committees of the House

Resolved, That David W. Evans, of Indiana, be, and he is hereby, elected a member of the Committee on Banking, Currency and Housing; and

That Andrew Maguire, of New Jersey, be, and he is hereby, elected a member of the Committee on Interstate and Foreign Commerce.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE RIGHT OF EVERYONE TO CELEBRATE ST. PATRICK'S DAY

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

Mrs. SCHROEDER. Mr. Speaker, as you know, the majority leader and I are both of Irish descent.

It is with great sorrow I rise to deliver this message and request for behavior modification by the majority leader from his Irish foremothers brought to me by the leprechauns last night.

His Irish foremothers are most dismayed that the majority leader treated women Members of Congress as hyphenated Members and excluded them from his stag St. Pat's party. They asked me to remind him:

If it wasn't for St. Pat's mother,
His father wouldn't have been his father.
So let everyone celebrate St. Pat's day.

Or we will have to have a counter majority leader party.

PERSONAL EXPLANATION

(Mrs. MEYNER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYNER. Mr. Speaker, I wish to insert in the RECORD at this point a statement regarding two recorded votes I missed on March 12, 1975, and an indication of how I would have voted if I could have been present.

I refer first to rollcall No. 46, a motion by the gentleman from Illinois to recommit H.R. 4481, the Emergency Employment Appropriations Act of 1975. The motion was defeated by a vote of 315 to 109. Had I been present, I would have voted against the motion. I refer second to rollcall No. 47, a vote on H.R. 4481, the Emergency Employment Appropriations Act of 1975. The bill was passed by a vote of 313 to 113. Had I been present, I would have voted in favor of this bill.

INTERNAL REVENUE SERVICE SPYING

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

Mr. VANIK. Mr. Speaker, in the last few days, the Miami newspapers have reported on an incredible Internal Revenue Service spying operation directed against a wide range of prominent Miami residents, including a large number of elected officials and judges. The spying may have been directed not at tax matters, but at alleged drinking and sex habits. Reports of the Miami operation raise the most serious constitutional questions.

I do not know the accuracy of these reports. But, Mr. Speaker, the Congress must determine what is the truth in this case—what happened in Miami, and what is happening in the other IRS district offices.

A number of congressional committees have expressed an interest in the Miami situation. The Oversight Subcommittee of Ways and Means, of which I serve as chairman, is very deeply concerned.

The story is still unfolding in this case. I fear it may have national implications. IRS Commissioner Alexander has pledged to get to the bottom of the issue. The oversight subcommittee will do all in its power to insure that there is a complete and thorough investigation not only of the Miami situation but of the IRS's national use of informants and spies.

PROVIDING FUNDS FOR THE EXPENSES OF THE COMMITTEE ON WAYS AND MEANS

Mr. THOMPSON. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 275 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 275

Resolved, That (a) effective from January 3, 1975, the expenses of the investigations and studies to be conducted by the Committee on Ways and Means, acting as a whole or by subcommittee, not to exceed $1,500,000, including expenditures for the employment

of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

(b) Not to exceed $50,000 of the amount provided by subsection (a) may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), except that such monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Ways and Means shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

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

There was no objection.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I wonder if the gentleman from New Jersey would give us some explanation for the astronomical amount of money contained in this resolution for the Committee on Ways and Means. I am concerned about what appears to be a tripling of the funding from past sessions.

Mr. THOMPSON. If the gentleman will yield, when I get unanimous consent, I am prepared fully to explain the increase in this, and the resolution.

Mr. BAUMAN. I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey for immediate consideration of the resolution?

There was no objection.

Mr. THOMPSON. Mr. Speaker, House Resolution 275 from the Committee on Ways and Means asks for an appropriation of $1,500,000. In the last session there was authorized for the committee $395,000, and there was available because of the carryover from the first session of the last Congress $450,210.03. There are a number of reasons for this rather dramatic increase. Among others, although there was authorized in the last session $450,000, there was not reflected in that the number of professional employees and clerical employees on the committee.

In this Congress the committee size has been increased from 25 to 37 members. There is, of course, reflected in this amount the cost-of-living pay increases and the additional staff personnel. There are 31 staff persons and clerical persons, for a total of 35 additional employees on the committee.

As was explained by the gentleman from Oregon (Mr. ULLMAN), chairman of the committee, and the gentleman from Pennsylvania (Mr. SCHNEEBELI), the ranking member, who were in agreement on this resolution, much more stringent oversight is planned and considered necessary in view of the $113 billion proposed by the administration to be spent in the areas over which the Committee on Ways and Means has jurisdiction.

There were no jurisdictional changes but for the first time the committee is required to have subcommittees. It has constituted six subcommittees. The majority and minority are all funded.

Further there are prospects of an extensive schedule of public hearings which with the increased membership and staff and of course the inflationary increases which we are all unhappy about as far as the cost of goods and services and subscriptions, all will contribute to increased costs. There is also provided reasonable amounts of money for the travel expenses of the numerous professional witnesses called upon.

In the Committee on House Administration the distinguished gentleman from Ohio (Mr. DEVINE) offered an amendment, which carried, which cut this amount by $200,000.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield for a question?

Mr. THOMPSON. I yield for debate only.

Mr. BAUMAN. I have just seen this report for the first time, but do I understand that the staff of the Ways and Means Committee is being expanded from 30 to 66 staff members at one stroke?

Mr. THOMPSON. Yes, I think that is correct, with the additional statutory professional staff and with the staffing of the 6 subcommittees.

Mr. BAUMAN. And the Subcommittee on Accounts is convinced of the necessity for this type of enormous expansion?

Mr. THOMPSON. Yes. And the gentleman from New Jersey might respond that on interrogating the chairman (Mr. ULLMAN) and the ranking minority member (Mr. SCHNEEBELI) we found they feel very strongly that in order to get their work done they must have this money and they must have this staff.

I might say to the gentleman that in this Congress because of the statutory increases and because of the requirement for the minority staffing we are undergoing a new experience in the Subcommittee on Accounts, in the Committee on House Administration on which I have served for 20 years. We intend, as the gentleman knows, each year when the committees must come to the Committee on House Administration and to the House for further funding, to take each and every one of them and very carefully interrogate them on the basis of their first year experience under the new rules.

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

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

Mr. DEVINE. I thank the gentleman for yielding.

Just for further clarification, this is one of the many funding resolutions that has come to the House Subcommittee on Accounts and approved by the full Committee on House Administration. I think this is the first one on which we have been successful in reducing the amount by any substantial figure. Both the gentleman from Pennsylvania (Mr. SCHNEEBELI) and the gentleman from Oregon (Chairman ULLMAN) were questioned about the further expansion of jurisdiction and they both said they have not expanded any but they have a great responsibility with social security, the tax cut legislation and tax reform legislation, national health insurance, all of which will take a great deal of time with witnesses and increased expenses. This is coupled with the fact that the subcommittee structure, which is new to the Ways and Means Committee, will of course require expanded staff for the minority and the majority.

Finally, in keeping with what the gentleman from New Jersey pointed out, we do have an oversight responsibility inasmuch as this is funding from year to year and not session to session, so that when the committee comes in with a funding request for next year we will be able to see what their experience has been. If they follow the normal pattern they will have considerable funds left over and we will take that into consideration in funding them for the next year, for the balance of the 94th Congress.

So I think on the basis of the testimony before the subcommittee and the amendment adopted reducing the amount by $200,000, the resolution should be adopted.

Mr. THOMPSON. Mr. Speaker, I thank the gentleman from Ohio.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON ARMED SERVICES TO SIT DURING 5-MINUTE RULE TODAY

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the Research and Development Subcommittee of the Committee on Armed Services be permitted to proceed this afternoon with the hearings on H.R. 3689, the fiscal year 1976 Department of Defense appropriation authorization request, during the 5-minute rule.

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

There was no objection.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 57]

Alexander	Drinan	Pike
AuCoin	Duncan, Oreg.	Railsback
Badillo	Esch	Roncalio
Boggs	Fraser	Rostenkowski
Breaux	Gibbons	Ruppe
Brodhead	Harsha	Scheuer
Brown, Ohio	Hastings	Schneebeli
Buchanan	Hébert	Skubitz
Burke, Calif.	Hefner	Talcott
Chisholm	Jarman	Udall
Clay	Karth	Ullman
Collins, Ill.	Kastenmeier	Waxman
Conable	Long, La.	Wiggins
Conyers	Michel	Wilson, Charles H., Calif.
Danielson	Mills	
Dellums	Moffett	
Diggs	Morgan	Wilson, Charles, Tex.
Dingell	Pattison, N.Y.	

The SPEAKER. On this rollcall 381 Members have recorded their presence by electronic device, a quorum.

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

PERSONAL EXPLANATION

Mrs. KEYS. Mr. Speaker, on Friday, March 14, 1975, during the consideration of H.R. 25, the Surface Mining Control and Reclamation Act of 1975, I was recorded as not voting on the Ottinger amendment which sought to transfer the responsibility of administering the bill from the Department of the Interior to the Environmental Protection Agency in consultation with the Department of the Interior. I was necessarily absent from the Chamber at the time this vote was taken and had I been present, I would have voted for the amendment.

NATIONAL INSURANCE DEVELOPMENT ACT OF 1975

Mr. REUSS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2783) to continue the national insurance development program by extending the present termination date of the program to April 30, 1980, and by extending the present date by which a plan for the liquidation and termination of the reinsurance and direct insurance programs is to be submitted to the Congress to April 30, 1983, as amended.

The Clerk read as follows:

H.R. 2783

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Insurance Development Act of 1975".

SECTION 1. (a) The Congress finds that (1) under the Housing and Urban Development Act of 1968 (Public Law 90-448, approved August 1, 1968), as amended, the powers of the Secretary of the Department of Housing and Urban Development to enter into new reinsurance contracts with respect to the Federal riot reinsurance program and into new direct insurance contracts with respect to the Federal crime insurance program will terminate on April 30, 1975, except to the extent necessary (a) to continue policies of direct insurance and reinsurance, until April 30, 1978, (b) to handle claims and those arising under the policies still in force on the termination date of the program, and (c) to complete the liquidation and termination of the reinsurance and direct insurance programs; (2) continuation of the Federal riot reinsurance program is essential both to the operation of the system of State FAIR plans, which provide access for many people to basic property insurance not otherwise available in urban areas, and to the continued existence of such FAIR plans inasmuch as many State laws condition the very existence of such FAIR plans upon the continued existence of the Federal riot reinsurance program; (3) continuation of the Federal crime insurance program, which provides access for many homeowners, tenants, and small businessmen to burglary, robbery, and similar coverages, in States where an insurance coverage availability problem exists, is likewise essential; (4) withdrawal at this time of the Federal support which these programs give to the insurance buying public and the insurers would be particularly ill timed and inadvisable in view of the (a) threatening major shortage of voluntary insurance facilities to which the consumer can turn to fulfill his insurance purchase needs and (b) the potential for insurer insolvencies inherent in times of economic stress; and (5) the impending tightening of the availability of insurance coverage in the insurance market will only intensify due to the present economic conditions confronting insurers, which affect the capital adequacies of insurers due to severe declines in the values of insurers' securities portfolios, thus impacting on their ability to increase their underwritings in a growing insurance market.

(b) The purpose of this Act, therefore, is to extend the duration of the national insurance development program so as to maintain the Federal riot reinsurance program which reinsures the general property insurance business against the catastrophic peril of riot and, thus, makes this insurance available, together with its review and compliance function which assures that the intent of the Housing and Urban Development Act of 1968 (Public Law 90-448, approved August 1, 1968) as amended is carried out, as well as the Federal crime insurance program which provides basic crime insurance coverages in the States where it is needed, both of which programs aid the insurance purchasing consumer when, from time to time and especially in times such as these, insurers engage in conscious policies of market constriction which lead to serious inner-city insurance availability problems of the kind the national insurance development program has been created to ameliorate.

SEC. 2. Section 1201 of the National Housing Act, as amended, is amended by—

(a) striking out, at subsection (b)(1), the date "April 30, 1975" and inserting in lieu thereof the date "April 30, 1979",

(b) striking out, at subsection (b)(1)(A), the date "April 30, 1978" and inserting in lieu thereof the date "April 30, 1982", and

(c) striking out, at subsection (b)(2), the date "April 30, 1978" and inserting in lieu thereof the date "April 30, 1982".

The SPEAKER. Is a second demanded?

Mr. BROWN of Michigan. Mr. Speaker, I demand a second.

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

There was no objection.

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

Mr. Speaker, the legislation before the House today, H.R. 2783, must be enacted with extreme speed if thousands of insurance policies for fire, extended coverage, robbery and burglary losses are to be continued. These are insurance policies in force under the so-called FAIR plan—fair access to insurance requirements—and the Federal crime insurance program.

The FAIR plans operate in 28 States including the District of Columbia and Puerto Rico. These States are: California, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, Puerto Rico, Rhode Island, Virginia, Washington, and Wisconsin.

Under the so-called FAIR plan system, the Federal Government agrees to reinsure insurance companies for riot inflicted losses provided the insurance companies write fire insurance and extend coverage to homeowners and businesses who are unable to obtain coverage through normal commercial channels.

Federal crime insurance, which is administered through the Department of Housing and Urban Development, was brought into being because businesses and homeowners in a number of areas found it impossible to purchase robbery and burglary insurance from private insurance companies. Many businesses, particularly, small businesses, were forced to close because they could not operate without insurance and homeowners who could not obtain the policies began deserting the cities to live in areas where they could obtain proper insurance coverage.

Crime insurance is now available in 13 States and the District of Columbia. These States are: Connecticut, Delaware, Illinois, Kentucky, Florida, Massachusetts, New Jersey, New York, Ohio, Missouri, Pennsylvania, Rhode Island, and Tennessee. Under the crime insurance program the Governor of a State must certify that such insurance is not available at reasonable rates from private carriers before the Federal policies can be issued.

At present there are some 800,000 policies in force in the FAIR plan program for coverage of $16.2 billion. Under the crime insurance there are some 20,000 policies in force with total coverage of roughly $130 million.

These programs will expire on April 30 and unless we act quickly to extend the programs thousands of homeowners and small businessmen will be without this much needed insurance.

Mr. Speaker, I urge the adoption of H.R. 2783.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. ANNUNZIO), the orig-

inal sponsor of these two insurance programs and the sponsor of H.R. 2783. The gentleman from Illinois (Mr. ANNUNZIO) is to be commended for his foresight in establishing these programs.

Mr. ANNUNZIO. Mr. Speaker, I first want to express my deep appreciation to the chairman of the Banking Committee, the gentleman from Wisconsin (Mr. REUSS), for the rapid manner in which he handled this legislation and brought it to the floor for consideration.

As the chairman pointed out, it is extremely important that we act quickly on this legislation.

While April 30 indeed marks the expiration of the program, we are in reality dealing with an even more critical cutoff date. In 12 States in which the FAIR plan operates, the insurance companies have stated that on April 1 they will send out cancellation notices to all of their policyholders. This is being done because of a requirement in those States that all cancellation statements be made 30 days before the cancellation is to go into effect. You can well imagine the problems that will occur in the first week of April when thousands of homeowners receive cancellation notices.

Unless we act today we could send thousands of homeowners back to the insurance quandary that they faced before the FAIR plans went into effect.

Mr. Speaker, I would like to point out that under the original terms of my bill, H.R. 2783, the FAIR plan insurance and the crime insurance would be extended for 5 years, with an additional 3-year period for a runoff feature—to allow for the orderly liquidation of the reinsurance policies. No new business could be written during the 3-year period however.

The administration, while fully supporting the concept of my legislation, felt that a 4-year extension would be more appropriate. While I still favor the 5-year approach, I feel that in order to get prompt action and, thus, avoid any cancellation notices that a compromise of 4 years would indeed be acceptable. I offered such an amendment when the legislation was before the Banking Committee. Thus, my legislation has administration support and a unanimous vote of the Banking, Currency and Housing Committee.

Mr. Speaker, the FAIR plan legislation which I originally sponsored was brought about because of the reluctance on the part of the insurance industry to write fire insurance in the inner cities of our country. This reluctance was heightened by a number of large city riots in the late 1960's. For the most part it is my feeling that the insurance industry used the riots merely as an excuse to deny insurance coverage to millions of homeowners. These companies engaged in the practice of redlining in which they would merely draw a red circle round an area on a map and refuse to write policies for homeowners who lived within the designated territory. Under the FAIR plan legislation, insurance companies could not redline and, in fact could only deny insurance coverage where it could be shown that the individual applying for the insurance was a totally unacceptable risk. These decisions had to be reached on a case-by-case basis rather than by a broad brush treatment.

Federal crime insurance, which is administered through the Department of Housing and Urban Development, was brought into being because businesses and homeowners in a number of areas found it impossible to purchase robbery and burglary insurance from private insurance companies. Redlining was also used by insurance companies to eliminate areas in which crime insurance would be written. Many businesses, particularly small businesses, were forced to close because they could not operate without insurance and homeowners who could not obtain the policies began deserting the cities to live in areas where they could obtain proper insurance coverage. The FAIR plans operate in 28 States including the District of Columbia and Puerto Rico. They are: California, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, Puerto Rico, Rhode Island, Virginia, Washington, and Wisconsin.

At the present time some 800,000 policies are in force in the FAIR plan programs for a total coverage of $16.2 billion.

Crime insurance is now available in 13 States and the District of Columbia. These States are: Connecticut, Delaware, Illinois, Kentucky, Florida, Massachusetts, New Jersey, New York, Ohio, Missouri, Pennsylvania, Rhode Island, and Tennessee. Under the crime insurance program the Governor of a State must certify that such insurance is not available at reasonable rates from private carriers before the Federal policies can be issued. To date some 20,000 policies have been sold for a total insurance coverage of roughly $130 million.

I would urge my colleagues to press for inclusion of their State in both the FAIR plan and the crime insurance programs. In order for States to be eligible to join these programs, the Governor of the State must certify that there is no insurance available at low costs for crime, fire or extended coverage. In some States it may also require the individual legislature to enact enabling legislation. It is my feeling that any resident of any State should be eligible for this program and I would like to see every State review its insurance programs which are available from the private sector to determine whether or not they are meeting the needs of all consumers, and if not, to allow the Government programs to operate in their States.

Mr. Speaker, I have saved the best for last. Both the FAIR plan insurance and the crime insurance program operate at no cost to the taxpayer. No appropriated funds are used to run these programs. Instead all premium income is placed in the national insurance development fund and excess amounts in that fund are invested so as to bring an additional return to the fund.

It is rare that the Government can put together a program that not only helps homeowners and businessmen but at the same time does not burden the taxpayers with additional expenses.

This is the type of program that has proved its merit and should be extended for an additional 4 years.

Mr. BROWN of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this legislation, and urge its adoption. I will not belabor my colleagues by a further recitation of the merits of the legislation. When both plans were originally passed there was some question raised concerning the true viability and benefit of the programs but I think the experiences we have gained from the plans have proven their merit, and certainly justify the extension that is sought by the existing legislation.

Mr. REUSS. Mr. Speaker, I have one additional request for time. I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Speaker, I rise in support of H.R. 2783, a bill to extend the urban riot reinsurance program and the Federal crime insurance program for an additional 4 years from April 30, 1975, to April 30, 1979. Under existing law, the authority of the Secretary of HUD to provide new riot reinsurance and crime insurance coverages will terminate on April 30, 1975. It is important that the Congress act promptly to provide continuation of these two important federally assisted insurance programs. The gentleman from Illinois (Mr. ANNUNZIO), the sponsor of H.R. 2783 and the chief architect of these two valuable insurance programs, is to be commended for his action and his persistence in seeing that these two insurance programs are extended.

The urban riot reinsurance program was established in the Housing and Urban Development Act of 1968, Public Law 90–448. Under the so-called FAIR—fair access to insurance requirements—plan system the Federal Government agrees to reinsure insurance companies for riot-inflicted losses provided the insurance companies write fire insurance and extend coverage to homeowners and businesses who are unable to obtain coverage through normal commercial channels. This program operates in 26 states and the District of Columbia and Puerto Rico. They are: California, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Virginia, Washington, and Wisconsin.

At the present time, some 800,000 policies are in force in the FAIR plan programs for a total coverage of $16.2 billion.

The urban riot reinsurance program was established because of the reluctance on the part of the insurance industry to write fire insurance in the inner cities of our country. In many of our large cities, particularly my own city of Philadelphia, the insurance companies just stopped writing homeownership coverage. In some cases, this was due to the unsettled conditions in the inner cities in the late 1960's because of the civil disturbances.

The insurance industry also used this situation to attempt to rid itself of the responsibility of insuring properties in older, declining urban areas of this Nation. This program was therefore established to keep this important insurance coverage available in our urban areas.

In view of the demonstrated continuing need for FAIR plans, continuation of the riot reinsurance program would appear essential. Enabling statutes in 12 States—Connecticut, Iowa, Ohio, Washington, Georgia, Illinois, Kentucky, Maryland, New Mexico, North Carolina, Pennsylvania, and Rhode Island—actually condition the existence of a FAIR plan in those States on the availability of Federal riot reinsurance, and the future of the FAIR plans, and the invaluable insurance protection they offer, could be in doubt in many other States if riot reinsurance were no longer available.

Failure to extend the urban riot reinsurance program could well bring about a return to the situation of the middle 1960's when such insurance coverage was terminated in many of our urban areas.

H.R. 2783 would also extend the Federal crime insurance program authorized by the Housing and Urban Development Act of 1970. This insurance program authorizes the Secretary of HUD to provide crime insurance coverage in States having critical problems of crime insurance availability or affordability.

Since August 1971, the crime insurance program has enabled homeowners, tenants, and businessmen in 14 States—Connecticut, Delaware, Illinois, Kentucky, Florida, Massachusetts, New Jersey, New York, Ohio, Maryland, Missouri, Pennsylvania, Rhode Island, and Tennessee and the District of Columbia—to purchase burglary and robbery policies at affordable rates without fear of cancellation because of losses while encouraging insureds, through its protective device requirements, to make their premises less vulnerable to burglaries.

While the number of persons and businesses covered under the program is small in relation to the number of insureds under the FAIR plans, the over 20,000 Federal crime insureds include many who have previously experienced the greatest difficulty in obtaining or maintaining crime coverage, and as the program has become better known the number of insureds has continued to grow. For many of these insureds, especially small businessmen, the program can mean the difference between solvency and insolvency in the face of crime losses, as well as the difference between staying in an urban location or abandoning it.

Mr. Speaker, I urge the prompt adoption of this bill.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin, (Mr. REUSS) that the House suspend the rules and pass the bill H.R. 2783, as amended.

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

The title was amended so as to read: "A bill to continue the national insurance development program by extending the present termination date of the program to April 30, 1979, and by extending the present date by which a plan for the liquidation and termination of the reinsurance and direct insurance programs is to be submitted to the Congress to April 30, 1982."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. REUSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in connection with the legislation just passed.

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

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. MATSUNAGA. 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 Hawaii?

There was no objection.

COLLEGE WORK: STUDY ALLOCATION

Mr. O'HARA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4221) to amend the Higher Education Act of 1965, as amended, relative to the reallocation of work-study funds, and for other purposes.

The Clerk read as follows:

H.R. 4221

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 446 of the Higher Education Act of 1965 is amended by inserting "(a)" after "SEC. 446." and by adding the following new subsection at the end thereof:

"(b) Sums granted to an eligible institution under this part for any fiscal year which are not needed by that institution to operate work-study programs during the period for which such funds are available shall remain available to the Commissioner for making grants under section 443 to other institutions in the same State until the close of the fiscal year next succeeding the fiscal year for which those funds were appropriated.".

The SPEAKER. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The gentleman from Michigan (Mr. O'HARA) will be recognized for 20 minutes, and the gentleman from Pennsylvania (Mr. ESHLEMAN) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I move to suspend the rules and pass the bill H.R. 4221 to amend the Higher Education Act of 1965, as amended, relative to the reallocation of work-study funds.

H.R. 4221 was unanimously ordered reported by the Committee on Education and Labor on that committee's meeting on March 12. The bill is sponsored by the chairmen and ranking minority members of the subcommittee and the full committee, and by most of the subcommittee members on both sides of the aisle. It is part of a two-piece legislative package requested last month by the administration. The other piece of the package was embodied in the Emergency Employment Appropriations Act which passed the House last week.

Basically, the problem which H.R. 4221 and the companion section of H.R. 4481 seek to correct is an ambiguity in the existing law regarding the Office of Education's authority to reallocate work-study money from one college within a given State to another college within that same State, when those funds are not needed at the school to which they were first allocated. The Congress clearly intended to permit the Office of Education to reallocate such funds, and the law unmistakably permits their reallotment from one State to another.

There are about $7 million in college work-study funds, long since appropriated, allotted among States and allocated among institutions in accordance with the law and the regulations, which cannot be used by the institutions to which they were allotted, but which can be used by other institutions in the same State. Everyone involved agrees that the reallocation should go forward, and that the money should be used to put students to work earning part of the escalating costs of their education. But the Office of Education, finding a technical flaw in the statute, has refrained from its all-too-familiar practice of doing what it believes the Congress ought to have done, and has, absolutely correctly, asked the Congress to remedy its own alleged mistakes. I applaud the Office of Education for this, and I hope that agency will continue to ask the Congress to remedy what it feels are mistakes in the law, rather than trying to do so by regulation or guidelines.

H.R. 4221 embodies the text of the first half of the Office of Education's request for a clarification in the statute. It addresses itself to the basic problem in the authorizing act. The second part of OE's request, acted upon last week by the Committee on Appropriations and the House, lets the funds in question remain available so that the Office of Education can use its clarified authority and reallocate the surplus dollars to the institutions whose students need them.

The college work-study program, with which this bill is concerned, is certainly the most popular and probably the most effective of student financial aid programs. In the best American tradition, it seeks to provide students, not with a grant and not with the burden of a loan, but with an opportunity to work to pay the costs of their education.

Under this program, students may be given through the schools, part-time jobs, on or off campus, with public or private nonprofit agencies. The work-study funds appropriated by the Congress pay 80 percent of the cost of such jobs, and the college or the other employer pays the remaining 20 percent. The student works for every cent of it, important and productive work gets done, and young minds earn an opportunity to be educated.

As chairman of the Subcommittee on Postsecondary Education, Mr. Speaker, I have become deeply impressed with the work-study program, and in another bill, on which the subcommittee is now having hearings, H.R. 3471, I propose to continue and simplify it when the existing law expires next year.

In fact, Mr. Speaker, events have already outdistanced my own bill. When I drafted that bill for introduction last month, I believed that the best we could do with work-study was gradually to increase its authorization and try to assure full funding in fiscal year 1977 and thereafter. But this House, in passing the Employment Appropriations Act last week, gave its approval to full funding of this program right now, for the summer just ahead of us, and the year that follows. And the testimony before my subcommittee indicates that there is a greater need for, and capacity to handle, work-study funds in fiscal year 1977 and thereafter than I anticipated when I drafted H.R. 3471. I expect on the basis of that testimony, to offer and to have accepted, amendments to my own bill, increasing the work-study levels I proposed last month, and I hope that this program will, now that it has reached full funding, be continued at the full-funding level.

But H.R. 4221 does not involve these long-range consideration. It makes, as I said, a technical change in present law, affecting neither appropriations nor program levels. It deserves the support of the House, and rapid action by the other body.

Mr. ESHLEMAN. Mr. Speaker, I rise very briefly to indicate my support for this legislation. As the report indicates, this legislation was requested by the administration and simply makes permanent what in the past has been accomplished through annual appropriations measures.

This law will allow the process of reallocation of college work-study moneys within State borders a practice which the colleges are used to and support.

Finally, it should be clear that this bill does not add any additional cost to the program and, in fact, is needed at this time to clarify the Office of Education's authority to reallocate money that has already been appropriated. The total involved approximates $5 to $7 million.

I see no reason for lengthy discussion and urge support for the bill.

Mr. PERKINS. Mr. Speaker, the gentleman from Michigan (Mr. O'HARA), the distinguished chairman of the Subcommittee on Postsecondary Education and the principal sponsor of H.R. 4221, has summed up everything there is to be said about this bill. It is a simple technical change in the law, authorizing no new program, neither requiring nor authorizing any new appropriation. Something like $7 million, already appropriated by the Congress for the college work-study program, is stuck in the pipeline because the Office of Education does not believe it has the authority to transfer money from one school to another, even when the original school does not need the funds and the other does. There is no doubt whatever that funds allotted to a State under this program and in excess of what that State needs can be reallotted to another State. And there is no doubt in my mind that we also intended at the same time to permit reallocation from one school to another.

If the law is unclear, it should be clarified. The administration, student aid officers, the schools and the students are all in agreement that this clarification will help us carry out one of the most popular and most effective of our student financial aid programs. As far as I know, no one opposes the change, and I hope it can be approved here today and receive speedy action in the other body.

Mr. BADILLO. Mr. Speaker, I rise in support of H.R. 4221. This bill corrects a technical problem in the allocation of funds for the college work-study program. As reported by the Education and Labor Committee, this legislation will permit funds which cannot be used by certain institutions to be reallocated to other institutions within the same State. In this way, those institutions which have a demonstrated need for additional funds under college work-study will be able to obtain the necessary assistance to help students finance their education through part-time employment.

H.R. 4221, in light of the action taken by the House last week in passing the Emergency Employment Appropriations Act which increased appropriations for the college work-study program, will give lower income students a better chance at jobs they need in order to get the benefits of a college education.

It is my hope that the Commissioner of Education will use the expanded appropriations for this program and the new authority granted by this bill to redirect approximately $5 to $7 million in unused funds to those institutions with the highest proportions of low-income students. At the same time, more attention must be focused on efforts to assure that those students in greatest need of assistance under the work-study program be given the opportunity to receive such jobs.

The college student today faces an ever more difficult economic situation. Tuition is on the rise due to inflation. Conversely, the student who seeks a job in order to offset the rising costs of his or her education will find that the recession has drastically reduced the number of part-time jobs available in the private sector. H.R. 4221 and the Emergency Employment Appropriations Act will greatly ease this situation. Therefore, I support H.R. 4221 and hope that the college work-study program is indeed serving those students who need its aid most.

GENERAL LEAVE

Mr. O'HARA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation under consideration.

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

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. O'HARA) that the House suspend the rules and pass the bill (H.R. 4221).

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

A motion to reconsider was laid on the table.

DESIGNATING MARCH 21, 1975 AS "EARTH DAY"

Mrs. SCHROEDER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 258) to designate March 21, 1975, as "Earth Day."

The Clerk read as follows:

H.J. RES. 258

Whereas environmental issues rank very high on the scale of general public concern, and are of importance to a broad spectrum of Americans of all ages, interests, and political persuasions;

Whereas there is a need and desire for continuing environmental education, and for a continuing nationwide review and assessment of environmental progress and of further steps to be taken;

Whereas Earth Day would promote a greater understanding of the serious environmental problems facing our Nation, and encourage a persistent search for solutions;

Whereas Earth Day would serve as the focus of special environmental education projects of hundreds of thousands of grade school, high school, and college students; and

Whereas Earth Day would provide a base for a continuing commitment by all interests, including education, agriculture, business, labor, government, civic and private organizations, and individuals, in a cooperative effort to improve and protect the quality of our environment: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 21, 1975, is hereby designated as "Earth Day", a time to draw attention to the need to continue the nationwide effort of education concerning environmental problems, to review and assess environmental progress and to determine the further steps that need to be taken, and to renew the commitment and dedication of each American to improve and protect the quality of the environment. The President is authorized and requested to issue a proclamation calling for the observance of such day with appropriate ceremonies and activities.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mrs. SCHROEDER. Mr. Speaker, "Earth Day 1975," while only a single day, will serve to draw the attention of Americans to the many challenges that confront our planet Earth every day of the year.

On the occasion of the first "Earth Day" celebration in 1971, a proclamation signed by many people from the political, social, and scientific worlds, contained these thoughts that I believe are particularly meaningful to our deliberations today:

Through voluntary action, individuals can join with one another in building the Earth in harmony with nature . . . Earth Day can provide a special time to draw people together in appreciation of their mutual home, Planet Earth, and bring a global feeling of community through realization of mutual dependence on each other.

Theodore Roosevelt, in his address to the Governors' Conference on Natural Resources in 1908, said:

The conservation of our natural resources is a fundamental problem. Unless we solve that problem it will avail us little to solve all others. To solve it, the whole nation must undertake the task.

Mr. Speaker, to alert the Nation to the task that lies ahead of each and everyone of us, I propose that the first day of spring of this year be designated as "Earth Day."

This year, as in past observances of "Earth Day," the United Nations' peace bell will toll at the exact moment of the vernal equinox on March 21. It should serve as a small reminder—if not a warning—that the fate of this planet is left in our individual hands. To survive, it is essential that we balance our technological advancement with a genuine concern for the environment. Therefore, in adopting this resolution we are encouraging our fellow countrymen to develop a new respect for the Earth as well as a renewed commitment and determination to preserve, protect and improve the quality of this planet—our home.

Mr. Speaker, at this time I yield to the gentleman from Florida (Mr. LEHMAN) such time as he may consume.

Mr. LEHMAN. Mr. Speaker, 75 years ago Brittanica ruled the waves and the sun never set on the British Empire.

At that time Britain was preparing to celebrate the 50th anniversary of Queen Victoria and they had a great preoccupation with the pomp and glory of their empire and had such great self-esteem and so much self-assuredness as a result of the extension of their power and their great empire that they forgot about some of the more important circumstances that made them great.

At this time there was a poet named Rudyard Kipling who wrote a poem that cost him the poet laureateship of England. In bringing to the attention of the British Empire some other values besides their power and their glory, he wrote a poem containing the refrain:

Lord God of Hosts, be with us yet
Lest we forget—lest we forget!

And now in this country we also are preoccupied with a great many problems, not necessarily glory, but certainly we are preoccupied with our energy problems and our problems with our economy and our military and foreign affairs. In this context we too may overlook more important circumstances and some of the more enduring situations.

In this light, Mr. Speaker, I commend to my colleagues in the House today and ask their favorable consideration and passage of House Joint Resolution 258. This resolution would designate March 21 of this year as "Earth Day." I am joined by 17 of my colleagues in the Post Office and Civil Service Committee in bringing this resolution to the floor, and at this time I ask unanimous consent to include also in the list with the 17, Congressmen WHITE, HARRIS, and KASTEN.

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

There was no objection.

Mr. LEHMAN. It has been said that Earth Day should be every day. Yet in these times of energy shortfalls, the unrelenting inflationary spiral, constant recessionary pressures and high unemployment, we understandably have become preoccupied with the immediate critical economic issues. Nevertheless it is important that during these times we set aside a special commemorative "Earth Day" to remind all Americans of the never ending necessity to preserve, protect, and improve the quality of the Earth's environment. Whereas economic recovery, historically, has always resumed even after the worst depressions, will our already endangered species not forever disappear? We continue to despoil our forests, let our streams become contaminated and our atmosphere and oceans become imperiled in the name of progress and technological advancement. The consequence of such action is that we may soon pass the point of no return and find ourselves on a dying planet—beyond hope of any reversal or recovery.

Earth Day, hopefully, will serve as a time that we can pause and recommit ourselves and our energies to resolving these problems.

At the precise moment of the vernal equinox this Friday morning, day and night will be of equal length. We, too, should aim to achieve this balance with our environment.

The noted anthropologist, Margaret Mead, said of the first Earth Day several years ago when it was observed on the first day of spring:

Earth Day celebrates the interdependence within the natural world of all living things, humanity's utter dependence on earth—man's only home—and in turn the vulnerability of this earth of ours to the ravages of irresponsible technological exploitation.

Likewise, I have received a letter from the Earth Society, the originators of the first Earth Day in support for this resolution. I would like to share it with my colleagues.

The letter is as follows:

DEAR CONGRESSMAN LEHMAN: I am delighted with your efforts to have Congress declare March 21, 1975 to be observed as Earth Day.

With all the grave problems we face: inflation, energy and material shortages, violence, crime and confusion, the key to a solution is to make the care and stewardship of Earth our first priority. Understood and strongly supported Earth Day could do much to achieve a global change of heart.

I do hope that Congress and the President will both proclaim Earth Day and on that day spend their whole time in quiety prayer, discussion and reflection on how we can together work for the restoration of our land, water, and air; how we can rejuvenate our portion of planet Earth, and as Earth caretakers protect its precious cargo of life.

With regards and best wishes,

JOHN MCCONNELL,
President of Earth Society.

A special Earth Day will serve as a focal point for persons of all ages to participate in activities which promote a greater awareness of the environment that surrounds us, and the challenges it faces. Above all else, Earth Day would serve an educational function. This resolution is not so much a call for action, but reflection. It does not subscribe nor propose any miraculous solutions, only questions. It is a small attempt to encourage all Americans to rededicate their efforts to preserve, protect, and improve the quality of our environment.

In conclusion, let me say that in adopting this resolution we are saying that the cause of the Earth deserves special and devoted attention by the people of this country and the world. It is a day. I hope, that will grow in importance and meaning in the succeeding years and I trust that March 21 will come to be known always as the "Earth's Day."

Let me reiterate the beautiful words of the poem, "Recessional:"

Lord God of Hosts, be with us yet,
Lest we forget—lest we forget.

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

Mr. LEHMAN. Mr. Speaker, I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I would like to ask the gentleman a question. I appreciate the gentleman yielding and I am sure the gentleman is sincere, and with high motives.

How much is it costing to run this innocuous piece of legislation through the House of Representatives?

Mr. LEHMAN. It is the best bargain we have had in a long time. It costs relatively nothing.

Mr. SYMMS. How does the gentleman conclude it costs nothing? It ties up the Printing Office and ties up all the time of these people in the House of Representatives. How much does it cost then?

Mr. LEHMAN. Only the cost of printing the bill itself and the stationery and supplies. Compared with some of the other programs we pass in terms of dollars, it will be very little.

Mr. SYMMS. I am happy to have the committee tied up with legislation like this, rather than tied up with unionizing Government employees; but I was wondering, does the gentleman plan to have a Heaven Day, as well as an Earth Day?

Mr. LEHMAN. According to parliamentary procedure, we can only ask for an Earth Day this year and we are only requesting it this year alone.

Mr. SYMMS. There is only an Earth Day, no heavenly aspirations?

Mr. LEHMAN. I did not understand that.

Mr. SYMMS. There will be no Heaven Day? We are just going to have an Earth Day?

Mr. LEHMAN. We will all have our Heaven Day soon enough.

Mr. SYMMS. I would not bet on it.

Mr. LEHMAN. The gentleman can speak for himself.

Mr. SYMMS. I thank the gentleman for his compliment.

Mr. LEHMAN. The thing that really concerns us is that we have this wonderful Earth. It is the only Earth we will ever have and if we do not do something to preserve it, it will get lost in the shambles of our other concerns.

I thank the gentlewoman from Colorado for yielding this time.

Mr. HECHLER of West Virginia. Mr. Speaker, I doubt whether any good can come from selecting March 21 as "Earth Day." If we really believe in protecting the Earth and its people, we ought to protect the Earth all 365 days of the year, and not just 1 day. Instead of designating "Earth Day," the Congress can do far more for the Earth by passing a strong strip mining bill, and enact other substantive legislation to protect the Earth.

For all these reasons, I think it will be most unfortunate to pass a resolution such as this. I shall continue to object to resolutions which celebrate days other than the established national holidays.

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

Mr. HECHLER of West Virginia. I yield to the gentleman from New York.

Mr. WYDLER. Mr. Speaker, the gentleman makes a very good point. The problem, of course, in what we are doing here is that it is self-perpetuating. As soon as other groups find out that we have declared a particular day of the year, or any other day, everybody wants a day of their own, and we find different groups catching on and we have requests to make one day or another of the year a matter of some group or other, of some particular day.

I think the gentleman's point is well taken. I think the House would be well advised to try to devise an overall policy on these types of matters so that the Members themselves, to some extent, could be protected from the endless requests we receive in this regard.

I would hope that some Member of the House would take this matter in hand and come up with some kind of outline of congressional policy, which I think every Member would learn to live with and accept.

Mr. HECHLER of West Virginia. Mr. Speaker, I appreciate the remarks of my good friend from New York. I would say that the quickest way to expedite the formulation of such a policy and have it adopted would be to vote down this resolution.

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

Mr. HECHLER of West Virginia. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I commend the gentleman in the well for taking this time, and I wish to associate myself with his remarks.

Mr. HECHLER of West Virginia. I thank the gentleman from Idaho.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I could not agree more with the gentleman from West Virginia, and I am very happy to announce today that we have introduced the "Ken Hechler Memorial Bill" which will do a lot of what the gentleman is talking about.

As chairman of the committee that has suddenly come upon this jurisdiction, we did a brief study of all commemorative bills and how many there have been. We found in the 92d Congress there were almost 500 commemorative bills; in the 93d Congress there were almost 600 commemorative bills. We already have over 100 bills that have been introduced in this Congress.

The paperwork, as the gentleman knows, is enormous, plus the staff, plus the printing, plus the computers and so forth and so on—need I say more?

As a consequence, we are introducing a piece of legislation today which I will be more than happy to call as a memorial to the gentleman from West Virginia to do away with these; to get a commission going.

It is rather similar to what used to happen with postage stamps. Congress also used to decide on the color and design of a postage stamp while the world was burning. So, the comments the gentleman is making are really, really very important. I could not agree with him more, and I hope to get large bipartisan support for getting this out of Congress.

Mr. HECHLER of West Virginia. I thank the gentlewoman from Colorado. I would simply like to add in conclusion that the way to get support, and meaningful support, for a cause is to ensure that it is done at the grass roots rather than having it dictated here at the Nation's Capital.

For that reason, I hope this will be the last rollcall we will have on a proposition such as this, because if we could defeat this one resolution on a rollcall, then I think the very excellent suggestion made by the gentlewoman from Colorado could be adopted. I do not like to risk the delay and expense of a 15-minute rollcall. But if a rollcall will prevent resolutions like this from coming before the House, we will thereby save money in the future.

Mrs. SCHROEDER. I only want to reiterate that I certainly appreciate the comments of the gentleman from West Virginia (Mr. HECHLER) and I agree with him. I certainly hope that we can get this legislation through because of the timing involved. I also hope the Members will look very seriously to the bill that was introduced today by myself and others which will take care of this problem we have had in Congress. It sets up some guidelines on what kinds of things should be considered before a commemorative day is proclaimed. Commemorative days may be given only for things of national significance and things that are not commercial. So we can stop having 435 Members discuss whether we should have "Clown Week," or "Pickle Day," or "Peanut Butter and Jelly Day." Congress should dispose of its jurisdiction over these matters. We have too many other vital issues to deal with. I could not agree with the gentleman from West Virginia more on this issue. But I think at this time we should pass the Earth Day bill because of its vital importance and move on to "set our House" in order by passing the bill I introduced today taking Congress out of the business of dispensing commemorative days, weeks, and months.

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

Mrs. SCHROEDER. I yield to the gentleman.

Mr. LEHMAN. Mr. Speaker, I know this other bill will receive good attention in the House and the committee in the weeks and months ahead. But I would like to say here I hope the joint resolution passes today because time is of the essence. The first day of spring has been a traditional holiday since back in the time of before history, and I think it is important that we get this kind of thing taken care of.

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

Mrs. SCHROEDER. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I certainly agree with the gentleman from West Virginia that we have had entirely too many trivial and frivolous resolutions declaring certain days for specific things, like Sweetest Day, and all that stuff. But this is a day that is not addressed to a special cause, a special interest, but in the cause of the Earth, which is the home of all humanity. I cannot conceive of a broader resolution, except I could say to the gentlemen on the Space Committee that I suppose we could have Space Day and Universe Day. But Earth Day is good enough for me, and I think the gentleman ought to reconsider and make a distinction where the subject is of this broad interest to everybody.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentlewoman from Colorado yield briefly?

Mrs. SCHROEDER. I yield to the gentleman.

Mr. HECHLER of West Virginia. Is it not true that far greater support for Earth Day would result if every commu-

nity and every locality would declare its own Earth Day instead of proposing it here in the Nation's Capital?

Mrs. SCHROEDER. I could not agree with the gentleman more. I think it is exactly what we should start doing. In this way we can at least make one last national declaration and also support a bill to change national commemorative procedures in the future. I think that is the positive way we should go. I also think we have been helping the PR people from any big firms justify their $40,000 a year income by trying to get the commemorative bills through. Congress has more important things to do.

Almost 500 commemorative bills were introduced in the 92d Congress; almost 600 in the 93d Congress and, now, in the first 2 months of the 94th Congress, well over 100 bills have already been introduced.

The paperwork produced by this output is enormous—over $100,000 just to print up these bills for the 92d and 93d Congress.

But it is more than just paper, and computer printouts, and bill status reports, and committee calendars, and legislative digests, and space in the CONGRESSIONAL RECORD, and tens of thousands of letters, and the thousands of phone calls that are devoted to these bills—there is also the diversion of a considerable amount of staff time, as well as the personal attention of Members of Congress used on these bills.

I agree with the gentleman from West Virginia that it is certainly time that we simply deal ourselves out of this game which is played primarily for the benefit of special interest groups which want to advertise their product or activity as having "official" congressional approval, or, at least, as having been worthy of legislation. My bill would do that.

Mr. GILMAN. Mr. Speaker, I rise in support of House Joint Resolution 258 which I have been privileged to cosponsor and which designates March 21, 1975, as "Earth Day."

It is hoped that this worthy legislation will focus attention on the need for serious environmental concerns as our world's population expands, as pollution increases and as more and more of our valuable natural resources become scarce.

Earth Day is an occasion encouraging special environmental educational projects for students of all ages. It serves as a format for public and private organizations to renew their awareness of our responsibility to protect the environment. Earth Day also provides an appropriate vehicle for unifying the many segments of our Nation who have worked so diligently for the preservation of the environment and who have pressed the search for solutions to environmental problems. It serves as a symbol of appreciation for their efforts. We can no longer indulge in the folly of wasting and destroying our precious resources.

Mr. MIKVA. Mr. Speaker, today the Congress has the opportunity to declare March 21—the first day of spring—as Earth Day. Through this resolution the Congress can establish a reminder to all of us that our planet is beautiful but fragile and our resources are plentiful but finite.

At a time when we are preoccupied with energy, inflation and unemployment, we need to remember that to improve the quality of life we need not pollute our rivers and streams, pour smoke into our air, and recklessly consume our natural resources. In fact, if we refuse to maintain a balance with nature, we can have no real progress at all.

We need Earth Day as a symbol of thanks to those who have pressed for continued attention to the environment, and as encouragement to all of us to make the preservation of our planet a chief priority. Earth Day is not a special interest or a special cause, but rather an opportunity for all Americans to focus their attention on their precious planet.

I wholeheartedly support House Joint Resolution 258, which designates March 21 as Earth Day 1975; and I urge my colleagues in the House to adopt it.

The SPEAKER. The question is on the motion offered by the gentlewoman from Colorado (Mrs. SCHROEDER) that the House suspend the rules and pass the joint resolution (H.J. Res. 258).

The question was taken.

Mr. HECHLER of West Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device; and there were—yeas 374, nays 30, answered "present" 1, not voting 27, as follows:

[Roll No. 58]

YEAS—374

Abdnor	Burgener	Drinan
Abzug	Burke, Calif.	Duncan, Tenn.
Adams	Burke, Fla.	du Pont
Addabbo	Burke, Mass.	Early
Ambro	Burlison, Mo.	Edgar
Anderson, Calif.	Burton, John L.	Edwards, Ala.
Anderson, Ill.	Burton, Phillip	Edwards, Calif.
Andrews, N.C.	Byron	Eilberg
Andrews, N. Dak.	Carney	Emery
Annunzio	Carr	English
Archer	Carter	Eshleman
Armstrong	Cederberg	Evans, Colo.
Aspin	Chappell	Evans, Ind.
AuCoin	Chisholm	Fascell
Badillo	Clancy	Fenwick
Bafalis	Clausen, Don H.	Findley
Baldus	Clay	Fish
Barrett	Cleveland	Fisher
Baucus	Cochran	Fithian
Bauman	Cohen	Flood
Beard, R.I.	Collins, Tex.	Florio
Bedell	Conable	Flowers
Bell	Conlan	Foley
Bennett	Conte	Ford, Mich.
Bergland	Conyers	Ford, Tenn.
Bevill	Corman	Forsythe
Biaggi	Cornell	Fountain
Biester	Cotter	Fraser
Bingham	Coughlin	Frenzel
Blanchard	Crane	Frey
Blouin	D'Amours	Fulton
Boggs	Daniel, Dan	Fuqua
Boland	Daniel, Robert W., Jr.	Gaydos
Bolling	Daniels, Dominick V.	Giaimo
Bonker	Danielson	Gilman
Bowen	Davis	Goldwater
Brademas	de la Garza	Gonzalez
Breaux	Delaney	Gradison
Breckinridge	Dellums	Grassley
Brinkley	Dent	Green
Brodhead	Derrick	Gude
Brooks	Derwinski	Guyer
Broomfield	Dickinson	Hagedorn
Brown, Calif.	Diggs	Haley
Brown, Mich.	Dingell	Hall
Brown, Ohio	Dodd	Hamilton
Broyhill	Downey	Hammer-schmidt
Buchanan		Hanley
		Hannaford
Harrington	Meeds	Roybal
Harris	Melcher	Runnels
Harsha	Metcalfe	Ruppe
Hawkins	Meyner	Russo
Hayes, Ind.	Mezvinsky	Ryan
Hays, Ohio	Mikva	St Germain
Heckler, Mass.	Milford	Santini
Heinz	Miller, Calif.	Sarasin
Helstoski	Miller, Ohio	Sarbanes
Henderson	Mineta	Scheuer
Hicks	Minish	Schroeder
Hightower	Mink	Schulze
Hillis	Mitchell, Md.	Sebelius
Hinshaw	Mitchell, N.Y.	Seiberling
Holland	Moakley	Sharp
Holt	Moffett	Shipley
Holtzman	Mollohan	Shriver
Horton	Montgomery	Sikes
Howard	Moore	Simon
Howe	Moorhead, Calif.	Sisk
Hubbard	Moorhead, Pa.	Slack
Hughes	Morgan	Smith, Iowa
Hungate	Mosher	Smith, Nebr.
Hutchinson	Mottl	Snyder
Hyde	Murphy, Ill.	Solarz
Jarman	Murphy, N.Y.	Spellman
Jeffords	Murtha	Spence
Jenrette	Myers, Ind.	Staggers
Johnson, Calif.	Natcher	Stanton, J. William
Johnson, Colo.	Neal	Stanton, James V.
Johnson, Pa.	Nedzi	Stark
Jones, N.C.	Nichols	Steelman
Jones, Okla.	Nix	Steiger, Ariz.
Jones, Tenn.	Nowak	Steiger, Wis.
Jordan	Oberstar	Stephens
Karth	Obey	Stokes
Kasten	O'Brien	Stratton
Kastenmeier	O'Neill	Stuckey
Kazen	Ottinger	Studds
Kelly	Passman	Sullivan
Kemp	Patman	Symington
Ketchum	Patten	Talcott
Keys	Patterson, Calif.	Taylor, Mo.
Kindness	Pattison, N.Y.	Taylor, N.C.
Koch	Pepper	Thone
Krebs	Perkins	Traxler
Krueger	Peyser	Treen
LaFalce	Pickle	Tsongas
Lagomarsino	Pike	Udall
Latta	Poage	Ullman
Lehman	Pressler	Van Deerlin
Lent	Preyer	Vander Jagt
Levitas	Price	Vander Veen
Litton	Pritchard	Vanik
Lloyd, Calif.	Quie	Vigorito
Lloyd, Tenn.	Quillen	Walsh
Long, La.	Railsback	Wampler
Long, Md.	Randall	Weaver
Lujan	Rangel	Whalen
McClory	Rees	White
McCloskey	Regula	Whitehurst
McCollister	Reuss	Whitten
McCormack	Rhodes	Wiggins
McDade	Richmond	Winn
McEwen	Riegle	Wirth
McFall	Rinaldo	Wolff
McHugh	Risenhoover	Wright
McKay	Roberts	Wydler
McKinney	Robinson	Yates
Macdonald	Rodino	Yatron
Madden	Roe	Young, Fla.
Madigan	Rogers	Young, Ga.
Maguire	Rooney	Young, Tex.
Mahon	Rose	Zablocki
Mann	Rosenthal	Zeferetti
Martin	Roush	
Matsunaga	Rousselot	
Mazzoli		

NAYS—30

Ashbrook	Evins, Tenn.	Michel
Beard, Tenn.	Flynt	Myers, Pa.
Burleson, Tex.	Gibbons	Schneebeli
Butler	Ginn	Shuster
Casey	Goodling	Symms
Clawson, Del	Hansen	Teague
Devine	Hechler, W. Va.	Thornton
Downing	Ichord	Waggonner
Eckhardt	McDonald	Wilson, Bob
Erlenborn	Mathis	Wylie

ANSWERED "PRESENT"—1

Ashley

NOT VOTING—27

Alexander	Landrum	Skubitz
Collins, Ill.	Leggett	Steed
Duncan, Oreg.	Lott	Thompson
Esch	Mills	Waxman
Harkin	Moss	Wilson, Charles H., Calif.
Hastings	Nolan	
Hébert	O'Hara	
Hefner	Roncalio	Wilson, Charles, Tex.
Jacobs	Rostenkowski	
Jones, Ala.	Satterfield	Young, Alaska

So (two-thirds having voted in favor thereof) the joint resolution was passed:

The Clerk announced the following pairs:

Mr. Thompson with Mr. Leggett.
Mr. Charles H. Wilson of California with Mrs. Collins of Illinois.
Mr. Hébert with Mr. Duncan of Oregon.
Mr. Jones of Alabama with Mr. Harkin.
Mr. Rostenkowski with Mr. Nolan.
Mr. Moss with Mr. Esch.
Mr. Roncalio with Mr. Young of Alaska.
Mr. O'Hara with Mr. Hastings.
Mr. Alexander with Mr. Skubitz.
Mr. Landrum with Mr. Lott.
Mr. Satterfield with Mr. Charles Wilson of Texas.
Mr. Hefner with Mr. Waxman.
Mr. Jacobs with Mr. Steed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the joint resolution just passed, House Joint Resolution 258.

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

There was no objection.

PERSONAL EXPLANATION

Mr. HARKIN. Mr. Speaker, I was unavoidably detained at an important meeting on the farm bill during the vote on House Joint Resolution 258.

Had I been in the Chamber, I would have voted "aye."

SURFACE MINING CONTROL AND RECLAMATION ACT OF 1975

Mr. UDALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 25) to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Arizona (Mr. UDALL).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 25, with Mr. SMITH of Iowa in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Before the Committee rose on yesterday, it has been agreed that the remainder of title V of the substitute committee amendment, sections 509 through 529 inclusive, ending on line 3, page 306, would be considered as read and open to amendment at any point.

The Chair wishes to announce that to make the proceedings more orderly he is going to recognize section 509 followed by section 510, and so forth.

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

Mr. Chairman, I have been asked by a number of the members of the committee as to our intentions with regard to the handling of this bill today. The leadership on the majority side has a long program this week, and we discussed the situation with them. It will be our purpose to stay as long as necessary today to finish consideration of this bill. We are now on title V of seven titles. We know of about 15 pending amendments. We will move along as expeditiously as possible, but it will be our purpose to stay as late as necessary this evening to finish work on the bill.

AMENDMENTS OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. HECHLER of West Virginia. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. HECHLER of West Virginia: Page 256, line 11, after the period, insert the following:

"No coal mine wastes such as coal fines and slimes shall be used as constituent materials in the construction of any coal mine waste dam or impoundment."

Page 267, line 2, after the period, insert the following:

"No coal mine wastes such as coal fines and slimes shall be used as constituent materials in the construction of any coal mine waste dam or impoundment."

Mr. HECHLER of West Virginia. Mr. Chairman, I ask unanimous consent that these two amendments may be considered en bloc.

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

There was no objection.

Mr. HECHLER of West Virginia. Mr. Chairman, the purpose of these amendments is to make absolutely certain that no coal mine wastes be constituted as part of the dam itself. The committee in its wisdom has given the Corps of Engineers authority to set up standards for these coal waste dams, and this provision simply assures that coal mine wastes such as caused the Buffalo Creek tragedy may not be used in a coal mine waste dam itself.

Everyone in West Virginia and many people throughout the Nation recall that on February 26, 1972, a coal waste dam on Buffalo Creek, W. Va., collapsed, sending a 30-foot wall of water down a 17-mile valley; 125 wonderful West Virginians were killed, and 4,000 people were rendered homeless. I certainly hope that we will do everything possible to avoid a repetition of the Buffalo Creek disaster. I strongly urge support for my amendment.

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

Mr. HECHLER of West Virginia. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I am not sure the amendment is necessary because the Corps of Engineers does not permit the use of these materials in construction of dams in any event, but the presence of these additional words will certainly not do any damage and certainly will confirm an existing practice.

To save time I am willing to accept the amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from West Virginia.

The amendments were agreed to.

The CHAIRMAN. Are there further amendments to section 515?

AMENDMENT OFFERED BY MR. GUDE

Mr. GUDE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GUDE: Page 256, line 12, strike subsection (14) inclusive and insert in lieu thereof the following subsection:

"(14) segregate all acid-forming materials, toxic materials, and materials constituting a fire hazard and promptly bury, cover, compact and isolate such materials during the mining and reclamation process to prevent contact with ground water systems and to prevent leaching and pollution of surface or subsurface waters;"

Mr. GUDE. Mr. Chairman, subsection 14 provides for the burying or isolation of acid-forming materials and materials that constitute a fire hazard. The amendment I am offering improves the language. It provides for immediate burial.

One of the major aspects of the environmental problems presented by strip mining is the question of acid mine drainage and its toxic effects on water. The problem of acid drainage and leaching of toxic materials continues to be the major problem in reclamation in the Midwest and parts of Appalachia. In the western portion of my own State of Maryland, acid drainage from areas stripped 30 years ago continues to kill all the fish and other aquatic life in the Potomac River in that area.

In the West, the problem is sodic or saline drainage rather than acid drainage. It is an equally serious problem.

Numerous studies have clearly demonstrated that the best way to reduce acid and other types of toxic drainage is through burial and compaction. In the Appalachian Regional Commission studies of the problem in eastern Kentucky, they concluded that:

Further reductions in chemical pollution are possible by means of . . . more rapid burial of acid overburden materials . . . deeper burial of acid materials . . . and compaction of backfilled and graded spoil.

I think this language is an improvement. I ask for the adoption of the amendment.

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

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

Mr. UDALL. Mr. Chairman, this language was in last year's bill. We took it out because we felt that the standards would require the operators to make sure the toxic materials were covered in any event. It is one of those amendments that I do not consider necessary but it certainly does not do any harm. If the committee wants to adopt it, it would not do any damage to the bill.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

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

Mr. STEIGER of Arizona. Mr. Chairman, I appreciate the gentleman yielding and I am perhaps taking advantage of the gentleman, but one reason why we did take that out of the bill was we learned that all biological material is acid forming. It forms amino acids or harmless acids, but it is acid forming. If we adopt this in the law, then anybody who does not bury or cover what would not be deleterious acid-forming material would be in violation of the law.

If the gentleman will note, in section 14 we say:

. . . all debris, acid-forming materials, toxic materials, . . .

In other words, we use the same definition and say that it shall be—

disposed of in a manner designed to prevent contamination of ground or surface waters . . .

I will tell the gentleman the problem with the bill in many sections is that we not only provide a goal as we did in the existing language but also we tried to tell them how. This amendment tells them how. When we commit this kind of regulation to law we unintentionally do great harm because we place a legal impediment or requirement on the person who is very conceivably not intentionally violating the spirit of the situation but because he is not able to promptly bury or cover or compact or isolate the material, even if it were not necessary for safety. The existing language requires the operator to insure against the very thing the gentleman is concerned about and allows the operator to do it in such a manner as would conform to his particular geographic area.

So I will tell my friend that I hope his amendment is defeated because the existing language in the bill accomplishes what the gentleman wants, and his language is going to add only to the problems of the operator.

Mr. GUDE. Mr. Chairman, I think if the gentleman reads the amendment, the language does say "promptly bury, cover, compact and isolate" and so on, so as to "prevent contact with ground water systems and to prevent leaching and pollution of surface or subsurface waters;".

If immediate burial were not necessary to prevent pollution and the officials so specified, then it would not be essential under this language.

Mr. Chairman, I ask for adoption of the amendment.

The SPEAKER. The question is on the amendment offered by the gentleman from Maryland (Mr. GUDE).

The question was taken; and on a division (demanded by Mr. RUPPE) there were—ayes 21, noes 16.

So the amendment was agreed to.

The CHAIRMAN. Are there further amendments to section 515?

AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. HECHLER of West Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HECHLER of West Virginia: Page 263, line 15, after the word "cut", strike all through the word "met" on line 22, inclusive.

Mr. HECHLER of West Virginia. Mr. Chairman, this is really a technical perfecting amendment which prevents dumping the spoil downslope on the initial cut temporarily. I think the allowance of the dumping of the spoil downslope from the initial cut temporarily is a loophole which, if removed, would strengthen this bill considerably.

My amendment is designed to eliminate a very serious loophole. Throughout the markup sessions and in its report, the committee has repeatedly emphasized the importance of reclamation standards which prohibit the dumping of spoil on the downslope in steep areas. A 1973 Senate Interior study spells out why even graded spoil on the downslope is a major environmental hazard:

In 1970, Kentucky required some operators, on a demonstration basis, to purposedly spread out the overburden pushed downslope in order to prevent landslides. Such methods, however, are subject to massive sheet and gully erosion and slumping, especially in the high rainfall areas such as the Appalachian region, and, in effect reduce neither the amount of environmental damage nor the number of operator violations.

Yet H.R. 25 contains language which compromises the effectiveness of the prohibition on downslope dumping by allowing the temporary dumping of the "initial cut." "Initial cut" is nowhere defined in the bill, though the report does attempt to limit its applicability. However, as several committee members pointed out during markup sessions, the language as drafted in H.R. 25 could easily be interpreted as allowing dumping of first cuts all along the coal seam—in effect, allowing dumping of spoil much as is done in parts of Appalachia today.

My amendment would close off this loophole of flatly prohibiting all dumping of spoil on the downslope, regardless. This would not prohibit mountain mining—rather it would require the operator to truck the first cut material to a nearby flat area to store it until it is needed in reclamation. Last year's House committee report cites the feasibility of this approach:

At the present time in West Virginia the material from the first cut is set aside—usually on an old strip bench—on nearby or adjacent lands.

Further support for the necessity of cutting off this loophole comes from a recent study done by Mathematica, Inc. for the Appalachian Regional Commission. The study, entitled "Design of Surface Mining Systems in Eastern Kentucky," examined the continuing problems of landslides, sedimentation and water pollution in eastern Kentucky and drew several conclusions which relate to my amendment. Kentucky law allows the dumping of the first cut and then prohibits subsequent dumping. Mathematica concluded that this was inadequate protection and that "in practice tice, violations of these regulations have occurred fairly frequently in recent years." Mathematica pointed out that:

Another possible source of landslides is the reputed tendency of some miners to overload the fill benches resulting from first cuts, by stacking excessive spoil on the outer one-third of the fill bench.

The study concluded that:

The surest way to prevent landslides is probably the last one mentioned above—the use of "no fill bench" methods (no first cut dumping) . . . such methods are roughly comparable in profitability to existing conventional contour methods, and can be practiced using existing equipment.

As you can see from this study, my amendment would insure that the most environmentally sound yet economical reclamation techniques would be used in mountain mining. It would not necessitate the banning of mountain mining, yet it would reduce to a major degree the single most damaging feature of mountain strip mining—landslides.

Mr. STEIGER of Arizona. Mr. Chairman, I appreciate the desire of the Chair to get this over with, but I would like to rise in opposition to the amendment.

This again is one of those attempts, by striking the very specific exemption, the gentleman is again attempting to make an absolute which would compound the operator's problems. I understand the gentleman's desire, but what he is striking is the necessity in some operations to temporarily leave some earth in a different position. It is very specific. It says it is only a temporary position. It must be limited. It is in there for a very real purpose.

Now, we are making it difficult enough for these people to mine. By striking this, it is going to be even that much more difficult. What the gentleman is striking is the designating of temporarily placing it in a limited specified area. That is about as narrow a violation that could be construed by anybody.

I hope again, while I realize the House may not understand what is happening, we ought to at least give the committee credit for working its will in this particular language.

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

Mr. Chairman, I would like to ask the author of the amendment if that is, indeed, still a sentence with the deletion of the lines from 17 to 22? It seems to me we have actually cut off the sentence in midair, so to speak.

Mr. HECHLER of West Virginia. Mr. Chairman, is the gentleman addressing the question to me?

Mr. RUPPE. Yes. It says, "necessary soil or spoil material from the initial block."

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield further?

Mr. RUPPE. Yes.

Mr. HECHLER of West Virginia. I would advise the gentleman that if he feels it would be preferable and improve the wording by putting a period right after the word "cut", I would consider that suggestion.

Mr. RUPPE. Line 15, "where necessary soil or spoil material from the initial block"—and the gentleman leaves it off there.

Mr. HECHLER of West Virginia. I would remind the gentleman that the amendment is on line 15. The gentleman is reading from line 17.

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

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

Mrs. MINK. Mr. Chairman, the amendment as offered by the gentleman from West Virginia places a comma after the word "cut" appearing on line 15, thereby eliminating the entire proviso which we worked out in committee permitting one cut to be put over the slope, which in the recent markup was further amended to provide that this placement of the first cut is only temporary and that it must be subsequently removed.

I supposed that an optimum situation would be that we would never permit any spoil over the slope, but I think that the bill as drafted by the committee contains a reasonable compromise. It permits access into a hill by allowing the spoil of the first cut on the downslope.

So, I would hope that this amendment would not be accepted and the committee bill would be retained.

Mr. RUPPE. Mr. Chairman, I would agree with the gentlewoman. It seems to me that we have said very carefully in the legislation that there is not to be any spoil on the downslope. However, we did provide, because of the block cut method which will be employed, that the spoil from the first cut under the block cut method could be temporarily placed on the downside or slope if it would not create a hazardous condition.

This amendment would substantially increase the cost of mining. We do provide legislation in which the first cut on the downside would be only temporary, and were that practice to be precluded, it would make mining much more difficult and costly.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

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

Mr. HECHLER of West Virginia. Mr. Chairman, we cannot legislate against landslides which occur when that material and spoil is placed downslope, point No. 1.

The reason the comma is preserved rather than putting a period there is because we pick up on line 22 the proviso: "*Provided,* That spoil material in excess of that required—" and so forth, is left in to complete the sentence. That is the reason for the comma rather than the period.

I simply observe that many, many landslides occur as a result of placing spoil from the initial cut, even temporarily, downslope. That is the purpose of the amendment.

Mr. RUPPE. Mr. Chairman, I would like to point out that I understand the gentleman's concern, but the bill language specifically states that first cuts placed on the downside would have to be placed in such a manner that the material would not slide, and all the other provisions of the bill would be taken care of because we do indicate very clearly even in that single instance, the first cut, the spoil material from the slide would have to be placed in such a way that there would be no sliding of the material and no danger.

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

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

Mr. BLOUIN. Could the gentleman point to the section of this bill where "temporary" is defined? It seems to me the crux of the question revolves around how long that material is going to lie there before it is moved.

Mr. RUPPE. True, but remember that when the mine is planned and in preparation, the mining plan has to be approved by the regulatory authorities, and there is provision for citizen intervention and for citizen participation. Any question as to how the plan would be developed and the timing of it would be checked very carefully by the regulatory authority and, second, would be open for review by any citizen or citizen group which would question the practice.

Mr. BLOUIN. I have two points to make. One of the major objections to this kind of legislation generally comes to those who work within it because of the constantly changing standards they have to undergo. No. 2, it also seems to me to be very expensive to delay an entire project for a citizen to be affected to refer to it, and it is too expensive not to set the guidelines at the beginning.

Mr. RUPPE. I would point out that the block cut standards mandated under this legislation are going to be a difficult and costly mining process, yet we did feel, because of the pressure we have exerted for the utilization of this mining process, we should permit spoil on the downside on the first cut.

It is a very difficult process to handle, and there is a question of how we will handle spoil on the downslide, if we do not provide for an alternative in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. HECHLER).

The question was taken; and on a division (demanded by Mr. HECHLER of West Virginia), there were—ayes 8, noes 31.

So the amendment was rejected.

The CHAIRMAN. Are there any further amendments to section 515?

AMENDMENT OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING: Page 211, line 21, strike after the word "every" the following: "three months" and insert in lieu thereof the following: "month".

POINT OF ORDER

Mr. STEIGER of Arizona. Mr. Chairman, a point of order. We are on section 516 and 515. This attempts to amend section 502. It is in violation of procedure.

Mr. SEIBERLING. Mr. Chairman, I ask unanimous consent that, although we have passed that point in title V, I be permitted to offer this amendment.

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

Mr. STEIGER of Arizona. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. HECHLER of West Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HECHLER of West Virginia: On page 273, between lines 8 and 9, insert the following new subsection:

"(g) no employee of the state regulatory authority performing any function or duty under this Act shall have a direct or indirect financial interest in any underground or surface coal mining operation, except that an employee may own a total of not more than one hundred shares of stock of companies which have a direct or indirect interest in such operations and which are listed in any securities exchange registered with the Securities and Exchange Commission pursuant to section 6 of the Act of June 6, 1934 (48 Stat. 885: 15 U.S.C., 78f): provided that such employee shall file with the state regulatory authority a written statement concerning such ownership which shall be available to the public. Whoever knowingly violates the provisions of the above sentence shall, upon conviction, be punished by a fine of not more than $2,500, or by imprisonment of not more than one year, or by both. The Secretary shall (1) within sixty days after enactment of this Act, publish in the Federal Register, in accordance with 5 U.S.C. 553, regulations to establish methods by which the provisions of this subsection will be monitored and enforced by the Secretary and such state regulatory authority, including appropriate provisions for the filing by such employees and the review of statements and supplements thereto concerning any financial interest which may be affected by this subsection, and (2) report to the Congress on March 1 of each calendar year on actions taken and not taken during the preceding year under this subsection."

Mr. HECHLER of West Virginia (during the reading). Mr. Chairman, I ask unanimous consent that further reading of this amendment be dispensed with since it is printed in the RECORD and available at everyone's desk, and also since it conforms with the Dingell amendment passed on Friday.

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

There was no objection.

Mr. HECHLER of West Virginia. Mr. Chairman, this amendment would apply the same conflict of interest regulations to the employees of State regulatory agencies and authorities as were included under the Dingell amendment as applied to Federal regulatory officials. Since the Dingell amendment was adopted, my amendment will insure that appropriate and conforming conflict of interest regulations apply equitably.

Mr. Chairman, I now gladly yield to the gentlewoman from Hawaii.

Mrs. MINK. Mr. Chairman, I think this is a correct amendment and will conform to the amendments we agreed to earlier. I would hope the committee would accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. HECHLER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING: Page 239, line 22, insert a new paragraph (6) as follows:

"(6) the blasting and excavation practices permitted in connection with any proposed surface coal mining operation not in existence on the date of enactment of this Act will not render unsafe or impractical the subsequent extraction of known deposits of coal recoverable by current deep mining technology beneath the area affected by the proposed surface coal mining operation."

PARLIAMENTARY INQUIRY

Mr. RUPPE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. RUPPE. Mr. Chairman, is this amendment to the sections under consideration today, or is it covering a section that we were taking up yeserday?

Mr. SEIBERLING. Mr. Chairman, if the gentleman will yield, this amendment covers a section which is one of the sections in title V, and it was agreed yesterday that title V was open to amendment at any point.

The CHAIRMAN. The Chair will state that the amendment is to section 510, and the bill is open for amendment at any point from section 509 to the end of title V.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, this amendment is offered to remedy a very serious oversight in this bill. The staff, I believe, concedes that it was an oversight.

We are in the situation that approximately 97 percent of the Nation's coal reserves are minable only by deep mine methods and only 3 percent minable by strip mine methods. It has been estimated that if we stopped deep mining coal entirely and went exclusively to strip mining, we would use up all the strippable coal by the end of this century.

There are places where strippable coal is located above seams of coal that can only be recovered by deep mining methods.

Mr. Chairman, the purpose of this amendment is to make it clear that if stripping above known deposits of deep minable coal would make it impossible to mine that deep coal thereafter, the stripping could not take place until and unless the deep minable coal is extracted.

There may be cases where, because of the type of rock structures and the closeness of strippable areas to the deep minable seams, strip mine blasting could fracture the rock and make subsequent deep mining practically impossible because of the inability of the fractured rock strata to provide adequate roof support for tunnels and working faces of the deep mine.

The proposed amendment would meet this situation by requiring the regulatory authority to find that the coal surface mining operation would not have such an effect on known deposits—and I emphasize the words, "known deposits"—of recoverable deep minable coal located below the proposed strip mine. The amendment is prospective only and would not affect already existing strip mines.

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

Mr. UDALL. Mr. Chairman, this section is not effective for 2 years. I personally have not had a chance to study the impact of this.

The goal the gentleman seeks is one we could all support. His goal is that in present stripmining operations we would not make it impossible to mine large deposits that must be mined by underground methods.

I think in fairness to the industry, before the conference takes up this provision, we ought to analyze it and find out whether it poses any problems we have not thought about and whether it interferes with coal production.

Mr. Chairman, I would be inclined to accept the amendment on that basis.

Mr. SEIBERLING. Mr. Chairman, I would accept the gentleman's position. I understand that the gentleman would request the Interior Department to give us an opinion, and that if they come up with problems that were not foreseen, I would support modifying or striking the amendment out in conference.

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

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

Mr. RUPPE. Mr. Chairman, my problem with the amendment would be this:

Suppose we have an area that is being strip mined and all of a sudden the mining process would come to a point underneath which underground surface mining operations could be commenced to be developed at a later time. Are we to suggest that the entire strip mining operation come to a halt because at some point beneath the present operation there is an underground coal seam that could be mined at some future date?

First of all, under the language of the amendment we might preclude the mining of a million or 5 million tons of surface coal simply because there may be 5,000 or 50,000 tons of underground recoverable coal beneath the surface-mined areas.

It seems to me that what we are saying is that we will stop any mining process if underneath that surface-mined area there is any size coal deposit at all that could be removed by underground mining methods. It seems to me at that juncture that we would perhaps stop the production of a 1-million ton operation or a 5-million ton operation simply because as little as 5,000 or 50,000 tons of underground recoverable coal may be beneath the area that is presently being mined.

Mr. Chairman, that would be an inefficient and wasteful process, to bring a surface-mining operation to a dead halt simply because underneath the operation there was a given amount of coal that could be mined by some other method.

Mr. SEIBERLING. Mr. Chairman, I think the gentleman's point is well taken.

First of all, let me say that this amendment would affect only new mines. Therefore, if we had a strip mine that was partly over deep minable coal and partly not, when the stripping reaches the point where mining would be above deep-minable coal, then the regulatory authority would have to put some restrictions on the use of explosives or by some other means prevent the destruction of that deep-mined coal.

The other point I think is also well taken in that there should be a balancing, so that stripping of a very large deposit of coal would not be prohibited above a deep minable seam containing only a very small amount of recoverable coal.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. SEIBERLING) has expired.

(By unanimous consent, Mr. SEIBERLING was allowed to proceed for 2 additional minutes.)

Mr. SEIBERLING. Mr. Chairman, I would be perfectly willing to sit down with the gentleman in conference and work out some refined language based on the evaluation of this by the Interior Department, but I think we do need to have this type of provision in this bill before it goes to conference. Otherwise, we will not be in a position to meet the important problem to which this amendment is directed.

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

Mr. SEIBERLING. I yield to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. Mr. Chairman, I have a suggestion. If the gentleman added the words "and if of greater economic value" to his amendment, it would answer the questions that have been raised on both sides as to whether we want a restriction of this kind for a very small deposit of coal that might exist and that could only be recovered by underground techniques.

Mr. SEIBERLING. To answer the gentlewoman, I would rather not make that type of amendment, for the simple reason that the deep coal still might be of great economic value. If one had a 50-foot seam of strippable coal on top of a 30-foot seam of deep minable coal, the deep minable coal would still have great economic value and it would be a waste of valuable natural resources to make it impossible to get that deep minable coal out.

I would think that there ought to be a finding by the regulatory authority that the size of the deep minable coal seam is of too little consequence to justify deep mining. I would go along that that, but I suggest that we handle that in conference and simply get this amendment in the bill now so that we can deal with it in conference.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. SEIBERLING).

The question was taken; and on a division (demanded by Mr. SEIBERLING) there were—ayes 16, noes 15.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. BLOUIN

Mr. BLOUIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLOUIN: Page 294, line 21, strike the words "boundaries of

any national forest" and insert the following: "the National Forest System".

Mr. BLOUIN. Mr. Chairman, this amendment speaks to the question of whether or not the national grasslands are going to be continued to be preserved and rejuvenated.

I think we are talking about a subject that goes back quite a few years, and maybe it is worth at least a moment or two to try to refresh the memories of the Members about what this whole concept is all about.

Some of the Members may remember that as a result of the droughts of the 1930's and the erosion and depletion of some precious soil deposits that resulted from those thoughts, literally millions of acres of agricultural land were destroyed and rendered, frankly, rather useless. Thousands of American families—farmers and ranchers—saw their life's works and dreams and desires literally disappear with no apparent avenue of hope left.

The Congress in those days responded to that crisis with a program of restoration, preservation, and relocation and, unlike so many programs that have been passed by this body since then, this one, strangely enough, worked.

The 3,822,000 acres of our time, our money, and our hopes for our people for over 40 years have gone into this program of reclamation and restoration and recycling of land resources.

Now, really when we are literally on the brink of completing our waiting for recycling of this land, to bring it back to a usable level, and in many instances already having accomplished this goal, we find ourselves in an effort on the part of some to literally rip the top off that soil and put back four decades of work into the back pages of history somewhere, of eliminating the concern and care of that land that has taken so long to restore, land that, whether you know it or not, is presently being used for grazing by thousands of cattle and sheep belonging to farmers and ranchers in these regions—land that is presently being used as a wildlife habitat for thousands of antelope, deer, quail, pheasant, and other wild game—land that is presently being used and enjoyed by hundreds of thousands of hunters, fishermen, campers, and picnickers from all over this country annually—and land that is presently being used to demonstrate the practicability of grassland management and development needed to keep unstable soils in place, and covered with grass.

Mr. Chairman, in my opinion now is not the time to regress from 40 years of conservation management for the sake of exploiting what really amounts to less than one-half of 1 percent of the total coal reserves in this country.

Now is the time to show that we are concerned about the need to preserve this land, and to protect those 3.8 million acres of usable land for people with a long-term benefit instead of a short-term, one-shot benefit of an undetermined amount of so-called need of energy.

Our amendment makes every effort to speak to this concern. Its passage in my opinion would allow the fulfillment of the goals of title III of the Bankhead-Jones Tenant-Farmers Act of 1937.

That is how long this Congress has been helping that program. That is how long those people in those parts of this country have been waiting for that land to be returned to a usable state. All our amendment does is insure that that will continue.

I ask for the support of the Members of this amendment, and urge its passage.

AMENDMENT OFFERED BY MR. DINGELL AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BLOUIN

Mr. DINGELL. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL as a substitute for the amendment offered by Mr. BLOUIN: On page 294, line 10, strike "Subject to valid existing rights no" and insert therein the word "No"; and

2. On page 294, strike all on line 21 through the semicolon on line 23, and insert therein the following:

"(2) on any lands within the boundaries of national forests or national grasslands: *Provided*, that the prohibition in this subsection shall not prevent (A) such mining within any of these lands where the deeds conveying the surface lands to the United States reserved the coal and specifically provide for the surface mining thereof, or (B) the surface operations and impacts incident to an underground coal mine: *Provided*, further that in no event shall such mining operations be exempt from the requirements of this Act;".

Mr. DINGELL. Mr. Chairman, I want to commend my colleague, the gentleman from Iowa (Mr. BLOUIN) for offering an excellent amendment. I do not want my colleagues to think that my offering of this amendment in any way takes away my support of the amendment which is offered by our able colleague, the gentleman from Iowa.

It is an attempt simply to add further perfections in a fashion which would least utilize the time of the House of Representatives. Everything that my friend and colleague, the gentleman from Iowa, has said in substantive support of his amendment would apply to the amendment which I offer.

My amendment was printed in the CONGRESSIONAL RECORD on March 13, 1975, beginning at page H1723, pursuant to rule XXIII, clause 6.

The amendment which I offer is very little different, as I have indicated, from that offered by the gentleman from Iowa, and very little different from that which Ioffered during the consideration of this legislation during the previous Congress. The amendment that I offer as a substitute for that offered by my friend, the gentleman from Iowa, does the following:

One, it prohibits all surface coal mining in areas of national parks, national wildlife refuge systems, and wilderness systems. It again prohibits surface coal mining in the National Forest and Wild and Scenic River Systems except where such mining exists on the date of enactment and except where the deeds, conveying lands to the United States reserved the coal and permitted such mining, with the added proviso that such mining would be subject to the regulatory requirements of the bill.

The conferees during the previous Congress rewrote this section to permit the continuance of existing mining operations in national parks, national wildlife refuges and wilderness systems, and to permit all mining based on "valid existing rights." That clause is a puzzling one. It appears to cloud the matter. It is my understanding that the committee wants to prohibit mining in these areas. But what does the provision mean? I think it is extra verbiage and really has no meaning.

The amendment now before us adds really only one thing to that offered by my friend, the gentleman from Iowa. It continues the prohibition against surface mining in the areas listed, first, national parks, wildlife refuges, and wilderness systems, and also the other parts of the national forest; and second, our scenic river systems and the grasslands.

But it again prevents the surface mining from taking place pursuant to the so-called preexisting rights of which we are not informed, and which may very well authorize a kind of mining in a degree and amount and in places where this body is not prepared to accept it, or where on the basis of sober understanding I think the people of this Nation would not want to have that take place.

The bill before us contains the conference approach of last year, and it appears to permit coal mining in places where in my view surface coal mining should not be tolerated; namely, the national grasslands, and for that reason I would urge the adoption either of the substitute which I offer to that offered by my friend, the gentleman from Iowa, or at least the amendment offered by my friend, the gentleman from Iowa.

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

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

Mr. RUPPE. I thank the gentleman for yielding.

This amendment, then, would extend the prohibition of surface mining to grasslands and to those private lands within the boundaries of any unit of the National Forest System; am I correct?

Mr. DINGELL. I have other amendments which will reach 300 yards out of sight of existing areas of the National Forest System which I will later cover.

Mr. RUPPE. If the gentleman will yield further, this amendment does cover private lands. It says:

On any lands within the boundaries of national forests or national grasslands . . . .

Mr. DINGELL. The gentleman from Michigan is correct and I regret I gave an erroneous impression. I would note, however, that I simply followed the language of the bill.

AMENDMENT OFFERED BY MR. M'KAY TO THE AMENDMENT OFFERED BY MR. DINGELL AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BLOUIN

Mr. McKAY. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. McKAY to the amendment offered by Mr. DINGELL as a substitute for the amendment offered by Mr. BLOUIN: After (2) delete "on any lands within the boundaries of national forest or national grasslands:" and insert in lieu thereof the following: "on any Federal lands within the boundaries of any national forest east of the one-hundredth meridian or on any lands within the boundaries of any national forest which, one the date of the enactment of this Act, are managed and utilized primarily for outdoor recreation or for sustained yield timber production:".

Mr. McKAY. Mr. Chairman, the purpose of this amendment is in fact to allow in certain areas of the national forest some mining. I agree with the Strip Mining Act that we need to make some regulation, we need to tighten it down, and we need to reclaim, and we need to manage, and we need to do all these things. The effect of this amendment would allow and require all that.

Let me indicate some things. I am concerned about the total prohibition on surface mining in the national forest areas. I recognize the need for special protection in the national forests. I would hate to see the stripping of land covered with beautiful aspen or alpine forest. On the other hand, not all forestland is important scenic, recreational, or timber land.

I would like to indicate, if any of the Members are interested, a picture of some of the national forest land where there is not a stick of timber and there are not grasslands. They do have some coal under the surface and we should be able to use it. We should be able to use the coal under this land in these areas, which could be under the rules and regulations of this bill be refurbished and in some locations it could be left in a conditon better than it is now. Therefore, I think we ought not totally to exclude it.

I think it is unwise to completely preclude the possiblity of surface mining where important environmental values are not a consideration—and, I underline, are not compromised.

The proposed amendment provides careful protection for all the important forest values. Surface coal mining is prohibited where the present use or value of the area to be mined is primarily related to timber or recreational use as the effective date of this act.

In addition, the areas could be designated as unsuitable for mining where there would be significant damage to the environmental values or the national system under this.

Also, the strict regulations would apply to limited areas where mining might be allowed.

So we are providing all the rules and regulations.

There are about 7 billion tons of known coal reserves on the national forest lands. Some of these lands really should not be surface mined, because of the recreational, timber, or scenic values which should be protected. But this should not mean that all the forest land should be precluded from being mined. Our national energy demands mean that this should not be locked up where the important environmental values would not be compromised by the surface mining. This amendment provides the needed protection for our national forest without a total prohibition.

It should be understood that all the national forest is not all forests. Half the national forest land is range land and some forest land is of real scenic value and some has timber value.

In our western part of the country over the years many people have participated in getting the Forest Service to buy out—or the local communities have bought up—certain lands for the Forest Service to administer because those lands were being ill administered, and the lands have been brought back to a better ecological state than they were before. I think that ought to continue. For example, in an area called the Fish Lake area in Utah, there are some 1,500 acres which contain 15 million tons of low sulfur coal. There is no vegetation except for sagebrush, the area is dry, and there is in some areas a few pinions and junipers. There is no significant wildlife. In this type of land I think we need to make the opportunity available to mine the coal.

One other thing this amendment does is that it precludes mining in all areas east of the 100th meridian, which is roughly down the middle of North and South Dakota, Kansas, Oklahoma, and so on, so this does not open up the forest lands east of that parallel. This applies only to the western section of the country.

I would urge my colleagues to support the amendment.

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

Mr. Chairman, the three amendments by my friends, the gentleman from Utah (Mr. McKAY), by the gentleman from Iowa (Mr. BLOUIN), and by the gentleman from Michigan (Mr. DINGELL), all seek to upset the very finely tuned compromise that it took us months and months to work out. In the bill that emerged last month and in the bill today we have a flat prohibition against coal surface mining in all the U.S. National Park System, the National Scenic River System, the National System of Trails, and we also include the national forests in the Blouin amendment, which would seek to exclude mining in national grasslands, which in the committee bill is permitted.

The national grasslands are some special lands really in several Western States including Wyoming which were taken in very bad condition in the 1930's and were rejuvenated.

There are very tough environmental standards in the bill if we do mine the grasslands.

I would remind my colleagues that yesterday we adopted the amendment of the gentleman from Colorado (Mr. EVANS) to fully protect the alluvial areas, to ban mining on them, so we have a very good protection and balance in the bill.

My friend, the gentleman from Utah (Mr. McKAY) makes a good point that there are areas in his territory that are not really forests. They are sage and open land and so on. If we are going to permit anything, I would prefer we should keep this, but the wisest thing to do is to defeat all the amendments and permit this compromise to stand.

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

Mr. Chairman, I will allay some of the fears of the Members and I will only take a minute or 2 to respond to my good friend, the gentleman from Utah (Mr. McKAY) on the type of land he is talking about and the possibility of mining it.

I asked the Bureau of Land Management in Montana, which administers 8 million acres of Federal lands in Montana how much of the BLM land would be mined in Montana in the next 10 years and they told me it would be 5,000 acres. Due to the preponderance of BLM land in the area of Montana lying over the Fort Union coal deposit, this would probably mean that during the next 10 years, if BLM estimates are correct, we are only going to mine about 15,000 acres of land in Montana including private and State lands. There are no applications and never have been applications for lease for coal mining in the national forests so there is no urgency to allow mining in national forests.

Much of those lands in the West which overlie the huge Fort Union coal deposit are administered by the Bureau of Land Management.

The need for mining federally owned coal can easily be met on those lands.

We have no need to open up the Custer National Forest or other national forests, but I do want to say to my good friend, the gentleman from Utah, that he is absolutely correct. The type of land he is describing, and which I have viewed myself in Utah, is not what we would envision as logically belonging in a national forest. Why it was put in a national forest is a mistake of this country.

I would say what is proper is a restructuring of who manages what. I do not think the national forest system per se is so sacred that the boundaries have to remain as they are when they do not really include lands that meet the criteria of forest lands.

I know there are national forests that have different types of land; but I think the gentleman from Utah is absolutely correct when he said that the type of land he is describing better fits the type of land we would find administered by the Bureau of Land Management, rather than be included in a national forest.

I would say a better solution to the problem is a restructuring or putting lands under the proper Federal management where they fit, rather than leaving them in the boundaries we now have, which do include much land in national forests which are very similar to Federal

lands managed by the Bureau of Land Management.

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

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

Mr. McKAY. Mr. Chairman, as the gentleman knows, I would be willing if the Congress would tighten it down to eliminate Custer National Forest. I would suppose that you could handle that in conference and I would not have any objection to that.

As the gentleman knows, the Forest Service and the Bureau of Land Management administers lands of very similar nature. The Bureau of Land Management, I agree, has more of the range management mineral lands than the Forest Service, but they each have quantities of it and each administer jurisdiction of timber sales and all of the other types of lands. If we could sort out all of those—which I do not expect we are going to do—then I would agree with the gentleman, but we are not really going to do that and make this a purely environmental and strictly timber area in the national forest.

So, this is the only alternative we have, to leave those areas out, and I believe they should.

I think there are sufficient safeguards within the bill in every other section to mandate and give guides for the judgment of the agencies, and if they follow the guidelines already set, I see no danger of destroying the resource.

Mr. MELCHER. I wish the proposed language in the gentleman's amendment would clearly delineate what we are attempting to do, but I am afraid that simply stating that a national forest used primarily for timber or recreational purposes, would not be strip mined is inadequate. There simply is not an adequate guideline for Congress to establish what national forests would not be strip mined for coal.

I am afraid, under the cirmumstances, I will have to stick with the language in the bill and oppose the amendment.

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

(On request of Mr. SEIBERLING and by unanimous consent Mr. MELCHER was allowed to proceed for 1 additional minute.)

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

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

Mr. SEIBERLING. Mr. Chairman, I would just like to clarify a point in the amendment of the gentleman from Utah. I understand land in the Custer National Forest, which is in your State of Montana, is used for both timber and for grazing purposes, is that correct?

Mr. MELCHER. Custer National Forest is administered under the multiple-use concept. It is used for grazing, for some timber production, for recreation; all the usual multiple uses.

Mr. SEIBERLING. The same land is used for both purposes in many areas, is that correct? In other words, there is timber on it, and also it is used for grazing land?

Mr. MELCHER. The gentleman from Utah has offered an amendment that would clearly indicate that the Custer National Forest would be open to strip mining for coal.

Mr. SEIBERLING. That is the point I wanted to clarify.

Mr. MELCHER. I might point out to the Members of the Committee that the language that is in the bill says that there can be no coal strip mining on any Federal land within the boundaries of a national forest—which of course does permit mining on private land within the national forest and we do have some private land in Custer National Forest—so there could be some mining on private lands, but under the committee bill there would be a ban on all Federal land in the national forest.

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

The CHAIRMAN. The Chair will count. Evidently a quorum is not present.

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

The Committee will resume its business.

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

Mr. Chairman, I take this time to ask the gentleman from Utah (Mr. McKAY) whether he can explain to us just a little about what kind of land it is we are talking about.

I have some information about one place in North Dakota that does not happen to come under the national forest system, but which supports five cows grazing over 5 million tons of coal, and I was wondering whether the gentleman from Utah has some similar land that might become available to mine or whether he could give us that information.

The land I refer to has five cows grazing over 5 million tons of coal, and we are saying we cannot mine it. I wonder whether this is the same kind of land as is the case down in Utah.

Mr. McKAY. If the gentleman will yield, I would say that we might take care of six or seven cows in that same area.

Mr. SYMMS. Does the gentleman mean cows that must move from grass clump to grass clump at 30 miles an hour to keep from starving to death?

Mr. McKAY. I have some pictures showing the character of the land I am talking about, which really is mineable, but at the present time it is not usable for much of anything. In some of these cases, if it were stripped and required to be put back, it would then present a better soil condition, one in which the environment could be improved for grazing and other uses.

Mr. SYMMS. Mr. Chairman, I thank the gentleman very much. I am in strong support for the gentleman's amendment. I think this would be one of the few chances we would have to improve the legislation, and I hope the amendment is accepted, as it will make this legislation slightly less obnoxious.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. McKAY) to the amendment offered by the gentleman from Michigan (Mr. DINGELL), as a substitute for the amendment offered by the gentleman from Iowa (Mr. BLOUIN).

The question was taken; and on a division (demanded by Mr. McKAY) there were—ayes 22, noes 32.

So the amendment to the amendment, offered as a substitute for the amendment, was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL), as a substitute for the amendment offered by the gentleman from Iowa (Mr. BLOUIN).

The question was taken; and on a division (demanded by Mr. HECHLER of West Virginia) there were—ayes 12, noes 35.

So the amendment offered as a substitute for the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. BLOUIN).

The question was taken; and on a division (demanded by Mr. BLOUIN) there were—ayes 20, noes 36.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 248, not voting 16, as follows:

[Roll No. 59]

AYES—168

Abzug	Coughlin	Hayes, Ind.
Addabbo	Delaney	Hechler, W. Va.
Ambro	Dellums	Heckler, Mass.
Anderson, Calif.	Diggs	Heinz
	Dingell	Holtzman
Ashley	Dodd	Howard
Aspin	Downey	Hubbard
Badillo	Drinan	Hughes
Bafalis	du Pont	Jacobs
Baldus	Early	Johnson, Colo.
Baucus	Edgar	Karth
Beard, R.I.	Edwards, Calif.	Keys
Bedell	Emery	Koch
Bennett	English	Krebs
Biaggi	Evans, Ind.	Latta
Biester	Fascell	Leggett
Blanchard	Findley	Lehman
Blouin	Fish	Levitas
Bonker	Fisher	Lloyd, Calif.
Brademas	Fithian	Long, Md.
Breckinridge	Florio	McClory
Brodhead	Ford, Mich.	McCloskey
Brown, Calif.	Fraser	McDade
Burke, Calif.	Frenzel	McHugh
Burke, Fla.	Gaydos	Macdonald
Burton, John L.	Gilman	Maguire
Burton, Phillip	Green	Matsunaga
Carr	Gude	Metcalfe
Chisholm	Hall	Mezvinsky
Clay	Hannaford	Mikva
Cohen	Harkin	Miller, Calif.
Conte	Harrington	Miller, Ohio
Conyers	Harris	Mineta
Cornell	Hawkins	Minish

Moakley	Reuss	Spence
Moffett	Richmond	Stanton,
Moorhead,	Riegle	James V.
Calif.	Rinaldo	Stark
Mosher	Rodino	Steed
Moss	Roe	Stokes
Mottl	Rogers	Stratton
Murphy, Ill.	Rooney	Studds
Myers, Pa.	Rosenthal	Symington
Natcher	Rostenkowski	Thompson
Neal	Roush	Traxler
Nedzi	Roybal	Tsongas
Nix	Russo	Van Deerlin
Nolan	Ryan	Vander Veen
Oberstar	Sarbanes	Vanik
Ottinger	Scheuer	Vigorito
Patterson, Calif.	Schroeder	Whalen
Pattison, N.Y.	Sharp	Wirth
Perkins	Shipley	Wolff
Peyser	Simon	Yates
Pike	Smith, Iowa	Young, Fla.
Price	Solarz	Young, Ga.
Rangel	Spellman	Zeferetti

NOES—248

Abdnor	Foley	Meeds
Adams	Ford, Tenn.	Melcher
Anderson, Ill.	Forsythe	Meyner
Andrews, N.C.	Fountain	Milford
Andrews,	Frey	Mink
N. Dak.	Fulton	Mitchell, N.Y.
Annunzio	Fuqua	Mollohan
Archer	Gialmo	Montgomery
Armstrong	Gibbons	Moore
Ashbrook	Ginn	Moorhead, Pa.
AuCoin	Gonzalez	Morgan
Barrett	Goodling	Murphy, N.Y.
Bauman	Gradison	Murtha
Beard, Tenn.	Grassley	Myers, Ind.
Bell	Guyer	Nichols
Bergland	Hagedorn	Nowak
Bevill	Haley	Obey
Bingham	Hamilton	O'Brien
Boggs	Hammer-	O'Hara
Boland	schmidt	O'Neill
Bolling	Hanley	Passman
Bowen	Hansen	Patman
Breaux	Harsha	Patten
Brinkley	Hays, Ohio	Pepper
Brooks	Hefner	Pickle
Broomfield	Helstoski	Poage
Brown, Mich.	Henderson	Pressler
Brown, Ohio	Hicks	Preyer
Broyhill	Hightower	Pritchard
Buchanan	Hillis	Quie
Burgener	Hinshaw	Quillen
Burke, Mass.	Holland	Railsback
Burleson, Tex.	Holt	Randall
Burlison, Mo.	Horton	Rees
Butler	Howe	Regula
Byron	Hungate	Rhodes
Carney	Hutchinson	Roberts
Carter	Hyde	Robinson
Casey	Ichord	Roncalio
Chappell	Jarman	Rose
Clancy	Jeffords	Rousselot
Clausen,	Jenrette	Runnels
Don H.	Johnson, Calif.	Ruppe
Clawson, Del	Johnson, Pa.	St Germain
Cleveland	Jones, Ala.	Santini
Cochran	Jones, N.C.	Sarasin
Collins, Tex.	Jones, Okla.	Satterfield
Conable	Jones, Tenn.	Schneebeli
Conlan	Jordan	Schulze
Corman	Kasten	Sebelius
Cotter	Kastenmeier	Seiberling
Crane	Kazen	Shriver
D'Amours	Kelly	Shuster
Daniel, Dan	Kemp	Sikes
Daniel, Robert	Ketchum	Sisk
W., Jr.	Kindness	Slack
Daniels,	Krueger	Smith, Nebr.
Dominick V.	LaFalce	Snyder
Danielson	Lagomarsino	Staggers
Davis	Landrum	Stanton,
de la Garza	Lent	J. William
Dent	Litton	Steelman
Derrick	Lloyd, Tenn.	Steiger, Ariz.
Derwinski	Long, La.	Steiger, Wis.
Devine	Lott	Stephens
Dickinson	Lujan	Stuckey
Downing	McCollister	Symms
Duncan, Oreg.	McCormack	Talcott
Duncan, Tenn.	McDonald	Taylor, Mo.
Eckhardt	McEwen	Taylor, N.C.
Edwards, Ala.	McFall	Teague
Eilberg	McKay	Thone
Erlenborn	McKinney	Thornton
Eshleman	Madden	Treen
Evans, Colo.	Madigan	Udall
Evins, Tenn.	Mahon	Ullman
Fenwick	Mann	Vander Jagt
Flood	Martin	Waggonner
Flowers	Mathis	Walsh
Flynt	Mazzoli	Wampler
Weaver	Wilson, Bob	Yatron
White	Winn	Young, Alaska
Whitehurst	Wright	Young, Tex.
Whitten	Wydler	Zablocki
Wiggins	Wylie	

NOT VOTING—16

Alexander	Michel	Wilson,
Cederberg	Mills	Charles H.,
Collins, Ill.	Mitchell, Md.	Calif.
Esch	Risenhoover	Wilson,
Goldwater	Skubitz	Charles, Tex.
Hastings	Sullivan	
Hébert	Waxman	

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word for the purpose of asking a question of the chairman of the subcommittee.

Mr. Chairman, I would like to ask the chairman of the subcommittee, the distinguished gentleman from Arizona (Mr. UDALL) to give us an explanation with respect to paragraph 2 on page 264:

Complete backfilling with spoil material—

This relates to steep slopes—

shall be required to cover completely the highwall and return the site to the approximate original contour, which material will maintain stability following mining and reclamation.

I wonder if the chairman could explain whether the words "approximate original contour" mean that the operator cannot take necessary steps to control drainage and erosion during reclamation?

Mr. UDALL. Mr. Chairman, if the gentleman will yield, the answer is "No."

"Approximate original contour" is a general standard and as defined in the act means that surface configuration "achieved by backfilling and grading of the mined area so that it closely resembles the surface configuration of land prior to mining and blends into and complements the drainage pattern of the surrounding terrain."

After regrading to approximate original contour and reconstructing the basic drainage pattern in the regraded area, one of the major problems facing the operator is the control of erosion during the reestablishment of vegetation. Regrading to approximate original contour allows the surficial shaping of the regraded area to adequately control drainage and erosion. Appropriate drainage control measures involving the shaping of the surface include, for instance, a series of diversion ditches or ridges across the final grade of slope, the use of grass-lined waterways, gouging to retard surface runoff and increased infiltration into the spoil, and similar measures which are in common use by the Soil Conservation Service for the Environmental Protection Agency. The general measures of siltation control and further discussed and expanded in the committee report—pages 105–106.

Mr. SEIBERLING. I would also like to ask the Chairman if "approximate original contour" means that, subsequent to the backfilling of the highway, it would be permissible to run a haul road or access road across the restored terrain.

Mr. UDALL. Yes.

The committee recognizes that mining access and haul roads, under limited and prescribed conditions, might well continue to serve useful purposes to land owners after reclamation. In such limited circumstances, roads can be left as part of the reclamation plan, but it is also expected that this will be identified in the approved mining and reclamation plan. The committee report contains a discussion of the role of coal access and haul roads—pages 117–118—including the potential utility and performing environmental protection functions by breaking up drainage down long slopes or perhaps serving as a barrier to keep spoil off outslopes. Specific standards in the bill apply to access roads and these would have to be met.

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

Mr. Chairman, I ask unanimous consent that all debate on this section and all other sections and all other titles of the bill end no later than 4:30 this afternoon.

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

Mr. SEIBERLING. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. STEIGER of Arizona. Mr. Chairman, for that logical and reasonable objection, I will sit down.

The CHAIRMAN. Are there further amendments to section 522?

Are there amendments to section 523?

AMENDMENT OFFERED BY MR. PICKLE

Mr. PICKLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PICKLE: Page 297, after line 18, insert the following:

"(f) Section 3(b) of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 352) shall not apply to deposits of coal (including lignite) from lands within the boundaries of Camp Swift National Guard Facility, Texas, which may be leased by the Secretary of the Interior to a governmental entity (including any corporation primarily acting as an agency or instrumentality of a State) which produces electrical energy for sale to the public, but only if the Secretary of Defense concurs in such leasing."

Mrs. MINK. Mr. Chairman, I make a point of order against the amendment.

Mr. PICKLE. Mr. Chairman, would the gentlewoman reserve her point of order?

Mrs. MINK. I will reserve my point of order.

Mr. PICKLE. Mr. Chairman, I want to take a little time in exploring a perplexing situation under our present mineral leasing laws.

Under our law, coal or lignite under acquired Government property set aside for military use cannot be leased. I have had people research this statute, passed in the 1920's, and there is no evidence whatsoever why this exception to leasing was put into the law. But it was.

Since a desire to obtain coal or lignite, that lies under acquired Federal property set aside for military purposes, has not been a factor in passing laws over the past 55 years, the Congress has allowed this anomaly to continue. It ought to be changed.

In my congressional district, we have

collided head-on with the roadblock thrown up by 30 U.S.C. 352.

Because Texas entered the Union as a Republic, Texas retained title to all public lands. Thus, any Federal land in Texas is "acquired property."

During World War II, an Army base was established south of Austin, near Bastrop, Tex. This base, called Camp Swift, is still owned by the Department of Defense even though only the Texas National Guard and some Reserve units use the property.

In the early 1900's, throughout this region, lignite was mined. Texas oil and gas soon snuffed out interest in lignite.

Today, however, the utilities of central Texas need to convert their generators from natural gas and oil to energy sources like coal or lignite. These utilities are not investor owned but publicly owned utilities. They are the utilities owned and run by the city of Austin and the Lower Colorado River Authority, a State agency.

Already these two government agencies are constructing a new coal-fired plant. To fire this plant, Austin and the LCRA have contracted for coal from Montana.

Considering transportation costs, and the unreliability of moving coal from Montana to Texas, everyone agrees that using Texas lignite would be a better course of action.

The Texas National Guard has agreed to a mining plan drawn up by the Becthol Power Corp., which was hired by the LCRA to study the Camp Swift lignite. The plan calls for piecemeal mining and the latest in land reclamation techniques. Such a technique would not interfere with the Guard's use.

The LCRA and city of Austin are ready to take steps to mine the lignite.

But alas, no one can let the lignite go because of a 1920 statute.

Central Texas utility bills have tripled and quadrupled because of the rising costs of natural gas and fuel oil.

Over 2 million citizens need the help of Congress in getting this lignite.

Mr. Chairman, the amendment I have offered is as follows:

Section 3(b) of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 352) shall not apply to deposits of coal (including lignite) from lands within the boundaries of Camp Swift, National Guard facility, Texas, which may be leased by the Secretary of the Interior to a governmental entity (including any corporation primarily acting as an agency or instrumentality of a State) which produces electrical energy for sale to the public, but only if the Secretary of Defense concurs in such leasing.

This amendment was narrowly drawn just to take care of Camp Swift.

The gentleman from Arizona, and the gentlewoman from Hawaii, have suggested that my amendment would more properly be in legislation reforming the mineral leasing policy instead of this strip-mining bill.

May I ask the Committee when such legislation will be considered?

POINT OF ORDER

Mrs. MINK. Mr. Chairman, I insist on my point of order?

The CHAIRMAN. The gentlewoman from Hawaii will state her point of order.

Mrs. MINK. Mr. Chairman, I am forced to make a point of order on this amendment because it seeks to amend the Mineral Leasing Act which is not amended by either this section or by any other section of the bill that we have under consideration.

The particular section which this amendment seeks to amend has to do with a provision which sets up the procedures by which the Federal Government establishes a reclamation and mining plan with respect to its Federal lands, It has to do with the establishment of standards and methods of extracting the coal and relates to the provisions that constitute requirements for such removal.

This amendment which the gentleman from Texas has offered to do with the amendment of another statute entirely separate from the pending bill and seeks to single out one particular piece of property located in the State of Texas, to render it exempt from the provisions of the Mineral Leasing Act.

So for the purposes of this bill, my point of order goes to the point that it is not germane and it amends a bill that is not a pending matter.

Mr. PICKLE. Mr. Chairman, will the gentlewoman yield?

Mrs. MINK. Yes, I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, would the gentlewoman not agree in principle that since the Defense Department, the appropriate part of the Federal Government, which owns title to the land, is agreeable to the mining of the lignite for the use of a publicly owned utility, that ought to be taken into account?

Mrs. MINK. Yes, Mr. Chairman, I will agree with the gentleman as to the substance of his amendment. I wish only to suggest that there is a bill pending before my subcommittee which seeks to go into this entire matter of coal leasing, and it would be more appropriate for the amendment to be considered in the consideration of that bill.

Mr. PICKLE. Mr. Chairman, will the gentlewoman tell me what action there has been on that bill?

Mrs. MINK. We have had hearings on that same bill last year. It was up for markup last December, but we could not complete our business. It is now the immediately pending business of the subcommittee as soon as this strip mining bill has been completed.

Mr. PICKLE. Mr. Chairman, if the gentlewoman will yield further, the gentlewoman makes reference to the Minerals Leasing Act which was previously considered. Is that the same measure that did pass the other body last year?

Mrs. MINK. The gentleman is correct.

Mr. PICKLE. And the time just ran out, and that is the reason we did not get to the consideration of that bill?

Mrs. MINK. The gentleman is correct.

Mr. PICKLE. Mr. Chairman, I do not know what the ruling of the Chair would be, but I think the amendment is germane.

Certainly, in the case the Chair would rule differently, I suggest we act on this matter with the greatest speed, because this material is needed by publicly owned utilities, and everybody is agreed it is held up because of the old 1920 statute. Certainly time is of the essence.

Mrs. MINK. Mr. Chairman, I assure the gentleman that this matter will be considered at the appropriate time, when we take up the minerals leasing bill.

The CHAIRMAN. Does the gentleman from Texas (Mr. PICKLE) wish to be heard further on the gentlewoman's point of order?

Mr. PICKLE. Mr. Chairman, in view of our colloquy, I do not believe I will proceed with this matter any further.

The CHAIRMAN. Does the gentleman request unanimous consent to withdraw his amendment?

Mr. PICKLE. Mr. Chairman, I ask unanimous consent to withdraw my amendment, since I have had the assurance by the gentlewoman that the committee is in the final stages of the markup of the other bill and will give first consideration and top priority to that matter.

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

There was no objection.

AMENDMENT OFFERED BY MR. WIRTH

Mr. WIRTH. Mr. Chairman, I offer an amendment to section 522.

The Clerk read as follows:

Amendment offered by Mr. WIRTH: Page 294, line 13, insert after the word "lands" the following: "which adversely affect or are located".

Mr. WIRTH. Mr. Chairman, the purpose of this amendment is very simple. It assures that any strip mining which might occur next to National Park Systems, the National System of Trails, the National Wilderness Preservation System, and the Wild and Scenic Rivers and National Recreation Systems, meaning strip mining which may occur next to those particular national preserves, will not be allowed to occur if it is going to have an adverse impact.

For example, in my part of the country it is very possible that we might have strip mining occur next to a national forest and have the activities of that strip mining affect wildlife and game and cause various kinds of erosion.

It seems to me this amendment is particularly in the spirit of the bill which has been managed so ably by the gentleman from Arizona (Mr. UDALL).

Mr. Chairman, I urge adoption of my amendment.

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

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

Mr. UDALL. Mr. Chairman, this is the one part of the Dingell amendment which was acceptable to me. It has nothing to do with the national forests.

It simply says that if one is strip mining on lands adjacent to a national park and it would adversely affect that national park, it would not be permitted. I think that is in the spirit of what we are trying to do, as the gentleman said.

Mr. Chairman, I do not think this amendment makes any great change, and, in fact, I believe it strengthens the bill.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

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

Mr. STEIGER of Arizona. Mr. Chairman, I understand what the gentleman is attempting to do, but I will just point out that as this amendment is written, it may be subject to misinterpretation of existing rights. It would say that no surface coal mining operations shall be permitted "on any lands which adversely affect."

By the simple sentence structure—and I do not mean to be nitpicking—what the gentleman is saying in the amendment is that the lands themselves adversely affect the image of the National Park System. I think what the gentleman means to say is: "If the mining activity would adversely affect the following systems."

I would just point out to the gentleman that if he will read the language as he has offered it, it now reads "on any lands which adversely affect or are located within the boundaries of units of the National Park System," et cetera.

Mr. WIRTH. No, it reads, "shall be permitted—which adversely affect."

Mr. STEIGER of Arizona. I am sorry. I realize that that is the gentleman's intention, but that is not the way it reads. If the gentleman wants to leave it like that that is fine since he obviously has the votes, but does that means that the gentleman wishes to leave an inaccurately constructed sentence in there, simple because he has the votes?

Mr. WIRTH. I think I know exactly what it means, and the gentleman knows what it means.

Mr. STEIGER of Arizona. Does the gentleman mean that the lands adversely affect the National Park System?

Mr. WIRTH. No, strip mining which adversely affects.

Mr. STEIGER of Arizona. The gentleman is not reading the whole sentence. Read the whole sentence as you have amended it. I ask the gentleman to read it to himself.

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

Mr. WIRTH. I yield to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, I think it is very clear as to what the gentleman intends. If there is a problem, we would like to have the legislative history clear.

The gentleman is talking about mining operations which adversely affect and not the existence of the lands which adversely affect. It is the mining operations, is it not?

Mr. WIRTH. Mining, strip mining, which adversely affects the operations.

Is that difficult to understand, I ask the gentleman from Arizona (Mr. STEIGER)?

Mr. UDALL. Mr. Chairman, we have to go to conference on this. If there is any difficulty with the language, we can iron it out.

Mr. WIRTH. The gentleman from Arizona (Mr. STEIGER) is concerned about it, is he not?

Mr. STEIGER of Arizona. The way it reads, there is going to be a lot of litigation.

Mr. WIRTH. I do not think there is any problem of litigation if the gentleman reads the record.

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

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

Mr. BLOUIN. As the sentence starts out, it talks about strip mining and not whether it is a surface mining operation. I do not know how it could be any clearer.

Mr. WIRTH. Those are my sentiments exactly.

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

Mr. Chairman, during the markup of this legislation we made some very definite determinations as to where mining would be permitted and where that mining would not be permitted. We did preclude mining within the boundaries of the units of the national park system and other specified units of Government-owned land.

However, we are expanding that prohibition very severely, very sharply, when we say one cannot mine on privately owned land that might or, in fact, does adversely affect these units of public ownership. When we say "adversely affect," we are right back in court.

Any individual who wants to mine in the general vicinity or near any units outlined on page 294 is subject to suit, litigation, and harassment on the grounds that that mining might in some way adversely affect the utilization of these Government lands.

When we say "adversely affect," it seems to me that we are developing very much a judgmental view. As a result, the final determination of "adversely affect" will in almost every instance wind up in court. As I recall, the individuals who marked up that bill were of a very firm mind as to where mining should and should not be permitted. To say that we will not permit mining now on any private land that might in some way adversely affect any of these units outlined, it seems to me, goes far beyond what we intended in the committee.

Beyond that, it is an invasion of private rights.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. RUPPE. I yield to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Is that not what the committee is trying to protect, to protect the National Park System, the National Wildlife Refuges System, the National Wilderness Preservation System and so forth? All this does is say that when strip mining adversely affects these areas that we are trying to protect. All this amendment does is to underline the protection of these areas by making it impossible for adjacent strip mining to adversely affect these areas.

Mr. RUPPE. How does one adversely affect? He may have to pass the mined areas. He may have to look at it. How do we get down to "adversely affect"? Will that not, in almost every instance, be a court determination, and should that provision in this legislation lead to endless lawsuits and legal harassment?

Mr. HECHLER of West Virginia. I would say to the gentleman from Michigan that he is really splitting hairs if he says he wants to protect these areas and then does not want to protect them from being adversely affected. That is a very silly distinction which is meaningless.

Mr. RUPPE. We do protect the areas. We protect the national forest lands. We protect all of the other areas outlined. But to say to an individual, "You cannot mine on your property because in some way it might adversely affect the utilization of these Government lands," it seems to me would be a taking and an outrageous invasion of private rights.

Mr. HAYES of Indiana. Mr. Chairman, will the gentleman yield?

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

Mr. HAYES of Indiana. Mr. Chairman, I might say, in terms of the question the gentleman asked about endless lawsuits, that in 1966 this body passed the Historic Preservation Act, and the language there states that the President's Advisory Council, for example, on historic preservation, shall make a report to the agency on whether or not there is an adverse effect.

The Federal Register sets out four points of view on how to determine adverse effect, and that includes things that are specifically detracting from the history of the unit that you are trying to protect. These do exist in the National Register, and they can transpose these over. The gentleman will also find that there are two lawsuits on this viewpoint since 1966.

I think very clearly that the intent of this legislation through the record that has been made does exist, and therefore I do not think the gentleman should fear endless litigation. In fact, all we are doing is protecting the national assets, such as our park assets, from the encroachment of strip mining that we know about, and it probably will not affect a very large portion of it at all.

Mr. RUPPE. Is the gentleman saying that those same standards would be applied, all the four standards?

Mr. HAYES of Indiana. Yes. I think the same as it is with the history of other agencies, in setting forth those standards, the Department of the Interior would handle it in that way, I think we can assume they would also deal with this in the very same way. It makes administrative law sense to do it in that fashion. I believe that any accord will require that the standard be applied in the very same manner it has been.

Mr. RUPPE. In other words, the gentleman believes we can leave it up to the Department of the Interior to set it up.

Mr. HAYES of Indiana. I believe that

that kind of a delegation is a meaningful delegation of authority. We certainly cannot expect that we will burden the record by setting forth all of the rules and regulations, we have never done so. We could, of course, for some purposes, but I think in large measure this makes good legal sense to allow them to go ahead. These things would certainly be open to review.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. FLOWERS, and by unanimous consent, Mr. RUPPE was allowed to proceed for 1 additional minute.)

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

Mr. RUPPE. I yield to the gentleman.

Mr. FLOWERS. Mr. Chairman, I think the gentleman has made a good point. If the spirit of this legislation is to insure that there will be no adverse effects from the strip mining or surface mining, and this seems to be what we are trying to do here, it is not necessary to seek to do this by the offering of an amendment such as this, if it is redundant. At least the gentleman makes a good point, and I agree that the amendment is not necessary if it is redundant, if it goes beyond and does attempt to further restrict this. I question why the committee did not bring this to the House in the bill.

Mr. RUPPE. I thank the gentleman for his remarks. I simply wish to reiterate that I believe it will lead to endless litigation, and the delay will be, I think, extensive.

Mr. FLOWERS. I think the gentleman's concerns are justified.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. WIRTH).

The question was taken; and on a division (demanded by Mr. WIRTH) there were—ayes 24, noes 25.

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

A recorded vote was refused.

So the amendment was rejected.

Are there further amendments?

AMENDMENT OFFERED BY MR. STEIGER OF ARIZONA

Mr. STEIGER of Arizona. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Arizona: Strike all of section 529, consisting of lines 1 through 24, and lines 1 through 3 on page 306.

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

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

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

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

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

The Committee will resume its business.

The gentleman from Arizona is recognized for 5 minutes.

Mr. STEIGER of Arizona. Mr. Chairman and fellow protectors of the fragile ecology, I want to call to the attention of the Members page 305 of the bill. On page 305 of this bill there is a fairly remarkable section, section 529.

In my relatively brief sojourn here in the House I have seen a great many legislative feats of legerdemain, but this is one of the best ones.

Section 529 rather remarkably exempts anthracite from the provisions of this bill. There are other exemptions in this bill for other particular situations. There are exemptions for particular specific mining operations. There are exemptions for some geographic areas. All of these exemptions came about in the full light of day in the committee operation after, of course, much heated discussion and much heated explanation.

That is what makes the anthracite exemption so remarkable, because it was apparently conceived in the dark of night somewhere. It was clearly arrived at as a quid pro quo for the support of the Pennsylvania delegation—which is not unheard of in these Halls—but the fact is that it owes its presence to no logic and no reason other than the muscle of the corporation involved and the union involved.

Anthracite as a surface-mined product of the earth is very limited in amount. In fact, there is something like 600,000 tons of anthracite mined on an annual basis from surface-mined operations, possibly 650,000 tons. Some 550,000 to 600,000 of these tons of anthracite are mined on three properties in Pennsylvania, and those three properties are owned by the Bethlehem Steel Co. These properties were not acquired by the Bethlehem Steel Co. until 2 or 3 days following the inclusion of this exemption in the conference committee report between the House and the Senate in their production of their version of this bill.

There was not 1 minute of discussion heard in a committee on either the House side or the Senate side, and there was not 1 minute's discussion on the floor.

The fact is that the first explanation as to why this exemption is in the bill came in a letter from our very able colleague, the gentleman whose sartorial splendor is matched only by the keenness of his wit, the gentleman from Pennsylvania (Mr. FLOOD), who advised us in a "dear colleague" letter last week that this exemption came to be as a result of the unique geological and geographical qualities of anthracite.

While I submit that those unique geologic and geographic results are none other than the gentleman from Pennsylvania (Mr. FLOOD) himself, because the rest of the country is not represented so ably, apparently. If, indeed, the protections and regulations that are inherent in this bill are too onerous for anthracite, then I submit they are far too onerous for the rest of the country, because the only difference between anthracite and bituminous or lignite is that anthracite is represented by the gentleman from Pennsylvania (Mr. FLOOD).

Now, the Senate knocked this exemption out without a whisper of complaint, not one syllable, because they knew it was indefensible. We have some figures here that demonstrate that this bill will add to the cost of the average electrical utility bill at the rate of some 11½ percent before we compute the loss of production. That, say the anthracite people, is why anthracite should be exempted, because 45 percent of the folks in that area burn the coal that is mined in that area in both their homes and that produce electrical energy.

I submit that that same increase applies to all the coal across the country.

I sympathize with the good folks in Pennsylvania who do not want to bear the additional unnecessary burden, who do not want to have their electric bills increase to a point they cannot afford, who do not want surface mines shut down so they lose jobs. I agree with that, but I have to confess that if it is too burdensome, if the burdens of this bill are too much for anthracite, then they are too burdensome for the entire country.

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

(At the request of Mr. SYMMS and by unanimous consent, Mr. STEIGER of Arizona was allowed to proceed for an additional 4 minutes.)

Mr. STEIGER of Arizona. Mr. Chairman, this really is a very, very basic confrontation here that we have. It is a basic confrontation, not only between logic, reason and reality, and the legislative process, which is a frequent one, but this is a confrontation between the political muscle of a single company, Bethlehem Steel, a single union, the United Mine Workers, and their ability to convince a sufficient number of their constituency that is a justifiable part of the bill, when indeed, it is not. There is simply no defense of this section in logic or reason.

It occurs to me that even absent the entire Pennsylvania delegation's support for this bill, it is still going to pass; so there is no need to embarrass the House with the burden of trying to justify this section.

My friends, the logic is irrefutable, that if, indeed, the bill is too onerous for anthracite, it is, indeed, too onerous for the rest of the country. I happen to believe that it is too onerous for the rest of the country, but the fact is that I have been unable to convince the House that it is too onerous for the rest of the country. I am sure that anthracite is going to be exempt by the rest of this bill and they have said the rest of the country must endure this.

Those political muscular folks who have been able to justify this language in the bill here also in terms of the Bethlehem Steel Co., the only ones to go to the President, the only company to go to the President, asked that he not veto the

last bill. I am sure if this provision is in this time again, they will also continue that urging.

I will tell this House that the presence of this language in the bill ought to be an embarrassment to the whole House and it should be very difficult to embarrass this House.

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

Mr. Chairman, I hardly qualify as one of those robust fellows at this point, but I do not stand here with any sense of guilt or that I am in anyway doing anything that I would not be proud to do on the basis of the facts and the logic.

Back when we were in our heyday in the six counties in Pennsylvania that produce anthracite coal, we were producing at that time 145 million tons of coal a year. Outside of the six anthracite counties in Pennsylvania, there is only one area in the world that has true anthracite, and it is about 75 percent of the purity of our anthracite.

Because of the shipment of oil to the United States and using bunker oil as a ballast, there was a strike in 1926. The oil people realized somehow that they could use this bunker oil as a fuel. So, that strike destroyed the anthracite area of Pennsylvania.

It is the longest history in personal depression, community depression, in the entire United States of America. It moved to a point where something like 70 percent of the men in the area were doing the housework and tending to the homes and the women were out working in a group of small, little hosiery mills and some shirt factories that were brought in by community action.

The production in that area today is sufficient for 3,000 miners, who are carrying on their backs 15,000 retired anthracite miners receiving $30 a month. Added to their social security and something from the welfare fund of the United Mineworkers, this group has stayed away from public welfare as a matter of pride, and not because they did not have the need.

In determining the basis of participation in the pension reform legislation, the magnificant gesture by the multiemployers and the multiemployer unions decided to vote their funds that they are contributing 6 months ahead of the time that they participate in the pension fund's trust fund to make it possible for the anthracite miners' trust fund to come under the trust fund at the same time as the single employers did.

This has been a region of personal and community sacrifice since 1926. I served for 22½ years in the State Senate, and as a floor leader for 18½ years. I went through the battles of the bootleggers; I went through the battles where there was not one legitimate coal operation in the entire anthracite region, and bands of former miners would go out into the coal properties and dig a rathole, and many of them died trying to eke out a living. They even confiscated collieries so that they could break down the coal, which is of an entirely different character than bituminous coal. It is something so far apart from bituminous that perhaps it ought not to be known as coal. It is a mineral completely different from coal as we know coal to be.

What are we talking about? We are talking about an area that was devastated long before most of the Members of this Congress were born, and we have been able, through the laws of the State of Pennsylvania on reclamation and mine stripping, to put together the money from the bituminous fields and in a different piece of legislation altogether for anthracite, which was completely ignored until this committee realized its responsibility to this area and exempted it from the anthracite.

What are we exempting? We are exempting from this bill the absolute positive death of the little economy that we have left in that area today in coal. It is without doubt the most magnificent fuel. It is almost 100 percent carbon.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. OTTINGER, and by unanimous consent, Mr. DENT, was allowed to proceed for 4 additional minutes.)

Mr. DENT. I thank the gentleman.

Its only other use we have been able to find for it—and that is a very minute amount of coal—is for the purification of water. In its original state, it is one of the greatest purifiers of water there is in the country. But one cannot make a living in this region. It is a very high-cost operation. I do not have the time to explain, but I will give the Members just a little 30-second, rapid difference of what bituminous coal is and what anthracite coal is.

Bituminous coal is a coal that develops in the earth on a horizontal plane. It will have a slope to it of a few degrees, and sometimes it will go the other direction, downhill, but very few degrees. In the anthracite it is a vertical slope.

The city of Scranton, Pa., had a 90-foot thick vein of coal, 90 feet at the surface, and down 4,000-some hundred feet, up straight, absolutely vertical, and then it went on a slight horizontal plane and came up the other side of the city of Scranton.

It is a different coal. You go down and you pick it out. You set a small gage walk along the way, and you pick the coal down. It does not lend itself to the modern machinery, because of the nature. You could not stand a cavern 4,000 feet deep, 90 feet wide, without creating the greatest hazard and without creating the greatest blemish on the Earth as you have ever seen in your life.

They managed to eke out a living, a very bad living, but they eked it out. It is the only community in the entire State of Pennsylvania which had to pass an exceptional, extraordinary educational piece of legislation where taxes were taken from the rest of the State to keep the schools open.

Now you say to me that this is unconscionable, that we should even have this legislative enactment containing this exemption.

I do not come from the anthracite region but I had its problems in the State legislature for a great part of my lifetime, and I know it, I think, as well as most men and women who lived in the anthracite region.

In this community of ours, the Congress of the United States, there are 18 or 20 Members who grew up and were born in the anthracite region, and they left there. We have a Member from New Jersey who grew up in that anthracite region and could not make a living there and moved to New Jersey. We have two or three from Pennsylvania. We have many Members of this Congress who, in their early youth, or later, when they finished high school, had to move because there was no opportunity there.

Considering 10 cents a ton you get from deep mining and considering the entire amount you get from strip mining, we have to strip 350 to 400 feet deep in layers, the same as you do for iron ore, to come out with 61½ or 7 feet of coal.

I have visited strip mines out West that had 75 feet of overburden and 75 feet of coal. Can we compare the two? We cannot.

But let us not kill this region for this reason. If we count all stripped coal—and it is not all stripped coal—the entire amount that we collect would be $600,000, and we are spending more than that out of what they are doing up there now to rehabilitate the old gob piles and correcting all of the damage that has been done long before this generation had anything to do with it.

Mr. Chairman, I beg of the Members to give consideration to a community that needs it from this Congress.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. DENT) has expired.

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

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

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

Mr. SEIBERLING. Mr. Chairman, may I ask the gentleman this: Is it not true that Pennsylvania is the only State in the Union where anthracite coal is being mined?

Mr. DENT. The gentleman is correct. Pennsylvania is the only State in the Union that has any.

Mr. SEIBERLING. So that there is no necessity for a national strip mining bill with respect to anthracite coal, because it is all within Pennsylvania and Pennsylvania is handling it with its existing legislation.

Mr. DENT. Mr. Chairman, the mining is so different that we in Pennsylvania had to have a separate law for mining, a separate law for inspection, and a separate law for the mine dust levels that we created, as contrasted to the mining of bituminous coal.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

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

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

I rather like the line of questioning by the gentleman from Ohio (Mr. SEIBERLING).

I would like to ask this question: Is there any bituminous surface mining in Pennsylvania?

Mr. DENT. There certainly is.

Mr. STEIGER of Arizona. Mr. Chairman, in view of the excellence of the Pennsylvania law and in view of the position of the gentleman from Ohio on anthracite, it would seem more logical that we also exempt the Pennsylvania bituminous surface mines.

Mr. DENT. May I make this suggestion to the gentleman——

Mr. STEIGER of Arizona. I welcome any suggestion.

Mr. DENT. The Pennsylvania law is a good one; is that right?

Mr. STEIGER of Arizona. That is correct.

Mr. DENT. Mr. Chairman, I might suggest that this House in its wisdom could adopt the Pennsylvania bill in its entirety. After 19 years of hit and miss to get legislation, which I first introduced that many years ago, we finally got a good law. If we could adopt that law, we would not be in the tangle we are in now.

But we did not have the problem that this committee had. We did not have the problem of interference in other matters supervised by other departments of Government.

Mr. Chairman, I will say to the members of this committee that I have fought all along the line for this, and I believe we have come out with a Solomon-wise proposal that we ought to buy.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. DENT) has expired.

(On request of Mr. STEIGER of Arizona and by unanimous consent, Mr. DENT was allowed to proceed for 1 additional minute.)

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

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

Mr. STEIGER of Arizona. Mr. Chairman, I will ask the gentleman this: Does the Pennsylvania law exempt anthracite from its provisions?

Mr. DENT. It certainly does. They have their own law, which has nothing to do with the bituminous coal law.

Mr. STEIGER of Arizona. Pennsylvania has no law which deals with anthracite reclamation?

Mr. DENT. Yes, because it is the only State that knows how to handle it. We would be glad to tie the Pennsylvania law into the Federal law, because it would only affect our State and we can live with it.

Mr. STEIGER of Arizona. Mr. Chairman, in response to what the gentleman has said, if the gentleman will yield further, I will ask another question.

Pennsylvania has regulations to deal with anthracite?

Mr. DENT. The gentleman is correct.

Mr. STEIGER. Yet the gentleman is asking for a Federal law to exempt the anthracite regulations, because of the existence of part of the Pennsylvania law?

Mr. DENT. No, the gentleman is wrong. We are saying that if Pennsylvania does not enforce its law, then it becomes the duty of the Federal Government to enforce the State law.

How much further could we go?

Mr. STEIGER of Arizona. Let us do that nationally, then.

Does the gentleman recommend that we do that nationally with all coal?

Mr. DENT. Mr. Chairman, if States have laws that meet the maximum requirements and go beyond the Federal laws, I think those States will apply their laws, because they already meet national standards.

Mr. STEIGER of Arizona. Mr. Chairman, I thank the gentleman for his support of my position.

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

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

Mr. SEIBERLING. Mr. Chairman, the point raised by the gentleman from Arizona really gets to the heart of this bill. If every State had laws comparable to those of Pennsylvania, there would not be any need for this legislation.

But if Pennsylvania is going to do a good job of controlling strip mining and some other States are not, then the Pennsylvania mines are put in an unfair competitive disadvantage by the fact that other States are not imposing similar requirements on their strip mine operations. That is why we need minimum Federal standards which all States must meet, but may exceed.

Mr. DENT. Mr. Chairman, I think the gentleman is right.

Mrs. MINK. Mr. Chairman, I rise in opposition to the amendment.

I do so in order to clarify a number of points which I believe have been misrepresented by the sponsor of this amendment.

The gentleman would have us believe that in the consideration of this legislation the committee gave no particular attention to special problems that exist with respect to coal mining in other parts of the country, and that, for some reason, we put on our blinders and paid special heed only to the particular problems in the anthracite region in Pennsylvania.

As a matter of fact, if the Members would look at the bill, they will see that the immediately preceding section to the one we have under consideration, section 527, is entitled "Special Bituminous Coal Mines."

This particular section sets forth special performance standards, special exemptions, special handling, special consideration for the Kemmerer mine which exists in the State of Wyoming. We made this exemption, because of the geographic considerations, again, which were argued by those who were familiar with the mining operation, who brought evidence to the committee that the condition of the seams in this particular location made it necessary to mine in huge pits and, therefore, the regular standards that we were stipulating would not apply. Consequently, we set forth a whole new exemption for that particular mining operation.

We also exempted Alaska on the same or similar grounds, but perhaps based more on the fact that we did not really understand the geology of that State, and there were many problems that could not be anticipated. Therefore, rather than imposing these standards on Alaska, we went along and said, "All right; let us go for the study." We decided that after this study we would then decide what indeed the performance standards should be.

In the case of anthracite, we were simply dealing with the long history of mining in Pennsylvania, that these areas have been mined before and are situated in narrowly limited areas of Pennsylvania, that they have unique problems, not only geographic in nature, but also because of drainage resulting from the great bulk of these deposits occurring in the river basins of the Susquehanna and Lackawanna Rivers.

Therefore, Mr. Chairman, it seems to me that instead of again sitting down and writing an entirely new section which would be called "Anthracite Mining," and attempting to rewrite the standards we knew were in existence in Pennsylvania, we very carefully allowed the exemption only with respect to interim standards and performance standards and said that these would be the standards in existence at the time of the writing of this bill.

We also provided that if the legislature amended the State law, this section would be rendered null and void, because we wanted to limit it strictly to what we knew existed at the time we wrote this exemption.

All of the sections of the bill with respect to citizen suits, with regard to the enforcement of the statutes of Pennsylvania are carefully retained under this legislation. It seems to us that this was a reasonable approach. It was never in the minds of any who helped to write this bill, particularly myself as the chief author of this section, that our views were affected one iota by the sale of any property in Pennsylvania. If the Members will look at the record, they will see that the negotiations for this so-called sale began in 1972 and which incidentally only covers a very small fraction of the total anthracite mines in Pennsylvania. The enactment of the exemption in this provision had nothing whatsoever to do with the culmination of these transactions by Bethlehem Steel. Anthracite furthermore is only about 5 percent of the total coal production of the State of Pennsylvania.

All other coal mining activities in Pennsylvania to wit, bituminous coal falls within all the provisions of H.R. 25. It seems to me that the committee bill is reasonable and justified by the facts and that the House should go along with this special consideration for anthracite, just as we voted for the bituminous open-pit exemption for Wyoming and for the Alaska exemption. We are only saying that past regulatory experience in Pennsylvania indicates that this exemption is worthwhile, because the State of Pennsylvania has demonstrated its willingness to have Federal enforcement provisions apply. It seems to me reasonable

for us to go along with this kind of arrangement; State standards with Federal enforcement.

Mr. UDALL. Mr. Chairman, will the gentlewoman from Hawaii yield?

Mrs. MINK. I yield to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, I want to heartily endorse every word the gentlewoman from Hawaii (Mrs. MINK) has just said.

This is a sound section. It is based on special consideration. She drafted it in careful consultation with the Pennsylvania people. The Governor of that State endorsed it. Other groups have endorsed it, and it ought to be retained.

The idea has been kicked around here and in committee that there is Mafia money, that there is some skulduggery afoot, something devious has gone on in connection with the acquisition by Bethlehem Steel of a small portion of the anthracite area.

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

(By unanimous consent, Mr. UDALL was allowed to proceed for 1 additional minute.)

Mr. UDALL. Mr. Chairman, I intend to ask the General Accounting Office to check out all of these allegations so we will be absolutely sure that there is nothing to them and we will then have a basis for final action on this bill.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Arizona (Mr. STEIGER). As a member of the Committee on Interior and Insular Affairs, and the Subcommittee on Mines and Mining, and as one of the individuals who listened to literally hundreds and thousands of hours of testimony, I suppose, in and out of Congress on this bill, and also as a member of the conference committee that discussed this bill for some 67 hours last year, may I say that never in the process of those discussions other than in the conference committee was this subject ever brought up.

The gentlewoman from Hawaii (Mrs. MINK) is entirely correct that we spoke about the exemptions, especially for bituminous coal and for Kemmerer Mine, and for Alaska, and we spent hours in the full light of day discussing them, but we never discussed this amendment.

Let me say at the outset——

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

Mr. KETCHUM. No. Not at this time.

Mr. Chairman, let me say at the outset that I have no criticism whatsoever of the Pennsylvania delegation. They are doing that which they should do, and what I would do, I am sure, if I came from Pennsylvania, but the fact is that it is still coal, and it is still being stripped. We are granting them in this bill an exemption that does not apply to any other strippable coal. There is simply no moral way that one can justify this provision of the bill.

Anthracite coal stands horizontally and vertically, and so does bituminous coal. I do not remember anywhere in the discussions, even on the part of my somewhat vitriolic friend, the gentleman from Arizona (Mr. STEIGER) in his discussions, anywhere where the Mafia was ever mentioned, Bethlehem Steel, to be sure, and I wonder about that myself.

But, simply stated, there is no moral way that one can exempt anthracite from this bill. I repeat, it is coal, and it is stripped.

I yield back the balance of my time.

Mr. UDALL. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 10 minutes.

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

There was no objection.

The CHAIRMAN. The Members who were standing at the time the unanimous-consent request was made will be recognized for 1¼ minutes each.

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

Mr. HECHLER of West Virginia. Mr. Chairman, the only thing that disturbs me about this amendment is its sponsor. I feel very uncomfortable in this situation. That is, I strongly support the position of the gentleman from Pennsylvania (Mr. FLOOD) on 99.9 percent of the issues that come before this House. I respect his integrity, support his philosophy, and team up with him on virtually every issue before this House.

I would just like to observe that possibly by coincidence, or sheer happenstance, the gentleman from Arizona (Mr. STEIGER) may have just by pure luck hit upon an amendment that is morally justified in this instance.

I would observe, Mr. Chairman, that since 1971 I have read every word of the testimony before all of the committees of the House and Senate, and there is not one single word of evidence or bit of testimony in support of this amendment, or even opposed to it, for that matter. The subject has simply never been raised in any testimony. There was no debate upon it when it was adopted on the floor last year, according to the RECORD of that day; it was just brought up suddenly, and adopted immediately, without any debate. I cite page 25225 of the CONGRESSIONAL RECORD of 1974 during our July debate on this legislation. It seems to me there is only one reason for this provision in this section: it was put in the bill to win over the votes of the Pennsylvania delegation in support of this bill.

Again I commend the gentleman from Pennsylvania for his energy and efforts, but I urge support for the amendment striking this inequitable section of the pending legislation.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. SYMMS yielded his time to Mr. HECHLER of West Virginia.)

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

Mr. HECHLER of West Virginia. I yield to the gentleman from Idaho.

Mr. SYMMS. I thank the gentleman for yielding.

I appreciate the position the gentleman is taking. I think we could properly name this the anthracite amnesty amendment to the coal bill.

Mr. HECHLER of West Virginia. I thank my friend from Idaho. I would suggest, Mr. Chairman, that under the State program procedure provided in this legislation, Pennsylvania can come in with a State program which does exactly what is attempted by the Pennsylvania delegation. Why do we have to write into the legislation an exemption to the anthracite industry? Why do we have to write into the legislation an exemption from the performance standards of sections 515 and 516?

I strongly urge that this amendment be adopted, even though it is offered by the gentleman from Arizona (Mr. STEIGER), with whom I strongly disagree on nearly every issue.

The CHAIRMAN. The Chair recognizes the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. My admiration for the bill and my respect for the chairman of the committee make it hard for me to join in anything that might seem an attack on the bill, but I should like to ask two questions. What is the difference between the Pennsylvania regulations and the Federal regulations which makes the Federal regulations so particularly onerous and heavy as to risk destroying the surface anthracite mining in Pennsylvania?

Mrs. MINK. If the gentlewoman would yield, the specific reason for a different standard being imposed in this instance is because of the different geologic formation and unique location of these anthracite deposits.

Mrs. FENWICK. I did not ask a reason. I said, What is the difference between the two regulations, and why would the Federal regulation be so particularly onerous to Pennsylvania?

Mrs. MINK. If the gentlewoman would yield further, I would like to ask the gentleman from Pennsylvania to answer.

Mr. FLOOD. If the gentlewoman would yield, I am glad to say it is simply necessary. It is an entirely different kind of operation. It is an entirely different kind of stripping. It is an entirely different kind of mining.

Mrs. FENWICK. That is not the question I asked.

The CHAIRMAN. The time of the gentlewoman has expired.

(By unanimous consent, Mr. STEIGER of Arizona yielded his time to Mrs. FENWICK).

Mrs. FENWICK. I thank the gentleman for yielding.

The question I am asking is, Why would this kill Pennsylvania anthracite? Why is it so heavy for Pennsylvania anthracite? What is the geological defense?

Mr. FLOOD. If the gentlewoman will yield further, I thought the gentlewoman from Hawaii made it pretty clear, indeed. What is the difference? It is entirely geological, because when we strip mine soft coal, we are taking

the whole side of the mountain. If we were going to do a stripping job in Pennsylvania, we have to do it differently. You do it exactly now by going down, down, down. You do not go up through a valley. You do not destroy the countryside. You do not destroy the farms or the fields. All you can do is exactly what you are doing in exactly the same place, and then you do not rape the countryside.

Mrs. FENWICK. The Federal law does not stop you from going down, down, down.

Mr. FLOOD. It is not how far we want to go.

Mrs. FENWICK. I thank the gentleman.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. CARNEY).

(By unanimous consent, Mr. CARNEY yielded his time to Mr. FLOOD).

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to this amendment.

My name is FLOOD. I am from Pennsylvania. We mine coal there—anthracite. Not bituminous—anthracite. That is hard coal. Anthracite is mined in eight counties in north-central Pennsylvania. You do not find it in Illinois. You do not find it in California. You do not find it in Alabama. And you are not going to believe this, you do not find it in Arizona either. There you are, eight counties in north-central Pennsylvania, and we have got anthracite. Nobody else.

We are different—not by choice, but there it is. We have got heavy pitching veins and multiple veins which you do not find in the soft coal areas. We have got a very heavy rock overburden. We have been mining up there for years and years—this is not virgin land, we are on already deep mined land. We are just stripping previously strip mined areas. We just go a little deeper and remove coal you could not get a few years ago.

Pennsylvania regulates the mining and reclamation of coal with the strongest and toughest strip mine control laws in the country. The State people know what I am telling you now—they know what anthracite coal is—that it is not bituminous. And in that Pennsylvania law there are separate and distinct regulations for the control of anthracite strip mining. Separate and distinct. Because they are different.

Governor Shapp has sent each of you a telegram telling you this is so—that he personally endorses this section of the bill. Pennsylvania people know about anthracite and passed a law which controls its mining. The anthracite section of the bill before the House is in the bill not because of DAN FLOOD, or Bethlehem Steel, but because this bill is patterned in many ways after the very successful Pennsylvania law. And that law calls for and recognizes the separate and distinct nature of anthracite from bituminous.

Now I do not blame people who do not understand this difference. For years in Washington, when you say the word "coal" that means bituminous. And well it should—99.2 percent of all coal mined in the country is bituminous. They cannot even spell "anthracite" in Washington. But if you do not recognize the difference you end up with problems.

Let me tell you. I cosponsored the Federal Coal Mine Health and Safety Act.

That was in 1969. The regulations in that bill were written for bituminous coal. That was great for bituminous mines, but in the anthracite region, the regulations just did not fit. It took 5 years, but in 1974 the Interior Department set up a special anthracite task force to work out the mess. Now they have separate regulations for anthracite.

One further point. You have heard the word "exemption" used with regard to anthracite. This word "exemption" is a great word, but it just is not the truth. Sure, the anthracite industry would like an exemption from this bill, but they are not going to get one.

All that the anthracite section does is say that for those particular characteristics of anthracite which make its mining operations different than bituminous, the strict Pennsylvania law shall apply because that law recognizes and compensates for the differences in the two types of coal. That is all. We are not exempt. We are not exempt from strict reclamation standards. We are not exempt from Federal enforcement. We are not exempt from paying into the reclamation fund. We are not exempt from public participation and citizens' suits. The list goes on. And if, at any time, the Pennsylvania law is weakened, the full force of Federal regulation would apply.

There is, in truth, no exemption here. I oppose this amendment and urge my colleagues to do the same.

The CHAIRMAN. The Chair recognizes the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. Mr. Chairman, I simply wanted to clarify the RECORD. The gentleman from California made a statement that this amendment with regard to anthracite was not debated by the committee before it was considered on the floor of the House. He cited the fact that all the other amendments which he described were discussed by the committee. The RECORD should be clear that the Alaska amendment was added on the floor and this was not considered by the committee before its consideration here. So in both situations, in the Alaska and the anthracite situations, both were developed after the committee bill had been reported. So it seems to me all three situations should be taken into balance. There are features with respect to anthracite mining which cannot come under the literal provisions of H.R. 25 and it is in fact very similar to the Kemmerer Mine situation where we have to deal with large open pits. H.R. 25's requirements cannot be met in these special instances and therefore we were forced to write a special section for both these areas. The committee takes the open pit Kemmerer Mine and the anthracite mine and taking them together provided exceptions for both.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. UDALL), to close the debate.

Mr. UDALL. Mr. Chairman, there are two reasons why we should defeat this amendment and keep section 529 in the bill. In the first place it is a sound piece of work and soundly crafted and drafted and a soundly balanced bit of legislation.

Second, it is only a partial exemption from the environmental standards of the bill—the other provisions of the act apply—the citizen suits, Federal enforcement, permit approval and denial criteria, and so on. The environmental standards in Pennsylvania law will apply and if the State weakens such standards then the environmental standards in the Federal bill will apply.

Mr. Chairman, I call for the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. STEIGER).

The question was taken; and on a division (demanded by Mr. STEIGER of Arizona) there were—ayes 40, noes 32.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 248, not voting 14, as follows:

[Roll No. 60]

AYES—170

Abdnor	Flowers	Mollohan
Abzug	Flynt	Montgomery
Ambro	Forsythe	Moore
Anderson, Ill.	Frenzel	Moorhead, Calif.
Andrews, N. Dak.	Frey	Mottl
Archer	Goldwater	Myers, Pa.
Armstrong	Goodling	O'Brien
Ashbrook	Gradison	O'Hara
Bafalis	Grassley	Patten
Bauman	Gude	Perkins
Beard, Tenn.	Guyer	Pike
Bowen	Hagedorn	Poage
Breaux	Hammer-schmidt	Pressler
Brinkley	Hansen	Pritchard
Brodhead	Hastings	Quie
Broomfield	Hechler, W. Va.	Quillen
Brown, Calif.	Hicks	Regula
Brown, Mich.	Hillis	Reuss
Brown, Ohio	Hinshaw	Rhodes
Broyhill	Holland	Roberts
Buchanan	Holt	Robinson
Burke, Fla.	Holtzman	Rousselot
Burleson, Tex.	Hubbard	Ruppe
Butler	Hutchinson	Sarasin
Carter	Hyde	Satterfield
Cederberg	Ichord	Schroeder
Clancy	Jarman	Sebelius
Clausen, Don H.	Jeffords	Sharp
Clawson, Del	Johnson, Colo.	Shriver
Cochran	Jones, Tenn.	Slack
Cohen	Kasten	Smith, Nebr.
Collins, Tex.	Kelly	Snyder
Conlan	Kemp	Solarz
Conte	Ketchum	Spence
Crane	Kindness	Stanton, J. William
Daniel, Dan	Koch	Steelman
Daniel, Robert W., Jr.	Krueger	Steiger, Ariz.
Derwinski	Lagomarsino	Steiger, Wis.
Devine	Lent	Stephens
Dickinson	Lott	Stuckey
Downey	Lujan	Studds
Downing	McClory	Symms
Duncan, Tenn.	McCollister	Talcott
du Pont	McDonald	Taylor, Mo.
Early	McKinney	Thone
Edwards, Ala.	Madigan	Treen
Emery	Maguire	Vander Jagt
Erlenborn	Mann	Vander Veen
Esch	Martin	Vanik
Evans, Colo.	Mathis	Waggonner
Fenwick	Michel	Wampler
Findley	Milford	Whalen
Fithian	Miller, Ohio	Whitehurst
	Mitchell, N.Y.	Whitten
	Moffett	

Winn	Wydler	Young, Fla.
Wirth	Wylie	Young, Tex.
Wright	Young, Alaska	

NOES—248

Adams	Giaimo	Neal
Addabbo	Gibbons	Nedzi
Anderson, Calif.	Gilman	Nichols
	Ginn	Nix
Andrews, N.C.	Gonzalez	Nolan
Annunzio	Green	Nowak
Ashley	Haley	Oberstar
Aspin	Hall	Obey
AuCoin	Hamilton	O'Neill
Badillo	Hanley	Ottinger
Baldus	Hannaford	Passman
Barrett	Harkin	Patman
Baucus	Harrington	Patterson, Calif.
Beard, R.I.	Harris	Pattison, N.Y.
Bedell	Harsha	Pepper
Bell	Hayes, Ind.	Peyser
Bennett	Hays, Ohio	Pickle
Bergland	Heckler, Mass.	Preyer
Bevill	Hefner	Price
Biaggi	Heinz	Railsback
Biester	Helstoski	Randall
Bingham	Hightower	Rangel
Blanchard	Horton	Rees
Blouin	Howard	Richmond
Boggs	Howe	Riegle
Boland	Hughes	Rinaldo
Bolling	Hungate	Rodino
Bonker	Jacobs	Roe
Brademas	Jenrette	Rogers
Breckinridge	Johnson, Calif.	Roncalio
Brooks	Johnson, Pa.	Rooney
Burgener	Jones, Ala.	Rose
Burke, Calif.	Jones, N.C.	Rosenthal
Burke, Mass.	Jones, Okla.	Rostenkowski
Burlison, Mo.	Jordan	Roush
Burton, John L.	Karth	Roybal
Burton, Phillip	Kastenmeier	Runnels
Byron	Kazen	Russo
Carney	Keys	Ryan
Carr	Krebs	St Germain
Chappell	LaFalce	Santini
Chisholm	Landrum	Sarbanes
Clay	Latta	Scheuer
Cleveland	Leggett	Schneebeli
Conable	Lehman	Schulze
Conyers	Levitas	Seiberling
Corman	Litton	Shipley
Cornell	Lloyd, Calif.	Shuster
Cotter	Lloyd, Tenn.	Sikes
Coughlin	Long, La.	Simon
D'Amours	Long, Md.	Sisk
Daniels, Dominick V.	McCloskey	Smith, Iowa
	McCormack	Spellman
Danielson	McDade	Staggers
Davis	McEwen	Stanton, James V.
de la Garza	McFall	
Delaney	McHugh	Stark
Dellums	McKay	Steed
Dent	Macdonald	Stokes
Derrick	Madden	Stratton
Dingell	Mahon	Sullivan
Dodd	Matsunaga	Symington
Drinan	Mazzoli	Taylor, N.C.
Duncan, Oreg.	Meeds	Teague
Eckhardt	Melcher	Thompson
Edgar	Metcalfe	Thornton
Edwards, Calif.	Meyner	Traxler
Eilberg	Mezvinsky	Tsongas
English	Mikva	Udall
Eshleman	Miller, Calif.	Ullman
Evans, Ind.	Mineta	Van Deerlin
Fascell	Minish	Vigorito
Fish	Mink	Walsh
Fisher	Mitchell, Md.	Weaver
Flood	Moakley	White
Florio	Moorhead, Pa.	Wiggins
Foley	Morgan	Wilson, Bob
Ford, Mich.	Mosher	Wolff
Ford, Tenn.	Moss	Yates
Fountain	Murphy, Ill.	Yatron
Fraser	Murphy, N.Y.	Young, Ga.
Fulton	Murtha	Zablocki
Fuqua	Myers, Ind.	Zeferetti
Gaydos	Natcher	

NOT VOTING—14

Alexander	Hébert	Wilson, Charles H., Calif.
Casey	Henderson	
Collins, Ill.	Mills	
Diggs	Risenhoover	Wilson, Charles, Tex.
Evins, Tenn.	Skubitz	
Hawkins	Waxman	

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MELCHER

Mr. MELCHER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MELCHER: Page 306, after line 3, insert:

TITLE VI.—INDIAN LANDS PROGRAM

GRANTS TO TRIBES

SEC. 601. (a) The Secretary is authorized to make annual grants directly to any Indian tribe that applies to the Secretary for a grant to develop and administer an Indian lands program for the purpose of enabling the tribe to realize benefits from the development of its coal resources while at the same time protecting the cultural values of the tribe and the physical environment of the reservation, including land, timber, agricultural activity, surface and ground waters, and air, by the establishment of exploration, mine operating and reclamation regulations.

(b) The distribution of funds under this Act shall achieve the purposes of the Act, recognize special jurisdictional status of Indian lands and allotted lands of such tribes and preserve the power of Indian tribes to approve or disapprove surface mining and reclamation operations.

(c) Indian lands programs developed by any Indian tribe shall meet all provisions of this Act and where any provision of any tribal code, ordinance, or regulation in effect upon the date of enactment of this Act or which may become effective thereafter, provides for environmental controls and regulations of surface coal mining and reclamation operations which are more stringent than the provisions of this Act or any regulation issued pursuant hereto, such tribal code, ordinance, or regulation shall not be construed to be inconsistent with this Act.

COAL LEASING

SEC. 602. The Secretary is directed to obtain written prior approval of the tribe before leasing coal under ownership of the tribe.

INDIAN LANDS ENVIRONMENTAL PROTECTION STANDARDS

SEC. 603. Not later than the end of the one-hundred-and eighty-day period immediately following the date of enactment of this Act, the Secretary shall promulgate and publish in the Federal Register regulations covering a permanent regulatory procedure for surface coal mining and reclamation operations setting mining and reclamation performance standards based on and incorporating the provisions of title V of this Act, and establishing procedures and requirements for preparation, submission, and approval of Indian lands programs and development and implementation of Federal programs under this title. Such regulations shall be promulgated and published under the guidelines of section 501 of this Act.

APPROVAL OF PROGRAM

SEC. 604. (a) Within twenty-four months after the receipt of funding under section 601(a) of this Act, but not less than thirty months after the date of enactment of this Act, a tribe which expresses to the Secretary an intent to develop and administer an Indian lands program, giving the tribe exclusive jurisdiction over the regulation of surface coal mining and reclamation operations on lands under its jurisdiction, except as provided in section 521 and title IV of this Act shall submit an Indian lands program which demonstrates that such tribe has the capability of carrying out the provisions of this Act.

(b) The Secretary shall approve or disapprove an Indian lands program, in whole or in part, within six full calendar months after the date such Indian lands program was submitted to him.

(c) If the Secretary disapproves an Indian lands program in whole or in part, he shall notify the tribe in writing of his decision and set forth in detail the reasons therefor. The tribe shall have sixty days in which to resubmit a revised Indian lands program, or portion thereof: The Secretary shall approve or disapprove the resubmitted Indian lands program or portion thereof within sixty days from the date of resubmission.

(d) For the purpose of this section and section 504 of this Act, the inability of an Indian tribe to take any action the purpose of which is to prepare, submit, or enforce an Indian lands program, or any portion thereof, because the action is enjoined by the issuance of an injunction by any court of competent jurisdiction shall not result in a loss of eligibility for financial assistance under titles IV and VII of this Act or in the imposition of a Federal program. Regulations of the surface coal mining and reclamation operations covered or to be covered by the Indian lands program subject to the injunction shall be conducted by the Indian tribe pursuant to section 502 of this Act, until such time as the injunction terminates or for one year, whichever is shorter, at which time the requirements of section 503 and 504 shall again be fully applicable.

(e) The Secretary shall not approve any Indian lands program submitted under this section until he has—

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

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

(3) held at least one public hearing on the Indian lands program for the enrolled members of the tribe on its reservation; and

(4) found that the Indian tribe has the legal authority and qualified personnel necessary for the enforcement of the environmental protection standards.

INITIAL REGULATORY PROCEDURES

SEC. 605. (a) No person shall open or develop any new or previously mined or abandoned site for surface coal mining and reclamation operations on Indian lands after the date of enactment of this Act unless such person is in compliance with existing Federal regulations governing surface coal mining on Indian lands.

(b) No later than one hundred and thirty-five days from the date of enactment of this Act, the Secretary shall implement a Federal enforcement program which shall remain in effect on those Indian lands on which there is surface coal mining and where the Indian tribe has expressed to the Secretary an intent to develop and administer an Indian lands program, until the Indian lands program has been approved pursuant to this Act or until a Federal program has been implemented pursuant to this Act. The enforcement program shall be carried out pursuant to the provisions of subsections 502(f)(1), 502(f)(2), 502(f)(3), 502(f)(4), and 502(f)(5).

(c) Following the final disapproval of an Indian lands program, and prior to promulgation of a Federal program pursuant to this Act, including judicial review of such a program, existing surface coal mining operations may continue surface mining operations pursuant to the provisions of section 502 of this Act.

FEDERAL PROGRAM

SEC. 606. (a) The Secretary shall prepare and, subject to the provisions of this section, promulgate and implement, pursuant to section 501 of this Act, a Federal program for an Indian tribe that expresses an intent to develop and administer an Indian lands program if such Indian tribe—

(1) fails to submit an Indian lands program covering surface mining and reclamation operations by the end of the thirty month period beginning on the date of enactment of this Act;

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

(3) fails to implement, enforce, or maintain its approved Indian lands program as provided for in this Act.

If tribal compliance with clause (1) of this subsection requires an act of the tribal council or tribal legislature the Secretary may extend the period for submission of an Indian lands program up to an additional six months. Promulgation and implementation of a Federal program vests the Secretary with exclusive jurisdiction for the regulation and control of surface coal mining and reclamation operations taking place on lands within any tribal reservation or upon tribal lands not in compliance with this Act. After promulgation and implementation of a Federal program the Secretary shall be the regulatory authority. In promulgating and implementating a Federal program for a particular Indian tribe the Secretary shall take into consideration the nature of that Indian tribal reservation's terrain, climate, biological, chemical and other relevant physical conditions.

(b) Prior to promulgation and implementation of any proposed Federal program, the Secretary shall give adequate public notice and hold a public hearing for the enrolled members of the tribe in a location convenient to the tribe.

(c) Permits issued pursuant to an approved Indian lands program shall be valid but reviewable under a Federal program pursuant to section 504(d) of this Act.

(d) An Indian tribe which has failed to obtain the approval of an Indian lands program prior to implementation of a Federal program may submit an Indian lands program at any time after such implementation pursuant to section 504 of this Act. Until an Indian lands program is approved as provided under this section, the Federal program shall remain in effect and all actions taken by the Secretary pursuant to such Federal program, including the terms and conditions of any permit issued thereunder, shall remain in effect.

(e) Permits issued pursuant to the Federal program shall be valid but reviewable under the approved Indian lands program. The tribal regulatory authority may review such permits to determine that the requirements of this Act and the approved Indian lands program are not being violated. If the tribal regulatory authority determines any permit to have been granted contrary to the requirements of the Act or the approved Indian lands program, he shall so advise the permittee and provide him a reasonable opportunity for submission of a new application and reasonable time to conform ongoing surface mining and reclamation operations to the requirements of the Act or approved Indian lands program.

ADMINISTRATION BY THE SECRETARY

SEC. 607. (a) At any time, a tribe may select to have its program administered by the Secretary. Upon such a request by a tribe, the Secretary shall assume the responsibility for administering the tribe's Indian lands program for that reservation.

(b) Permits issued pursuant to an approved Indian lands program shall be valid but reviewable under a Federal program prepared pursuant to subsection 306(a) of this Act. Immediately following the promulgation of a Federal program, the Secretary shall undertake to review such permits to determine that the requirements of this Act are not being violated. If the Secretary determines that any permit has been granted contrary to the requirements of this Act he shall so advise the permittee and provide him a reasonable time to conform ongoing surface coal mining and reclamation operations to the requirements of the Federal program.

PERSONNEL

SEC. 608. (a) Indian tribes are authorized to use the funds authorized pursuant to section 601(a) of this title for the hiring of professional and technical personnel and, where appropriate, to allocate funds to legitimately recognized organizations of the tribe that are pursuing the objectives of this title, as well as hire special consultants, groups, or firms from the public and private sector, for the purpose of developing, establishing, or implementing an Indian lands program.

AUTHORIZATION PRIORITY

SEC. 609. Of the funds made available under section 714(a) of this Act, first priority on $2,000,000 for each of the fiscal years shall be for the purposes of this title.

REPORTS TO THE SECRETARY

SEC. 610. Any Indian tribe which is receiving or has received a grant pursuant to section 714(a) of this Act, shall report at the end of each fiscal year to the Secretary, in a manner prescribed by him, on activities undertaken by the tribe pursuant to or under this title.

ENFORCEMENT

SEC. 611. For the purpose of administering an Indian lands program under this Act, a tribe shall have jurisdictional authority including the ability to require compliance with said regulations over all persons whether Indian or non-Indian engaged in surface coal mining operations and that all disputes will be adjudicated in the appropriate tribal court forum until that remedy is exhausted and then the aggrieved party has the right to a trial de novo in Federal district court in the appropriate district.

INDIAN LANDS STUDY

SEC. 612. (a) The Secretary is directed to study the question of the regulation of surface coal mining on Indian lands which will achieve the purposes of this Act and recognize the special jurisdictional status of these lands. In carrying out this study the Secretary shall consult with the Indian tribes, and may contract or give grants to Indian tribes, qualified institutions, agencies, organizations, and persons. The study report shall include proposed legislation designed to assist Indian tribes to assume full regulatory authority over the administration and enforcement of regulation of surface coal mining on Indian lands.

(b) The report required by subsection (a) of this section together with draft proposed legislation and the view of each Indian tribe which would be affected shall be submitted to the Congress as soon as possible but not later than two years after the date of enactment of this Act.

(c) On and after one hundred and thirty-five days from the date of enactment of this Act, all surface coal mining operations on Indian lands wherein the tribe has not applied for a grant to develop and administer an Indian lands program pursuant to section 601 of this title, or has not selected to have its Indian lands program administered by the Secretary pursuant to section 607 of this title, shall comply with requirements at least as stringent as those imposed by subsections 515(b)(2), 515(b)(3), 515(b)(5), 515(b)(10), 515(b)(13), 515(b)(19), and 515(d) of this Act and the Secretary shall incorporate the requirements of such provisions in all existing and new leases for coal on Indian lands.

(d) On and after thirty months following the date of enactment of this Act, all surface coal mining operations on Indian lands shall comply with requirements at least as stringent as those imposed by sections 507, 508, 509, 510, 515, 516, 517, and 519 of this Act and the Secretary shall incorporate the requirements of such provisions in all existing and new leases issued for coal on Indian lands.

(e) With respect to leases issued after the date of enactment of this Act, the Secretary shall include and enforce terms and conditions in addition to those required by subsections (c) and (d) as may be requested by the Indian tribe in such leases.

(f) Any change required by subsections (c) and (d) of this section in the terms and conditions of any coal lease on Indian lands existing on the date of enactment of this Act, shall require the approval of the Secretary.

(g) The Secretary shall provide for adequate participation by the various Indian tribes affected in the study authorized in this section and not more than $700,000 of the funds authorized in section 714(a) of this Act shall be reserved for this purpose.

REPORTS TO CONGRESS

SEC. 613. The Secretary shall report annually to the President and the Congress on all actions taken in furtherance of this title and on the impacts of all other programs or services to or on behalf of Indians on the ability of Indian tribes to fulfill the requirements of this title.

Mr. MELCHER (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 Montana?

There was no objection.

Mr. MELCHER. Mr. Chairman, this amendment provides a new title to the bill dealing with an Indian lands program. In the bill that was passed by the House last year we had such a title.

In conference the conferees opted to treat the subject on what to do with the reclamation of Indian lands if their lands were stripped for coal by having the Secretary of the Interior delegated to conduct studies on those Indian reservations where the Indian tribes asked for such a study to determine how strip mining would affect them and how to arrive at effective reclamation for their land on their reservations.

In doing so, we bumped out of the final conference bill the rather detailed Indian lands program that we have passed here in the House.

What I have done in this amendment is to offer a blending of the conference decision of having a study with those tribes that desire to have one conducted and supervised by the Secretary of the Interior on their own reservation, or they can develop an Indian lands program of their own. Briefly, this would allow them to adopt stronger standards than the minimum Federal standards set forth in the bill. It would treat them in the same way that we treat a State in the bill, where we say to the State, "You can meet these minimum Federal standards, and that is good enough; but if you want

to have stronger standards, you can also do that and run your own program."

What we say in the Indian lands program, if we adopt this amendment that I am offering, is that the Indian tribes that so elect to have stronger standards can have them, and we give them that privilege. If they do not want stronger standards, that is their privilege, too. The various Indian tribes can ask for the study or they can designate the Secretary of the Interior to supervise the Federal standards on any reclamation program involving coal strip mining on the reservations, or decide to have stronger standards to enforce on their reservations.

It is their land; Indian culture is tied close to their land, and my amendment recognizes their basic right to decide the fate of their own lands.

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

Mr. MELCHER. I yield to the gentleman from Arizona (Mr. UDALL).

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

How to handle the coal underlying Indian lands has been one of the most difficult problems we faced in the history of this legislation. The gentleman from Montana has given this a great deal of attention and on several occasions has had solutions that I thought would solve the problem, but this particular solution is one that we have gone over on our side, the gentlewoman from Hawaii (Mrs. MINK) and I and the gentleman from Washington (Mr. MEEDS), who chairs the Indian Affairs Committee. The chairman of our full committee, the gentleman from Florida (Mr. HALEY) chaired the Indian Affairs Subcommittee for a number of years and has an intense interest in this problem.

Mr. Chairman, as far as I am concerned, and I think I speak for most of us on our side, this is a good approach to take to conference. It gives options, it is flexible, and I am prepared to support the amendment.

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

Mr. MELCHER. I yield to the gentleman from Florida (Mr. HALEY), the distinguished chairman of the House Committee on Indian Affairs.

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

He, of course, knows of my long interest in Indian legislation.

I think this is a very good amendment, and I rise in wholehearted support of this amendment. I think it is necessary.

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

I urge that the House accept the amendment and thereby endorse Indian rights to have a positive voice in the destiny of their own reservation lands if some of it is strip mined for coal.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana (Mr. MELCHER).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title V?

If not, the Clerk will read.

The Clerk read as follows:

TITLE VI—DESIGNATION OF LANDS UNSUITABLE FOR NONCOAL MINING

DESIGNATION PROCEDURES

SEC. 601. (a) With respect to Federal lands within any State, the Secretary of Interior may, and if so requested by the Governor of such State, shall review any area within such lands to assess whether it may be unsuitable for mining operations for minerals or materials other than coal, pursuant to the criteria and procedures of this section.

(b) An area of Federal lands may be designated under this section as unsuitable for mining operations if (1) such area consists of Federal land of a predominantly urban or suburban character, used primarily for residential or related purposes, the mineral estate of which remains in the public domain, or (2) such area consists of Federal land where mining operations would have an adverse impact on lands used primarily for residential or related purposes, or (3) lands where such mining operations could result in irreversible damage to important historic, cultural, scientific, or aesthetic values or natural systems, of more than local significance, or could unreasonably endanger human life and property.

(c) Any person having an interest which is or may be adversely affected shall have the right to petition the Secretary to seek exclusion of an area from mining operations pursuant to this section or the redesignation of an area or part thereof as suitable for such operations. Such petition shall contain allegations of fact with supporting evidence which would tend to substantiate the allegations. The petitioner shall be granted a hearing within a reasonable time and finding with reasons therefor upon the matter of their petition. In any instance where a Governor requests the Secretary to review an area, or where the Secretary finds the national interest so requires, the Secretary may temporarily withdraw the area to be reviewed from mineral entry or leasing pending such review: *Provided, however,* That such temporary withdrawal be ended as promptly as practicable and in no event shall exceed two years.

(d) In no event is a land area to be designated unsuitable for mining operations under this section on which mining operations are being conducted prior to the holding of a hearing on such petition in accordance with subsection (c) hereof. Valid existing rights shall be preserved and not affected by such designation. Designation of an area as unsuitable for mining operations under this section shall not prevent subsequent mineral exploration of such area, except that such exploration shall require the prior written consent of the holder of the surface estate, which consent shall be filed with the Secretary. The Secretary may promulgate, with respect to any designated area, regulations to minimize any adverse effects of such exploration.

(e) Prior to any designation pursuant to this section, the Secretary shall prepare a detailed statement on (i) the potential mineral resources of the area, (ii) the demand for such mineral resources, and (iii) the impact of such designation or the absence of such designation on the environment, economy, and the supply of such mineral resources.

(f) When the Secretary designates an area of Federal lands as unsuitable for all or certain types of mining operations for minerals and materials other than coal pursuant to this section he may withdraw such area from mineral entry or leasing, or condition such entry or leasing so as to limit such mining operations in accordance with his determination, if the Secretary also determines, based on his analysis pursuant to subsection 601(e), that the benefits resulting from such designation, would be greater than the benefits to the regional or national economy which could result from mineral development of such area.

(g) Any party with a valid legal interest who has appeared in the proceedings in connection with the Secretary's determination pursuant to this section and who is aggrieved by the Secretary's decision (or by his failure to act within a reasonable time) shall have the right of appeal for review by the United States district court for the district in which the pertinent area is located.

Mr. UDALL (during the reading). Mr. Chairman, I ask unanimous consent that title VI 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 Arizona?

There was no objection.

The CHAIRMAN. Are there any amendments to title VI?

If not, the Clerk will read.

The Clerk read as follows:

TITLE VII—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

DEFINITIONS

SEC. 701. For the purposes of this Act—

(1) "Secretary" means the Secretary of the Interior, except where otherwise described;

(2) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam;

(3) "Office" means the Office of Surface Mining, Reclamation, and Enforcement established pursuant to title II;

(4) "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States, or between a State and any other place outside thereof; or between points in the same State which directly or indirectly affect interstate commerce;

(5) "surface coal mining operations" means—

(A) activities conducted on the surface of lands in connection with a surface coal mine or surface operations the products of which enter commerce or the operations of which directly or indirectly affect interstate commerce. Such activities include excavation for the purpose of obtaining coal including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining, and in situ distillation or retorting, leaching or other chemical or physical processing, and the cleaning, concentrating, or other processing or preparation, loading of coal for interstate commerce at or near the mine site: *Provided, however,* That such activities do not include the extraction of coal incidental to the extraction of other minerals where coal does not exceed 16⅔ percentum of the tonnage of minerals removed for purposes of commercial use or sale or coal explorations subject to section 512 of this Act and

(B) the areas upon which such activities occur or where such activities disturb the natural land surface. Such areas shall also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, and excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities;

(6) "surface coal mining and reclamation operations" means surface mining operations

and all activities necessary and incident to the reclamation of such operations after the date of enactment of this Act;

(7) "lands within any State" or "lands within such State" means all lands within a State other than Federal lands and Indian lands;

(8) "Federal lands" means any land, including mineral interests, owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof, except Indian lands;

(9) "Indian lands" means all lands, including mineral interests, within the exterior boundaries of any Indian reservation, notwithstanding the issuance of any patent, and including rights-of-way, and all lands held in trust for or supervised by any Indian tribe;

(10) "Indian tribe" means any Indian tribe, band, group, or community having a governing body recognized by the Secretary;

(11) "State program" means a program established by a State pursuant to section 503 to regulate surface coal mining and reclamation operations, on lands within such State in accord with the requirements of this Act and regulations issued by the Secretary pursuant to this Act;

(12) "Federal program" means a program established by the Secretary pursuant to section 504 to regulate surface coal mining and reclamation operations on lands within a State in accordance with the requirements of this Act;

(13) "Federal lands program" means a program established by the Secretary pursuant to section 523 to regulate surface coal mining and reclamation operations on Federal lands;

(14) "reclamation plan" means a plan submitted by an applicant for a permit under a State program or Federal program which sets forth a plan for reclamation of the proposed surface coal mining operations pursuant to section 508;

(15) "State regulatory authority" means the department or agency in each State which has primary responsibility at the State level for administering this Act;

(16) "regulatory authority" means the State regulatory authority where the State is administering this Act under an approved State program or the Secretary where the Secretary is administering this Act under a Federal program;

(17) "person" means an individual, partnership, association, society, joint stock company, firm, company, corporation, or other business organization;

(18) "permit" means a permit to conduct surface coal mining and reclamation operations issued by the State regulatory authority pursuant to a State program or by the Secretary pursuant to a Federal program;

(19) "permit applicant" or "applicant" means a person applying for a permit;

(20) "permittee" means a person holding a permit;

(21) "fund" means the Abandoned Mine Reclamation Fund established pursuant to section 401;

(22) "other minerals" means clay, stone, sand, gravel, metalliferous and nonmetalliferous ores, and any other solid material or substances of commercial value excavated in solid form from natural deposits on or in the Earth, exclusive of coal and those minerals which occur naturally in liquid or gaseous form;

(23) "approximate original contour" means that surface configuration achieved by backfilling and grading of the mined area so that it closely resembles the surface configuration of the land prior to mining and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls, spoil piles, and depressions eliminated except that water impoundments may be permitted where the regulatory authority determines that they are in compliance with section 515(b)(8) of this Act;

(24) "operator" means any person, partnership, or corporation engaged in coal mining who removes or intends to remove more than two hundred and fifty tons of coal from the earth by coal mining within twelve consecutive calendar months in any one location;

(25) "permit area" means the area of land indicated on the approved map submitted by the operator with his application, which area of land shall be covered by the operator's bond as required by section 509 of this Act and shall be readily identifiable by appropriate markers on the site;

(26) "unwarranted failure to comply" means the failure of a permittee to prevent the occurrence of any violation of his permit or any requirement of this Act due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such permit or the Act due to indifference, lack of diligence, or lack of reasonable care;

(27) "alluvial valley floors" means the unconsolidated stream laid deposits holding streams where water availability is sufficient for subirrigation or flood irrigation agricultural activities;

(28) "imminent danger to the health or safety of the public" means the existence of any condition or practice, or any violation of a permit or other requirement of this Act in a surface coal mining and reclamation operation, which condition, practice, or violation could reasonably be expected to cause substantial physical harm to persons outside the permit area before such condition, practice, or violation can be abated.

OTHER FEDERAL LAWS

SEC. 702. (a) Nothing in this Act shall be construed as superseding, amending, modifying, or repealing the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a), the National Environmental Policy Act of 1969 (42 U.S.C. 4321–47), or any of the following Acts or with any rule or regulation promulgated thereunder, including but not limited to—

(1) The Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721–740).

(2) The Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

(3) The Federal Water Pollution Control Act (79 Stat. 903), as amended, the State laws enacted pursuant thereto, or other Federal laws relating to preservation of water quality.

(4) The Clean Air Act, as amended (42 U.S.C. 1857).

(5) The Solid Waste Disposal Act (42 U.S.C. 3251).

(6) The Refuse Act of 1899 (33 U.S.C. 407).

(7) The Fish and Wildlife Coordination Act of 1934 (16 U.S.C. 661–666c).

(b) Nothing in this Act shall affect in any way the authority of the Secretary or the heads of other Federal agencies under other provisions of law to include in any lease, license, permit, contract, or other instrument such conditions as may be appropriate to regulate surface coal mining and reclamation operations on lands under their jurisdiction.

(c) To the greatest extent practicable each Federal agency shall cooperate with the Secretary and the States in carrying out the provisions of this Act.

SEC. 703. (a) No person shall discharge, or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(b) Any employee or a representative of employees who believes that he has been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary for a review of such firing or alleged discrimination. A copy of the application shall be sent to the person or operator who will be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to the alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation the Secretary shall make findings of fact. If he finds that a violation did occur, he shall issue a decision incorporating therein and his findings in an order requiring the party committing the violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no violation, he shall issue a finding. Orders issued by the Secretary under this subsection shall be subject to judicial review in the same manner as orders and decisions of the Secretary are subject to judicial review under this Act.

(c) Whenever an order is issued under this section to abate any violation, at the request of the applicant a sum equal to the aggregate amounts of all costs and expenses (including attorneys' fees) to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the persons committing the violation.

(d) The Secretary shall conduct continuing evaluations of potential losses or shifts of employment which may result from the enforcement of this Act or any requirement of this Act including, where appropriate, investigating threatened mine closures or reductions in employment allegedly resulting from such enforcement or requirement. Any employee who is discharged or laid off, threatened with discharge or layoff, or otherwise discriminated against by any person because of the alleged results of the enforcement or requirement of this Act, or any representative of such employee, may request the Secretary to conduct a full investigation of the matter. The Secretary shall thereupon investigate the matter, and, at the request of any interested party, shall hold public hearings on not less than five days' notice, and shall at such hearings require the parties, including the employer involved, to present information relating to the actual or potential effect of such limitation or order on employment and on any alleged discharge, layoff, or other discrimination and the detailed reasons or justification therefor. Any such hearing shall be of record and shall be subject to section 54 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary shall promptly make findings of fact as to the effect of such enforcement or requirement on employment and on the alleged discharge, layoff, or discrimination and shall make such recommendations as he deems appropriate. Such report, findings, and recommendations shall be available to the public. Nothing in this subsection shall be construed to require or authorize the Secretary or a State to modify or withdraw any enforcement action or requirement.

PROTECTION OF GOVERNMENT EMPLOYEES

SEC. 704. Section 1114, title 18, United States Code, is hereby amended by adding the

words "or of the Department of the Interior" after the worlds "Department of Labor" contained in that section.

GRANTS TO THE STATES

SEC. 705. (a) The Secretary is authorized to make annual grants to any State for the purpose of assisting such State in developing, administering, and enforcing State programs under this Act. Such grants shall not exceed 80 per centum of the total costs incurred during the first year, 60 per centum of total costs incurred during the second year, and 40 per centum of the total costs incurred during the third and fourth years.

(b) The Secretary is authorized to cooperate with and provide assistance to any State for the purpose of assisting it in the development, administration, and enforcement of its State programs. Such cooperation and assistance shall include—

(1) technical assistance and training including provision of necessary curricular and instruction materials, in the development, administration, and enforcement of the State programs; and

(2) assistance in preparing and maintaining a continuing inventory of information on surface coal mining and reclamation operations for each State for the purposes of evaluating the effectiveness of the State programs. Such assistance shall include all Federal departments and agencies making available data relevant to surface coal mining and reclamation operations and to the development, administration, and enforcement of State programs concerning such operations.

ANNUAL REPORT

SEC. 706. The Secretary shall submit annually to the President and the Congress a report concerning activities conducted by him, the Federal Government, and the States pursuant to this Act. Among other matters, the Secretary shall include in such report recommendations for additional administrative or legislative action as he deems necessary and desirable to accomplish the purposes of this Act.

SEVERABILITY

SEC. 707. If any provision of this Act or the applicability thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

ALASKAN SURFACE COAL MINE STUDY

SEC. 708. (a) The Secretary is directed to contract with the National Academy of Sciences-National Academy of Engineering for an in-depth study of surface coal mining conditions in the State of Alaska in order to determine which, if any, of the provisions of this Act should be modified with respect to surface coal mining operations in Alaska.

(b) The Secretary shall report on the findings of the study to the President and Congress no later than two years after the date of enactment of this Act.

(c) The Secretary shall include in his report a draft of legislation to implement any changes recommended to this Act.

(d) Until one year after the Secretary has made this report to the President and Congress, or three years after the date of enactment of this Act, whichever comes first, the Secretary is authorized to suspend the applicability of any provision of this Act, or any regulation issued pursuant thereto, to any surface coal mining operation in Alaska from which coal has been mined during the year preceding enactment of this Act if he determines that it is necessary to insure the continued operation of such surface coal mining operation. The Secretary may exercise his suspension authority only after he has (1) published a notice of proposed suspension in the Federal Register and in a newspaper of general circulation in the area of Alaska in which the affected surface coal mining operation is located, and (2) held a public hearing on the proposed suspension in Alaska.

(e) There is hereby authorized to be appropriated for the purpose of this section $250,000.

STUDY OF RECLAMATION STANDARDS FOR SURFACE MINING OF OTHER MINERALS

SEC. 709. (a) The Chairman of the Council on Environmental Quality is directed to contract with the National Academy of Sciences-National Academy of Engineering, other Government agencies or private groups as appropriate, for an in-depth study of current and developing technology for surface and open pit mining and reclamation for minerals other than coal designed to assist in the establishment of effective and reasonable regulation of surface and open pit mining and reclamation for minerals other than coal, with a primary emphasis upon oil shale and tar sands reserves. The study shall—

(1) assess the degree to which the requirements of this Act can be met by such technology and the costs involved;

(2) identify areas where the requirements of this Act cannot be met by current and developing technology;

(3) in those instances describe requirements most comparable to those of this Act which could be met, the costs involved, and the differences in reclamation results between these requirements and those of this Act; and

(4) discuss alternative regulatory mechanisms designed to insure the achievement of the most beneficial post-mining land use for areas affected by surface and open-pit mining.

(b) The study together with specific legislative recommendations shall be submitted to the President and the Congress no later than eighteen months after the date of enactment of this Act: *Provided,* That with respect to surface or open pit mining for sand and gravel the study shall be submitted no later than twelve months after the date of enactment of this Act.

(c) There are hereby authorized to be appropriated for the purpose of this section $500,000.

INDIAN LANDS

SEC. 710. (a) The Secretary is directed to study the question of the regulation of surface mining on Indian lands which will achieve the purpose of this Act and recognize the special jurisdictional status of these lands. In carrying out this study the Secretary shall consult with Indian tribes. The study report shall include proposed legislation designed to allow Indian tribes to elect to assume full regulatory authority over the administration and enforcement of regulation of surface mining of coal on Indian lands.

(b) The study report required by subsection (a) together with drafts of proposed legislation and the view of each Indian tribe which would be affected shall be submitted to the Congress as soon as possible but not later than January 1, 1976.

(c) On and after one hundred and thirty-five days from the enactment of this Act, all surface coal mining operations on Indian lands shall comply with requirements at least as stringent as those imposed by subsection 515(b)(2), 515(b)(3), 515(b)(5), 515(b)(10), 515(b)(13), 515(b)(19), and 515(d) of this Act and the Secretary shall incorporate the requirements of such provisions in all existing and new leases issued for coal on Indian lands.

(d) On and after thirty months from the enactment of this Act, all surface coal mining operations on Indian lands shall comply with requirements at least as stringent as those imposed by sections 507, 508, 509, 510, 515, 516, 517, and 519 of this Act and the Secretary shall incorporate the requirements of such provisions in all existing and new leases issued for coal on Indian lands.

(e) With respect to leases issued after the date of enactment of this Act, the Secretary shall include and enforce terms and conditions in addition to those required by subsections (c) and (d) as may be requested by the Indian tribe in such leases.

(f) Any change required by subsection (c) or (d) of this section in the terms and conditions of any coal lease on Indian lands existing on the date of enactment of this Act, shall require the approval of the Secretary.

(g) The Secretary shall provide for adequate participation by the various Indian tribes affected in the study authorized in this section and not more than $700,000 of the funds authorized in section 712(a) shall be reserved for this purpose.

EXPERIMENTAL PRACTICES

SEC. 711. In order to encourage advances in mining and reclamation practices, the regulatory authority may authorize departures in individual cases on an experimental basis from the environmental protection performance standards promulgated under sections 515 and 516 of this Act. Such departures may be authorized if (i) the experimental practices are potentially more or at least as environmentally protective, during and after mining operations, as those required by promulgated standards; (ii) the mining operation is no larger than necessary to determine the effectiveness and economic feasibility of the experimental practices; and (iii) the experimental practices do not reduce the protection afforded public health and safety below that provided by promulgated standards.

AUTHORIZATION OF APPROPRIATIONS

SEC. 712. There is authorized to be appropriated to the Secretary for the purposes of this Act the following sums, and all such funds appropriated shall remain available until expended:

(a) For the implementation and funding of sections 502, 522, 405(b)(3), and 710, contract authority is granted to the Secretary of the Interior for the sum of $10,000,000 to become available immediately upon enactment of this Act and $10,000,000 for each of the two succeeding fiscal years.

(b) For administrative and other purposes of this Act, except as otherwise provided for in this Act, authorization is provided for the sum of $10,000,000 for the fiscal year ending June 30, 1975, for each of the two succeeding fiscal years the sum of $20,000,000 and $30,000,000 for each fiscal year thereafter.

RESEARCH AND DEMONSTRATION PROJECTS ON ALTERNATIVE COAL MINING TECHNOLOGIES

SEC. 713. (a) The Secretary is authorized to conduct and promote the coordination and acceleration of, research, studies, surveys, experiments, demonstration projects, and training relating to—

(1) the development and application of coal mining technologies which provide alternatives to surface disturbance and which maximizes the recovery of available coal resources, including the improvement of present underground mining methods, methods for the return of underground mining wastes to the mine void, methods for the underground mining of thick coal seams and very deep seams; and

(2) safety and health in the application of such technologies, methods, and means.

(b) In conducting the activities authorized by this section, the Secretary may enter into contracts with and make grants to qualified institutions, agencies, organizations, and persons.

(c) There are authorized to be appropriated to the Secretary, to carry out the purposes of this section, $35,000,000 for each fiscal year beginning with the fiscal year 1976, and for each year thereafter for the next four years.

SURFACE OWNER PROTECTION

SEC. 714. (a) The provisions and procedures specified in this section shall apply where coal owned by the United States under land the surface rights to which are owned by a surface owner as defined in this section is to be mined by methods other than underground mining techniques. In order to minimize disturbance to surface owners from surface coal mining of Federal coal deposits, the Secretary shall, in his discretion but, to the maximum extent practicable, refrain from leasing such coal deposits for development by methods other than underground mining techniques.

(b) Any coal deposits subject to this section shall be offered for lease pursuant to section 2(a) of the Mineral Leasing Act of 1920 (30 U.S.C. 201a), except that no award shall be made by any method other than competitive bidding.

(c) Prior to placing any deposit subject to this section in a leasing tract, the Secretary shall give to any surface owner whose land is to be included in the proposed leasing tract actual written notice of his intention to place such deposits under such land in a leasing tract.

(d) The Secretary shall not enter into any lease of such coal deposits until the surface owner has given written consent and the Secretary has obtained such consent, to enter and commence surface mining operations, and the applicant has agreed to pay in addition to the rental and royalty and other obligations due the United States the money value of the surface owner's interest as determined according to the provisions of section (e).

(e) The value of the surface owner's interest shall be fixed by the Secretary based on appraisals made by three appraisers. One such appraiser shall be appointed by the Secretary, one appointed by the surface owner concerned, and one appointed jointly by the appraisers named by the Secretary and such surface owner. In computing the value of the surface owner's interest, the appraisers shall first fix and determine the fair market value of the surface estate and they shall then determine and add the value of such of the following losses and costs to the extent that such losses and costs arise from the surface coal mining operations:

(1) loss of income to the surface owner during the mining and reclamation process;

(2) cost to the surface owner for relocation or dislocation during the mining and reclamation process;

(3) cost to the surface owner for the loss of livestock, crops, water or other improvements;

(4) any other damage to the surface reasonably anticipated to be caused by the surface mining and reclamation operations; and

(5) such additional reasonable amount of compensation as the Secretary may determine is equitable in light of the length of the tenure of the ownership: *Provided*, That such additional reasonable amount of compensation may not exceed the value of the losses and costs as established pursuant to this subsection and in paragraphs (1) through (4) above, or one hundred dollars ($100.00) per acre, whichever is less.

(f) All bids submitted to the Secretary for any such lease shall, in addition to any rental or royalty and other obligations, be accompanied by the deposit of an amount equal to the value of the surface owner's interest computed under subsection (e). The Secretary shall pay such amount to the surface owner either upon the execution of such lease or upon the commencement of mining, or shall require posting of bond to assure installment payments over a period of years acceptable to the surface owner, at the option of the surface owner. At the time of initial payment, the surface owner may request a review of the initial determination of the amount of the surface owner's interest for the purpose of adjusting such amount to reflect any increase in the Consumer Price Index since the initial determination. The lessee shall pay such increased amount to the Secretary to be paid over to the surface owner. Upon the release of the performance bonds or deposits under section 519, or at an earlier time as may be determined by the Secretary, all rights to enter into and use the surface of the land subject to such lease shall revert to the surface owner.

(g) For the purpose of this section the term "surface owner" means the natural person or persons (or corporation, the majority stock of which is held by a person or persons who meet the other requirements of this section) who—

(1) hold legal or equitable title to the land surface;

(2) have their principal place of residence on the land; or personally conduct farming or ranching operations upon a farm or ranch unit to be affected by surface coal mining operations; or receive directly a significant portion of their income, if any, from such farming or ranching operations; and

(3) have met the conditions of paragraphs (1) and (2) for a period of at least three years prior to the granting of the consent.

In computing the three-year period the Secretary may include periods during which title was owned by a relative of such person by blood or marriage during which period such relative would have met the requirements of this subsection.

(h) Where surface lands over coal subject to this section are owned by any person who meets the requirements of paragraphs (1) and (2) of subsection (g) but who does not meet the requirements of paragraph (3) of subsection (g), the Secretary shall not place such coal deposit in a leasing tract unless such person has owned such surface lands for a period of three years. After the expiration of such three-year period such coal deposit may be leased by the Secretary, provided that if such person qualifies as a surface owner as defined by subsection (g) his consent has been obtained pursuant to the procedures set forth in this section.

(i) Nothing in this section shall be construed as increasing or diminishing any property rights held by the United States or by any other land owner.

(j) The determination of the value of the surface owner's interest fixed pursuant to subsection (e) or any adjustment to that determination made pursuant to subsection (f) shall be subject to judicial review only in the United States district court for the locality in which the leasing tract is located.

(k) At the end of each two-year period after the date of enactment of this Act, the Secretary shall submit to the Congress a report on the implementation of the Federal coal leasing policy established by this section. The report shall include a list of the surface owners who have (1) given their consent, (2) received payments pursuant to this section, (3) refused to give consent, and (4) the acreage of land involved in each category. The report shall also indicate the Secretary's views on the impact of the leasing policy on the availability of Federal coal to meet national energy needs and on receipt of fair market value for Federal coal.

(l) This section shall not apply to Indian lands.

(m) Any person who gives, offers or promises anything of value to any surface owner or offers or promises any surface owner to give anything of value to any other person or entity in order to induce such surface owner to give the Secretary his written consent pursuant to this section, and any surface owner who accepts, receives, or offers or agrees to receive anything of value for himself or any other person or entity, in return for giving his written consent pursuant to this section shall be subject to a civil penalty of one and a half times the monetary equivalent of the thing of value. Such penalty shall be assessed by the Secretary and collected in accordance with the procedures set out in subsections 518(b), 518(c), 518(d), and 518(e) of this Act.

(n) Any Federal coal lease issued subject to the provisions of this section shall be automatically terminated if the lessee, before or after issuance of the lease, gives, offers or promises anything of value to the surface owner or offers or promises to any surface owner to give anything of value to any other person or entity in order to (1) induce such surface owner to give the Secretary his written consent pursuant to this section, or (2) compensate such surface owner for giving such consent. All bonuses, royalties, rents and other payments made by the lessee shall be retained by the United States.

(o) The provisions of this section shall become effective on February 1, 1976. Until February 1, 1976, the Secretary shall not lease any coal deposits owned by the United States under land the surface rights to which are not owned by the United States, unless the Secretary has in his possession a document which demonstrates the acquiescence prior to December 3, 1974, of the owner of the surface rights to the extraction of minerals within the boundaries of his property by current surface coal mining methods.

FEDERAL LESSEE PROTECTION

SEC. 715. In those instances where the coal proposed to be mined by surface coal mining operations is owned by the Federal Government and the surface is subject to a lease or a permit issued by the Federal Government, the application for a permit shall include either:

(1) the written consent of the permittee or lessee of the surface lands involved to enter and commence surface coal mining operations on such land, or in lieu thereof;

(2) evidence of the execution of a bond or undertaking to the United States or the State, whichever is applicable, for the use and benefit of the permittee or lessee of the surface lands involved to secure payment of any damages to the surface estate which the operations will cause to the crops, or to the tangible improvements of the permittee or lessee of the surface lands as may be determined by the parties involved, or as determined and fixed in an action brought against the operator or upon the bond in a court of competent jurisdiction. This bond is in addition to the performance bond required for reclamation under this Act.

WATER RIGHTS

SEC. 716. Nothing in this Act shall be construed as affecting in any way the right of any person to enforce or protect, under applicable State law, his interest in water resources affected by a surface coal mining operation.

Mr. UDALL (during the reading). Mr. Chairman, I ask unanimous consent that title VII 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 Arizona?

There was no objection.

The CHAIRMAN. Are there any amendments to title VII?

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

Title VII is the last title. We are aware of maybe a half dozen amendments, none of them very controversial, as far as I am concerned.

There have been some printed in the CONGRESSIONAL RECORD relating to this title, and if there were a limitation of time those amendments would be protected, or the sponsors who want to

could have the full 5 minutes. In light of that, Mr. Chairman, I ask unanimous consent that all debate on title VII and all debate on the bill and all amendments thereto close not later than 5:30.

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

There was no objection.

AMENDMENT OFFERED BY MR. MELCHER

Mr. MELCHER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MELCHER: On page 312, after line 2, add the following new subsection (11) and renumber the succeeding subsections:

"(11) The term 'Indian lands program' means a program established by an Indian tribe pursuant to title VI to regulate surface mining and reclamation operations for coal, whichever is relevant, on Indian lands under its jurisdiction in accordance with the requirements of this Act and the regulations issued by the Secretary pursuant to this Act."

Mr. MELCHER. Mr. Chairman, this amendment contains the identical language that was in the House-passed bill last year as that bill contained the Indian lands program. Now that we have adopted an amendment, that puts the Indian lands program back into our present bill, it is appropriate now that we reinsert this definition as to the Indian lands program in this bill.

Mr. UDALL. Mr. Chairman, if the gentleman will yield, I would ask the gentleman from Montana if it is not a fact that the proposed amendment conforms the bill so far as the amendment that was just adopted?

Mr. MELCHER. That is correct.

Mr. UDALL. Mr. Chairman, I support the amendment.

Mr. MELCHER. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana (Mr. MELCHER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. EVANS OF COLORADO

Mr. EVANS of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EVANS of Colorado: on page 336, after line 7, insert the following:

PROTECTION OF WATER RIGHTS

SEC. 717. (a) In those instances in which it is determined that a proposed surface coal mining operation is likely to adversely affect the hydrologic balance of water on or off site, or diminish the supply or quality of such water, the application for a permit shall include either—

(1) the written consent of all owners of water rights reasonably anticipated to be affected; or

(2) evidence of the capability and willingness to provide substitute water supply, at least equal in quality, quantity, and duration to the affected water rights of such owners.

(b)(1) An owner of water rights adversely affected may file a complaint detailing the loss in quantity or quality of his water with the regulatory authority.

(2) Upon receipt of such complaint the regulatory authority shall—

(A) investigate such complaint using all available information including the monitoring data gathered pursuant to section 517;

(B) within 90 days issue a specific written finding as to the cause of the water loss in quantity or quality, if any;

(C) order the mining operator to replace the water within a reasonable time in like quality, quantity, and duration if the loss is caused by the surface coal mining operations, and require the mining operator to compensate the owner of the water right for any damages he has sustained by reason of said loss; and

(D) order the suspension of the operator's permit if the operator fails to comply with any order issued pursuant to subparagraph (C).

Mr. EVANS of Colorado. Mr. Chairman, my amendment will strengthen the provisions protecting owners of water rights.

The first subsection would require the coal operator to either secure the written consent of all owners of water rights reasonably anticipated to be affected by the surface coal mining operation, or show evidence of the capability and willingness to provide substitute water supply, at least equal in quality, quantity, and duration to the affected water rights of such owners.

The second subsection allows an owner of water rights adversely affected to file a complaint with the regulatory authority detailing his loss in water quality and quantity. The regulatory agency would investigate the complaint and issue a written finding as to cause of the loss, if any, in water quality and quantity. If the mining operator is found to be at fault, the regulatory authority would order the mining operator to replace the water within a reasonable time and compensate the owner of the water right for any damages he has sustained by reason of said loss. The mining operator's permit would be suspended by the regulatory authority if he did not comply with any such order.

This amendment is moderate and a matter of simple justice. If a coal operator cannot get the written consent of an affected owner of water rights, he can still proceed if he can show evidence of a willingness and capability to provide a substitute water supply. In the West, water is essential to ranchers and farmers who depend on scarce supplies. If you deprive a man of his water, you deprive him the opportunity to earn a livelihood for himself and his family.

Without my amendments, I am afraid that this bill would be an expression of congressional judgment that the surface mining of coal should be of the highest priority ahead of other uses of land and water. In the arid and semiarid parts of the country, I believe such a conclusion would result in irretrievable loss of vast areas of agriculturally productive land.

These amendments are designed to protect the water resources of the West, but they could also have an impact reaching far beyond the western coal lands. If your State depends on water from the Missouri or Colorado River basis for municipal, industrial, or agricultural uses, you should share our concern about the possibility of diminishing the water flow and increasing the dissolved salts, chemicals, metals and sediments in these river systems. In the Colorado Basin, this affects the States of California, Arizona, Utah, and Colorado. In the Missouri Basin, this affects Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Iowa, and Missouri.

Beyond that, I simply ask my eastern colleagues to heed the words of North Dakota Governor Arthur Link. Governor Link has said:

People representing the cities have as great a stake in the restoration of this land as the people of North Dakota. From those lands come the food and fiber their constituents will need long after the coal is removed.

The people I represent will remain in Colorado after the strippable coal is gone and the coal companies move elsewhere. It is my hope in sponsoring these amendments that we can help insure that our friends from other States can still come to enjoy the natural beauty and bounty of our Rocky Mountain States in the future.

Mr. UDALL. Mr. Chairman, if the gentleman will yield, I would like to ask the gentleman from Colorado a question, if I may.

Mr. EVANS of Colorado. I am happy to yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I am inclined to support this amendment. As the gentleman from Colorado knows, the question of water rights in the West is a very sensitive one. We provide in the bill on page 221 in section 505(c) that nothing in the act shall be construed to affect water rights under existing State law. This was one of the basic compromises. We are leaving that that every State shall determine its water rights. Accepting this amendment, I would like it clearly understood that the amendment does not change section 505(c) and that there is no intention here to deprive the States of the right to determine water rights.

Mr. EVANS of Colorado. The gentleman from Arizona is absolutely correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. EVANS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. HECHLER of West Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HECHLER of West Virginia: On page 328, between lines 13 and 14, insert the following new subsection:

"(d) at least 60 days before any funds are obligated for any research studies, surveys, experiments or demonstration projects to be conducted or financed under this Act in any fiscal year, the Secretary in consultation with the Administrator of the Energy Research and Development Administration and the heads of other Federal agencies having the authority to conduct or finance such projects, shall determine and publish such determinations in the Federal Register that such projects are not being conducted or financed by any other Federal agency. On March 1 of each calendar year, the Secretary shall report to the Congress on the research studies, surveys, experiments or demonstration projects, conducted or financed under this Act, including, but not limited to, a statement of the nature and purpose of such proj-

ect, the Federal cost thereof, the identity and affiliation of the persons engaged in such projects, the expected completion date of the projects and the relationship of the projects to other such projects of a similar nature.

"(e) subject to the patent provisions of section 306(d) of this Act, all information and data resulting from any research studies, surveys, experiments, or demonstration projects conducted or financed under this Act shall be promptly made available to the public."

Mr. HECHLER of West Virginia (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 West Virginia?

There was no objection.

Mr. HECHLER of West Virginia. Mr. Chairman, on yesterday there was colloquy in which the gentleman from Pennsylvania (Mr. MYERS) and the gentlewoman from New Jersey (Mrs. FENWICK) raised the point that there was duplication in funds for research and development. My amendment merely tried to guarantee that the Secretary of the Interior in consultation with the Administrator of ERDA indicate and publish in the Federal Register that the projects funded are not to be conducted or financed by any other Federal agency. Further, it would provide a reporting process so that on March 1 of each calendar year the Secretary of the Interior shall report to Congress on the research studies that are financed under this act. I think this takes care of the point which was raised during yesterday's colloquy.

In addition, my amendment also insures that the results of federally funded research be made available to the public, within the limitations of the patent laws and other legislation.

Mr. STEIGER of Arizona. Mr. Chairman, I rise in opposition to the amendment.

As a matter of fact, I do so, so as not to frighten my colleague, the gentleman from West Virginia, by agreeing that I understand what my colleague is trying to do. But I would submit that on a pragmatic basis, the requirements in my friend's amendment are such that they assume that all agencies in government will read the Federal Register, which is an assumption that, of course, if they did, they would obviously accomplish nothing else. So I would simply tell my friend that there is really no way to defend against what my friend is trying to defend against.

In my view, there is no way to defend against the duplication my friend is trying to defend against. This would, indeed, require at least the employment of six or seven Federal Register readers in each agency just to comply.

I do not think my friend wants to add that burden to this economy, so I would hope we would oppose the amendment, not because of the spirit of the matter but because of the pragmatism about the realization of the fulfillment of the effort here.

Mr. HECHLER of West Virginia. Mr. Chairman, if the gentleman will yield, I hope the gentleman's position on this amendment will be followed by the usual sequential vote which indicates opposition to his position by the Committee of the Whole.

Mrs. MINK. Mr. Chairman, if the gentleman will yield, there has been much concern exhibited here about possible duplication of research. We had a section on research dealing with deep mining in the belief that a great deal of research needs to be done about mining, but in view of the concern of this House about the duplication of research which might be undertaken by ERDA, I believe the gentleman's amendment will meet this problem and will require the Secretary of the Interior to consult with ERDA and require publication in the Federal Register and also require that these contracts and grants be reported to the Congress on March 1. I believe this would meet the problems that have been raised and I support the amendment offered by the gentleman.

Mr. HECHLER of West Virginia. I welcome the support of the gentlewoman from Hawaii and I thank her for it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title VII?

AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. HECHLER of West Virginia. Mr. Chairman, I offer an amendment, a very simple little amendment.

The Clerk read as follows:

Amendment offered by Mr. HECHLER of West Virginia: Beginning on page 321, line 23, strike section 708 inclusive.

Mr. HECHLER of West Virginia. Mr. Chairman, section 708 provides for a study of Alaskan surface coal mines. This study is to be directed by the Secretary of the Interior with the National Academy of Sciences and the National Academy of Engineering and is to take 2 years. The Secretary of the Interior is only authorized to apply the provisions of this act 1 year following the completion of the 2-year study.

It seems to me the subject of surface mining has been studied to death. As the gentleman from Arizona (Mr. STEIGER) knows, I took a very strong position against a special exemption for the anthracite industry. It would seem to me he should thereby support striking what is in effect special treatment in this bill for the State of Alaska. We certainly got no special treatment for the State of West Virginia and for other mountain people who suffer the most from strip mining.

This bill provides in section 708 that the Secretary is authorized to suspend the applicability of any provision of this act for 1 year following the conclusion of this study. The State of Alaska, just like any of the other 50 States, can come up with a program and its program is subject to review of course by the Secretary of the Interior. I do not see why we have to study for 2 years and then have to suspend the act for 1 additional year beyond that, although I must admit that this bill is the product of very delicate compromise among the various segments of this committee and of this Congress. But it would seem to me unreasonable to provide a very special exemption for the State of Alaska, and I urge support for this amendment, to restore fairness and equity in this case.

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

Mr. Chairman, we tried very hard in this bill to write a national uniform coal surface mining bill. I think we succeeded. We also tried to give special consideration where there were conditions that required it. As the gentlewoman from Hawaii (Mrs. MINK) pointed out earlier, we approved special arrangements for the anthracite region of Pennsylvania.

My friend, the gentleman from Wyoming (Mr. RONCALIO) had a difficult special kind of problem in Wyoming and we wrote a section in for that.

The third area was the State of Alaska. Alaska is a different situation because of the climate, because of the very cold weather. A lot of the coal is buried under the tundra. This does not amount to very much.

Also, there is only one existing coal mine in the entire State of Alaska. Under the bill it can continue to operate. We have asked the Interior Department to work with the National Academy of Science to report back to us with respect to their problems and whether the regular provisions of this bill ought to apply.

During that time the Secretary has the right to suspend certain provisions of this bill if he holds public hearings and he determines that they are not applicable; but that only applies during the period of this study and while Congress can act.

We think we have a balanced bill here and we hope the amendment will be defeated.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I thank the gentleman from Arizona for the position he has taken and the fact that we had extensive discussion in this committee.

I do represent the State of Alaska as its only Congressman. We do have a unique problem. We have only one coal mine in production that is providing the necessary energy to an area that has a high pollution problem right now due to the lack of cheap electricity. This coal mine is a widemouth operation. Let me say to the House that under the present bill we are not sure how or if we can operate.

The gentleman from West Virginia has stated that we have studied strip mining to death, and that might be true, but we have not studied the effect that this legislation will have in Alaska. We have a law of our own in Alaska.

I am asking that this amendment, which has been adopted twice and is a fair compromise be accepted so that we can find out how to operate if these conditions should be the law. I am pleased with what the committee has done. The exemptions that have been allowed and the attempt to arrive at a justifiable and workable bill in Wyoming has been accepted. This is an amendment that

should stay in this bill. Any attempt to delete it would be doing a disservice to the State of Alaska.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. Mr. Chairman, I thank the gentleman for yielding. Is it not true, as the gentleman previously stated in the presentation, that the committee did, indeed, spend a good deal of time discussing this matter, as opposed to the discussion of the anthracite exemption in the committee?

Mr. YOUNG of Alaska. We did discuss this as recently as 2 weeks ago when we reported the bill out. The gentleman from Ohio (Mr. SEIBERLING) was able to have the bill reported and it came out of the committee with very strong support.

Mr. STEIGER of Arizona. If the gentleman will yield further?

Mr. YOUNG of Alaska. Yes.

Mr. STEIGER of Arizona. I wanted to bring out very clearly, this was not a simple matter of accepting something that was just acceptable to the people of the gentleman's State of Alaska, but rather language that is acceptable to the entire committee.

Therefore, the equation with the anthracite situation is a totally improper equation.

Mr. YOUNG of Alaska. That is correct, and the committee did have a great amount of input in this session and also in the last session. I urge that the amendment of the gentleman from West Virginia be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. HECHLER).

The amendment was rejected.

Mr. ASHBROOK. Mr. Chairman, there is clearly a need to regulate surface coal mining. We can no longer afford to injure our environment without making a serious effort to repair the damage.

I cannot, however, support passage of H.R. 25, the Surface Mining Control and Reclamation Act. Rather than striking a reasonable balance between our economic necessities and our environmental concerns, H.R. 25 almost exclusively centers its attention on the environment.

Such a one-sided approach is a grave mistake. H.R. 25 would sharply reduce coal production at a time when our Nation desperately needs increased energy sources. It also would cause an increase in electricity rates and the price of thousands of consumer goods.

On many occasions I have stressed that the United States must work toward energy independence. The dangers of energy dependence were vividly brought home to us by the Arab oil producing nations. We must not rely on foreign oil supplies in the future.

If we are to achieve energy independence, however, we must spur the development of our domestic energy resources. Coal is an essential—and abundant—part of those resources. Estimates are that we have coal reserves of 200 to 400 years.

Our current coal production is approximately 600 million tons a year, half of which comes from surface mining. We need to at least double this production by 1985 in order to reach our Project Independence goals.

Unreasonable and unnecessary requirements in H.R. 25, however, would drastically reduce production. The Federal Energy Administration has predicted that this legislation could cut coal production by 31 to 187 million tons in 1975. This is almost a third of all U.S. production. By 1980 the loss could be as much as 271 million tons per year.

For every ton of coal that is not produced from domestic resources we must import about four barrels of foreign oil. Every ton that is not available because of H.R. 25 means more dependence on unreliable foreign sources.

This is not the only adverse effect, moreover. Another impact would be in the cost of electricity. Two-thirds of our coal is used in the production of electricity. This bill would sharply cut back the amount of coal available as well as make it more expensive to mine. The result would be a further increase in consumer electric bills.

Congressman UDALL, testifying on behalf of an almost identical bill last summer, stated that this legislation would add about 3 to 5 percent to the cost of electricity for an average household. The actual cost may be far higher. Electric bills are already a heavy burden without piling on needless additional costs.

Aside from increasing the cost of electricity, we also would be legislating increases in the costs of thousands of consumer goods. Most manufactured products in the Nation today require, at some point in the manufacturing process, electricity generated by coal. Manufacturers could be expected to pass these cost increases along to the consumer.

Therefore the consumer would be hurt at least twice by this legislation—in his electricity bills and in the price he has to pay for consumer goods.

Yes, legislation to regulate surface coal mining is needed. Such legislation, however, should strike a reasonable balance between the energy needs and environmental concerns of our Nation.

Mr. COHEN. Mr. Chairman, the surface mining bill before us today is an important piece of legislation which should be passed by the House without further delay. For the past 4 years, the Congress has attempted to draft a bill that will provide for America's energy needs while preserving our Nation's environment. In order to determine the extent to which these factors can be reconciled and in order to guarantee equity in the legislation, extensive hearings have been held, and both opponents and proponents have had repeated opportunities to express their views. The bill now under consideration is the product of thousands of hours of study and research by Members, committee staffs, executive agencies, industry, environmental groups, and independent consulting organizations. In my judgment, this expertise has been utilized effectively to draft sound legislation that will limit the harmful effects of strip mining without significantly affecting the price of availability of coal and other minerals.

There can be no doubt that this legislation is urgently required. We have already seen the results of reckless surface mine development in the Midwest and in Appalachia. Valuable croplands have been destroyed, topsoil has been lost, and streams have been polluted with silt and acid mine drainage. Homes have been damaged, drinking water sources have been contaminated, and the beauty of our Eastern mountains has been marred by unsightly highwalls and spoilbanks.

Mr. Chairman, as lawmakers, we should feel compelled to prevent further such offenses, especially when we know such action will not impair our ability to produce adequate amounts of coal.

The bill which we are considering today insures that the land, after mining operations are completed, will be returned to its former uses for both economic and esthetic reasons. The proposed 35 cents per ton tax on surface mined coal is only 1.8 percent of the average nationwide price for electric utility coal, but it would still generate sufficient funds for reclamation of abandoned lands, as well as those newly mined.

All of the provisions of the bill have been designed to insure that the growth of the coal mining industry, while meeting a large share of our energy needs, remains compatible with our immediate and long term environmental goals. I urge, therefore, that the House act quickly and decisively to pass this legislation as our colleagues in the Senate have already done.

Mrs. HOLT. Mr. Chairman, there are times when this Congress seems determined to aggravate the energy crisis instead of helping to alleviate it. H.R. 25, the bill to regulate strip mining, is an example of this curious tendency.

It is almost identical to the legislation which the President vetoed late last year for very sound reasons. It would place excessive and unwarranted handicaps on the ability to mine our country's vast coal reserves, which constitute our best short-range hope for relieving our dependence on foreign oil.

This legislation, therefore, runs contrary to our national interest at a grave time in American history. We are in economic trouble, and an expanding coal industry would provide employment to many thousands of Americans who otherwise face the desperate experience of unemployment, but this legislation would severely restrict the growth of the coal industry.

The legislation also fails on other grounds. It ignores the responsibility and excellent work done by the States with regulation of mining to protect the environment.

Mr. Chairman, for all the reasons mentioned above, I must vote against this bill.

Mr. WAMPLER. Mr. Chairman, I rise in opposition to the bill, H.R. 25, the Surface Mining Control and Reclamation Act of 1975.

During the course of the debate on this bill and the amendments that have been offered to it, I have placed before the Committee of the Whole House my reasons for opposing the various provisions of the bill and the detrimental effects they would have on the economy and the people of southwestern Virginia.

In urging a vote against this bill I ask each Member of the House to consider some of the communications I have received in the last several days from the coal surface miners themselves, the workers who haul the coal from the mines to the railheads, and some of the small businesses that mine the coal, all of whom will be directly affected by passage of this legislation. The following telegrams show their opposition to this bill:

CLINTON, VA., *March 17, 1975.*

Hon. Congressman WAMPLER,
House of Representatives,
Capitol Hill, D.C.:

Passage of House bill 25 to control stripping of coal will in effect ban this industry in Southwest Virginia, causing wide spread unemployment in the Appalachia region that have had so much of a problem over the years as a depressed area. Your help in helping us who needed so much in times that are already so hard in the United States will be appreciated. The stripping of coal does not in any way create a health problem, but brings good help to the employees of this industry that is so much less dangerous than underground mining.

Employees of Monahan Mining Inc., Employees JWT Trucking, Inc., Employees of Julia N. Coal Co., Employees of Charlie Trucking, Inc., Employees The Big C Coal Company, Employees Sylvania Ann Coal, Inc., Employees of C&K Trucking Co., Employees of G and M Trucking Inc., Employees Tom V Mining, Inc., Employees K E Mo Mining Co.

STERLING MINING CORP.,
Wise, Va., March 17, 1975.

Washington, D.C.:

Urge take action to defeat H.R. 25. Forty-five people would be unemployed from passage of H.R. 25.

HERBERT J. MCCELLAND.

PITTSTON COAL CO.,
Saint Paul, Va., March 11, 1975.

Hon. WILLIAM C. WAMPLER,
House of Representatives, Capitol Hill, District of Columbia:

I strongly urge you to vote to send the proposed surface mining bill back to committee. In its present form House bill 25 contains provisions limiting the coal industries abilities to alleviate the energy shortage. It is in the national interest that responsible industry and other spokesmen have an opportunity to provide the testimony and evidence necessary for Congress to reach a reasoned conclusion in a deliberative manner. The deep coal mining industry cannot absorb the tonnage that will be lost by the enactment of this legislation. The direct consequences will be that desperately needed metallurgical coal will find its way to the utility market. This will create a serious shortage in the steel industry, and by-product industry and increase the cost of coal to utilities in Virginia.

N. T. CAMICIA,
President and Chief Executive.

Mr. Chairman, all of us want to protect our environment, but not at the expense of our working people. All of us want a beautiful America, but not at the loss of vital coal resources and higher energy costs to our consumers, which this bill mandates.

This legislation is another example of environmental overkill and I urge each of you to vote against its passage.

Mr. HECHLER of West Virginia. Mr. Chairman, it is agonizing to weigh the advantages and disadvantages of this bill.

H.R. 25 fails to protect the people in mountain areas, where strip mining and the law of gravity send soil and spoil cascading down the slopes into people's yards, polluting their water supply, and causing irreparable damages. When compared to existing State regulatory laws, it falls short of requiring standards as tough as those found in the best of State laws—which themselves are a far cry from effective legislation. The existing legislation in Pennsylvania, Ohio, and Montana appears to be stronger than H.R. 25.

I have circulated to my fellow Members of the House of Representatives an analysis of the serious weaknesses at the time H.R. 25 was reported to the House, along with specific strengthening amendments necessary to make this legislation even minimally effective. I indicated I would vote against the pending strip mining bill, unless these strengthening amendments were included. President Ford and some Members, including the news media, have characterized H.R. 25 as a tough, strict piece of legislation. This is simply not so. Even with some strengthening amendments, it is still a basically weak piece of legislation.

H.R. 25 sets up a disastrous administrative structure which virtually insures that even the weak, loophole-filled standards drafted into this bill will be difficut to enforce to protect the land and the people. The interim period—time before States take full control—is to be supervised by the production-oriented Department of the Interior, the same Department of the Interior which has opposed the legislation and specifically attacked the idea that the Federal Government should control any part of the enforcement of the law. Once States have submitted their programs and received approval from Interior, the individual States take over administration and enforcement of the law. The Federal Government role is limited to backup enforcement, once again delegated to the Interior Department.

The key factor in bringing the strip mining issue before Congress has been the dismal failure of State regulatory efforts. Yet this bill gives these same States control—West Virginia for example rejected only 4 of 402 applications for strip mining permits during 1974. The only way to get any kind of effective enforcement is to pass a straight federally controlled bill granting full authority to the Environmental Protection Agency, which has extensive experience in water quality control, so essential to controlling the damage of strip mining.

Beyond this disastrous administrative setup, H.R. 25 has many additional flaws:

It only protects the rights of the surface landowner in cases where the coal is federally owned. It should require the written consent of the surface owner in all cases before strip mining can begin and should include protection for tenants;

It allows variances from the requirement to restore to original contour and to prevent dumping of spoil on the downslope for mountaintop removal operations, one of the most environmentally destructive techniques—section 515(c);

It contains an exception to the prohibition on dumping spoil on the downslope, for an undefined "initial block or short linear cut"—section 515(d)(1)—this could in effect allow wholesale dumping of spoil on the downslope resulting in landslides, erosion, sedimentation, and so forth. In recent mark-up the committee alleviated the problem slightly by requiring that dumping be "temporary" but this does not go far enough. My amendment to strengthen this provision was rejected;

The water quality control standards are poorly drafted and contain weak phrases such as "minimize the disturbance to the prevailing hydrologic balance" and "avoiding acid or other toxic mine drainage"—section 515(b)(10)—rather than clearly calling for the "prevention" of such drainage;

The bill fails to provide adequate protection for aquifers—there is no prohibition on mining coal seams which serve as aquifers;

Restrictions on mining near homes, cemeteries, and roads are weak—if the operator holds a "valid existing right" he can then ignore the restrictions—section 522(e)(5);

Bill fails to prohibit strip mining on national grasslands, and only protects national forests. It is unfortunate the strengthening amendments to these sections were rejected;

Standards for controlling the surface effects of underground mines are loaded with qualifying phrases such as "to the extent economically feasible" and "to the extent practicable"—section 516(b);

The reclamation fee, while a sound concept, does not adequately deal with the need for a differential tax on strip and deep mined coal to help equalize the costs between them—present differential is 35 cents strip—10 cents deep—section 401(d)—the earlier Seiberling-Dent proposals would have made it $1.50 to $2.50 strip versus 25 cents deep;

The preamble to the bill sets the tone, it states the purpose as "minimize so far as practicable the adverse social, economic, and environmental effects of such mining operations"—section 101(d);

The bill exempts anthracite strip mining from the environmental protection standards, instead requiring only compliance with existing State laws;

Bill initially failed to prohibit strip mining of alluvial valley floors—river valleys—in the Western States, but I am pleased that the Evans amendment cured this defect.

Nevertheless, it is quite clear to me that this bill is unacceptable in its present form, because it raises false hopes—particularly among the people of the mountains who have suffered the most damage from strip mining.

I indicated that I felt the following amendments were necessary in order to strengthen the bill sufficiently to make it effective and worth supporting:

First. No new permits for mining on steep slopes above 20 degrees—including mountaintop removal techniques—after the date of enactment and all existing steep slope operations—20 degrees—

halted at the end of the interim period—30 months. Spellman amendment rejected.

Second. No strip mining in alluvial valley floors—river valleys—in the Western States. Evans amendment adopted.

Third. Shift the Federal role in enforcement from the Department of the Interior to the Environmental Protection Agency. Dingell and Ottinger amendments rejected.

Fourth. Prohibit the use of coal wastes, fines and slimes as construction materials in coal waste impoundments. Hechler amendment adopted.

Fifth. Prohibit the dumping of the first cut in steep slope operations during the interim period—before amendment (1) takes effect for existing operations on steep slopes. Hechler amendment rejected.

Sixth. Prohibit strip mining in national grasslands. Blouin amendment rejected.

Seventh. Require the burial and compaction of toxic materials. Gude amendment adopted.

The most important amendment to the bill was the Spellman amendment, which unfortunately was rejected. Once this steep slope amendment was defeated, I felt obliged to vote against H.R. 25, despite some good provisions which were added on the floor.

The CHAIRMAN. Are there additional amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

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

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SMITH of Iowa, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 25) to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the Committee 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 engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

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

Mr. UDALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 333, nays 86, not voting 13, as follows:

[Roll No. 61]

YEAS—333

Abdnor	Eckhardt	Lehman
Abzug	Edgar	Lent
Adams	Edwards, Ala.	Levitas
Addabbo	Edwards, Calif.	Litton
Ambro	Eilberg	Lloyd, Calif.
Anderson, Calif.	Emery	Lloyd, Tenn.
	English	Long, La.
Anderson, Ill.	Erlenborn	Long, Md.
Andrews, N.C.	Esch	Lujan
Andrews, N. Dak.	Eshleman	McClory
	Evans, Colo.	McCloskey
Annunzio	Evans, Ind.	McCormack
Armstrong	Fascell	McDade
Ashley	Fenwick	McFall
Aspin	Findley	McHugh
AuCoin	Fish	McKay
Badillo	Fisher	McKinney
Bafalis	Fithian	Macdonald
Baldus	Flood	Madden
Barrett	Florio	Madigan
Baucus	Flowers	Maguire
Beard, R.I.	Foley	Mann
Bedell	Ford, Mich.	Martin
Bell	Ford, Tenn.	Matsunaga
Bennett	Forsythe	Mazzoli
Bergland	Fountain	Meeds
Biaggi	Frenzel	Melcher
Biester	Frey	Metcalfe
Bingham	Fulton	Meyner
Blanchard	Fuqua	Mezvinsky
Blouin	Gaydos	Mikva
Boggs	Giaimo	Miller, Calif.
Boland	Gibbons	Miller, Ohio
Bolling	Gilman	Mineta
Bonker	Goodling	Minish
Brademas	Gradison	Mink
Breaux	Grassley	Mitchell, Md.
Breckinridge	Green	Mitchell, N.Y.
Brinkley	Gude	Moakley
Brodhead	Hagedorn	Moffett
Brooks	Haley	Mollohan
Broomfield	Hall	Moorhead, Calif.
Brown, Calif.	Hamilton	
Brown, Mich.	Hanley	Moorhead, Pa.
Brown, Ohio	Hannaford	Morgan
Broyhill	Harkin	Mosher
Buchanan	Harrington	Moss
Burgener	Harris	Mottl
Burke, Calif.	Harsha	Murphy, Ill.
Burke, Fla.	Hastings	Murphy, N.Y.
Burke, Mass.	Hawkins	Murtha
Burlison, Mo.	Hayes, Ind.	Myers, Pa.
Burton, John	Hays, Ohio	Natcher
Burton, Phillip	Heckler, Mass.	Neal
Carney	Hefner	Nedzi
Carr	Heinz	Nichols
Carter	Helstoski	Nix
Chappell	Henderson	Nolan
Chisholm	Hicks	Nowak
Clancy	Hightower	Oberstar
Clausen, Don H.	Hillis	Obey
	Hinshaw	O'Brien
Clay	Holland	O'Hara
Cleveland	Holtzman	O'Neill
Cohen	Horton	Ottinger
Conte	Howard	Patten
Conyers	Howe	Patterson, Calif.
Corman	Hubbard	Pattison, N.Y.
Cornell	Hughes	Pepper
Cotter	Hungate	Perkins
Coughlin	Jacobs	Peyser
D'Amours	Jeffords	Pickle
Daniels, Dominick V.	Johnson, Colo.	Pike
	Johnson, Pa.	Pressler
Danielson	Jones, Ala.	Preyer
Delaney	Jones, N.C.	Price
Dellums	Jordan	Pritchard
Dent	Karth	Quie
Derrick	Kasten	Railsback
Devine	Kastenmeier	Rangel
Diggs	Kelly	Rees
Dingell	Keys	Regula
Dodd	Koch	Reuss
Downey	Krebs	Richmond
Drinan	Krueger	Rinaldo
Duncan, Oreg.	LaFalce	Rodino
du Pont	Lagomarsino	Roe
Early	Leggett	Rogers
Roncalio	Smith, Iowa	Van Deerlin
Rooney	Solarz	Vander Jagt
Rose	Spellman	Vander Veen
Rosenthal	Spence	Vanik
Rostenkowski	Staggers	Vigorito
Roush	Stanton, J. William	Walsh
Roybal		Weaver
Ruppe	Stanton, James V.	Whalen
Russo		White
Ryan	Stark	Whitehurst
St Germain	Steed	Wiggins
Santini	Steelman	Wilson, Bob
Sarasin	Steiger, Wis.	Winn
Sarbanes	Stratton	Wirth
Scheuer	Stuckey	Wolff
Schneebeli	Studds	Wright
Schroeder	Sullivan	Wydler
Schulze	Symington	Wylie
Seiberling	Talcott	Yates
Sharp	Taylor, N.C.	Yatron
Shipley	Thompson	Young, Fla.
Shriver	Thone	Young, Ga.
Shuster	Traxler	Zablocki
Sikes	Tsongas	Zeferetti
Simon	Udall	
Sisk	Ullman	

NAYS—86

Archer	Guyer	Myers, Ind.
Ashbrook	Hammer-schmidt	Passman
Bauman		Patman
Beard, Tenn.	Hansen	Poage
Bevill	Hechler, W. Va.	Quillen
Bowen	Holt	Randall
Burleson, Tex.	Hutchinson	Rhodes
Butler	Hyde	Roberts
Byron	Ichord	Robinson
Cederberg	Jarman	Rousselot
Clawson, Del	Jenrette	Runnels
Cochran	Johnson, Calif.	Satterfield
Collins, Tex.	Jones, Okla.	Sebelius
Conable	Jones, Tenn.	Slack
Conlan	Kazen	Smith, Nebr.
Crane	Kemp	Snyder
Daniel, Dan	Ketchum	Steiger, Ariz.
Daniel, Robert W., Jr.	Kindness	Stephens
	Landrum	Symms
Davis	Latta	Taylor, Mo.
de la Garza	Lott	Teague
Derwinski	McCollister	Thornton
Dickinson	McDonald	Treen
Downing	McEwen	Waggonner
Duncan, Tenn.	Mahon	Wampler
Evins, Tenn.	Mathis	Whitten
Flynt	Michel	Young, Alaska
Ginn	Milford	Young, Tex.
Goldwater	Montgomery	
Gonzalez	Moore	

NOT VOTING—13

Alexander	Riegle	Wilson, Charles H., Calif.
Casey	Risenhoover	
Collins, Ill.	Skubitz	
Fraser	Stokes	Wilson, Charles, Tex.
Hébert	Waxman	
Mills		

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Stokes for, with Mr. Casey against.

Until further notice:

Mr. Alexander with Mr. Waxman.

Mr. Fraser with Mr. Charles Wilson of Texas.

Mr. Riegle with Mr. Risenhoover.

Mrs. Collins of Illinois with Mr. Mills.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF THE BILL H.R. 25

Mrs. MINK. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to correct punctuation, section numbers, and cross references in the engrossment of the bill (H.R. 25).

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 4296, EMERGENCY PRICE SUPPORT FOR 1975 CROPS

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 310 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 310

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4296) to adjust target prices, loan and purchase levels on the 1975 crops of upland cotton, corn, wheat, and soybeans, to provide price support for milk at 85 per centum of parity with quarterly adjustments for the period ending March 31, 1976, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from California (Mr. SISK) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 310 provides for an open rule with 2 hours of general debate on H.R. 4296, providing target prices on 1975 crops.

The purpose of H.R. 4296 is to establish an emergency price support program for the 1975 crop for Upland cotton, wheat, feed grains, soybeans, and milk. The bill provides that Upland cotton loans may be extended at the option of the producer for an additional 8 months beyond the current 10-month period. The bill also requires the Secretary of Agriculture to adjust interest rates on CCC commodity loans quarterly to reflect the cost of money to the U.S. Government, and requires the Secretary to establish by regulation the same terms and conditions concerning interest and storage costs for Upland cotton loans as are currently in effect for grain.

H.R. 4296 also provides that the support price of milk shall be established at no less than 85 percent of the parity price and shall be adjusted by the Secretary at the beginning of each quarter. Such support prices shall be announced by the Secretary within 30 days prior to the beginning of each quarter.

Mr. Speaker, I urge the adoption of House Resolution 310 in order that we may discuss, debate, and pass H.R. 4296.

Mr. Speaker, this is an important matter for the consideration of the Congress. I realize that there are a variety of differing opinions as to what should be done in connection with some of the conditions that exists in American agriculture today. I think and would hope in the final analysis that we will all be motivated in casting our votes on this legislation toward that which we would consider to be in the best interest of our country.

I recognize that in dealing with the problems of American agriculture we sometimes become involved in sectional or geographical differences because of the difference in conditions in the districts from which we come.

I would have to say quite frankly that in my own State of California which, by the way is the largest agricultural State in the Nation, having the largest agricultural production of any State in the Union, that there is a great deal of feeling that this is not necessarily good legislation and that, in fact, the present Farm Act under which we are operating would probably be left better as it is for the time being. On the other hand, there are serious situations in some parts of the country and there are problems that are developing that could tend to substantially affect the economic well-being of our country.

In view of that fact that we are certainly in a recession, and I would say very close to a depression in certain sections of the country, it would be my hope, Mr. Speaker, as I say, that in the final analysis, regardless of our own particular problems within our own areas, and regardless of the fact that many of us come from areas where we have no agricultural production and we represent only consumers, that there would be a realization and a recognition that we all represent consumers. Every Member of this House represents approximately an equal number of American consumers, so that it is terribly important that we have a stable agricultural economy in this country in order to supply the food and fiber which is essential to our own domestic well-being as well as to supply a good portion of the world's needs in what is actually a shortage situation internationally.

So in the final analysis, Mr. Speaker, I would hope, as I say, that every one of us may be able to lay aside our own particular bias and look at this in an objective manner on the basis of what is best for America; for all the 213 million Americans.

Mr. Speaker, I want to commend the chairman, the gentleman from Washington (Mr. FOLEY) and the members of his committee, for the work they have done and the expeditious manner in which it has been handled.

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

Mr. Speaker, I am opposed to this bill and the rule which makes it in order.

This bill is bad for consumers, bad for farmers, and bad for taxpayers.

The bill is bad for consumers, because the increase, according to USDA in the dairy price support will increase the price of milk by 8 cents per gallon, the price of cheese by 10 cents per pound, and the price of butter by 20 cents per pound. Consumers have already been hit hard enough by price increases. This bill will only worsen the plight of the consumer.

The bill is bad for farmers. For example the increase in the support price will hurt rather than help the dairy farmers, because it will lead to a drop in consumption of dairy products estimated at about 1 billion pounds this year.

The bill is bad for the taxpayers because the increase in target price levels means that taxpayers will begin paying certain farmers if market prices slide below the target price. Under this bill taxpayers can, according to dissenting opinions, reasonably expect to pay $882,000,000 more this year than they would under the basic 1973 law.

Mr. Speaker, recently I received a letter from the president of the American Farm Bureau Federation opposing this legislation. The last few sentences in that letter sum up the problems in this bill. Let me quote them:

From this analysis of H.R. 4296, it is clear that—taken in its entirety—this bill is not consistent with Farm Bureau policy.

H.R. 4296 provides the basis for the accumulation of stocks in government held hands and a return to the old days when farmers were forced to compete with the Commodity Credit Corporation for markets.

H.R. 4296 has the potential for substantial program costs to the federal government in a period when deficit spending and inflation already are a serious threat to our economy.

H.R. 4296 is not in the best interest of farmers, taxpayers, or consumers; therefore, we urge you to vote against passage of this legislation.

Mr. Speaker, this bill is hasty and ill conceived. It should be rejected and sent back to the committee for a careful and thorough reexamination.

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

Mr. DEL CLAWSON. I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

Mr. Speaker, I want to take this opportunity to commend the gentleman from California for a very forceful and sound statement. I want to associate myself with his remarks.

After the long and arduous fight that we made here in the House to put our farm program in some sane type of form, now we are going to undo it all with this bill here. This has to go down in history as one of the worst stinkers that ever came into the House.

Mr. DEL CLAWSON. I thank the gentleman from Massachusetts. The gentleman from Massachusetts has led the fight for a long, long time in trying to do away with the farm subsidies or get them reduced. This is going in a backward direction.

Mr. CONTE. Mr. Speaker, this bill, providing artificially high price support

levels for selected farm crops, is a bad bill. I urge my colleagues to defeat this bill by voting down the rule.

This bill is full of boondoggles and loopholes. It is a ripoff on the consumer. A raid on the Federal Treasury, another squeeze on the utter existence of dairy farmers, and an unwarranted bail out for big cotton growers.

For consumers, this bill will raise food and fiber prices by $4 billion this year. During this period of recession and unemployment, such a price hike is unconscionable.

Pork prices will zoom up by 10½ cents a pound. Beef prices will rise by 4½ cents a pound. Eggs will increase by a penny a dozen. Milk will go up 3 cents a gallon.

These price increases will follow because of the unnecessarily high price support levels for feed grains and wheat.

In addition, the taxpayer will also shoulder the cost of subsidies paid under this bill, which the committee estimates to be $882 million. Most of that will go to cotton.

But the raid on the Federal Treasury will just be the beginning. The high price support levels for wheat and cotton will price the American products out of their world markets. To unload surplus commodities, especially cotton, will require large export subsidies.

This bill would seriously endanger the welfare of dairy farmers in New England. One provision of this bill would raise the price support level for milk products. But dairymen will not be helped by higher prices. Every time dairy farmers raise prices, milk consumption drops.

To help dairymen, the Congress ought to be reducing the costs of their inputs—such as the cost of feed grains. This bill does just the opposite. It raises the price of feed grains, and threatens to make small dairy farmers price themselves out of the consumer market.

This bill also provides an unconscionable bail out for big cotton growers. Domestic demand for this fiber has dropped by one-third over the past year. A consequence of the recession. But cotton production has not dropped accordingly. Cotton surpluses now glut American markets—and world markets as well. But farm shortages throughout the world abound. The world now needs food, not cotton.

But this bill provides incentives, especially in the form of high loan levels, to grow more cotton than is needed.

H.R. 4296 is full of other boondoggles and loopholes. It is a bad bill.

I urge my colleagues to defeat the rule.

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

Mr. DEL CLAWSON. I yield to the gentleman from Iowa.

Mr. BEDELL. I thank the gentleman for yielding.

I think it is very, very important that we have accurate facts in this House to which I am a new Member. The figures have been quoted that this would increase the price of raw milk by 2 cents per quart, 20 cents per pound for butter, and it is generally understood by most people likely that that figure would apply at this time. I have met with the Department of Agriculture yesterday. I met with them today.

They freely admit that those figures are what they think the cost would be in the first quarter of 1976 as compared to the prices at this time and at least half of those increases have to be considered because of the inflation that is going to occur.

When they figure the price of butter at 20 cents, when we produce butter we produce two products, the nonfat dry milk and butter. In past history they have applied half the cost of the increase to nonfat dry milk and half the increase to butter. This time they apply the whole increase to butter. If we figure it that way it puts the difference at 4½ cents per pound.

I think we should have accurate figures in this House as we consider this bill.

Mr. DEL CLAWSON. Mr. Speaker, I thank the gentleman for his comment. My source was the U.S. Department of Agriculture.

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

Mr. DEL CLAWSON. I yield to the gentleman from California such time as he may consume.

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

Mr. Speaker, I have spent half my life in farming and I agree with the gentleman from California, this bill is a bummer and I think the gentleman is right.

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

Mr. DEL CLAWSON. I yield to the gentleman from Illinois (Mr. FINDLEY) such time as he may consume.

Mr. FINDLEY. Mr. Speaker, I thought it was interesting the gentleman from Iowa would cite the Department of Agriculture in disputing its own figures. I have in my hand a document provided to me by the ASCS which I will include in the RECORD at this point, which is dated March 18, 1975, which of course is today. It is headed "Estimated Effects of Increasing the Support Price for Manufacturing Milk to 85 Percent of Parity, Adjusted Quarterly, for the 1975–76 Marketing Year." The document follows:

ESTIMATED EFFECTS OF INCREASING THE SUPPORT PRICE FOR MANUFACTURING MILK TO 85 PERCENT OF PARITY, ADJUSTED QUARTERLY, FOR THE 1975–76 MARKETING YEAR

The support price for manufacturing milk would increase from $7.24 per hundredweight to a projected $7.91 on April 1, 1975, and to $8.19 by January 1, 1976, the last quarter of the 1975–76 marketing year.

This 95 cent per hundredweight increase in support by January 1, 1976, is estimated to be equivalent to the following increases in consumer prices:

Fluid whole milk—4 cents per half gallon.
Butter—20 cents per pound.
Cheese—10 cents per pound.

The above estimates generally assume that all factors will remain equal. For example, no projection is made of what will happen to premium prices negotiated by cooperatives over Federal order minimum prices. Also, it is assumed that increases in CCC purchase prices for butter and cheese will result in equal increases in retail prices.

In addition, insofar as the butter-powder operation is concerned, it was assumed that all of the increase in support would be applied to the CCC butter purchase price and none to nonfat dry milk. The reason for this is that nonfat dry milk purchase prices (and market prices) have been increased substantially over recent years while those of butter have remained relatively stable. As a consequence, CCC purchases of nonfat dry milk have increased greatly, totaling 365 million pounds since April 1, 1974. On the other hand, purchases of butter totaled 77 million pounds. All of the butter can be used in the school lunch program, but only 50 million pounds of nonfat dry milk can be used in domestic programs.

The cost of the program to the taxpayer for the marketing year beginning April 1, 1975, is estimated to be about $160 million more at 85% of parity adjusted quarterly than at the $7.25 per hundredweight level already announced.

In this document, as the Members see, it is set forth that the estimated effect of the bill that it now before this Chamber would be to increase the price of fluid whole milk by 4 cents per half gallon, butter by 20 cents a pound, and cheese by 10 cents a pound.

I do not know where we can go to get more authoritative estimates on the effect of the bill.

If the gentleman who raises the question could supply this Chamber with hearings of the House Committee on Agriculture conducted in order to lay a foundation for this recommendation, it would be one thing, but these hearings frankly do not exist. Not 10 seconds of hearings were held by the Committee on Agriculture on the dairy section.

I think it is very natural and reasonable and proper that in the absence of official hearings by the House Committee on Agriculture on the effect of the dairy section, that we would look to the dairy division of the USDA, and the USDA dairy division does very clearly testify to and support the argument that the gentleman quoted, which is that this bill will result in a substantial increase in cost to the consumers of diary products.

But that is not the whole story. The fact is it would also increase Government costs.

Mr. Speaker, in evaluating this so-called Emergency Act, I would simply like to ask my colleagues:

Does it make sense to increase dairy price supports—in any amount—when consumers are already rebelling over the price of milk?

Does it make sense to increase those supports when the inevitable result will simply be to move more butter, cheese, and nonfat dry milk into Government stocks?

Does it make sense to increase loan levels on cotton when to do so will immediately price that crop out of the world market? In the 1973 farm bill, we very properly tied cotton loan levels to the world market; now we are about to untie them, and make it impossible for us to compete. Does not that seem a bit illogical?

Does it make sense to increase cotton loan levels, just so the big cotton farmers do not get caught by the $20,000 payment limitation we enacted in 1973?

Does it make sense to pass a bill that is going to stick the U.S. taxpayer with a multibillion-dollar price tag 2 or 3 years down the road? The proponents say, of course, that it is only a 1-year bill, but do you really think this body will permit those target prices and loan levels to go down next year? Of course, not. We will be asked to raise them again a year from now.

Does it really make sense to establish a big, attractive price umbrella for farmers in other countries? It is great for them, but not so good for our farmers—or for our balance of trade.

This creates a $4 price umbrella under which soybean growers in Brazil and elsewhere can compete with our farmers.

Does it make sense to have arbitrary loan levels, completely unrelated to world prices? What a beautiful way to destroy the $22 billion agricultural export market we have developed in the past few years. Yes, we can retain those markets even with noncompetitive loan rates, providing the taxpayers are willing to pick up the tab through export subsidies.

Does it make sense to jeopardize our competitive position in agricultural exports at the very time that high oil prices are tearing down the value of the dollar? If farm exports decline, are we prepared to pay even more for that oil, and everything else we import?

Does it make sense to raise target and loan prices on cotton when world textile markets are in a shambles and we already have too much cotton? Farmers plan now to grow less cotton this year than last, and more soybeans. This bill will undoubtedly reverse those plans. Does that make sense when we really ought to have more soybeans and less cotton? Do we really want to discourage a shift of additional land into food crops?

Are farmers ready to have the Government again tell them what, where, and how to farm? That may not happen in 1975 under this bill, but just wait another year or so.

Nationwide, grain farmers had their best years ever in 1973 and 1974. Farm income hit an all time high in 1973 and 1974 was right behind. Yet this bill includes all grain farmers, and adds soybean producers—for the first time—just for good measure. Just what is this "emergency" that grain farmers are experiencing? Is it an emergency if they do not experience an all-time high in income?

No, the bill does not make sense at all, does it? It should never have been brought to the floor and it ought to be sent back to committee.

Mr. DEL CLAWSON. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LAGOMARSINO).

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

Mr. Speaker, I join the gentleman in his opposition to this rule and the bill.

Ordinarily I support adoption of the rule. I think in most cases it is appropriate to amend and improve the bills. I do not think this bill can be improved, because nothing we can do on this floor is going to change the basic thrust of this bill.

I would remind many of my colleagues, especially the newer ones who were elected in the last year on the basis of protecting the consumers, to think whether they really are going to protect the consumers by adopting this bill.

Mr. DEL CLAWSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I want to ask the gentleman from California a question. Is this really the same Congress which 2 weeks ago was pleading for the little guy, pleading to give him a $20 billion reduction in his income tax, and which now wants to put the boot to the consumer in raising the price of cotton and milk and everything else? Is this the same Congress? I cannot figure it out.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I would like to associate my comments with the statements of the gentleman in the well. I think it is quite well-known that I do not come from a farming area; I do represent a consumers point of view.

I feel, very truly, that the consumers will only be satisfied if we devise a fair program for the farmer. Obviously, we have to maximize production of farm materials, not only for our own consumption, but for the use of others in the world, who happen to be starving in many, many sectors of the globe.

I feel the real problem of this legislation is that it is ill-considered and ill-conceived. It will embark this Congress and this country on a treacherous policy which will be ultimately unfair to the farmer, it will be unfair to the consumer and it will be unfair to the taxpayer.

There has been wide ranges of estimates, in terms of taxpayer impact, ranging from $3 to $4 billion or $5 billion or $6 billion. We have heard the assessment of the Department of Agriculture, in terms of the impact of the dairy supports on the cost of butter, cheese, and so forth. Its projected increases are substantial.

One point that has not been raised is that the dairy section bill contains a provision which will provide and allow for a quarterly adjustment. Not only will the consumers pay more, but they will pay more on a quarterly basis, thereby passing on the increases much faster and making the burden that much greater.

It may be that increases in support levels are necessary, and I will support legislation that will give the farmer what he really needs to keep producing. The question here is how are these particular support levels in H.R. 4296 justified?

The committee has not heard from all sectors of the economy which will be affected by higher supports. I do not believe that we can legislate equitably for the farmer, the taxpayer, and the consumer in the absence of data to support increases.

The fact is that the consumer's interest has not been considered by the committee, and that the long-range effects of these increases have not been charted. This is not the way to legislate a sound and fair agriculture policy.

Mr. DEL CLAWSON. Mr. Speaker, I have no further requests for time. I reserve the balance of my time, however.

Mr. SISK. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Speaker, the gentleman from New York says sugar prices have come down from a high. I remind the Members that for 20 years we had stable sugar prices in this country when the Government was negotiating contracts with the importers. Talk about the middle man—the cartel is there now, and the sugar prices are three times as high as before they defeated that sugar bill. And he was one of those who spearheaded the opposition.

How many times do the consumers have to be beat over the head before you stop taking advice like that?

We have about 200,000 jobs involved in this bill. We are supposed to be trying to find jobs. We want to keep people on the job. Farmers are canceling their farm machinery orders. They are canceling their orders for chemicals that are made in New Jersey, they are canceling their orders for the electrical motors that are made in Connecticut. They are canceling a lot of orders, because they do not have any confidence in the market. They need some insurance.

I say to the Members that the sound thing to do is to keep some people on the job, and that this involves at least 200,000 urban jobs. In addition to that, I point out this: Talking about cotton, I do not have a stalk of cotton in my district, but I know when this economy turns around that if we do not have some cotton in storage there is not going to be any for our textile mills to operate. You can bet your bottom dollar that Taiwan and the rest of textile importers are stocking up on cotton. They are going to be ready, when the economy turns around, so that they can make textiles.

In addition to that, let us examine this whole thing about this bill costing so many billions of dollars, it is the same argument used every time there is a minimum wage bill up here.

What is really important is what is fair. Even if it does cost a little more, maybe 2 more cents on a quart of milk, it is still 85 percent of what is fair, 85 percent of what the same people would get with the same investment at the same time if they had an urban job. This bill is needed to provide the confidence necessary so producers will buy inputs and provide urban jobs.

What we should aim at is what is fair.

Mr. SISK. Mr. Speaker, I yield 3 minutes to the gentleman from Montana (Mr. MELCHER).

Mr. MELCHER. Mr. Speaker, charges that this bill would drive up consumer costs of foods are highly inaccurate. What are the facts on producers' income, as compared to the prices a housewife

has to pay in a supermarket as she buys her food?

The farmers' and ranchers' share of the food dollar has dropped from 50 cents and above to less than 40 cents in January of this year. The middlemen have increased their take from 50 percent to 60 percent. The price spread reports for January show that although the farm value of a pound of beef is down 21 percent, the retail price has dropped only 7 percent and the take between the farmer and the consumer has increased 21 percent, more than one-fifth.

Because it is particularly important in relation to this bill, I call attention to the fact that in the last year the farm value of wheat in the price of a loaf of white bread has dropped 24.6 percent—that is about one-fourth—but the retail price has gone up 16.9 percent, or about one-sixth. These figures, mind you, are out of the January report of the Department of Agriculture.

If we drop down to the grains loan rates in this bill, the basic cost of the food ingredient will drop also. I do not know how much, because I do not know how much the middlemen will absorb. But it is true, as we envision this bill, that if the market price for grains drops to the loan rates on grains, surely the consumer ought to be getting a better deal for food products made out of wheat or livestock and dairy products that are produced that use grains.

Mr. Speaker, I believe the wheat loans, which are the basic payments under the market for wheat producers, are much too low in this bill. If we truly want to be helpful to both the consumers and the producers, we would raise those loan rates to insure maximum production and to insure that the producer receives at least enough to cover his cost of production.

In doing so, mind you, we would reduce the exposure or the possibility of liability on the Treasury for making up the difference between the loan rates and the target prices. We would reduce Federal liability for possible Government expenditures.

Mr. Speaker, all the talk about the high cost of food and the consumer being gouged by this bill surely does not apply to the grain sections, and particularly to wheat. Certainly it does not apply to livestock and poultry, because if the loan rates are low for wheat and feed grains and prices go as low as the loan rates are in this bill, which is the basic peg or the basic bottom under the market, then surely consumers are going to get a break and they are going to get it at the expense of producers.

Mr. SISK. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. PHILLIP BURTON).

Mr. PHILLIP BURTON. Mr. Speaker, I rise in support of the rule.

Our Democratic Party is proud of the fact that we have a rural-urban partnership. Our colleagues from the agricultural areas are now merely asking us at this juncture for one thing: An opportunity that the merits of their case can be heard and weighed. That is all that is being asked when we vote "aye" on the rule.

Tomorrow we can talk about the merits. We can talk about the fact that in the last 10 months farm labor minimum wages have gone up 50 cents an hour. Tomorrow we can talk about the time when we last listened to the siren song of the so-called consumer advocates. We can talk about the fact the sugar bill was narrowly defeated and sugar prices skyrocketed for every household in this country.

We have no apologies to make as Representatives for urban areas for seeing that economic justice is also passed on to our fellow Americans in the rural areas.

Mr. Speaker, I am known as being somewhat of an election expert. There has not been one single urban or suburban Democrat who supported the farm bill in the seven terms I have been here who has ever been defeated—I repeat—who has ever been defeated by a Republican.

Mr. Speaker, let me tell the Members something else. With this unbelievable dormant Republican attitude toward rural America, we are picking up seats by the dozens in the rural areas.

We are going to vote today to see that rural America gets a fair shake on the floor tomorrow by voting "yes" on the rule.

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

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken.

Mr. CONTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 369, nays 35, not voting 28, as follows:

[Roll No. 62]

YEAS—369

Abdnor	Boggs	Chappell
Abzug	Boland	Clausen, Don H.
Adams	Bolling	Clay
Addabbo	Bonker	Cochran
Ambro	Bowen	Cohen
Anderson, Ill.	Brademas	Collins, Tex.
Andrews, N.C.	Breaux	Conyers
Andrews, N. Dak.	Breckinridge	Corman
Annunzio	Brinkley	Cornell
Archer	Brodhead	Cotter
Armstrong	Brooks	Coughlin
Ashley	Brown, Calif.	Crane
Aspin	Brown, Mich.	D'Amours
AuCoin	Brown, Ohio	Daniel, Dan
Badillo	Broyhill	Daniel, Robert W., Jr.
Baldus	Buchanan	Daniels, Dominick V.
Baucus	Burgener	Danielson
Bauman	Burke, Calif.	Davis
Beard, R.I.	Burke, Fla.	de la Garza
Beard, Tenn.	Burke, Mass.	Delaney
Bedell	Burleson, Tex.	Dellums
Bennett	Burlison, Mo.	Derrick
Bergland	Burton, John	Derwinski
Bevill	Burton, Phillip	Dickinson
Biaggi	Butler	Diggs
Biester	Byron	Dingell
Bingham	Carney	Dodd
Blanchard	Carr	Downey
Blouin	Carter	Downing
Boland	Cederberg	Drinan
Bolling	Chappell	Duncan, Tenn.
Bonker	Clausen, Don H.	du Pont
Bowen	Clay	Eckhardt
Brademas	Cochran	Edgar
Breaux	Cohen	Edwards, Ala.
Breckinridge	Collins, Tex.	Edwards, Calif.
Brinkley	Conyers	Eilberg
Brodhead	Corman	English
Brooks	Cornell	Esch
Brown, Calif.	Cotter	Eshleman
Brown, Mich.	Coughlin	Evans, Colo.
Brown, Ohio	Crane	Evans, Ind.
Broyhill	D'Amours	Evins, Tenn.
Buchanan	Daniel, Dan	Fascell
Burgener	Daniel, Robert W., Jr.	Fish
Burke, Calif.	Daniels, Dominick V.	Fisher
Burke, Fla.	Danielson	Fithian
Burke, Mass.	Davis	Florio
Burleson, Tex.	de la Garza	Flowers
Burlison, Mo.	Delaney	Flynt
Burton, John	Dellums	Foley
Burton, Phillip	Derrick	Ford, Mich.
Butler	Derwinski	Ford, Tenn.
Byron	Dickinson	Forsythe
Carney	Diggs	Fountain
Carr	Dingell	Frenzel
Carter	Dodd	Frey
Cederberg	Downey	Fulton
Chappell	Downing	Fuqua
Clausen, Don H.	Drinan	Gaydos
Clay	Duncan, Tenn.	Giaimo
Cochran	du Pont	Gibbons
Cohen	Eckhardt	Gilman
Collins, Tex.	Edgar	Ginn
Conyers	Edwards, Ala.	Goldwater
Corman	Edwards, Calif.	Gonzalez
Cornell	Eilberg	Goodling
Cotter	English	Grassley
Coughlin	Esch	Green
Crane	Eshleman	Guyer
D'Amours	Evans, Colo.	Hagedorn
Daniel, Dan	Evans, Ind.	Haley
Daniel, Robert W., Jr.	Evins, Tenn.	Hall
Daniels, Dominick V.	Fascell	Hamilton
Danielson	Fish	Hammer-schmidt
Davis	Fisher	Hanley
de la Garza	Fithian	Hannaford
Delaney	Florio	Hansen
Dellums	Flowers	Harkin
Derrick	Flynt	Harris
Derwinski	Foley	Harsha
Dickinson	Ford, Mich.	Hastings
Diggs	Ford, Tenn.	Hawkins
Dingell	Forsythe	Hayes, Ind.
Dodd	Fountain	Hays, Ohio
Downey	Frenzel	Hechler, W. Va.
Downing	Frey	Hefner
Drinan	Fulton	Heinz
Duncan, Tenn.	Fuqua	Helstoski
du Pont	Gaydos	Henderson
Eckhardt	Giaimo	Hightower
Edgar	Gibbons	Hillis
Edwards, Ala.	Gilman	Hinshaw
Edwards, Calif.	Ginn	Holland
Eilberg	Goldwater	Holt
English	Gonzalez	Holtzman
Esch	Goodling	Horton
Eshleman	Grassley	Howard
Evans, Colo.	Green	Howe
Evans, Ind.	Guyer	Hubbard
Evins, Tenn.	Hagedorn	Hughes
Fascell	Haley	Hungate
Fish	Hall	Hutchinson
Fisher	Hamilton	Ichord
Fithian	Hammer-schmidt	Jarman
Florio	Hanley	Jeffords
Flowers	Hannaford	Jenrette
Flynt	Hansen	Johnson, Calif.
Foley	Harkin	Johnson, Colo.
Ford, Mich.	Harris	Johnson, Pa.
Ford, Tenn.	Harsha	Jones, Ala.
Forsythe	Hastings	Jones, N.C.
Fountain	Hawkins	Jones, Okla.
Frenzel	Hayes, Ind.	Jones, Tenn.
Frey	Hays, Ohio	Jordan
Fulton	Hechler, W. Va.	Karth
Fuqua	Hefner	Kasten
Gaydos	Heinz	Kastenmeier
Giaimo	Helstoski	Kazen
Gibbons	Henderson	Kemp
Gilman	Hightower	Ketchum
Ginn	Hillis	Keys
Goldwater	Hinshaw	Kindness
Gonzalez	Holland	Koch
Goodling	Holt	Krebs
Grassley	Holtzman	Krueger
Green	Horton	LaFalce
Guyer	Howard	Landrum
Hagedorn	Howe	Latta
Haley	Hubbard	Leggett
Hall	Hughes	Lehman
Hamilton	Hungate	Levitas
Hammer-schmidt	Hutchinson	Litton
Hanley	Ichord	Lloyd, Calif.
Hannaford	Jarman	Lloyd, Tenn.
Hansen	Jeffords	Long, La.
Harkin	Jenrette	Long, Md.
Harris	Johnson, Calif.	Lott
Harsha	Johnson, Colo.	Lujan
Hastings	Johnson, Pa.	McCloskey
Hawkins	Jones, Ala.	McCollister
Hayes, Ind.	Jones, N.C.	McCormack
Hays, Ohio	Jones, Okla.	McDade
Hechler, W. Va.	Jones, Tenn.	McDonald
Hefner	Jordan	McEwen
Heinz	Karth	McFall
Helstoski	Kasten	McHugh
Henderson	Kastenmeier	McKay
Hightower	Kazen	McKinney
Hillis	Kemp	Macdonald
Hinshaw	Ketchum	Madden
Holland	Keys	Maguire
Holt	Kindness	Mahon
Holtzman	Koch	Mann
Horton	Krebs	Martin
Howard	Krueger	Mathis
Howe	LaFalce	Matsunaga
Hubbard	Landrum	Mazzoli
Hughes	Latta	Meeds
Hungate	Leggett	Melcher
Hutchinson	Lehman	Metcalfe
Ichord	Levitas	Meyner
Jarman	Litton	Mezvinsky
Jeffords	Lloyd, Calif.	Mikva
Jenrette	Lloyd, Tenn.	Miller, Calif.
Johnson, Calif.	Long, La.	Miller, Ohio
Johnson, Colo.	Long, Md.	Mineta
Johnson, Pa.	Lott	Minish
Jones, Ala.	Lujan	Mink
Jones, N.C.	McCloskey	Mitchell, Md.
Jones, Okla.	McCollister	Mitchell, N.Y.
Jones, Tenn.	McCormack	Moakley
Jordan	McDade	Moffett
Karth	McDonald	Mollohan
Kasten	McEwen	Montgomery
Kastenmeier	McFall	Moore
Kazen	McHugh	Moorhead, Calif.
Kemp	McKay	Moorhead, Pa.
Ketchum	McKinney	Morgan
Keys	Macdonald	Mosher
Kindness	Madden	Moss
Koch	Maguire	Mottl
Krebs	Mahon	Murphy, Ill.
Krueger	Mann	Murphy, N.Y.
LaFalce	Martin	Murtha
Landrum	Mathis	Myers, Ind.
Latta	Matsunaga	Myers, Pa.
Leggett	Mazzoli	Natcher
Lehman	Meeds	Neal
Levitas	Melcher	Nedzi
Litton	Metcalfe	Nichols
Lloyd, Calif.	Meyner	Nolan
Lloyd, Tenn.	Mezvinsky	Nowak
Long, La.	Mikva	Oberstar
Long, Md.	Miller, Calif.	Obey
Lott	Miller, Ohio	O'Hara
Lujan	Mineta	O'Neill
McCloskey	Minish	Ottinger
McCollister	Mink	Passman
McCormack	Mitchell, Md.	Patman
McDade	Mitchell, N.Y.	Patten
McDonald	Moakley	Patterson, Calif.
McEwen	Moffett	Pattison, N.Y.
McFall	Mollohan	Pepper
McHugh	Montgomery	Perkins
McKay	Moore	Pickle
McKinney	Moorhead, Calif.	Pike
Macdonald	Moorhead, Pa.	Poage
Madden	Morgan	Pressler
Maguire	Mosher	Preyer
Mahon	Moss	Price
Mann	Mottl	Pritchard
Martin	Murphy, Ill.	Quie
Mathis	Murphy, N.Y.	Railsback
Matsunaga	Murtha	Randall
Mazzoli	Myers, Ind.	Rees
Meeds	Myers, Pa.	Regula
Melcher	Natcher	Reuss
Metcalfe	Neal	Rhodes
Meyner	Nedzi	Richmond
Mezvinsky	Nichols	Risenhoover
Mikva	Nolan	Roberts
Miller, Calif.	Nowak	Robinson
Miller, Ohio	Oberstar	Rodino
Mineta	Obey	Roe
Minish	O'Hara	Rogers
Mink	O'Neill	Roncalio
Mitchell, Md.	Ottinger	Rooney
Mitchell, N.Y.	Passman	Rose
Moakley	Patman	Rosenthal
Moffett	Patten	Rostenkowski
Mollohan	Patterson, Calif.	Roush
Montgomery	Pattison, N.Y.	Rousselot
Moore	Pepper	Roybal
Moorhead, Calif.	Perkins	Runnels
Moorhead, Pa.	Pickle	Ruppe
Morgan	Pike	Russo
Mosher	Poage	Ryan
Moss	Pressler	Santini
Mottl	Preyer	Sarasin
Murphy, Ill.	Price	Sarbanes
Murphy, N.Y.	Pritchard	Satterfield
Murtha	Quie	Scheuer
Myers, Ind.	Railsback	Schneebeli
Myers, Pa.	Randall	Schulze
Natcher	Rees	Sebelius
Neal	Regula	Seiberling
Nedzi		Sharp
Nichols		Shipley
Nolan		Shriver
Nowak		Shuster
Oberstar		Sikes
Obey		Simon
O'Hara		Sisk
O'Neill		Slack
Ottinger		Smith, Iowa
Passman		Smith, Nebr.
Patman		Snyder
Patten		Solarz
Patterson, Calif.		Spellman
Pattison, N.Y.		Spence
Pepper		Staggers
Perkins		Stanton, J. William
Pickle		Stanton, James V.
Pike		Stark
Poage		Steed
Pressler		Steelman
Preyer		Steiger, Ariz.
Price		Steiger, Wis.
Pritchard		Stephens
Quie		Stratton
Railsback		Stuckey
Randall		Studds
Rees		Symington
Regula		Symms
Reuss		Talcott
Rhodes		Taylor, Mo.
Richmond		Taylor, N.C.
Risenhoover		Teague
Roberts		Thompson
Robinson		Thone
Rodino		Thornton
Roe		Traxler
Rogers		Treen
Roncalio		Tsongas
Rooney		Ullman
Rose		Vander Jagt
Rosenthal		Vander Veen
Rostenkowski		Vigorito
Roush		Waggonner
Rousselot		Walsh
Roybal		Wampler
Runnels		Weaver
Ruppe		Whalen
Russo		White
Ryan		Whitehurst
Santini		Whitten
Sarasin		Wiggins
Sarbanes		Wilson, Bob
Satterfield		Winn
Scheuer		Wirth
Schneebeli		Wolff
Schulze		Wright
Sebelius		Yates
Seiberling		Yatron
Sharp		Young, Alaska
Shipley		Young, Ga.
Shriver		Young, Tex.
Shuster		Zablocki
Sikes		Zeferetti
Simon		
Sisk		
Slack		
Smith, Iowa		
Smith, Nebr.		
Snyder		
Solarz		
Spellman		
Spence		
Staggers		
Stanton, J. William		
Stanton, James V.		
Stark		
Steed		
Steelman		
Steiger, Ariz.		
Steiger, Wis.		
Stephens		
Stratton		
Stuckey		
Studds		
Symington		
Symms		
Talcott		
Taylor, Mo.		
Taylor, N.C.		
Teague		
Thompson		
Thone		
Thornton		
Traxler		
Treen		
Tsongas		
Ullman		
Vander Jagt		
Vander Veen		
Vigorito		
Waggonner		
Walsh		
Wampler		
Weaver		
Whalen		
White		
Whitehurst		
Whitten		
Wiggins		
Wilson, Bob		
Winn		
Wirth		
Wolff		
Wright		
Yates		
Yatron		
Young, Alaska		
Young, Ga.		
Young, Tex.		
Zablocki		
Zeferetti		

NAYS—35

Anderson, Calif.	Bell	Cleveland
Ashbrook	Broomfield	Conable
Bafalis	Clancy	Conlan
	Clawson, Del	Conte

Devine	Heckler, Mass.	O'Brien
Early	Hyde	Peyser
Emery	Kelly	Quillen
Erlenborn	Lagomarsino	Rinaldo
Findley	McClory	St Germain
Gradison	Madigan	Vanik
Gude	Michel	Wydler
Harrington	Milford	Young, Fla.

NOT VOTING—28

Alexander	Hicks	Udall
Barrett	Jacobs	Van Deerlin
Casey	Lent	Waxman
Chisholm	Mills	Wilson, Charles H., Calif.
Collins, Ill.	Nix	Wilson, Charles, Tex.
Dent	Rangel	Wylie
Duncan, Oreg.	Riegle	
Fenwick	Schroeder	
Flood	Skubitz	
Fraser	Stokes	
Hébert	Sullivan	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Duncan of Oregon.

Mr. Charles H. Wilson of California with Mrs. Chisholm.

Mr. Dent with Mrs. Fenwick.

Mr. Stokes with Mr. Flood.

Mr. Casey with Mr. Hicks.

Mrs. Collins of Illinois with Mr. Wylie.

Mr. Waxman with Mr. Van Deerlin.

Mr. Alexander with Mr. Skubitz.

Mr. Barrett with Mrs. Schroeder.

Mrs. Sullivan with Mr. Nix.

Mr. Udall with Mr. Mills.

Mr. Rangel with Mr. Lent.

Mr. Fraser with Mr. Jacobs.

Mr. Charles Wilson of Texas with Mr. Riegle.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks on the rule (H. Res. 310) just passed.

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

There was no objection.

REFERRAL OF H.R. 49 TO COMMITTEE ON ARMED SERVICES

The SPEAKER. Pursuant to clause 5, rule X, the bill, H.R. 49, reported today by the Committee on Interior and Insular Affairs, is referred to the Committee on Armed Services for a period ending not later than April 19, 1975. This action is taken in accordance with the rules of jurisdiction specified in rule X, clause 1, and at the request of the chairman of the Committee on Armed Services.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER laid before the House the following communication, which was read:

WASHINGTON, D.C.,
March 18, 1975.

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

DEAR MR. SPEAKER: I hereby submit my resignation from the Committee on Small Business.

With best wishes,
Sincerely,

DAVE EVANS,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON BANKING, CURRENCY AND HOUSING

The SPEAKER laid before the House the following communication, which was read:

WASHINGTON, D.C.,
March 18, 1975.

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

DEAR MR. SPEAKER: I herewith submit my resignation from the Committee on Banking, Currency and Housing.

Sincerely,

ANDREW MAGUIRE.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

PERSONAL EXPLANATION

Mr. DENT. Mr. Speaker, due to a sore foot I have been slow in coming to the Chamber and also because one of the subway cars has been out of business for about 2 months, so I failed to make the rollcall, but if I had been here I would have voted "aye."

The SPEAKER. The gentleman's statement will appear in the RECORD, his full explanation.

ADDRESS BY PRESIDENT GERALD R. FORD AT UNIVERSITY OF NOTRE DAME

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

Mr. BRADEMAS. Mr. Speaker, yesterday, March 17, 1975, together with my distinguished colleagues from Indiana, Senators VANCE HARTKE and BIRCH BAYH, I had the privilege of accompanying the President of the United States to South Bend, Ind., and the University of Notre Dame, in the congressional district I have the honor to represent.

I was pleased to have been present yesterday on the occasion of the awarding to the President at a special academic convocation of an honorary doctor of laws degree by the Reverend Theodore M. Hesburgh, C.S.C., president of the University of Notre Dame.

President Ford delivered on this occasion what, in my judgment, was a most significant and constructive address in which he stressed the importance of greater attention to moral and intellectual leadership in our country, the significant role of the universities in our national life, and the need for the United States to support humanitarian aid and development assistance to the poor countries of the world.

Mr. Speaker, because I thought the President's address at the University of Notre Dame was a splendid one, I ask unanimous consent to insert the text of it in the RECORD as well as the remarks of Father Hesburgh, the honorary degree citation, and certain newspaper reports concerning the President's appearance in Indiana.

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

There was no objection.

The material referred to follows:

FATHER HESBURGH'S OPENING COMMENTS AT THE SPECIAL ACADEMIC CONVOCATION HONORING PRESIDENT GERALD R. FORD AT THE UNIVERSITY OF NOTRE DAME, MONDAY, MARCH 17, 1975

Mr. President, Dr. Ford, Governor and Mrs. Bowen, Senators Hartke and Bayh, Congressman Brademas, distinguished colleagues from 30 universities and colleges in the State of Indiana and Ohio, your Excellencies, distinguished faculty and trustees of Notre Dame and Saint Mary's, and the greatest student body on earth, Happy Saint Patrick's Day and all Blessings. Mr. President, on behalf of all these people, we welcome you to Notre Dame and we welcome you as an honored member of this Notre Dame family.

My dear friends, this occasion is perhaps more historic than most of you think, and let me say why. In the year 1836, an Indian Chief from the Potawatomi tribe centered here at the place now called Notre Dame, travelled all the way to Detroit, Michigan and there he encountered and sought out a Father Badin who was visiting with a Pere Richard who happened to be the co-founder of our guest's University, his alma mater, the University of Michigan, and also the first Catholic priest to serve in the Congress of the United States from Michigan, as did for so many years our distinguished honoree this morning. He asked Father Badin if he would come to this spot a few hundred miles away and found a school for the Indians, the Potawatomies. He came, he founded the school and a few years later, to our national disgrace, the Potawatomi Indians were driven all the way to the Osage Territory of Oklahoma, and the school died and the place remained empty. Father Badin bought most of this land at auction, several hundred acres. He deeded it to whoever would come here and found a university. And in 1842, Father Sorin arrived amid the bad weather of November, on the Feast of Saint Andrew, and with one little log cabin and a few hundred dollars in his pocket, he called this place le Universite de Notre Dame du Lac.

And that, my friends, is Faith.

May I jump from that past to this future. For the past ten years, no President of the United States, not President Johnson, not President Nixon, set foot on a first-rate university campus. I would have to say to their credit that it wasn't entirely their fault. Universities are troublesome places because they're filled with people who think otherwise. But they are also places where people think and think day and night about the values that should characterize and give meaning to human life, about the values that should characterize and give honor and vision to our nation.

To people, this place is peopled by those who desire one thing, I believe, the good life, the life of the mind, and the life of the spirit, and honor and valor. It's a sad thing when there is a gulf between the government of a country and academia, its universities and colleges. And I think it is to his eternal credit that our guest this morning, our honoree, our President, has thrown a bridge across that gulf and he's not only thrown the bridge across, he has walked across that bridge to us and we honor him for that act and for the healing of this gulf between the universities and the colleges and our government, between the religious groups in our country and our government, between so many people who felt alienated and have come to see that under this man and his healing power, we can again be one nation under God with liberty and justice for all. The last time I spoke from this podium to many of you, I told you that in behalf of hundreds of millions of Protestants and

Jews and Catholics, I had requested our President that he add to the food going to the poor of the world 2 million tons and I have to say to you that shortly after that our President in late January did allocate 2 million tons, which was far above what he had recommended. And I have to say that he not only did that now so that it could move out immediately, but he also added 2 million tons to the budget for next year to take care of any future crisis.

One last point that was mentioned in the citation and which I'm sure attracted a few hoots and hollers, which is understandable to me because I'm used to them by now, I have scars to prove it. But what I would like to say is that he did something shortly after coming in to office that I believe his predecessor would never have done. And what he did was to open up a clemency program and people say it's not a very good program, and I say, compared to what. There was a program after World War II called President Truman's Clemency Program. They looked at 15,000 people and they granted less than ten percent clemency, 1300. This program has already granted clemency to three times that number. We have more than 12,000 waiting yet to be seen and of those who have come before the program, more than 95 percent have been granted clemency. And I say compared to that, that's a good program.

I want to say for all of us, Mr. President, that we are delighted that you graced this Saint Patrick's Day by coming to our midst. I know you have something important to say to us. I know that one does not introduce the President of the United States except to say, The President of the United States.

REMARKS OF THE PRESIDENT AT THE UNIVERSITY OF NOTRE DAME CONVOCATION, UNIVERSITY OF NOTRE DAME ATHLETIC AND CONVOCATION CENTER, MARCH 17, 1975, SOUTH BEND, IND.

Father Hesburgh, Governor Bowen, my goods friends and former colleagues in the Congress, Senator Birch Bayh, and Senator Hartke, Congressman John Brademas, distinguished public officials, honored faculty, members of the student body and distinguished guests—and I add our new Attorney General:

It is really a great privilege and a very high honor for me to have the opportunity of being in South Bend on the University of Notre Dame campus, but I am especially grateful for the honor that has been accorded me this morning. I really cannot express adequately my gratitude for being made a member of the Notre Dame family. I thank you very much.

I would be most remiss if I did not also express as strongly and as sincerely as I can the gratitude that all of us have in the government for the contributions that have been made, not only in the program described by Father Hesburgh, but by his many other contributions. I say to you, Father Hesburgh, thank you from the bottom of our hearts.

This has been a most exciting morning. As we were getting off the plane at the county airport, a rather amazing thing happened. Somebody asked me, "How do you get to the campus of the University of Notre Dame?" What made it so amazing—it was Father Hesburgh. (Laughter)

I especially want to thank Father Hesburgh for all he has done to make me and my party most welcome here today, and particularly for granting amnesty to the classes this morning.

It is also a rare opportunity for me to be at Notre Dame, the home of the Fighting Irish, on, of all days, St. Patrick's Day. I tried to dress appropriately and honestly, I have a green tie on. Let's face it, this is one day we can all be part of the greening of America.

As your next door neighbor from Michigan, I have always been impressed by the outstanding record of the students of the University of Notre Dame. You have always been leaders in academic achievement, in social concerns, in sports prowess, and now, once again, you are blazing new paths in the developments of new concepts in mass transportation.

Some communities have the mono-rail, some have the subway, Notre Dame has the quickie. (Laughter)

The Fighting Irish of Notre Dame have become a symbol of tenacity and determination of the American people.

But Notre Dame believes not only in might on the football field or on the basketball court, but in a spiritual response to humanity's struggles for a decent life.

I have been told many of you chose to go without a normal meal, eating only a bowl of rice to save money to help feed the world's hungry. It is heartwarming to know that students are concerned about others abroad at a time when many here at home are finding it difficult to afford an education or to get a job.

Although life is hard for many Americans, I am proud that we continue to share it with others. And that, in my opinion, is the measure of genuine compassion, and I congratulate you.

NOTRE DAME'S GREAT SPOKESMAN, FATHER HESBURGH

I am especially proud to be on a campus that looks up to God and out to humanity at a time when some are tempted to turn inward, and turn away from the problems of the world. Notre Dame's great spokesman, Father Hesburgh, is known in Washington as a non-conformist. I must admit that I do not share all of the Father's views, but he is following one non-conformist viewpoint to which I fully subscribe, and I quote, "Be not conformed to this world, but be ye transformed by the renewing of your mind, that ye may prove what is that good, and acceptable, and perfect, will of God.

To conform to apathy and pessimism is to drop out and to cop out. In that sense, I fully reject conformity. In that sense, I am a non-conformist who continues to be proud of America's partnership with other nations and who makes no apology for the United States of America.

America's goodness and America's greatness speak for themselves. I believe in this Nation and in our capacity to resolve our difficulties at home without turning our back on the rest of the world.

Let me share a personal experience. I was elected to the Congress in the aftermath of World War II. A non-partisan foreign policy was emerging at that time. America realized that politics must stop at the water's edge. Our fate was linked to the well-being of other free nations. We became the first Nation to provide others with economic assistance as a national policy. Foreign aid was an American invention or an American project of which we can be justifiably proud.

Today, as I look back, I am grateful for the opportunity to serve in our government during the third quarter of the 20th century. The past 25 years, while not perfect, were incomparably better for humanity than either of the two previous quarters of this century. There was no world war nor global depression. Major nations achieved detente. Many new nations obtained independence. There has been an explosion of hope, freedom and human progress at home as well as abroad.

AMERICA'S ROLE IN THE WORLD

America's role, considered in fair context, was a catalyst for change, for growth, and for betterment.

The Marshall Plan, unprecedented in world history, restored a war-ravaged Europe. Even earlier, United States relief and rehabilitation activities during World War II and assistance to Greece and to Turkey after the war had provided precedents and experience in America's overseas assistance.

In the same year that I came to Congress, 1949, President Truman advanced Point IV, an innovative and remarkable concept providing technical assistance to developing nations. It brought new American ideas and technology to people hitherto unable to benefit from advances in health, agriculture and education.

The Food for Peace Act, designed to use America's agricultural abundance to assist others, was a product of the Eisenhower Administration. In the late 1950s, we created the development loan program to help others help themselves. In 1961, the Congress established the Agency for International Development to consolidate and to administer the various activities and agencies. They were carrying out the will of the Congress and the President at that time.

Programs to help people in the developing countries are an expression of America's great compassion and we should be proud of them. But such aid is also part of the continuing effort to achieve an enduring structure of world peace. It is no longer a question of just the Third World. I am deeply concerned about the problems of the fourth world, the very poorest world where from 400 million to 800 million people suffer from malnutrition; where average per capita income is under $275 per year; where life expectancy is 20 years less than in the developing countries; where more than 40 percent of the children will never reach the age of five; where more than half of the population has never been to school.

Despite these problems, the economies of the developing countries have grown at an encouraging rate in the past ten years, thanks in part, I think substantial part, to American assistance. Manufacturing output increased 100 percent. Food production rose by over one-third. Enrollment in elementary schools doubled. Enrollment in secondary schools and colleges quadrupled.

TOO MUCH VIOLENCE

But population growth and increased demand collided with inflation and energy shortages. Gains in many, many instances have been wiped out. At the very time when our policy seeks to build peace with nations of different philosophies, there remains too much violence and too much threat to peace.

The Congress defined the role of foreign aid this way, and I quote from the legislation itself: "This freedom, security and prosperity of the United States are best sustained in a community of free, secure and prospering nations. Ignorance, want and despair, breed the extremism and violence which lead to aggression and subversion."

Those words, written by the Congress, I think are so accurate. If nations are to develop within this definition, they must be able to defend themselves. They must have assurances that America can be counted on to provide the means of security, their own security, as well as the means of sustenance.

People with affirmative vision of the future will not resort to violence. While we pursue a peaceful world in which there is unity and diversity, we must continue to support security against aggression and subversion. To do otherwise, in my judgment, would invite greater violence .

The United States, in this day and age, cannot avoid partnership with nations trying to improve the kind of world the children of today will face tomorrow. Recent events have demonstrated the total interdependence of all people who live on this planet.

The 1973 war in the Middle East showed that war confined to a limited region nevertheless has an economic impact, not only in South Bend, but in every corner of the world

Developing and developed countries are all part of a single interdependent economic system. This audience, I am told—and this student body includes many students from over 60 foreign countries, and I congratulate you, Father Hesburgh—let this demonstrate to all Americans that other people place a high valuation on what America has to offer. Let it demonstrate that the University of Notre Dame rejects what some call the new isolationism.

THE PROBLEM OF FOOD

Let me share with you a specific problem that Father Hesburgh mentioned in his introduction. When the World Food Conference met in Rome in the fall of 1974, I—as the newly chosen President—was faced with a very perplexing problem.

Food prices in America were over one-fifth higher than in the previous year. Food reserves, as reported by the Department of Agriculture, were dwindling. The corn crop and the other commodities were disappointing in 1974. There were concerns about higher prices among our own people.

Against this background, I was presented with several alternative estimates on how much we should spend for food for peace for those in other lands.

At the Rome conference, American spokesmen pledged that we would try our utmost to increase our food contribution, despite our own crop problems. As crop reports improved, I designated—as was mentioned by Father Hesburgh—a sum even higher than the highest option recommended to me at the time of the conference.

A factor in my own decision was your fine President, Father Hesburgh, and you should be thankful that you have a person who has such broad interests as he, as the President of your university.

A factor also in my judgment was that the program provided, and properly so, a reminder of America's moral commitment. Food for peace was increased from about $980 million to $1.6 billion. This will provide about 5.5 million tons of commodities, up from 3.3 million tons last year.

Most of the commodities will be wheat and rice, but also desperately required and also increased are blended foods used in nutritional programs for mothers and for infants.

The United States, fortunately, is no longer the only country aiding others, but we continue to lead—and we will—in providing food assistance. In 20 years of food for peace, we shipped over 245 million tons of wheat, rice and other grains, valued at roughly $23 billion.

Every American should be proud of that record. It is an illustration of the humane feeling and the generosity of the American people.

TECHNICAL ASSISTANCE TO EXPAND PRODUCTION

While food helps, only by technical assistance can emerging nations meet their needs. It has been often said, but I think it is appropriate at this time, that if a hungry man is given a fish, he can eat for one day, but if he is taught to fish, he can eat every day.

The greatest opportunity lies in expanding production in areas where production will be consumed. The world is farming only about one-half of the potential crop lands, yet there are insufficient farmer incentives in many countries, shortages of fertilizer, high fuel costs and inadequate storage and distribution systems.

The answers to the world food problem are to be found in interdependence. We can and will help other nations, but simplistic paternalism may do more harm than good. Our help must take the form of helping every nation to help itself, and we will.

I am particularly concerned about the problem of fair distribution. America believes in equality of opportunity. This Nation provides a showcase of change in providing better nutrition, education, health, to more and more people, including those who can least afford it.

Some nations have made excellent use of our assistance to develop their own capacities. Other governments are still struggling with the issue of equality of opportunity and fair distribution of life necessities.

Good world citizenship requires more than moralizing about the role others should take. It requires each nation to put its own house in order. Good American citizenship requires more than moralizations about what is wrong with the United States.

CHALLENGES

It requires personal involvement and action to bring about change. It requires voting and organizing and challenging and changing with the flexible and dynamic American political process.

Our system, by any standard, works, and will work better, and you can be a part of it.

The developing nations of the world are increasingly successful in bringing prosperity to larger numbers of their own people. In fact, the assistance we have provided these nations is not just a one-way street.

Thirty percent of U.S. exports are purchased by these developing nations, thereby obviously contributing to a better life for their people and jobs for ours. In cases where countries have the means, let them join in sharing with us, as they should.

Some have helped; others have not. We lead the way, and we will not shirk from future burdens, but all nations must cooperate in developing the world's resources.

We extend the hand of partnership and friendship to make a better world.

Another challenge facing the developing nations, as well as other nations, is to realize the need for peaceful accommodation with neighbors. An interdependent world cannot solve disputes by threat or by force.

People now and in the future depend on each other more than they sometimes realize. For example, we in America import between 50 and 100 percent of such essential minerals as cobalt, bauxite, nickel, manganese and others.

The challenge, as I see it, is for America and all other nations to take responsibility for themselves while building cooperation with each other.

The challenge is also the preservation of the freedom and dignity of the human individual throughout the world. Just as the world's nations can no longer go it alone, neither can the American people.

Woodrow Wilson said that "What we should seek to import in our colleges is not so much learning itself as the spirit of learning."

NO RESIGNATION FROM THE WORLD

Great universities that pursue truth face the challenge that confronts the entire American people. It is whether we will learn nothing from the past and return to the introversion of the 1930s, to the dangerous notion that our fate is unrelated to the fate of others.

I am convinced that Americans, however tempted to resign from the world, know deep in their heart that it cannot be done. The spirit of learning is too deeply ingrained. We know that wherever the bell tolls for freedom, it tolls for us.

The American people have responded by supplying help to needy nations. Programs, both government and the volunteer agencies, could not have been, and cannot be, reenacted without popular support. CARE and Catholic Relief Services, pioneers in Food for Peace programs, are feeding over 28 million people around the world right today. Protestant, Jewish and other groups are similarly involved at universities throughout the Nation.

Researchers seek answers to world problems. Right here in Indiana, Purdue University, scientists have made discoveries in high protein aspects of sorghum, a basic food of more than 300 million people in Asia and in Africa.

Not only the scientists at Purdue, but people throughout America, realize that no structure of world peace can endure unless the poverty question is answered. There is no safety for any nation in a hungry, ill-educated and desperate world.

TWO ARGUMENTS FOR FOREIGN AID

In a time of recession, inflation, and unemployment at home, it is argued that we can no longer afford foreign assistance. In my judgment, there are two basic arguments to the contrary.

First, foreign aid is a part of the price we must pay to achieve the kind of a world in which we want to live. Let's be frank about it. Foreign aid bolsters our diplomatic efforts for peace and for security. But secondly, and perhaps just as importantly, even with a recession, we remain the world's most affluent country and the sharing of our resources today is the right, the humane and the decent thing to do. And we will.

But just as we seek to build bridges to other nations, we must unite at home. This Administration wants better communication with the academic world and I express again my appreciation for the warmth of this reception.

But this communication must not just be a search for new technology, but for the human and spiritual qualities that enrich American life. In the future, fewer people must produce more. We must, therefore, unleash intellectual capacities to anticipate and solve our problems.

The academic world must join in the revival of fundamental American values. Let us build a new sense of pride in being an American.

Yes, you can make America what you want it to be. Think about that for just a moment, if you would. Is it really true? Yes, in my judgment, it is.

But there is a catch to it. You will never see it come true. Perhaps your children or your grandchildren will. What you can do is move America slowly, but surely, along the right direction.

Admittedly, today's America is far from perfect, but it is much closer to the America that my class of 1935 wanted than it was when I left the University of Michigan.

Today's America is a far better place than it was 40 years ago when the lingering shadows of worldwide depression were being blotted out by the darker clouds of worldwide war. My generation did not wholly save the world, obviously. But we did, to a degree, help to move it along in the right direction.

WENDELL WILLKIE OF INDIANA

We learned along the way that we are part of one world. The author of that phrase was a Hoosier, the first political candidate about whom I got personally involved enough to volunteer as a campaign worker. His name was Wendell Willkie.

Wendell Willkie, of Indiana, was never President, but he was right. He fought for what he believed in against almost impossible odds. In the last Presidential campaign before Pearl Harbor, he believed most deeply—too far ahead of his time, perhaps—that America must be part of one world. He lost the 1940 election but he helped unite America in support of the truth, which has been our non-partisan national policy since the Second World War, and I say with emphasis, there has been no third world war.

On the contrary, the prospects for long-range peace have slowly, but surely, improved.

THE TIDE OF HISTORY

Despite setbacks and current international problems, the standards of human life have been lifted almost everywhere. Yet, today, we hear another theme, that the tide of history is running against us, that America's

example of American leadership is neither needed nor heeded at the present time; that we should take care of ourselves and let the rest of mankind do likewise; that our domestic difficulties dictate a splendid selfishness that runs counter to all of our religious roots, as well as to all recent experience.

We are counseled to withdraw from one world and go it alone. I have heard that song before. I am here to say I am not going to dance to it. Nor do I believe this generation of young Americans will desert their ideals for a better nation and a better world.

You can and you will help to move America along in the right direction. Hopefully, you can do a better job than the Class of 1935, but while the Classes of 1975 and 1935 are still around, we have much to learn from each other.

We can renew the old American compact of respect for the conviction of others, in faith in the decency of others. We can work to banish war and want wherever they exist. We can exalt the spirit of service and love that St. Patrick exemplified in his day.

I am not alarmed when I hear warnings that the tide of history is running against us. I do not believe it for a minute because I know where the tide of history really is—on this campus, and thousands and thousands of others in the great country, and wherever young men and women are preparing themselves to serve God and their countries and to build a better world.

You are a part of the tide of this history, and you will make it run strong and true. Of that, I am sure.

Thank you, and the top of the morning to you.

FATHER HESBURGH'S CONCLUDING REMARKS

Mr. President, on behalf of all the people here present, I want to thank you for that word of optimism in a sea of pessimism that we all wallow in today. I want to thank you for a vision because without a vision the people perish, and you above all must give our nation that vision which you gave us today.

I thank you for coming to this place to renew America's commitment of altruistic interest and help to the poorer peoples of this world. I thank you for saying that peace is the work of justice and that we will be committed to justice.

And while I cannot speak for all of the universities and colleges in America, I think I can say from what I know of them that they are behind your vision, that they will follow you to the end of the earth to bring peace with justice and that they will work with you with all the intellectual moral fiber they have, with all of their scholarship on the faculty side, with all of the idealistic enthusiasm on the student side, that together we represent 9 million people committed to a better America, and the vision which you have given us this morning is one that we are behind solidly, wholeheartedly and generously, and we thank you for giving us that vision.

CITATION OF PRESIDENT FORD

Mr. Speaker, in the citation with the honorary doctor of laws degree conferred upon him yesterday by the University of Notre Dame, President Ford was described as "a man who has come to the presidency of our country in a way in which no other man ever has."

The citation, which was read by the provost of the university, the Reverend James T. Burtchaell, C.S.C., continues:

He came by appointment, not by election.

He came not at a time of national felicity, but as the result of what he himself described as "a national nightmare."

He came not at a time which welcomed consolidation—as had his hero, Dwight David Eisenhower—but at a time in which rapid changes teases our nation's response.

He came not at a moment of national unity, but at a moment where distrust had rent our political fabric.

But this is not to say he came to us without a mandate, one far more imperative than the voting margin of his predecessor.

Nor is it to say he came to us unprepared A political descendant of the Midwestern founders of his party, he was schooled 25 years in the exacting classroom of the House of Representatives, earning a reputation for the nonpartisan virtues of honesty and candor which served him well as minority leader in five Congresses.

His style—then and now—is one of simplicity, of directness.

Wedded more to principle than to expediency, it is nonetheless a style which listens—and is open to change.

It has eschewed the notion of an imperial presidency by implying that in a democracy, it is understood that common men are called upon to do uncommon things.

It is a style which can suffer the scourge of the middle ground, which can offer a Vietnam clemency program which is destined to satisfy the strict constructionists of neither the right nor the left, but still offers and has given a way back from a limbo of alienation to thousands of young people.

His challenges are enormous. We catalogue them on the pages of today's newspaper.

Yet all of us wish him well as he continues a quest, one for which his background suits him and one which is more important than any one issue.

The man we honor today wonders, necessarily aloud, "Can politics be a healing art." And we hope with him.

BINARY CHEMICAL WEAPONS—SOME QUESTIONS

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

Mr. OTTINGER. Mr. Speaker, the Chairman of the Joint Chiefs of Staff has renewed his request for funds to begin production of the new binary nerve gas system. Chairman Brown stated the Department of Defense position on chemical warfare during his recent statement on the U.S. military posture for fiscal year 1976.

The proposal to begin production of the binary chemical weapon was the subject of considerable debate in the last Congress. The Congress adopted an amendment to the military procurement appropriations bill which deleted the Defense request for similar funds in the fiscal year 1975 budget.

I am interested in our chemical warfare program, as I know many of you are, and have many questions regarding the Chairman's statement. I have written General Brown, and so that the Members may be aware of this request and the important issues involved, I am inserting the text of this letter in the RECORD.

I have also inserted in the RECORD a copy of that portion of the general's military posture statement which pertains to his chemical warfare proposals.

The letter and General Brown's posture statement follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 11, 1975.

Gen. GEORGE S. BROWN, USAF,
Chairman of the Joint Chiefs of Staff, Department of Defense, the Pentagon, Washington, D.C.

DEAR GENERAL BROWN: One of the first issues to arouse my interest when began my duties with the 94th Congress was the proposed military procurement of the binary chemical munition. Perhaps this is because I was already familiar with other aspects of chemical warfare controversies in the recent past. I had assumed, from all of the news announcements concerning the problems of chemical weapons disposal, the recent Presidential signing of the Geneva Protocal, and similar developments, that we had stabilized this controversy, at least for the time being. I was somewhat surprised, therefore, to learn upon examining your recent statement on the United States Military Posture for FY 1976, that instead the Department of Defense actually was continuing to propose a complete renovation of our chemical warfare stockpiles.

I realize that the proposals discussed in your statement refer to only relatively minor initial procurement of facilities, but it is obvious that should this binary concept be approved by the Congress, the procurement would soon become a multimillion dollar program. In fact, in your same statement, you emphisize that the Navy and Air Force are already planning to initiate procurement of binaries by completing engineering development of a binary bomb. For this reason, it would be very helpful to me and to other interested Members if you would be so kind as to provide us with some additional information with regard to your recent comments.

(1) You mention in your statment on page 114 that "Since World War I, toxic chemicals have been used only against forces unable to defend against them or to retaliate in kind". One obvious implication of this remark is to support a case for the maintenance of a U.S. retaliatory capability in order to prevent the use of such weapons against U.S. forces.

Questions. Isn't it true, however that the use of chemical weapons during World War I continued even after both sides had the capability to use and did use chemical weapons against each other? Or did the use of chemical weapons cease promptly once each side secured the capability to retaliate in kind?

Isn't it also true that, in those instances of the use of chemical weapons since World War I, the nations attacked lacked nuclear weapons, modern well-equipped armies, and similar accoutrements of modern warfare? If so, how can we be so certain that it was the absence of a chemical warfare retaliatory capability that made these post World War I uses of chemical weapons a compelling advantage to the attacking nation? Further, in each of those instances, was the use of chemical warfare weapons a decisive factor in winning the wars or battles involved (and this could include our own use of tear gas and herbicides in Vietnam)?

(2) Beginning on page 117 of your statement, you point out that the forces with a poor defensive capability would be particularly vulnerable to a chemical attack and that this might require the use of a nuclear response if a chemical response could not be effectively initiated. You cite what appears to be an intelligence estimate which describes a strong Soviet defensive capability. You also describe what can only be interpreted as a reasonably certain estimate of a very strong Soviet offensive chemical weapons capability.

Questions. As I examined these pages, I was reminded that an essentially identical estimate of Soviet capabilities was discussed

during Congressional hearings in the late 50's and early 60's. Why then is this 20-year-old estimate offered as the justification for the new binary weapon? This weapon does not provide us with a quantum jump in superiority. It seems strange to me that we have again become concerned about this known enemy capability only when we want to justify additional procurements of new weapons—and in this case, unlike significant advances in aircraft or other high level technologies—no real military advantage appears to accrue from the binary weapon. Certainly you do not suggest that the Soviets will attempt to gain some advantage by adoption of a similar concept if we do not? The Congress provided funds for purchasing enormous stockpiles of nerve agent in bulk; funded the construction of GB and VX nerve agent plants; and funded the procurement of a vast array of weapons which could be loaded with nerve agent. Wasn't this enough?

Of greater concern to me is the fact that you emphasize the enormous defensive capability of the Soviets immediately after you point out that the poorly prepared side is particularly vulnerable to chemical attack. You speak of being able to provide our forces with a defensive capability by FY 1981. An obvious question, particularly in view of the time factors which have been involved is: Why is it that the U.S. forces are not now equally strong defensively? Have we placed such a low priority on the production of defensive equipment that we are still unprepared after a 20-year-old estimate of such a strong emphasis by the Soviets in this area? To my knowledge, the Congress has not knowingly refused to fund a chemical warfare defense program which had been requested as essential in any Armed Forces budget.

What will be the total projected cost to secure this adequate defensive posture, year by year, for the next five years (by FY1981)? Is this cost realistic vis-a-vis the uncertain value of chemical weapons as a deterrent to the use of chemicals in a nuclear environment?

Do our field commanders disparage chemical weapons so much that they have not considered it necessary to insist on meeting defensive requirements in the past 15–20 years?

Are the costs for an adequate chemical defense so high that we cannot afford them in the priority of weapons procurement? If so, of what use is an offensive capability against an enemy prepared defensively to move in a highly mobile fashion? Do we really plan on a "trench warfare" fighting situation?

In any event, how effective, really, is any chemical retaliatory capability against an enemy which has a defense posture as strong as you have indicated? Does anyone really think that such a defensive capability would not enable a mobile enemy to move out of a toxic environment quickly and then fight in a more conventional manner? We certainly will not have the capability to maintain a continuous toxic environment in all areas, or do your war planners anticipate another "trench" war as in World War I? Wouldn't we really be forced to use nuclear weapons, whether we wanted to or not, if we desired to prevent penetration by defensively superior and well equipped forces who resorted to chemical weapons?

How effective are stockpiles of chemical weapons in the United States against a superior on-site offensive capability as you have estimated for the Soviet Union? Why aren't the Western European forces as concerned about maintaining their own deterrent capability?

(3) In your final discussions of the U.S. chemical warfare program you mention a few points of major interest with regard to the proposal to modernize the chemical stockpile. The primary aims you summarize are "to provide a stockpile in an amount consistent with requirements; allow for rapid deployment of munitions from storage to theater locations; and to provide greater employment flexibility through more variations in delivery configurations."

Questions. I thought we already had large quantities of bulk agent in storage and that the original military plan was to transfer these bulk agents into munitions as needed and as necessary to replace loaded munitions which deteriorated with age. Were our plans so inadequate that we can no longer use these bulk agents? Were our munition designs so poor that they could not be loaded in the same way to meet these requirements if they should arise?

How does the binary insure more rapid deployment of munitions from storage to theater locations? It seems to me, as an uninformed lay person, that the logistics for binaries will be more complicated than with standard chemical munitions (I recall some of those World War II stories about shipping snowshoes to the South Pacific, and the binary, as I understand it, might involve shipping two separate ingredients)? I do admit that, on the surface at least, the binaries seems to offer some degree of safety in handling, although even here some of the testimony from last year's hearings suggest that the toxicity of one of the ingredients will still make a reasonable degree of security necessary to protect the public health.

How does the binary weapon provide greater employment flexibility than existing munition concepts? We already have several tube chemical weapon munitions, several chemical bomb types, chemical spray tanks, land chemical mines, chemical rockets, and chemical warhead missile configurations. What does the binary offer that is different (understanding the reluctance of the Navy to carry GB or VX bombs on an aircraft carrier)?

(4) You stated that there are two options for modernization of our chemical stockpiles. It does seem to me, in the current economic environment, that your justification on page 120 provides insufficient consideration of the alternative of using existing stocks of bulk agents as fill in currently standardized munition configurations instead of launching into an entirely new type of chemical munition.

Questions. Granted again that the binary does offer some advantage in safety in transportation but is this really an adequate justification at this time, in view of the enormous expenditures already made for existing stocks and munition development, and the current disarmament negotiating environment, to select the binary as the route to modernization and to discard the more obvious alternative?

(5) You also mention in your closing statement on the chemical warfare program that the FY 76 budget contains a "modest request to provide the long lead time equipment and facility requirements for a binary production facility" and that the Navy has "included a request for the development of a binary bomb which also will be used by the Air Force".

Questions. I would be interested in knowing what the total cost of selecting the binary concept will be in lieu of the alternative of using existing stocks and more standard munitions. Just exactly how much money (and over what period of time) would this Nation be expected to commit to total procurement of the binary munition, destruction of existing stockpiles, and other associated factors? I have heard many figures for this estimate—none of them modest in my judgment. It is obvious from your own statement that the Armed Forces already plan on moving from the 155 mm program through an 8 inch shell procurement and now a binary bomb for Navy and Air Force. Where will it stop?

How will the hazard at existing storage sites be decreased by procurement of the binary? By destruction of current GB and VX bulk and munition stocks? Is the toxic ingredient in the binary so hazard free that there will be no further public health problem (the organophosphorous intermediate, not the alcohol)?

Is degradation of GB or VX in munitions at forward deployment areas a major constraint to continued use of existing munitions? After all, it appears that stability in munitions thus far has been measured in excess of ten years storage life.

How will we eliminate costly disposal programs by adopting the binary? I assume we would still have to destroy the stocks we now have if the binary is produced? Or do the plans call for adding the binary to existing stocks and thus increasing the size of our chemical arsenal? Or won't the binaries ever have to be destroyed?

In closing, please let me assure you that I do not ask these questions in idle curiosity. I am genuinely concerned about this proposal to prepare for the production of the binary weapon. The response from you will be of great importance in enabling me and my colleagues to properly evaluate this new request. We are searching for ways to eliminate waste in the budget; we do not want to designate resources for applications which are not essential and which are "just in case" types of requirements. This request for the binary program seems to be particularly critical at this time. We are not just committing a "few" million dollars. We are really being asked to support a decision concerning a change in a basic concept of our chemical warfare posture, and one which could cost this nation millions of dollars without appearing to improve our defensive posture in any way. I believe that we have a right to public examination of this issue in more detail.

Your cooperation in providing information on these questions, and other points which you feel may be relevant but not emphasized, would be most appreciated as soon as possible. I assure you that I will do everything in my power to see to it that this information is made available to other Members who have an interest in this issue. I also intend to advise the Members of my request to you so that you will not be confronted with too many duplicate inquiries.

Sincerely,

RICHARD L. OTTINGER,
Member of Congress.

[Selected Portion From "U.S. Military Posture for Fiscal Year 1976," by Chairman of the Joint Chiefs of Staff, Gen. George S. Brown, USAF]

CHEMICALS AND BIOLOGICAL AGENTS

The past year has been both active and productive. On 16 December 1974, the Senate gave its advice and consent to the ratification of the Convention on the Prohibition of Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction (BW Convention) and to the 1925 Geneva Protocol. In the BW Convention the parties undertake to develop, produce, stockpile, acquire, or retain biological agents or toxins of types or in quantities that have no justification for peaceful uses, as well as weapons, equipment, and means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

In late 1969, after a review of our chemical and biological warfare policies, the United States renounced the use "of any form" of bacteriological or biological weapons that either kill or incapacitate. At that time, steps were taken to dispose of our existing stocks of bacteriological agents. The United States no longer possesses any such agents or munitions for deploying them. With the ratification of this convention, the

United States formally joined in an international cooperative effort to reduce the possibility of these weapons ever being used by any nation. The Joint Chiefs of Staff do not believe that the capability of waging biological warfare is essential to our deterrent posture. I believe that the ratification of this treaty will have no deleterious impact on our national security and could enhance it.

The Geneva Protocol of 1925, in effect, prohibits the "first use" of chemical and biological agents in war and is not a "non-use" treaty. The United States has now joined other militarily important countries of the world by becoming a party to this agreement. The President has renounced, as a matter of national policy, first use of herbicides in war except use for control of vegetation within US bases and installations and around their immediate defensive perimeters. He has also renounced first use in war of riot control agents except in defensive military modes to save lives. The Joint Chiefs of Staff fully participated in the interagency process leading to the President's decision and they support it.

There is a strange and sinister aura surrounding biological weapons; and although allegations of their use are many, no government and no responsible government official has ever admitted waging offensive biological warfare. However, history is replete from ancient times with examples of chemical warfare. The earliest recorded use of chemicals in military operations was in 428 BC, when the Spartans burned wood saturated with pitch and sulphur under the walls of Plataea. Since World War I, toxic chemicals have been used only against forces unable to defend against them or to retaliate in kind. It is also interesting to note that since World War I each known use of chemicals has been by a signatory to the 1925 Geneva Protocol. Therefore, we seek to maintain a chemical capability, not to violate the Protocol, but to insure compliance.

During World War II, President Roosevelt threatened the leaders of the Third Reich with immediate devastation in the event they resorted to chemical warfare. At that time, the Germans possessed massive stocks of chemical weapons, including nerve agents not found in any allied arsenal. Most historians attribute the failure to employ such weapons to a fear of overwhelming retaliation by the allies. Whatever the deterrent, "gas" was not used in World War II, although the capability was widespread among the combatants. Significant tactical advantage accrues to the user of chemical weapons because of the encumbrances of protective equipment on the defender if the user is not so encumbered. Retaliation or a capability to retaliate in kind precludes ceding any such advantage to any enemy. Should the United States be attacked on significant scale with chemicals, and lacked the ability to retaliate with chemicals to redress the situation, it could force an unwanted or premature US/Allied-initiated nuclear attack in order to prevent total defeat and a military disaster.

The USSR currently has an unsurpassed capability to conduct chemical warfare. Highly toxic chemical agents and dissemination means have been developed and standardized. There is considerable firm intelligence to support the assessment that the USSR could initiate and sustain large-scale chemical warfare either alone or with conventional or nuclear weapons. It is not possible with any reasonable degree of assurance to predict or estimate the size of the USSR's CW agent stockpile. Other evidence, however, reflects a requirement for a sizable stockpile both in bulk agent and filled munitions. The USSR's stockpile is probably more than adequate to meet its minimum requirements. The Soviet Union would have no problem producing ample supplies in the event of war.

At the present time, there are many major installations believed to be associated with the testing, production, or storage of toxic agents, munitions, and protective equipment. Neither production nor storage facilities are believed to be limiting factors. The USSR has a variety of CW agents and munitions to satisfy most operational requirements.

A review of USSR delivery systems for CW agents shows a well developed capability to employ a wide variety of effective munitions for ground, sea, or air delivery of toxic chemical agents throughout the theater. Soviet chemical personnel are distributed throughout the ground forces.

Soviet forces are considered to be the best trained and equipped in the world for operations in a toxic environment. Extensive training in CBR protective equipment is a requirement for Soviet ground, sea, and air forces and is an integral part of major military maneuvers and exercises. Soviet Armed Forces possess large quantities of a wide range of effective protective and decontamination equipment for use in a toxic environment, and new equipment which will further upgrade their operational ability continues to appear. Equipment and training for chemical, biological, and radiological protection are provided. The training and protection of forces for operation in a toxic environment allows first-use of chemical weapons by the Soviet Union with an acceptable assurance that it could defend against retaliation with chemical weapons.

Our policy is to retain a chemical warfare capability designed to deter the use of these weapons against us or our allies, and should deterrence fail, to permit us a reasonable degree of retaliation with chemical weapons. US Forces must be equipped adequately with a credible capability to deter an adversary from initiating chemical warfare, and should deterrence fail, to place the enemy under a similar severe operational constraint in order to preclude the attacker from gaining a significant tactical advantage.

A complete and viable deterrent posture includes both a defensive and offensive aspect. Definitive programs for the procurement of required quantities of standardized defensive materials have been established. By FY 1981, provided that these programs are approved, we will have the means for equipping all US forces with required defensive equipment. Research and development programs are being pursued to provide additional critical defensive equipment. Modernization of the chemical weapons stockpile is needed if the United States is to maintain a limited, but credible, capability in this area.

The primary aims of modernization are: (1) provide a stockpile in an amount consistent with requirements; (2) allow for rapid deployment of munitions from storage to theater locations; and (3) provide greater employment flexibility through more variations in delivery configurations.

Modernization of the chemical warfare deterrent/retaliatory stockpile can be accomplished by either upgrading the present stockpile within the limits of agents already available or by converting the stockpile to binary munitions. Binaries offer a feasible, economic, safe, and more desirable alternative. Modernization by developing binaries would provide the following advantages:

Limited potential hazards to areas surrounding storage sites.

Greater deployment flexibility because of the elimination of degradation of agent purity since components remain stable in storage.

Elimination of costly disposal programs when munitions become obsolete and reduced cost in government production plant facilities.

This year's budget contains a modest request to provide the long lead time equipment and facility requirements for a binary production facility.

The Navy has included a budget request for the development of a binary bomb which also will be used by the Ar Force. I urge your support for these modest modernization programs to ensure that the United States will maintain a minimum, but adequate, CW retaliatory deterrent capability.

PROJECTED SURRENDER OF U.S. CANAL ZONE CALLS FOR NATIONAL CRUSADE, SAYS CONGRESSMAN DANIEL J. FLOOD, IN SPEECH TO VETERANS OF FOREIGN WARS

The SPEAKER pro tempore. (Mr. McFALL) under a previous order of the House, the gentlewoman from Missouri (Mrs. SULLIVAN) is recognized for 10 minutes.

Mrs. SULLIVAN. Mr. Speaker, as the headquarters city of important national organizations, Washington, D.C., is the scene of many annual meetings and conferences on matters related to national policies of the U.S. Government. Among those organizations concerned with Government policy is the Veterans of Foreign Wars of the United States—VFW—of which John J. Stang of Kansas is its commander in chief.

The program of the National Security Committee of the 1975 VFW Annual Washington Conference included a session on March 9, devoted to the Panama Canal issue. The session was presided over by Leslie M. Fry of Nevada, chairman of the committee and a former commander in chief, and attended by the leadership of the VFW and many distinguished guests, including Adm. John S. McCain, Jr., former U.S. commander in chief, Pacific; Gen. Herbert D. Vogel, eminent Army engineer with Panama Canal experience; and several congressional staff aids working with Panama Canal issues. The occasion was a memorable one. The principal address was by the most distinguished, able, and scholarly gentleman from Pennsylvania (Mr. FLOOD), a leading congressional authority on the interoceanic canal problem and national defense.

In his address, Congressman FLOOD stressed the two crucial canal issues as: First, retention of our undiluted sovereign control over the Canal Zone; and second, the major modernization of the existing Panama Canal. He ended his remarks with a moving appeal for the United States to assume its responsibilities as a great power, to meet its treaty obligations and provide for major canal modernization and, above all, to reply to demands to weaken our sovereign control over the U.S.-owned Canal Zone with a ringing, "No, no, and no—now and forever."

The Veterans of Foreign Wars are to be congratulated for this constructive and timely program. To make the indicated address available to all Members of the Congress, and the Nation at large, I quote it as part of my remarks along with the thoughtful introduction of Congressman FLOOD by Chairman Fry as follows:

REMARKS OF CHAIRMAN LESLIE M. FRY, INTRODUCING CONGRESSMAN FLOOD

Mr. Chairman, Commander-in-chief Stang, Members of the National Security Committee, and Guests:

Many years ago after leaving the White House, former President Theodore Roosevelt used to be an occasional house guest of a friend in Hazelton, Pennsylvania. A young grandson of his host was usually present and listened many hours to the former President describing the problems he faced in the acquisition of the Canal Zone and launching the Panama Canal. Thus inspired, the boy made T.R. his youthful ideal and is our speaker today.

What is it in his subsequent career that enables him to speak with authority about matters in an area that he has often described as our "fourth front?"

In early boyhood, he lived several years in St. Augustine, Florida, where he learned to speak Spanish before English. During his teens he traveled extensively in the Caribbean and in Central America countries. In the latter, many persons, including even the Presidents, because of his ability to speak Spanish, told him much about local history and the centuries old movement for an interoceanic canal.

Educated in both history and law at college, he had the foundation for building a most distinguished career, which has included services of unique character to both his State and Nation.

As a member of a special Congressional investigating committee in 1947, he took a leading part in exposing the mass murder of Polish Army officers at Katyn by Soviet Russia and thereby gained a deep insight into the operations of that Asiatic despotism. In the same year, he was assigned to the Sub-Committee on Defense of the House Committee on Appropriations, where he became one of the leading experts in the Congress on national defense, which includes the Panama Canal.

In 1955 when a determined effort was made by elements in the Executive Department of our government to liquidate the Panama Railroad, he played a key role in preventing it with the result that this important rail link still operates and is on a paying basis. Soon afterward he started upon a campaign to bring about the major modernization of the Panama Canal, making a series of scholarly addresses on major aspects of the subject.

Following the 1964 attempted Panamanian mob invasion of the Canal Zone and the later announcement by the President of the United States of readiness to renegotiate the Panama Canal Treaty of 1903, our speaker continued on a program aimed at protecting the vital interests of the United States on the Isthmus. His volume of addresses entitled Isthmian Canal Policy Questions, published as Ho. Doc. No. 474, 89th Congress, contains a wealth of authentic information.

In 1974, following the signing of the Kissinger-Tack agreement for the United States to surrender its sovereign control over the Canal Zone to Panama, he led in blocking that sinister move.

President Theodore Roosevelt, following the American principle of self-determination of peoples in the early 20th Century, supported the independence of Panama and gave the world the Panama Canal with enormous benefits to all Nations, with Panama as its greatest beneficiary. It is historically fitting that his young protege should become its savior.

May I now present Representative Daniel J. Flood of Pennsylvania, who will address us on this timely subject: "Projected Surrender of U.S. Canal Zone Calls for National Crusade."

PROJECTED SURRENDER OF U.S. CANAL ZONE CALLS FOR NATIONAL CRUSADE

(Address by Hon. DANIEL J. FLOOD)

Mr. Chairman, Commander-in-Chief Stang, Members of the National Security Committee, Veterans of Foreign Wars of the United States and Guests:

The Panama Canal is the strategic center of the Western Hemisphere. As foreseen by Simón Bolívar, it shortens the distances of the world and strengthens the commercial ties in Europe, the Americas and Asia. Annually transiting about 15,000 vessels from some 55 countries with about 70 percent of its traffic either originating or terminating in the United States, it is truly the jugular vein of the Americas.

On February 7, 1974, in Panama City, R.P., U.S. Secretary of State, Henry A. Kissinger, and Panamanian Foreign Minister, Juan A. Tack, without the authorization of the Congress, signed a joint statement announcing an 8-point "agreement on principles" to govern the negotiation of a new Panama Canal Treaty. When cleared of its ambiguities, fallacies, and sophistries, this Kissinger-Tack diplomatic trickery constitutes a program for an abject surrender of United States Treaty-based sovereign rights, power and authority over our most strategic water way—the Gateway to the Pacific. (Strategic Review, Vol. II (Spring 1974), pp. 34–43.)

To meet this threat to national defense, Hemispheric security and interoceanic commerce, it is essential to know certain elementary facts in Panama Canal history:

First, in 1901, the United States, in a treaty with Great Britain, undertook the long range obligation to construct, regulate and manage a trans-Isthmian canal under the rules governing the operation of the Suez Canal. (Hay-Pauncefote Treaty of 1901.)

Second, in 1902, the Congress, following the recommendations of the Isthmian Canal Commission headed by Admiral John G. Walker, one of the ablest naval officers of his time, authorized the President to acquire by treaty the "perpetual control" of a canal zone, as well as the purchase of all property in it, for the construction of an Isthmian canal and its "perpetual" operation. (Spooner Act of 1902.) This undertaking was unlike that for the then completed Suez Canal. Its construction was accomplished by Ferdinand de Lesseps under an Act of Concession from the Khedive of Egypt and it was later operated by a French company under a second Act of Concession until expropriated and nationalized in 1956 by Egypt.

Third, in 1903, the United States, after the secession of Panama from Colombia, acquired by treaty, the "grant" of sovereign rights, power and authority "in perpetuity" over the Canal's indispensably necessary protective frame, the Canal Zone, for $10,000,000. (Hay-Burns-Varilla Treaty of 1903.) In this same treaty, our country assumed the annual obligation for payment to Panama of the Panama Railroad annuity of $250,000, previously paid by that company to Colombia. That annuity, subsequently adjusted to $430,000 in the 1936 Treaty incident to the devaluation of the gold dollar, and later gratuitously supplemented under State Department appropriations, is not a "rental" for the Zone territory, as so often misstated in reference books and in the mass news media, but the agumented annuity of the railroad, the entire stock of which was purchased by the United States for canal purposes. The total annuity in 1973 was $2,095,200. The total benefits to Panama from U.S. Canal Zone sources for that year were $187,490,000, and they will increase. Though these benefits are seldom mentioned they have given Panama the highest per capita income in all of Central America and caused about one third of Panama's population to live near the Canal Zone where there is employment for Panamanians.

Fourth, after acquiring sovereign control over the Canal Zone, the United States obtained title to all privately owned land and property in it by purchase from individual owners, making the Zone our most expensive territorial acquisition, estimated in 1974 to have cost—$166,362,173. This is more than the combined costs of all other U.S. territorial extensions put together. (Congressional Record, January 17, 1975, p. H202.)

Fifth, in 1907, the U.S. Supreme Court, in a well known case, reaffirmed the validity of the title of the United States to the Canal Zone (Wilson vs. Shaw, 204, U.S. 24, at 30–35.)

Sixth, during the decade of 1904–14, the United States constructed the Panama Canal with Congressionally appropriated funds in what was the pest hole of the world and a land of endemic revolution and endless political turmoil, transforming the U.S. Zone and surrounding areas in Panama into models of tropical health and sanitation and providing an "island" of stability that has often served as a haven of refuge for Panamanian leaders seeking to escape assassination.

Seventh, under a 1914 Treaty with Colombia, ratified in 1922, the United States paid that country $25,000,000 and gave it valuable transit rights for the use of both the Canal and Panama Railroad. In return, Colombia, the sovereign of the Isthmus prior to November 3, 1903, recognized the title to both the Canal and Railroad as vested "entirely and absolutely" in the United States. (Thomson-Urrutia Treaty of April 6, 1914.)

Eighth, in 1950, the Congress, in the Panama Canal Reorganization Act, specified that the levy of tolls is subject to the terms of the three previously mentioned treaties with Great Britain, Colombia, and Panama.

Ninth, in 1974, the total U.S. investment in the canal enterprise, including its defense, from 1904 through June 30, 1974, was estimated at $6,880,370,000. (Congressional Record, Dec. 5, 1974, p. H11356.) Much of these funds, which was spent in Panama, has served to raise living standards there immeasurably.

From the above historical narration, the evidence is conclusive that the United States is not a squatter sitting on the banks of the Panama Canal but its lawful owner with full sovereign rights, power and authority over both the Canal Zone and Canal; and no amount of demagoguery or diplomatic skulduggery can alter the essential facts about what now forms a part of the coast line of the United States. Its security is just as vital to our country as the defense of the Chesapeake Bay or San Francisco Harbor; and only our undiluted sovereignty gives the United States the freedom of action essential for the canal's protection, and efficient operation.

The latest significant development in the canal situation was the submission to the President on October 29, 1974, of a report by the privately financed "commission," initially composed of 23 members and headed by Honorable Sol M. Linowitz, former U.S. Representative to the Organization of American States. Of those composing that body some 17 were members of the Council on Foreign Relations, an organization whose activities include the manipulation of U.S. foreign policy. Its ultimate objective is the creation of a "one-world socialist system" and making the United States "an official part of it." (Congressional Record, November 26, 1974, p. H11133.)

Concerning the Panama Canal, that "commission" made two recommendations. The first "strongly" supported a new canal treaty based on the February 7, 1974, Kissinger-Tack "aggrement on principles." The second urged a reduction of U.S. Government personnel in the operation and protection of

the Canal, including the transfer of the U.S. Armed Forces Southern Command from the Canal Zone to the United States.

To anyone familiar with the actual problems of maintaining, operating, sanitating and defending the Canal Zone and Canal in both peace and war, such recommendations are utterly preposterous. As far as can be ascertained not one member of that "commission" or of its consultants ever bore the burden of a responsible position in the Canal organization or for its defense. To say the least, the Linowitz "commission's" report does not meet the realistic challenges involved as regards the Canal but simply supports the pro-give away policy of radical elements in the State Department and of the Secretary of State himself.

Historically, the Caribbean has always been a focal area of conflict because its location is strategic. Today, Soviet power controls Cuba, Soviet submarines prowl regularly in nearby waters, and a long-time Soviet objective is directed toward wresting control of the Panama Canal from the United States. The elements in our country, in the mass news media, and in the State Department that most loudly advocate surrender of the Canal Zone to Panama are precisely the type that urged U.S. support for Communist Mao Tse-Tung in China with the mendacious claim that he was only a mild "agrarian reformer;" and, later, urged the installation of Fidel Castro in Cuba while belittling evidence that he was a Red revolutionary. Moreover, these same forces, while condoning the demands of the pro-Soviet Panama military Government for control of the Canal Zone, are now attacking the Chilean Military Government for its overthrow in 1973 of its Marxist regime. (Washington Star-News, January 1, 1975, p. A–7.) Is not this new relation to Panama consistent with support from Washington for Mao Tse-Tung and Fidel Castro? Shall we repeat in Panama in graver degree the disasters to the world and to our own security brought about by installing Mao in China and Castro in Cuba? Do we not see the same elements in the State Department and mass news media seeking this evil result?

Certainly, we ought to learn from the experience at the Suez Canal that following the withdrawal of British troops from the Canal Zone there it did not take Egypt long to nationalize and expropriate that key waterway, with enormously harmful consequences, including two prolonged closures. We must not let such disasters occur at Panama, which is attempting to parallel the example of Egypt.

One of the crucial factors in the Panama Canal situation was the suspension in 1942 of a project for an additional set of larger locks, which was authorized in 1939 for defense purposes and to meet the then estimated traffic needs in 1970. In recent years, canal capacity in the number of vessels that can be handled has been increased by a series of symptomatic treatments, which are non-basic in character and no solution of the realistic problems involved. With the exception of the widening of Gaillard Cut from 300′ to 500′ completed in 1970, the Canal is essentially what it was in 1914!

During World War II, as a result of war experience, there was developed in the Panama Canal organization the first comprehensive proposal for the future canal derived from operating experience known as the Terminal Lake-Third Locks Plan. (U.S. Naval Institute Proceedings, March 1955, pp. 263–75.)

Attracting strong professional support from experienced engineers and navigators, including Panama Canal pilots, geologists, economists, and other experts, this proposal won the approval of President Franklin D. Roosevelt as a post war project, has been published in much official, professional and lay literature, and is now before the Congress. In addition, a total of more than $171,000,000, has been spent toward such major modernization: $95,000,000 on the enlargement of Gaillard Cut and over $76,000,000 on the suspended Third Locks Project. Most of the work so far accomplished can be utilized in the program for major modernization.

Quite significantly, this plan can be completed under existing treaty provisions and does not require the negotiation of a new treaty with Panama. These are paramount considerations and raise the question of why should the State Department negotiating for powers already possessed for "expansion and new construction." (Congressional Record, July 24, 1939, p. 9834.)

When the long overdue major modernization project is authorized, its operational, economic and other advantages to the Isthmus and to the United States as well as to interoceanic commerce, will be so obvious that current agitations in Panama will vanish like a tropical fog in the morning sun. Besides, it will provide the best canal for the transit of vessels at least cost and will be of growing importance as the needs for the transit of energy producing materials increase and the number of our naval vessels is reduced toward their pre-World War II levels. The result will be a project of lasting value and not merely a "make work" program.

One of the "hardy perennials" that always comes up whenever the canal situation receives national attention is the ancient dream idea of a so-called sea level canal. An extravagent proposal that some authorities fear could prove to be a "bottomless pit" for the money of our taxpayers, it would provide a salt water channel between the oceans. Respected marine biologists who have studied the canal question strongly oppose the "sea level" scheme as the "conservation challenge of the century" on the ground that mixing the marine life of the two oceans could have catastrophic consequences affecting the food supply of countries dependent upon fish. They also stress the dangers of infesting the Atlantic Ocean with the poisonous yellow bellied Pacific sea snake and the voracious crown of thorns starfish, which are not indigenous to the Atlantic. These animals, if once allowed to enter it, could extend as far north as Virginia and as far south as southern Brazil.

The interoceanic canal problem is now far better understood in the Congress than at any time since early in this century. In its 1973 report, the House Committee on Merchant Marine and Fisheries, after extensive studies, summarized the two key canal issues yet to be resolved as follows:

(1) Retention by the United States of its undiluted sovereign control over the Canal Zone as the absolutely necessary protective frame of the Canal; and

(2) Major modernization of the existing canal.

All other canal questions, however important, including the "sea level" proposal, the report added, are "irrelevant" and should not be allowed to confuse the program for major increase of capacity and operational improvement of the existing canal. (H. Rept. No. 92–1629, p. 36.)

Measures now before both the Senate and House call for retention of full United States sovereign control over the Canal Zone and provide for major modernization of the existing canal, which is not obsolescent but it is approaching capacity saturation. Adoption of these measures will go far toward restoring our lost prestige in Latin America and end the prolonged uncertainty and confusion that have plagued the canal question in recent years as well as clear away the Marxist clamor now emanating from the Isthmus.

In 1923, when Secretary of State Charles Evans Hughes faced a situation at Panama in many ways comparable to that faced by recent Secretaries, he called in the Panamanian Minister. Stressing that the United States and Panama were friends and must remain friends, Secretary Hughes warned the Minister that "It was an absolute futility for the Panamanian Government to expect any American administration, no matter what it was, any President or any Secretary of State, ever to surrender any part of (the) rights which the United States had acquired under the Treaty of 1903." (Foreign Relations, 1923, Vol. III, p. 684.) This is the way that our highest officials should be speaking today!

In support of such stand there is no better expression than a statement by John Bassett Moore, the eminent legal scholar of the State Department who, in early 1903 prior to the Panama Revolution of that year, made this telling point: "The United States in constructing the Canal would own it; and, after constructing it, would have the right to operate it. The ownership and control would be in their nature perpetual." (Theodore Roosevelt Papers, Letter Book XI.)

Today our position on the Isthmus has been weakened by Washington influences. As a result of laxity, indifference, and, finally, outright approval, Panamanian flags are displayed in the Canal Zone from one end to the other equal with those of the United States, even on the approach walls of the locks.

At the former U.S. Air Base at Rio Hato, which is now under Panamanian jurisdiction, Red agents come and go to and from Panama unobserved. Some of them are serving in the Panama Government. Their influence is revealed by the aggressive truculence of Panamanian officials, their increasing use of communist terms and slogans, and marked hostility toward the United States.

To illustrate the last, the Panamanian Chief of Government, Omar Torrijos, on January 12, 1975, at Santiago, Panama, stated that if negotiations fail, "We'll go to Rio Hato and train battalions of Panamanians who are convinced that if the negotiations fail, the only solution is to fight for liberation" but that "Panama would exhaust all possibilities before resorting to arms." Other such threats of violence could be cited. (Matutino, Panama, R.P., January 14, 1975.)

In the evolving Latin American picture today, the focal question is the Panama Canal. Responsible officials of the United States have announced their intention to surrender to Panama the indispensable Canal Zone that frames the Canal. The mass news media campaign in support of the give-away is well underway, and regardless of the costs or consequences.

As has been previously emphasized, there are only two basic issues: sovereignty and major modernization. Of the two, that of sovereignty is transcendent for history shows that the American people and the Congress will never approve the expenditure of huge sums on a major canal project in an area not under the sovereign control of the United States.

The present threat to the Canal Zone is not a meaningless gesture but part of the Soviet Empire's global drive for securing control of narrow waterways and strategic islands. Thus the real issue on the Ithmus is not Panamanian sovereignty over the Canal Zone versus United States sovereignty but continued undiluted U.S. sovereign control versus U.S.S.R. domination.

In meeting the current drive for world power a line has to be drawn somewhere and there is no better place to draw it than at the U.S. Canal Zone. Unless this is done we can expect more futile efforts by State Department collaborators to placate ideological hostility that can only result in the dismemberment of the Zone territory and

further loss of respect for the United States throughout Latin America, with untold consequences for evil in the entire Western Hemisphere.

In support of the program to give away the Panama Canal, the mass news media have employed endless deceits. Almost daily we see the Canal Zone referred to as a "leased" territory or the annuity as a "rental," thus implying Panamanian ownership. Yet the briefest reference to Canal history establishes the fact that the Zone is as firmly a U.S. territorial possession as the Gadsden or Alaska Purchases.

The proposal of the State Department is not one for correcting a disputed boundary but for the dismantling of a constitutionally acquired U.S. territorial domain. This would be a dangerous precedent inviting demands for negotiations for the return of the Gadsden Purchase to Mexico or Alaska to Soviet Russia.

Thus the projected surrender of the U.S. Canal Zone calls for all Americans to join in a national crusade to expose all mass media deceptions and to preserve our full and undiluted sovereign control over the Isthmian Canal and its protective frame not only for interoceanic commerce but also for the security of the United States and the entire Free World.

To bring about such results and only course for the United States is to assume promptly and forthrightly its grave responsibilities as a great power, to meet our basic treaty obligations for the major increase of capacity and operational improvement of the existing Panama Canal and, above all, to reply to demands for weakening our sovereign control over the Canal Zone with a ringing no, no, no—now and forever!

A BILL TO CONFER U.S. CITIZENSHIP UPON CERTAIN ORPHANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. TSONGAS) is recognized for 5 minutes.

Mr. TSONGAS. Mr. Speaker, there are approximately 700,000 orphaned and abandoned children in South Vietnam. Many of these children were fathered by U.S. citizens during the American military presence in Indochina. Thousands of these orphans are illegitimate and abandoned. Estimates of the number of Amerasian orphans has ranged all the way from 15,000 to over 400,000. The exact number is of far less consequence than the indifference with which our Government has treated this problem.

In 1954, when the French withdrew from Vietnam, they took 4,000 French-Vietnamese children to be raised in France. Forty centers in France were established to receive and care for them. When a Vietnamese mother chose to keep her child, she received support payments until the child was 8. The French also provided educational benefits to those children who remained in Vietnam.

By contrast, the American-Vietnamese children face discrimination in Vietnam. Orphans who are half black face serious prejudice, particularly the girls, who are invariably given away. Many social workers say they will be discriminated against throughout their lives and will find it difficult to be educated, find jobs, and marry.

Pearl S. Buck has said:

> We Americans must take up our responsibility because we helped bring these children into the world.

Hundreds of American families have already overcome the administrative difficulties, the redtape, and the expense of bringing Amerasian orphans to the United States and adopting them. There are numerous families—in my district in Massachusetts alone I have heard from many—across the country who wish to adopt these children. They face a lack of official cooperation and the added difficulties of adopting an alien.

I have today introduced a bill which will confer U.S. citizenship upon these orphans who are adopted by Americans. In addition, the legislation will mandate the administration to provide for the facilitation of the adoption of such children by American families.

It is my belief that the United States bears a special responsibility to these children. At this time, when the debate rages about the extent of America's moral obligations to the people of Vietnam, can we possibly deny our obligation to these orphans?

It is important that we act now. These children are growing older. Orphanages in Vietnam are caring for some of the children, but there is a dropoff in financial and medical assistance. It has been estimated that as many as 80 percent of the children in the orphanages die of such diseases as dysentery, measles, worms, and polio. Many of the children are handicapped.

There are many tragedies of war which have been visited upon the people of Indochina. This is one of the few which we might erase. At the very least, let us in Government remove the roadblocks which confront those Americans of good will who stretch out their hands to these children.

DOLLAR CHECKOFF IS FARING WELL, BUT IS IT FAIR?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 15 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, according to the Internal Revenue Service, nearly one in every four taxpayers is marking the dollar checkoff for election financing. I have introduced a bill that aims to give every taxpayer an equal right to change a dollar checkoff designation that he or she has filed. The legislation, H.R. 4927, is needed for several reasons.

THE IRS REGULATION

As of now, though we in Congress have never addressed this question, the Internal Revenue Service is accepting amended returns from one group of citizens and refusing them from others. Under a recent regulation, a taxpayer who has designated no contribution for the Presidential Election Campaign Fund, and who wishes to change that designation to "yes," may file an amended return on or before December 31, 1976. But all taxpayers who have checked "yes," and may want to change their decision, are denied any such right.

Next January, when we are scheduled to begin distributing the first of the Federal funds for Presidential candidates, many voters are going to be surprised at the manner in which their dollars are distributed. It is altogether possible that many, especially those in the lower and middle incomes, may want to transfer their dollar designations back to the general fund. For this reason, and because we in public office have done so little to explain the system, and because a number of well meaning groups are doing quite a bit to oversimplify it, we should be taking special care to see that all taxpayers have an equal right to change their checkoff designations.

Already two of my constituents who had marked the dollar checkoff when they filed returns for 1972 and 1973 have told me they had no idea that Congress would be writing the kind of formula for allocating their dollars that Congress approved in 1974. This complaint is legitimate. As recent as a year ago, we told the taxpayer quite flatly:

> The dollar checkoff will apply only to the general election. Presidential nominating conventions and primary campaigns will be conducted with funding from private sources just as before.

Even today the dollar checkoff promotions are less than candid with the people. We call it the Presidential Election Campaign Fund, yet we seldom tell the taxpayer that legislation has been introduced to make this fund available to every Federal candidate, including those for the House of Representatives and the U.S. Senate, and that its 25 sponsors in the Senate have expressed the belief that such a change can take effect in time for the 1976 congressional elections.

IS IT ONE-VOTER, ONE-DOLLAR?

We are telling the people they can help clean up Presidential elections, because we have given them a one-voter, one-dollar system. This is partly true. The dollar checkoff fund is a one-voter, one-dollar system when the money goes in; but it is an unequal system coming out.

This distinction will be unimportant to many taxpayers but it will be highly important to many others. It is, therefore, incumbent on us to explain the dollar checkoff system more precisely.

We in public office, and those in the accounting and legal professions who are helping taxpayers prepare their returns, should be taking the time to point out that the way we will be distributing some of their checkoff funds is through a matching formula, and that it is possible for this formula to discriminate in its treatment of voters, in the treatment of certain candidates, and in its treatment of political parties.

Briefly, the formula says that political contributions that are no larger than $250 will be matched by public funds, so long as a candidate raises $100,000—that is, $5,000 in each of 20 States. Major party candidates, however numerous, may qualify for up to $5 million in matching funds.

What is the effect of the matching formula? Unfortunately, it varies from voter to voter.

Let us say Candidate Jones has a number of friends who are fairly well-to-do. Jones can simply ask 400 people to give him $250. Perhaps 200 couples give him $500. These 200 couples, alone, enable Jones to obtain $100,000 from the U.S. Treasury.

Candidate Smith, on the other hand, has few friends who can afford $250. Be-

fore Smith can be eligible for any dollar from the checkoff fund, he or she may need to obtain $10 from 10,000 people.

It is plain that on the scales of the U.S. Government's dollar checkoff fund, a Jones supporter carries more weight than a supporter of Smith. Twenty-five times more weight, in the case just cited.

Even though the intent of the new law was to minimize the influence of large contributions, we certainly miss that goal when a couple giving $500 is moving 25 times more Treasury money to its candidate than can a couple giving $20.

The influence of the upper-income contributor is enhanced still more by the recent change in the tax law. With the increased deduction for political contributions, effective for tax years after 1974, any married couple who gives a candidate $200 can deduct it just as they would a charitable contribution. If they happen to be in the 70-percent tax bracket, as many contributors of $200 are likely to be, the cost to themselves of such a contribution would be only $60.

This means we have a situation where Mr. and Mrs. X give $200 to Candidate Jones. The dollar checkoff system matches their gift with another $200 to Jones. Mr. and Mrs. X file for the maximum deduction on their joint tax return, and they have, in effect, directed $340 of Federal money at a cost to themselves of only $60. In such a case, the U.S. Government is matching a Jones contribution on a basis of nearly 6 to 1.

EFFECTS ON THE POLITICAL PARTIES

There are other facets of the election financing law that the taxpayer should know about. Perhaps most important of these will be what the law does by way of encouraging candidates who specialize in fundraising, and what effect a proliferation of candidates may have on one or more of our political parties. Some of the side effects are hard to predict.

We can predict that if one party has a great number of candidates running for President, that party will receive an inordinately greater share of public matching funds.

Mr. Speaker, last October when we were debating the Federal Election Campaign Act amendments, I submitted for the RECORD a chart that illustrated a possible distribution of funds if the present law had been effective in 1972.

I include it again, because the chart serves to show how disproportionately the dollar checkoff funds can be distributed between the two major parties. The figures are approximate amounts, based on what was spent in the 1972 primaries:

1972 PRESIDENTIAL PRIMARY RACES

Candidate	Approximate amount spent	Government may have given	Party totals from government
Jackson	1,200,000	1,200,000	
Humphrey	4,000,000	4,000,000	
Wallace	3,000,000	3,000,000	
Muskie	7,000,000	5,000,000	
McGovern	12,000,000	5,000,000	
Chisholm	300,000	300,000	
Hartke	175,000	175,000	
Yorty	120,000	120,000	
Bayh	750,000	750,000	
Harris	330,000	330,000	
Hughes	200,000	200,000	19,875,000
Nixon	800,000	800,000	
McCloskey	750,000	750,000	
Ashbrook	350,000	350,000	1,900,000

As the chart shows, the Democratic candidates may well have received more than 10 times more public funding than the Republicans. The system is designed to favor, intentionally or not, whichever major party happens to be divided into a number of competing segments. It is cause for concern that Government financing may promote such division within the parties and result in an even more weakened party system.

In addition to considering the effect of the checkoff fund on our parties, and to realizing how few public dollars will be going to candidates as a result of donations from those with middle and lower incomes, the taxpayer may also want to know that in the event he or she does not care for either Presidential candidate nominated by the major parties in 1976, no checkoff funds will go to an independent candidate until after the general election. Then assistance goes only to independents who received at least 5 percent of the national vote.

A WORD TO TAX PREPARERS

Many labor unions, public issue groups, and some of the Nation's largest corporations are vigorously promoting the dollar checkoff. I understand that H & R Block and other accounting concerns are advising their clients that checking off will not add to the amount of their tax obligation. I hope that tax advisers are also informing their clients how other people may be able to dispose of their checkoff funds. It will not deter a checkoff from anyone who might make a $250 contribution, but it may deter a smaller giver. Whatever they may decide, the American taxpayers are looking for straight advice, and they are getting less than straight advice in the current dollar checkoff advertising.

Mr. Speaker in recent years all branches of Government have been injured by the consequences of a lack of candor with the American people. We are trying hard at many levels to rectify this situation. It is all the more incumbent on us when dealing with a matter in which the people's own political rights are most directly affected to avoid any position in which they may later feel we misled them and blocked off all possible forms of redress.

This is why I feel most strongly we should not close the door on a taxpayer who wishes to revoke a checkoff designation.

We in Congress are 535 people and we devote our time to making laws and launching programs that govern 210 million people. The only justification we have for requiring those 210 million people to obey a law they do not like, or to pay taxes to support some programs they may abhor, is the fact that the Government we represent assures every citizen an equal right with every other citizen in choosing this Government.

There are many inequalities among people, in knowledge, in wisdom, in degree of interest in public affairs, in the ability to be persuasive. Many of these inequalities cannot be affected by Government. But one thing that Government can and must do if it is to deserve the loyalty of its people is to assure that they are not unequal before the law in their right to participate in the political process.

Every action that I know of that has been taken by the Federal Government that affects that right, from the 14th amendment to the Voting Rights Act, has been in the direction of enhancing and protecting the equal rights of citizens in the political process. But the way the checkoff funds are to be distributed restricts that right to equality, and the way the Internal Revenue Service is denying revocations of the dollar checkoff designations restricts it absolutely. I ask my colleagues to join me in sponsoring H.R. 4927. It is one way of remedying these regressive measures.

REDUCTIONS IN VETERANS' PENSIONS MUST STOP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Florida. Mr. Speaker, sometimes it seems commonsense is out of fashion in Washington. One example of this is the law passed by Congress and administered by the Veterans' Administration that causes veterans' pensions to be reduced when their social security is increased.

If it is the intention of legislators to increase social security benefits for all recipients, then it is difficult to understand why we permit a situation to exist where one group—our veterans—those men and women who have served our country in peace and war in our Armed Forces—are singled out for cuts in another source of income—their VA pensions—everytime a social security increase comes along.

In the 93d Congress an increase was passed in the income limitation on veterans' pensions which purported to allow all veterans to receive full benefit of the social security increases. However, the new limtation does not permit all veterans to receive the full benefit of social security increases. Once again, this year, I have received letters from veterans telling me of financial hardships caused by reductions in their pensions which have followed social security increases.

In the 93d Congress I introduced legislation to make certain that recipients of veterans' pension and compensation do not have the amount of such pension or compensation reduced, because of increases in monthly social security benefits. I regret that it is necessary to reintroduce this bill in the 94th Congress, I had sincerely hoped that it would be enacted by the 93d Congress. However, I am again introducing my bill today.

Under the provisions of my bill, no veteran or dependent or widow would lose their eligibility for a VA pension, or have the amount of their pension benefits reduced, because of increases in social security benefits.

Since the Veterans' Affairs Committee has indicated their intention to work on a pension reform measure during the 94th Congress, I hope that this commonsense bill will be part of any legislation that comes from the committee.

CONGRESSMAN LENT DISCLOSES 1974 FINANCIAL STATUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LENT) is recognized for 5 minutes.

Mr. LENT. Mr. Speaker, as is my practice and because of the concern with possible conflicts of interest and the financial status of all public officials expressed by many citizens, I am pleased to disclose at this time pertinent information regarding my financial status for the year 1974. This financial disclosure follows the March 12, 1974, recommendations of the Ad Hoc Committee on Financial Disclosure of the New York State Delegation to Congress, which consists of 39 Members of the House:

(a) Sources of all non-Congressional income—law firm of Hill, Lent and Troescher, Esqs., Lynbrook, New York. I received income from the practice of law, rent, speaking honorariums, interest and dividends. I do not practice in the Federal courts or before Federal agencies.

(b) Unsecured indebtedness in excess of $1,000—None.

(c) The sources of all reimbursements for expenditures in excess of $300 per item—I had Congressional expenses not compensated for by the Federal Government of $17,774. Of this sum, $8,287 was paid out of my personal funds; $7,487 was paid out of the Fourth Congressional District Congressional Club;* and $2,000 was paid by the National Republican Congressional Committee.

I had additional costs of living expenses directly related to my job as Congressman, including the maintenance of living quarters in Washington, D.C., travel, et cetera, estimated at $6,800, for which I was not reimbursed. I was allowed the statutory maximum deduction of $3,000 for these living expenses on my 1974 income tax return—IRC section 162 (a). These expenses were entirely paid from personal funds:

(d) The identity of all stocks, bonds and other securities owned outright or beneficially—I own shares in three mutual funds:

(1) Scudder, Stevens & Clark Common Stock Fund.

(2) Scudder, Stevens & Clark Special Fund.

(3) Growth Industry Shares.

I own no tax-free bonds or other securities.

(e) Business entities (including partnerships, corporations, trusts and sole proprietorships), professional organizations (of a non-eleemosynary nature), and foundations in which I am a director, officer, partner, or serve in an advisory or managerial capacity—I am a partner in the law firm of Hill, Lent and Troescher, Esqs., Lynbrook, New York.

(f) I paid $11,272 in Federal and New York State income taxes for the year 1974. I have filed a report of my earnings and sources of earnings with the House Committee on Standards of Official Conduct pursuant to Rule XLIV of the House of Representatives every year I have been in Congress.

*The Congressional Club consists of individuals who pay annual dues of $100 each to maintain a fund used exclusively to help me defray the cost of newsletters, reports and questionnaires sent to constituents, and to pay travel, dues, office, telephone, community relations, and other expenses directly related to my job as Congressman. The proceeds of this fund were included as income on my 1974 income tax returns, and the amounts expended were deducted as official Congressional expenses, pursuant to 1973 I.R.S. Rev. Rul. No. 73-356.

CONGRESSMAN RYAN ON AMERICA'S WORLD ROLE

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

Mr. MORGAN. Mr. Speaker, in a recent article for the Sunday edition of the Los Angeles Times, a valued member of the Committee on Foreign Affairs, the Honorable LEO J. RYAN, of California, made some cogent comments on the U.S. role in Southeast Asia.

In a letter to Congressman RYAN, Mr. Edwin Guthman, who is national editor of the Los Angeles Times, said it was—

A most thoughtful article. It seems to me that one of the most lamentable developments of the past decade is that for reasons of "public relations," demogoguery or lack of candor, the political leaders of the country have been unable or unwilling to have truthful public discussion of the major issues. Then as the truth comes out, the public perceives that it has been misled and that is a principal source of the lack of confidence in government at all levels of our society. So, I am glad that you have undertaken to raise a few warning flags and I wish you well.

Like Mr. Guthman, I find Congressman RYAN's article both thoughtful and thought-provoking, and commend it to the attention of my colleagues:

[From the Los Angeles Times, Mar. 16, 1975]

THE ANGUISH OF A LIBERAL OVER AMERICA'S WORLD ROLE

(By LEO J. RYAN)

As a card-carrying "liberal", I yield to no one in my dislike for President Nguyen Van Thieu's regime in South Vietnam or, for that matter, any other oppressive and cruel dictatorship.

Nevertheless, I am hesitant to reverse America's military aid policies of the last 25 years without plenty of forethought. In the case of South Vietnam, we must face up to one stark prospect: If we drop our level of material support, that country may well fall into Communist hands.

So, you see, I am in a quandary, and there is no easy out—certainly no shortcut to certitude.

Not long ago, I went by myself to South Vietnam to examine the issues at close range. I talked to U.S. and foreign newsmen. I talked to peasants in the fields and to religious leaders bitterly opposed to the Thieu regime. Without exception, those who oppose Thieu still wanted U.S. military assistance.

At the same time, what they all feared was a North Vietnamese takeover, for they agreed that Communist rule would result in much harsher control, leading to the shooting or imprisonment of tens of thousands of South Vietnamese citizens.

Upon my return, I wrote a report for the House Foreign Affairs Committee. In it, I suggested support for the requested $300 million in additional aid because, in my view, this new and "liberal" Congress should take at least the first six months to examine where the truth may lie. To vote on continued aid for South Vietnam over the next few years without having Congress examine the matter thoroughly—and its implications over the long haul—would be to invoke the "herd instinct" approach of the past. Those who are in support of South Vietnam are Hawks or conservatives, those opposed are Doves or liberals.

The decision to be made by Congress should transcend easy labels. It is not simply $300 million for South Vietnam. The question is whether to continue funding military resistance in a country that requests our help against outside attack by a Communist government. We have followed the policy of acceding to such requests for a quarter century. My main concern is to get as many members of Congress as possible to understand the gravity of reversing this policy.

I myself may be ready to change my attitude about supporting non-Communist nations under Communist attack. I find that the Communist governments of Poland or Romania, for example, are not much harsher than the non-Communist governments of Chile or Brazil. Perhaps the line between Communist and non-Communist has been blurred or dulled over the past 25 years.

So it may be time for the United States to recognize this fact. If Congress agrees, there would be profound consequences for all of us in the years ahead. The decision should be made neither hastily nor lightly, and in reaching it we should discard all shibboleths.

As a liberal, I supported Richard Nixon's impeachment. I voted to end the bombing in Cambodia. I voted against the nomination of Nelson Rockefeller for Vice President. I opposed the nomination of Gerald Ford for Vice President. I voted to abolish the House Internal Security Committee. I voted for the Bolling Report to alter the seniority system.

But I am a troubled liberal when it comes to adopting a new role on the world stage. One reason is my fear that some in the liberal "herd" may not even recognize the need for a consistent policy. Perhaps we could save $300 million this year in Vietnam and $1.3 billion next year and billions of dollars more after that by getting out of Vietnam completely. But once we reverse the principle of involvement—a principle first established by Harry S Truman—we must also face the question of getting out of South Korea, where we have 40,000 soldiers in a country armed to the teeth against a potential Communist invader of approximately the same size and strength that threatens South Vietnam.

Perhaps we should also get out of Taiwan, which faces less potential danger than do the 18 million citizens of South Vietnam. Perhaps too, we should get out of Germany, where troops and military assistance cost billions each year.

So the decision is of wide-ranging importance and worth wide discussion. Perhaps the tens of billions of dollars being spent each year to combat Communism are allocated under assumptions that have been overtaken by time. Surely that kind of money could relieve much misery and suffering here at home and around the world.

I am also worried about how the liberal "herd" may react after South Vietnam is overrun. Will we be as hotly incensed by wholesale arrests and executions by the North Vietnamese as we are by the right-wing atrocities of the military junta in Chile, or by the well-publicized obscenities perpetrated upon the Korean people by the Park regime in Korea?

To me, as a professed liberal, the principle we need to follow is this: to support freedom of the individual against enslavement wherever we find it. In a world where that principle appears and disappears regularly within countries that we help support, we should be much more aware of situations as they change and much less sensitive to the "herd instinct" so rampant in American politics.

Congress should conform to a policy which follows an idea, not a label. It should follow and support the principle of freedom for people, but not necessarily continuing support for specific people in charge of a government at any given time.

So I think we need a breathing spell to collect our thoughts and chart a course, irrespective of what labels might be applied to the final decision. We have had quite enough name-calling in the past decade, quite enough shouting and shooting, quite enough mindless attitudinizing.

What we need to do now is, as a people, formulate a coherent way of viewing America's world role, not just for this year, but for the next quarter century.

Of all my fears, the worst is this: that we have become so mired in sloganeering that belief in principle now is confined to a handful of philosophers and, perhaps, to a few college students not yet deafened by the din.

FLAMMABLE FABRICS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 10 minutes.

Mr. JONES of North Carolina. Mr. Speaker, it has recently come to my attention that some manufacturers of upholstered furniture have been circulating here in Congress a proposed amendment to the Flammable Fabrics Act. This legislative proposal is part of a larger public relations campaign being conducted by these same manufacturers, designed to eliminate the manufacturers' responsibility for cooperating in establishing reasonable flammability standards designed to decrease the incidence of upholstered furniture fires in the home. This obstructionist effort by the furniture industry is of particular concern to me, since it involves attempting to find a scapegoat to avoid facing their own problem, a scapegoat that in this case is the tobacco industry.

The furniture manufacturers, instead of meeting their responsibilities for their own products, propose to amend the Flammable Fabrics Act to divert the Consumer Product Safety Commission's attention from the flammable fabrics themselves to a variety of other asserted causes of fabric fires. In this regard, I call attention to a statement by Gary K. Schroeder, president of the National Association of Furniture Manufacturers, Inc., made in Chicago in early January and reported in the Chicago Tribune of January 9, 1975. Mr. Schroeder stated that he thinks the required health warning on cigarette packs should be expanded to state that cigarette smoking "could cause death or loss of home from upholstery fires."

The proposed legislation and the calculated public relations campaign of which it is a part raise serious issues of legislative and regulatory policy. I would like to address these issues briefly.

As to the proposed legislation, let me say at the outset that I for one do not know what would be a proper flammability regulation for upholstered furniture. It may be, for instance, that the wisest course is to prohibit the use of certain fabrics. Alternatively, it may be, for instance, that the wisest course is to prohibit the use of certain fabrics. Alternatively, it may be sufficient to treat all fabrics chemically. Certainly there is ample textile and chemical technology right in the State of North Carolina to make such treatment feasible. But no matter what is the wisest form of regulation, it seems to me a regulation concerned with prevention of upholstered furniture fires must be directed to upholstered furniture. By contrast, the furniture manufacturers have proposed legislation that would empower—indeed direct—the Consumer Product Safety Commission to look under every rock and behind every tree for "causes" of a particular type of fire, to assess which "cause" to regulate, and to fashion standards regulating these "causes" in varying degrees.

This approach, as I understand it, depends upon the furniture manufacturers' notions about the cause and effect of fires. I do not wish here, and indeed I am not qualified to discuss the philosophical notions of cause and effect. Thus, I would not attempt to answer the question whether a fire is "caused by" the fuel that burns or by the source that ignites that fuel, a riddle akin to that of the chicken and the egg. It does not take a philosopher to see, however, that if we should attempt to regulate the various possible causes of furniture fires, instead of the furniture itself, we will just be opening up a large administratve can of worms. And it does not take a prophet to predict that the resulting confusion of the regulatory process would lead, not to beneficial regulations for the protection of the public, but to chaos that benefits no one.

The Consumer Products Safety Commission is concerned with standards for many different fabrics used in many different ways. The oldest such standard, of course, applies to clothing textiles. In addition, the Commission has promulgated or is considering standards for rugs and carpets, children's sleepwear and mattresses. What would have been the consequence had the Commission been directed to consider not a standard for the flammability of rugs or carpets or children's sleepwear, but a general survey of the possible causes of fires in which such articles are involved? Would the Commission have had to undertake a long and rambling consideration of the design of fireplaces, the relationship of which to carpet fires is obvious? As to all of the standards, would the Commission have been subjected to endless debate as to the merits of stove design, or of the wisdom of allowing portable electric heaters and other appliances to be sold and used by the public? I do not know. But I am sure that some or all of these standards, which are so difficult to formulate as it is, would not yet be on the books had we opened up the pandora's box the furniture manufacturers would have us open with their legislative proposal.

Leaving aside the unfortunate consequences of the proposed legislation, let me turn to what is perhaps the more serious concern with this whole business; that is, its implications for the character of American business. We have traditionally been a country which did not rely on excuses, and we have not achieved our present standard of living by avoiding challenge or responsibility. To be sure, the furniture manufacturers, just as many industries before them, now face a challenge. But as those others have done, they must face this challenge squarely and with integrity, and not look for a scapegoat.

Fortunately for the furniture industry, they have a good example to follow. I refer to the case of the mattress industry, which has recently cooperated with the Consumer Product Safety Commission in setting a flammability standard for mattresses. Faced with the very same problem the furniture industry is now confronting, the mattress manufacturers did not attempt to slough responsibility off on other industries, or to plead that the Government should look beyond mattresses to a variety of other alleged "causes" of fires.

Instead, they acknowledged their duty to the public, sat down with the Consumer Product Safety Commission, and its predecessor, the Department of Commerce, and worked out a viable flammability standard for bedding. Commenting upon this experience, and urging the furniture manufacturers to shoulder their responsibilities to the public, the vice president of one major mattress manufacturer has written:

The mattress industry found Government to be firm but fair.

In being firm, they were insisting on protection for the consumer consistent with the hazards that were present. They were fair in the sense that they cooperated to the maximum extent in terms of assistance in the development of a standard that was realistic and in line with the technical and financial capabilities of the mattress business. My hat is off to the Department of Commerce and to the CPSC for a job well done.

I urge the furniture manufacturers to adopt this same commendable position and to get about the business not of obstructing regulation in the public interest, but of encouraging and cooperating in the development of such regulation. Their present posture certainly does credit neither to them nor to American business as a whole. And in this day of often justified consumer hostility to American business, it is incumbent upon every businessman to assume his obligations to his customers without hesitation.

In conclusion, it seems to me that the effort by the furniture manufacturers to amend the Flammable Fabrics Act and their extensive public relations campaign, if given effect, would lead to an undesirable regulatory atmosphere that would pose many obstacles to the protection of the consumer, and to the proper functioning of our governmental agencies. And, perhaps more alarmingly, if adopted by other industries the furniture industry's attitude toward its responsibility to the public would signal a saddening change in the way that American business has faced and met challenges, and must continue to, if it is to survive.

CONGRESSIONAL SUPPORT OF ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 5 minutes.

Mr. BINGHAM. Mr. Speaker, some of my constituents have recently expressed concern that support for Israel in the U.S. Congress may be eroding. I cannot say for certain that this will not happen in the future, but it has not happened yet. As a longtime Israeliphile myself, I am proud of the record of the U.S. Congress in providing moral and concrete support for Israel over the years.

My first exposure to the feelings of Congress came during the 6-day war of 1967. Each day a high-ranking State Department official provided us with an up-to-the-minute briefing on the progress of the war. I was struck by the large attendance at these briefings and by the fact that, without exception, the Congressmen present were applauding Israel's dramatic successes.

During the years following the 1967 war, the United States became the principal supplier of Israeli arms, France under DeGaulle having treacherously abandoned her erstwhile ally. The Congress responded favorably to the administration's requests for necessary legislation to authorize the sale of arms for cash or on credit.

In 1972 a bill was introduced by Senator MUSKIE in the Senate and by me in the House authorizing $85 million in aid to Israel to help in the absorption of refugees from the Soviet Union. Although the Nixon administration did not support this bill, the Congress responded favorably and it was enacted into law. This aid program has continued to date. In the foreign aid appropriation bill just passed by the House, $35 million is provided for this purpose for the present fiscal year. I worked closely with the chairman of the subcommittee concerned to make sure that this amount would be included in spite of the fact that the numbers of Soviet refugees arriving in Israel has markedly declined.

Another striking example of congressional response to Israeli needs occurred in 1973, right after the Yom Kippur war. In accordance with an Israeli request, the administration asked Congress for $2.2 billion in military aid to Israel. With remarkable speed the Congress authorized and appropriated the entire amount at a time when foreign aid generally was most unpopular—as it is today.

Last year, after Secretary Kissinger's successes in negotiating disengagement agreements on the Sinai and Golan fronts, the administration asked the Congress to authorize up to $250 million in economic aid for Egypt and up to $100 million for a special fund which it was understood might be used for aid to Syria. The Foreign Affairs Committee, on which I serve, was willing to go along with these requests, for reasons which I shall describe below, but insisted that Israel should have at least as much economic aid as Egypt. Thus the committee increased the administration's figure for economic aid to Israel from $50 million to $250 million. The committee also decided that of the $300 million in military sales credits for Israel in the bill, $100 million should be in grant aid.

In the Senate, the economic aid to Israel was further increased to $324.5 million. This figure was accepted by the House, and survived intact in the appropriation bill just passed.

Another illustration of congressional support for Israel was provided when the foreign aid authorization bill was before the House last December: The House overwhelmingly approved an amendment I offered to stop any further U.S. payments to the United Nations Educational, Scientific, and Cultural Organization—UNESCO—until that body reverses the blatantly political actions taken against Israel.

The Congress is also currently very concerned about the intensification of the Arab boycott against Israel, and various legislative proposals are being discussed. As chairman of the newly formed Subcommittee on International Trade and Commerce of the House Foreign Affairs Committee, I recently held three hearings on the boycott, with witnesses from leading Jewish organizations, from the financial world, and from the four executive departments principally concerned. Following these hearings, I introduced a bill, with the support of all but one of my subcommittee members, which would prohibit American banks and businesses from cooperating in any way with the boycott. This would put teeth in the law first enacted in 1965 in which businesses were encouraged not to cooperate with the boycott. I am hopeful that we will be able to push this bill through the Congress this year.

As this is written, Secretary Kissinger is struggling to achieve a further step toward peace between Israel and Egypt and to persuade Syria's Assad not to torpedo the negotiations. It is the administration's view—and presumably also that of the Israeli Government—that a new agreement in the Sinai will not only tend to turn Egypt away from thoughts of another war but will provide a momentum towards further agreements leading toward a real peace.

In this situation, the administration has argued strongly that it is important for the United States to be in a position to provide substantial economic aid to the Arab States concerned. Egypt in particular has demonstrated a desire not to be dependent on the Soviet Union, but the United States cannot encourage this desire and respond to it with empty hands. The Congress, although not at all happy about providing aid to Israel's enemies, has been persuaded by these arguments. The feeling is that, if there is a chance that such aid will help bring peace in the area, that chance should be taken.

Obviously, however, peace is not just around the corner, and for years to come Israel is going to require substantial help from the United States. It is understood, for example, that for the coming fiscal year the Israelis have asked for $2.5 billion in economic aid. The administration has not yet passed on this request to the Congress and may recommend a smaller sum.

What will the Congress do? There are a number of Members like myself who will insist that Israel must have what she needs to survive economically and to be able to negotiate with the Arabs from a position of strength. This group will be prepared to back whatever decisions the Israelis feel they must make to assure their survival.

Unfortunately, however, this group does not comprise a majority of the Congress. While up to now, as I have pointed out, the majority has indeed provided Israel with all necessary help, I am worried that this support may be eroded in the future if Israel gives the impression of being intransigent. The Israelis themselves, are aware of this danger and will have to take it into account as they reach their decisions.

While the situation is grim, I am confident that, with the same courage and ingenuity they have shown before in overcoming seemingly impossible obstacles, the Israelis, with our help, will find their way through to a secure and exciting future.

CREATION OF A SELECT COMMITTEE ON ENERGY RESERVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HUGHES) is recognized for 5 minutes.

Mr. HUGHES. Mr. Speaker, today I am introducing a resolution along with 11 cosponsors which will create a Select Committee on Energy Reserves.

It is the intent of this legislation to ascertain a precise and complete knowledge of domestic energy reserves. This committee will study natural gas and petroleum reserves by conducting hearings and employing independent geologists and field investigators to determine the impact of reserves on the present distribution and supply of these commodities as well as pricing policy. The committee will also address itself to the other questions of the possibility of unreported reserves and the potential of newly discovered reserves.

It is my firm conviction that the information gathered from this study will be vital in two regards. First, persistent rumors that supplies are being withheld by the major oil companies will be investigated. Second, since the data gleaned from the committee's work will not be a reiteration of industry figures but reliable and independent facts, a sure and invaluable base upon which a more enlightened energy policy can be built will result by the adoption of this resolution.

If the Congress and the Nation are to intelligently consider the various proposals to deal with the energy situation, solid nonindustry sources of data are crucial. It makes little sense to project either short- or long-range energy programs when the Government merely parrots the disputable industry reserve estimates.

On a related matter, Mr. Speaker, this Sunday we learned of a possible multibillion-dollar swindle at the height of the Arab oil embargo. It involved the forging of manifests, transferring of domestic oil into foreign tankers at sea for resale at a higher price in the United States, and even the participation of organized crime in this illegal profit scheme.

How can we expect the American people to make sacrifices and conserve energy when such a scandal explodes in our midst.

Had Chase Manhattan Bank been held up for a billion dollars, the Federal Bureau of Investigation, State and local policemen, and the national militia would be out searching for the culprits.

A committee of Congress should be investigating how this outrageous white collar theft occurred. I would suggest that this might be an area where a select

committee could conduct an inquiry and report back to the House.

For those who perpetrated this crime must not go unnamed or unpunished.

It is a particularly heinous act when you consider that people on fixed incomes—those in the lowest economic brackets—are forced through higher utility bills to pay for the illicit profits of a handful of criminals.

A copy of the resolution to create a Select Committee on Energy Reserves follows:

H. RES. 333

Resolved, That there is hereby created a select committee to be composed of fifteen 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 select committee shall be filled in the same manner in which the original appointment was made.

SEC. 2. The select committee is authorized and directed to conduct a full and complete investigation and study—

(1) of the nature and extent of reported, and of actual though unreported, natural gas and petroleum reserves within the territory and waters of the United States or within the limits of the outer Continental Shelf as defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a));

(2) of the potential for discovery of new reserves of natural gas and petroleum;

(3) of the relationship of such reported reserves, or of such actual though unreported reserves, to present patterns of distribution and supply, with particular regard to the impact of any difference between the reported and the actual though unreported reserves on distribution shortages and on prices;

(4) of the impact of price regulation on the discovery and reporting of such reserves, and on the production and distribution (both interstate and intrastate) of the products made from such reserves; and

(5) of the means by which the reporting of such reserves may be improved.

SEC. 3. For the purpose of carrying out this resolution the select committee, or any subcommittee thereof authorized by the select committee, is authorized—

(1) to sit and act during the present 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 has adjourned;

(2) to hold such hearings, and to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents; and

(3) to conduct or have conducted such field investigations, inspections, or examinations, as it deems necessary; except that neither the select committee nor any subcommittee thereof may sit while the House is meeting unless special leave to sit shall have been obtained from the House. Subpoenas may be issued, and inspections or examinations ordered, under the signature of the chairman of the select committee or any member of the select committee designated by him, and subpoenas may be served and orders may be acted upon by any person designated by such chairman or member, but no such inspection or examination shall be conducted other than at a reasonable time, after notice, and in a reasonable manner.

SEC. 4. The select committee shall file an interim and a final report on the results of its investigation and study, six months and one year, respectively, after the date of adoption of this resolution, together with such recommendations 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.

CUBA AND PANAMA CANAL: STEPS TOWARD U.S. CONQUEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, in the years since World War II much has been published about the expansion of Soviet imperialism but relatively little has been written by experienced U.S. diplomats. It was, therefore, with the highest interest that I read a recent address before the Metropolitan Club of New York by the Honorable Spruille Braden, former U.S. Ambassador to Colombia, Cuba, and Argentina, as well as former Assistant Secretary of State for American Republic Affairs.

In this address Ambassador Braden summarizes the Soviets' step-by-step strategy for conquest of the United States, gives some of the background of Fidel Castro, emphasizes the dangers in the Caribbean, defends the present military government of Chile, exposes the State Department's plan to "give away our legal ownership" of the Canal Zone and Panama Canal, and calls upon the U.S. Senate to stop this "sabotage of the United States just rights."

In this connection, attention is invited to a historic colloquy in the U.S. Senate in the CONGRESSIONAL RECORD of March 4, 1975, pages 5070–80, led by Senators THURMOND and MCCLELLAN, on the occasion of the introduction of Senate Resolution 97 opposing the projected canal giveaway. This resolution, sponsored by 37 Senators, is sufficient to block the treaty that the executive branch has planned to submit for ratification at an early date. Also in the same issue of the CONGRESSIONAL RECORD on page 5129 is a brief statement by me showing that the people of our country are overwhelmingly opposed to the projected giveaway. This opposition includes many organizations as well as individual citizens, among them the American Legion and Veterans of Foreign Wars, the DAR, and SAR, and many others. In addition, a number of the legislatures of the States, acting in their highest sovereign capacities as partes to the Federal compact, have memoralized the Congress calling upon it to reject any encroachment upon the sovereignty of the United States over the U.S. Canal Zone. An example was the resolution adopted by the Maryland Legislature, approved by the Governor of Maryland at a ceremony in Annapolis on May 31, 1974, and quoted by Senator BEALL in an address to the U.S. Senate in the CONGRESSIONAL RECORD of June 3, 1974, pages 17298–17301.

As the Canal Zone sovereignty issue is one of transcendent importance for hemispheric security, I would urge all Members of the Congress interested in saving the Panama Canal who have not cosponsored one of the pending Canal Zone sovereignty resolutions to do so.

Because the indicated address by Ambassador Braden reflects the considered views of a greatly experienced U.S. diplomat gained from a lifetime of study as well as observatons while in positons of grave responsibility, I quote major parts of it:

CUBA: THE SOVIETS' FOURTH STEP TOWARD WORLD CONQUEST

(By Spruille Braden)

Through all history, from the slave revolution in Rome, through the communes in France until World War I even, the word "communism" and much less its ideology scarcely were known. But, always pretty much everywhere there have been individuals impelled by avarice, envy, some form of degeneracy, instinctive brutality or other moral turpitudes to seek undue power over mankind. They have struggled to control their own nations and, for that matter, the rest of the world. These evil people convinced of their own mental superiority over everyone else have created unbelievable human misery.

Such monstrous beings were Lenin, Trotsky and Stalin, along with their successors and followers. As they entrenched Marxism-Leninism, or communism in Russia, they boasted that they were members of the working classes. Actually, for the most part, all Communist leaders and adherents have been educated and come from the petite bourgeoisie or lower-middle-classes. They are white and not blue-shirted. Also, like the Nazis, they call their shots in advance.

Lenin and his successors in Russia, China and elsewhere openly declare: "There is no peace, but merely a respite in war." Dimitri Manuilisky, speaking for the Communist party in 1931, said: "War to the hilt is inevitable . . . our time will come . . . we shall need the element of surprise. The bourgeoisie will have to be put to sleep. So we shall begin by launching the most spectacular peace movement on record.

"There will be electrifying overtures and unheard-of concessions . . . capitalist countries, stupid and decadent, will rejoice to cooperate in their own destruction. They will leap at another chance to be friends. As soon as their guard is down, we shall smash them with our clenched fist."

The United States and its true allies for years ignored all these and many more advance warnings given by the Communists. Instead, during the 1950s, '60s and into the '70s we prattled about "peaceful co-existence" with the Russian, Chinese and other Communist governments.

Of late, we have called it "detente." To prove our sincerity and good faith, we dangerously have permitted the Soviet military to leap ahead of us on land, sea and in the air. Defense in space perhaps is the sole opportunity left to us. How credulous and self-deluding can we be?

Also, we have carried our self-deception to the point where despite the unfortunate history and death of the League of Nations, the U.S.A. for 30 years has supported the United Nations in every possible way. At the same time we have bowed to and even abetted Russian, Chinese and other Communist activities and intrigues within that body. As Ambassador Scali told the U.N. Assembly last week, the American public is rapidly losing faith in the U.N. I never had any from the day it was born in San Francisco.

Lenin's step-by-step program for conquest of the U.S.A. was first to render secure the Soviets' western borders through the control of Latvia, Estonia, Lithuania, Poland, and other Eastern European states.

Second, to gain control of the Far East as has been done through Mao in China and others in northern Korea and Vietnam. These subversive attacks continue against India, Indonesia, the Philippines and elsewhere.

Third, to gain control of Africa. With this

would go the Mediterranean and Indian oceans and eventually, as the Communists hope, all waterways, such as the Suez and Panama canals.

Fourth, gradually to subject all of Latin America to Communist rule.

Fifth, Lenin bragged that in this way the United States, completely surrounded, would be an easy prey. As he put it, "The imperialists will weave the rope with which we shall hang them."

Passing to another phase of Communist expansionism, my observations through the years since the early '20s and later in my first-hand encounters with the Communists—officially, individually and collectively—have convinced me that the one thing above all else they fear is physical force greater than their own.

Also, in dealings with them, it is imperative resolutely to demonstrate that one holds the winning cards; otherwise he will be beaten before he starts.

The Communists began early, but largely ineffectually in Latin America, excepting for such cases as the Communist-provoked 1931 revolution in El Salvador which cost 25,000 lives. At about that time there were uprisings in Chile, including a mutiny on the Chilean dreadnaught *Latorre* which had to be suppressed by the Chilean Air Force bombing.

Later came the brief Communist control of Guatemala. It was defeated by President Tacho Somoza of Nicaragua, in the end assisted by the United States. During the '50s there were eight Communist enclaves established in the Republic of Colombia of which only one or two now are left. But at the time they resisted any invasion by Colombian armed forces. Most of the afore-described activities probably were written off as exploratory probing.

The triumphant opportunity for installing communism in Cuba arose because Fidel Castro was made to order for Soviet purposes. He was lower-middle-class, well-educated, brutal, ruthless and with an overwhelming ambition for power. He took lessons in communism at the Soviet Legation. Even as a student in the university, he personally murdered two men on the streets of Havana, one of them a rival for the presidency of the student federation.

Two influences mainly contributed to Castro and the Communists in seizing control.

First, during the Spanish occupation of Cuba, every official sent from Spain, from the governor-general down, came with the hope of accumulating such fortune as to enable him to return to his homeland with sufficient wealth either to buy a title and/or at least to live in relative luxury.

The commerce of Cuba was controlled by Spanish merchants. The sugar industry was United States-owned. Accordingly, when the Cubans, assisted by Washington, won their independence, they necessarily took over the government and logically followed in the corrupt footsteps of the Spaniards.

It was the extortion perpetrated by the Cuban officials on American companies that induced me as ambassador to announce publicly that any United States citizen, individual or corporate, who indulged in corruption would not be received at my embassy but, on the other hand, their legitimate interests would be protected 100 percent.

By this time the Cuban people were fed up with corruption and therefore, although patriotically misguidedly, accepted Castro and his Communist fellow-travelers as saviours.

Another fact was that President Batista pursuant to the recommendations of our military, naval and air missions had bought and paid for large quantities of military hardware in the United States. Similarly, he acquired other arms for police work.

The United States government, influenced by left-wing and do-gooder elements here, suddenly refused to ship these paid-for purchases. Instead, Washington looked the other way as arms clandestinely were delivered to Castro. The clear implication for the Cuban people was that the White House was opposed to Batista while backing Castro and his cohorts.

In addition, Herbert Matthews of the New York Times was publishing column after column praising the Cuban "Robin Hood," Fidel. Before Earl Smith departed for Havana as our ambassador, the State Department instructed him to consult and abide by Matthews' advice. The latter to this day maintains that Castro was not and is not a dyed-in-the-wool Commie!

I cannot enumerate all the countless murders, tortures and other crimes perpetrated by the Castro regime when it took over on Jan. 1, 1959. Five hundred thousand Cubans fled to this country for asylum. Many were lost at sea, sunk by Cuban gunboats or returned to Cuba by our Coast Guard—a shameless breach of the freedom of the seas by us! Over $1 billion of United States property was confiscated without payment. Cuban citizens and companies lost even more in the same manner.

Castro and the Communists, guided by Russian advisers, then endeavored to stage invasions in the Dominican Republic, Venezuela, Nicaragua and Panama. Had they succeeded in the latter country, undoubtedly they would have blown up the Gatún Dam, emptying all the water from Gatún Lake. The Panama Canal would have been closed for the years necessary to rebuild the dam. Fortunately, these and other attempts at invasion were poorly planned and failed.

On the other hand, as the Soviets took over, they built two-lane highways through the huge caves underlying Cuba, brought in more than 12,000 troops in addition to Chinese, Ghananian and others. The Soviets constructed underground submarine pens which could be entered from the ocean unseen and installed a power plant and other facilities to repair submarines in Cienfuegos on the south coast.

You doubtless will recall the Bay of Pigs when we helped to train over 1,200 Cubans to invade and free their native land, but we abandoned them at the last moment to death and destruction on the beaches.

Later, in Miami, after the U.S.A. had paid a $73-million bribe to obtain the release of the prisoners taken at the Bay of Pigs, President Kennedy promised them in a speech that he would see to it that they all returned to a free Cuba. That pledge has never been kept.

Then there ensued the famous "missile crisis." For the first 36 hours President Kennedy took forthright and courageous steps, but then supinely made a secret agreement with Khrushchev that neither would we invade Cuba nor permit others to do so. The Secretary-General of the United Nations, U Thant, went to Havana and advised Castro to refuse inspection by us of the missile silos in Cuba, as had been agreed upon.

This episode is the most humiliating of our national history. The Monroe Doctrine was torn to shreds. (Parenthetically, I would observe that a former leftist president of Chile, Carlos Dávila, frankly wrote that the Monroe Doctrine was the finest piece of statesmanship and diplomacy the world ever has seen.)

Through the years the Communists have continued their attempted infiltrations of the other American republics. They succeeded to an extent in Panama, where the legitimate government of Arnulfo Arias was dislodged by a military coup under the present head of the army, Torrijos, who is at least a fellow traveler. The ministers of foreign affairs and labor are labeled as outright Communists.

Our naive statesmen in Washington have negotiated what is called the "principles" for a proposed treaty under which we would give away our entirely legal ownership, under the 1903 treaty, of the Canal Zone, including the canal itself, which cost us over $6 billion. Fortunately, there are in the Senate some 36 senators who I hope will put a stop to this sabotage of the United States' just rights.

Of course, the greatest conquest by communism after Cuba came when the Marxist Allende was able, due to the stupidity of some left-wing parties in that country to be elected president of Chile by a 36 per cent vote. By the grace of God, a Communist plot to murder all of the top army officers and other patriotic leaders was discovered in time to enable the military to throw the Communists out of their country.

Allegations have been made by the media, politicians and the usual coterie of misguided idealists and ignoramuses that the Chilean military have been guilty of much cruelty and killings. These protests mostly have been untrue. On the other hand, the army officers had to save Chile by fighting the Communists and putting an end to the latter's mass assassinations, brutalities and barbarities. They had to fight fire with fire and still do.

In Peru, a different type of military have taken over, calling themselves "nationalists," but still seizing properties owned by both Peruvian and United States citizens. Last Saturday terrorists machine-gunned the U.S.-owned Sheraton Hotel in Lima. The previous week, terrorists attacked the premier, another cabinet member and a general.

It is appropriate to observe that the misguided generosity of the U.S.A. again has led us somewhat astray. It has spent many millions to bring students from Latin America to study in our universities, which as we well know often are infested with leftist instructors. The former foreign minister of Colombia, Zuleta Angel, told me a few years ago that out of 15 fine young military officers sent to this country for postgraduate work, 13 returned home after a couple of years inculcated with communism!

Fortunately, Castro's Argentine colleague, Ché Guevara, died in a futile attempt to seize Bolivia for the Communists.

Argentina is in a mess which daily grows worse with kidnappings and murders mounting to between 100 and 200 since July 1. The so-called *Montaneros*, i.e., young Peronista Communists, have taken the lead in ruining that great country. Unless the situation is reversed, there is danger the Communists-terrorists may take over unless defeated by the army.

Excepting for Brazil, Uruguay, Nicaragua, Paraguay and now Chile, the Communist infiltration steadily progresses throughout the hemisphere.

Just last month at a meeting of the Organization of American States, a vote largely incited by Mexico, was taken to renew relations with Cuba and to invite it again to join the O.A.S. The United States abstained, as did some of our other friends in the hemisphere. Thus preventing a two-thirds vote to bring Communist Cuba back into the family of American nations.

The Soviets and their Communist satellites and stooges, increasing control over the American hemisphere, portends an extreme danger for the security of all of our nations, including the United States.

This is an extraordinary psychological development because we must remember that while the United States began the drive for freedom by insisting on our separation from Great Britain, all of the other American republics were formed for the same reason—to win independence from European or other foreign dominations or influence. Yet today many of these same republics in effect are voting for a continued permanent Communist domination of Cuba (and for that matter, of themselves) by Moscow.

An advisory committee headed by Sol Linowitz has been formed on United States-

Latin American relations. Many officers in the Department of State agree with the committee's proposal to bring Cuba back into the Organization of American States and for us in effect to give away the Panama Canal and Canal Zone.

Our naivete, not to say stupidity, in these matters rivals that of the Carthaginians when they caved in, doing nothing to protect themselves from Rome. Moreover, Mr. Linowitz and some of his commission have displayed little experience or knowledge of the nations to the south of us.

The same mistaken views were exposed by the recent visit paid by Senators Javits and Pell to Havana. In the evening of the day they arrived, Castro delivered one of his most scurrilous speeches, grossly insulting the U.S.A. and President Ford. The next night our two solons (presumably traveling at taxpayers' expense) dined with the dictator, finding him to be most amiable and charming. On their return to the banks of the Potomac, forgetting Fidel's infinite atrocities and hatred for the U.S.A., they began making motions toward establishing diplomatic relations with his regime.

Equally typical of some of our legislators was Sen. Teddy Kennedy's resolution passed last week by 46 votes to 45 proposing to prohibit the sale of arms to Chile. Thus, those patriotic Chilean citizens would be prevented from defending themselves against the Communists, who throughout have been armed by the Soviets, Czechoslovakia and Cuba.

Occasionally some of our so-called liberal senators remind me that it was said of Cato that he gave his little laws to the Roman Senate and then sat attentive to his own applause.

I trust that all of you recognizing that Lenin, Manuillusky and the other Communist leaders called their shots accurately in advance; and that, therefore, the Americas and the U.S.A. in particular are in grave peril.

HEALTH IMPLICATIONS OF SOUTH AFRICAN APARTHEID

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, I would like to insert for the thoughtful consideration of my colleagues a press release regarding a preliminary report of the World Health Organization entitled "Health Implications of Apartheid."

The text of the press release follows:

WHO REPORTS ON "HEALTH IMPLICATIONS OF APARTHEID"

(The following is reproduced as received from WHO's Liaison Office, New York.)

A report of health conditions in South Africa compiled by the World Health Organization (WHO) shows a physician to population ratio for its some 3.8 million whites that ranks among the world's best—1 to 400. By comparison, for its approximately 15 million blacks, the majority, the ratio is 1 to 44,400—among the world's worst.

For nurses, the contrast is also striking: 1 to 256 for whites, and 1 to 1,581 for blacks. The ratio for doctors and nurses for the country's other ethnic groups—its 2.5 million Asian and the so-called Colored—is somewhere in between the black and white extremes.

The disparity in the physician ratio between whites and blacks is likely to become even more pronounced in the years ahead. According to the report, in 1973, there were 15 black graduates from medical schools as compared to 440 whites.

"Before it was prevented by law from admitting African students, except by special dispensation," the report says by way of example, "the University of Witwatersrand had trained 103 African physicians. In 1973, it had only one African student."

The 13-page preliminary report is titled "Health Implications of Apartheid." * It contains a key statement from the Director-General of the WHO, Dr. Halfdan T. Mahler, namely, that he "believes the health situation of the groups discriminated against by the policy of apartheid will not be likely to improve as long as that policy exists."

The report is based on a preliminary survey of information, "as is available", from such sources as the South African Institute of Race Relations, from medical journals, and from United Nations and South African documents. It is partly based, as well, on the observations of physicians and other individuals coming from South Africa.

The survey was carried out at the suggestion of the United Nations Special Committee Against Apartheid, and presented in January to the WHO's Executive Board. It was recently transmitted to the Special Committee.

In an explanation of the reason for its reliance on the accessible data, the report states: "Although comprehensive health statistics are unavailable for South Africa as a whole, and are especially lacking for the Africans who constitute about 70 per cent of the total population, such information as is available both from official South African sources and from the South African medical literature provides sufficient evidence of massive prevalence of preventable disease and premature deaths due mainly to nutritional deficiencies and infections."

That is so because: "Apartheid results in the segregation by law of all services for the delivery of health care according to racial group—those whose need is greatest having the least access to preventive and curative facilities."

OPPOSITION TO DIFFERENTIAL PAY

The survey also reports a growing opposition on the part of South Africa's medical profession to one long-established policy, that of "differential rates of pay for physicians of different ethnic origins".

The Medical Association of South Africa (MASA), which is "predominantly white", adopted a resolution in 1968 urging "authorities to give sympathetic consideration to removing the present source of friction regarding the differential salary structure existing between white and non-white doctors". MASA, according to the report, "does not itself practise racial discrimination, and has office-holders of other ethnic groups".

In summary, the WHO report says that the health conditions of South Africa are such that they show "high standards of living and health care for the whites, and varying degrees of poverty, squalor, and disease for the remaining majority of the population". Excerpts follow:

Mental Health: More than half the African population reside in "Bantu homelands", though some 40 per cent work outside, in "white" areas where they cannot bring their families. "For the whole broken family, inability to lead a normal family life, and consciousness of being regarded and treated as inferiors, could not be other than harmful to mental health."

According to estimates, of those Africans admitted to mental hospitals, "almost two-thirds are schizophrenics, while one-sixth are suffering from toxic and exhaustion psychosis, and one-twelfth from epileptic psychosis".

Infant Mortality: Infant mortality rates are generally regarded as a good indicator of health levels. "In Johannesburg, the rates ... in 1970 were 20.26 per thousand for whites, 29.30 for Asians, 66.07 for Coloreds and 95.48 for Africans".

Maternal Mortality: According to a report of the Johannesburg health department, maternal mortality rates were 0.48 per thousand for whites, 1.91 for Asians, 0.63 for Coloreds, and 2.53 for Africans.

Life Expectancy: For whites: 64.5 years male, 72.3 female; for Asians: 59.3 male, 63.9 female; and for Coloreds: 48.8 male, 56.1 female. These are figures for 1969 through 1971 from the South African Minister of Statistics. No figures were available for the African population.

Malnutrition: "The prime cause of nutritional deficiencies is poverty, although there are other contributory factors, of which one of the most important is the migrant labor system, which results in the disruption of families.

"Moreover, in the 'homelands' to which many Africans have been compulsorily transferred, there is only 20 per cent of the total cultivable land in the country, very little irrigation, and much soil erosion.

"It has been estimated that two-thirds of Africans living in any industrial complex are living below the 'poverty datum line'."

Communicable Diseases: Tuberculosis was still a major public health problem in 1972, according to South Africa's Health Department. In 1970, for example, 54,525 cases of respiratory TB were reported among Africans—almost 70 times more than the 800 reported among whites.

In addition, health officials say, "it would appear doubtful whether the coverage of case-finding in the African population is sufficiently thorough to reflect the true prevalence of the disease". The incidence of other communicable diseases in the African population is equally difficult to determine.

However, the municipality of Cape Town reported in 1972 that the ratio of "whites to non-whites" treated for sexually-transmitted diseases was respectively 1.6 and 22.4 per thousand.

"Such a disproportion can hardly be disassociated from differences in the socio-economic and educational status of the respective groups", the report says, "and also from the rootless situation of the migrant workers living far from their wives and families, and from the social solidarity of their traditional environment".

Hospitals: "According to official statistics, there were, in 1958, 21,535 hospital beds for white patients, and 49,743 for non-whites. These figures imply that about 43 per cent of the total number of hospital beds were reserved for the white minority.... In other words, the least provision was made for those with the greatest needs."

A later estimate, attributed to South Africa's director of strategic planning, was that in the "white" areas, in 1972, there were some 10 hospital beds per thousand for whites, and 5.57 for "non-whites". In the "homelands", the figure was even lower, 3.48 beds.

CALIFORNIA ADOPTS AUTO EMISSION STANDARDS STRICTER THAN THOSE REQUIRED BY EXISTING LAW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of California. Mr. Speaker, I wish to announce a decision that the State of California made today concerning auto emission standards in

* Reference copies of the report are available to accredited correspondents at the Press Documents Counter, Room 390.

the State of California. Under the Clean Air Act, California has the right to set stricter auto emission standards, and the Air Resources Board exercised this option today in California. They decided to set for 1977 auto emission standards of 0.41 gm/mi for hydrocarbons; 9.0 gm/mi for carbon monoxide; and 1.5 gm/mi for nitrogen oxides. This compares with the decision by the Environmental Protection Agency a short time ago to set the 1977 national auto emission standard at 1.5 gm/mi hydrocarbons; 15.0 gm/mi carbon monoxide; and 2.0 gm/mi nitrogen oxides. The decision by the State of California is not made easily. The Air Resources Board has been giving this subject intensive review, and it has had to carefully consider the related issue of sulfate emissions from automobiles Their decision to cut the current emission standards of 0.9 gm/mi HC; 9.0 gm/mi CO; and 2.0 gm/mi NOx to those now required was made because of the need to protect the health of the citizens of California from auto emissions.

I can only say that I find it gratifying that California has decided to act in the public interest, while I am still seriously disappointed that the Federal Environmental Protection Agency has decided not to.

Because the subject of auto emissions and the Clean Air Act in general are a matter of great concern and interest to my colleagues, and because we will all be asked to act on this subject in the near future, I would like to bring an additional related item to my colleagues' attention. The new Governor of California, Edmund G. Brown, Jr., has taken an intensive interest in the issue of the Clean Air Act, and his recommendations to the Congress were transmitted to the House Subcommittee on Health and the Environment this morning.

I found the views of Governor Brown very helpful to me to understand what the Clean Air Act needs to make it accomplish its purpose. I highly recommend the testimony that was presented by Mr. William H. Lewis on behalf of Governor Brown to my colleagues.

The testimony follows:

TESTIMONY OF WILLIAM H. LEWIS, SPECIAL ADVISOR ON ENVIRONMENTAL POLICY, STATE OF CALIFORNIA

I am Bill Lewis, representing the administration of Governor Edmund G. Brown, Jr. of California and the California Air Resources Board. The issue before you—amendment of the Clean Air Act—is of vital concern to the State of California. Governor Brown has repeatedly indicated that cleaning up the quality of the air in Southern California is one of his highest priorities. As you know, the air basins in which Los Angeles and the state's other major metropolitan areas are located are among the nation's most polluted.

We strongly support the purposes and goals embodied in the Clean Air Act. Therefore, except for possible modifications permitting extensions of the 1977 deadline for regions which cannot achieve compliance with the standards by 1977, we recommend that you do not adopt any amendments to the Act which would weaken in any way our nation's commitment to have clear air. In addition, we urge that you do not adopt any amendment which would preclude the use of any available control strategy which could be used to clean up our air.

We believe that the deadline for attaining clean air throughout the country should continue to be 1977. We recognize however that some regions may require additional time to meet the air standards if they are to avoid the serious disruptive economic effects which would result from the transportation control measures necessary to achieve compliance by 1977. Therefore, we recommend that the Act be amended to permit the granting of extensions administratively pursuant to compliance schedules which will assure attainment. The development of a compliance schedule would require the various trade-offs necessary to be made to be addressed and would permit the flexibility necessary to design control strategies which would not have disastrous economic consequences.

It is clear that one of the most cost effective and significant ways to reduce photochemical smog is by decreasing the pollutants emitted by automobiles. Governor Brown and the California Air Resources Board are particularly concerned about the recent decision of EPA Administrator Russell Train to extend the statutory vehicle emission standards for 1977 and to recommend substantially less stringent standards for the years 1977 through 1981 than now are required under the Act. Mr. Train apparently favors this substantial relaxation of the standards because of an unproved possible danger to health which might result from sulfuric acid emissions from automobiles utilizing catalytic converters, even though there exist several feasible control strategies—such as the use of three-way catalytic converters or stratified charge engines or the desulfurization of gasoline—which would minimize the possibility of any adverse effects on public health from sulfuric acid emissions.

The California Air Resources Board has concluded that following the lead of the EPA is not in the best interests of the citizens of California. Accordingly, yesterday the Board established automobile emission standards for 1977 which are more stringent than the current California standards and more stringent than the standards proposed by EPA for any year prior to 1982. These standards are .41 g./mi. for hydrocarbons, 9.0 g./mi. for carbon monoxide and 1.5 g./mi. for oxides of nitrogen. The Board is concerned about the possible health effects of sulfuric acid emissions even though it feels the potential danger has been overstated by EPA. Therefore, the Board plans to establish sulfate standards for 1977 and 1978 at its April meeting which will be designed to eliminate the possibility that sulfuric acid emissions from automobiles will pose a public health problem in California.

The Board is convinced that the technology will be available and in production quickly enough to permit the 1977 and any subsequent standards to be met without unreasonable economic consequences to the automobile manufacturers or to California automobile purchasers. On the other hand, the adverse consequences to the state's effort to clean up its air by relaxing automobile emission standards would be devastating. It must be remembered that the effects of greater emissions of pollutants from automobiles will be felt for the life of the vehicles—generally estimated to be at least 10 years on the average. To relax the standards for 1 year would mean, for example, at least a 10-year postponement in cleaning up the air in Los Angeles. Subjecting the people of Los Angeles to this future is not a satisfactory alternative.

In summary, Governor Brown and the California Air Resources Board urge you to remain vigilant in your efforts to keep the Clean Air Act from being emasculated. We think the Act should allow extensions to be granted administratively to those regions which may need additional time to meet the basic national air standards so long as those regions formulate and implement acceptable compliance schedules. But we urge that no use of any available control strategy which would change the basic national 1977 deadline for attaining clear air or preclude the use of any available control strategy which could be used to clean up our air.

THE LATE HOWARD PALMATIER

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

Mr. FASCELL. Mr. Speaker, it is with deep regret that I inform our colleagues of the sudden death last night in Miami, Fla., of Mr. Howard Palmatier, director of the Cuban refugee program.

Mr. Palmatier was associated with the program, which was established to aid those Cubans fleeing to this country from Communist Cuba, since 1963. For a brief period, in 1967, he was assigned to South Vietnam, where he worked with refugee operations at the U.S. AID Mission. However, he returned to the Cuban refugee program in 1968 and was named director in 1969.

Howard Palmatier was the Cuban refugee program and through his efforts, hundreds of thousands of Cuban nationals made their way to freedom in the United States and were given a start on a new life.

He not only administered the processing of applications for the freedom flights before they were ended; he supervised the assistance programs that were designed to help these individuals get settled in this country; oversaw relocation programs to other parts of the country; operated health clinics for the refugees, and worked closely with local south Florida officials in an effort to help ease the strain of the enormous influx of new population into the area.

His task was not always an easy one. The program, of necessity, posed controversial problems and there were rough spots in making it work. But Howard Palmatier tackled the job calmly, forthrightly, and with incredible dedication.

He initiated the concept of presenting an award—the Diploma of Honor Lincoln-Marti—to be granted to those Cuban refugees who had distinguished themselves by their cooperation with the program and their constructive contributions to the American community.

In turn, he, himself, was presented with a special award, "Hall de la Fama", by the Latin American Division of International Research for his efforts and achievements in the relationship between the Cuban community and the United States.

He was a man who truly loved his job and who made his work his life. He took a personal interest in every individual case he handled. He was highly respected by both the American community and by the vast majority of the Cubans with whom he worked.

On another occasion, Dr. Horacio Aguirre, editor of the Miami Spanish-language newspaper, Diaria las Americas, presented Mr. Palmatier with a diploma of recognition in the name of the civic and professional institutions in the area and the Cuban Municipalities in Exile. In his remarks, Dr. Aguirre noted that Mr. Palmatier, both "as an official and a man, has been preoccupied in finding in the Cuban refugee program the most generous manner of aiding the human beings who come fleeing the homeland of Marti.

"Tonight," Dr. Aguirre said, "the Cuban people in exile and those who share their sorrows and hurts, are here to render tribute to a worthy representative of the Government of the United States."

I know our colleagues will join me in expressing our deepest sympathy to his widow, Dania Gonzalez Palmatier, their daughter, Dania Margarita, and his two sons, Robert and Jeffrey.

REGULATIONS CONCERNING ACCESS TO NIXON PRESIDENTIAL MATERIALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, on December 19, 1974, President Ford signed S. 4016 into law as Public Law 93-426. This is the Presidential Recordings and Materials Preservation Act, concerned with the preservation of and public access to the Presidential materials of Richard M. Nixon—title I.

On March 19, Arthur F. Sampson, Administrator of General Services, will submit to the Congress a report proposing and explaining regulations governing general public access to Mr. Nixon's Presidential tapes and papers. These proposed regulations shall take effect upon expiration of 90 legislative days unless disapproved by resolution of either House of the Congress.

Mr. Speaker, Mr. Sampson has invited all Members of Congress to attend a briefing he will hold on the regulations at 10 a.m. on March 19 in room 3302 of the Dirksen Office Building. Because of the overriding importance of these regulations and the sensitive and complicated nature of the materials involved, I strongly urge that all Members attend or be represented at this session.

CAMBODIA: ANOTHER INCREDIBLE DEVELOPMENT

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, once before U.S. involvement in Cambodia seriously strained our governmental system and undermined the confidence of our people in their Government.

From a UPI wire service story yesterday, it appears that this may happen again. The article reads as follows:

WASHINGTON.—The State Department announced today that Cambodia was overcharged $21.5 million for military weapons and ammunition in fiscal 1974 and now will be repaid in military material totaling that amount.

State Department spokesman Robert Funseth said a Defense Department audit begun in May, 1974, determined that the Army failed to deliver $21.5 million in ammunition for Cambodia under the fiscal 1974 military assistance program.

The announcement comes at a time when Congress is resisting President Ford's request for an extra $222 million in emergency military aid to Cambodia.

He said the finding made last Monday, resulted in a credit to the Cambodian Government the following day.

"The underdelivery resulted from a practice by the Department of the Army of pricing ammunition on the basis of delivery notifications received some weeks after actual delivery of the ammunition," Funseth said.

"Because the program was carried out during a period of rapidly rising prices, late pricing resulted in overcharges."

Mr. Speaker, this report that the Department of State has discovered an overcharge on previous arms aid to Cambodia and that additional arms can now be sent within congressionally imposed aid limits, borders on the incomprehensible. If such reports are correct, then, before any new shipments are made, Congress should be given a full and complete explanation. To do otherwise, will seriously undermine the confidence of the American people in the executive branch and threaten whatever prospects exist for improved cooperation between the President and the Congress with respect to foreign policy.

LIBERAL PARTY DELEGATE CONVENTION ON THE ECONOMIC CRISIS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, last night I attended a meeting of the Liberal Party Delegate Convention, held to review a nine-point national program to rescue our economy. There were more than 500 people present at the meeting presided over by the State Liberal Party Chairman Donald S. Harrington. The convention invited Senator JACOB K. JAVITS, our colleague, LESTER WOLFF, and me to speak. The convention adopted a statement which I believe this Congress should consider carefully. It is a progressive program thoughtfully conceived and if implemented would have an enormous positive impact on our country economically. I am setting forth the statement of the Liberal Party as well as my own remarks delivered at the convention:

STATEMENT BY THE LIBERAL PARTY ON THE ECONOMIC CRISIS

Our country has been plunged into an economic crisis which is becoming more severe with each passing week. The American people are suffering unbearable and unnecessary hardships, brought on by a barrage of runaway prices which have eroded their helpless victims of the Nixon-Ford economic "game plans," which transformed a 4.4% inflation rate in 1971 into a catastrophic 12.2% rate for 1974.

In trying to control inflation, the Ford Administration deliberately created a recession. It typically adopted policies that it knew would increase the unemployment rate in the hope that this would lower the inflation rate. The results of these heartless and rash policies are now obvious to everyone. There are already close to 8 million people unemployed, according to the government's official, understated figures, and their number is growing daily. The unemployment rate, which was 3.4% in 1969 when Nixon became President, is now 9% and is expected to rise even higher. In short, we are in the grip of the worst economic disaster since the depression of the 1930's—and the cost of living still keeps on rising.

As gloomy as the economic picture is, we believe that the twin evils of inflation and recession can be cured, but it will take farsighted policies, extraordinary measures and inspiring leadership to accomplish this. Unlike the Ford Administration, the Liberal Party believes, as it has throughout the three decades of its existence, that full employment is the keystone of economic prosperity. Full employment is the most effective, as well as the most humane method of eliminating *both* inflation and recession. If we can utilize to the fullest our most precious source of energy—human energy—we can produce enough goods and services to meet total consumer demand, and there will be no excuse for inflationary prices. Conversely, when people have enough income to buy the goods produced by the economy, recessions can be avoided. The truth is that we need a vast expansion of such industries as mass transportation, housing, sewage treatment, recycling, pollution control, health facilities and education, among others, which would furnish us with the important needs of modern society and, at the same time, provide the source for millions of constructive jobs.

The Liberal Party offers the following recommendations to deal with the economic crisis:

1. A tax cut of at least $25 billion which can serve as an important stimulant to the economy, especially if this money is distributed to the low- and middle-income families who desperately need the additional purchasing power to make ends meet. The same principle should be applied to any tax rebate on 1974 taxes.

2. The creation of an additional one million public service jobs to be allocated to those regions in the nation and those groups in the population that have suffered most acutely from unemployment.

3. The extension of unemployment insurance benefits to all jobless workers, including those not now covered by the law, and a substantial increase in these benefits, including allowances for dependents. Unemployment insurance coverage must be extended for as long a period as is necessary, and the benefits must be guaranteed by adequate financing by the Federal government.

4. A sharp reduction in interest rates and the allocation of credit to worthwhile, job-producing industries. These measures can provide a powerful impetus to the housing industry which has been brought to a virtual state of collapse by the Administration's ill-conceived monetary policies. A revival of the housing industry and a dramatic increase in housing "starts" would have a three-fold beneficial effect: (1) it would alleviate an acute housing shortage which has driven up rents; (2) it would create jobs for tens of thousands of unemployed building trades craftsmen; and (3) it would stimulate production and employment in related industries, such as building materials, building services and home furnishings.

5. Cost-of-living provisions to cover all those who are on Social Security, who are collecting unemployment insurance, or who are receiving public assistance in any form. This, together with an expansion of the food stamp and rent subsidy programs, would help safeguard their living standards against the ravages of inflation, just as those who work seek such protection through their union contracts. In this connection, we vigorously oppose President Ford's effort to place a 5% "lid" on increases in Social Security benefits.

6. With respect to the energy problem, we recommend a detailed, full-scale inventory of the nation's energy production, resources and reserves. Only in this way can we obtain an accurate picture of the extent of the energy shortage, now and in the future. If an energy gap does exist, there are at least five ways to cope with it: (1) increased efficiency and output of existing facilities; (2) exploitation of our vast, untapped natural energy sources; (3) development of new sources of safe, clean and cheap energy, such as synthetic oil and gas, solar and geothermal energy and hydrogen fusion; (4) importation of oil from abroad; and (5) conservation of energy through voluntary and, if necessary, compulsory measures. There is no need for us to act out of panic if we use all of our options wisely and in balance to overcome any gaps revealed by a national inventory of our energy resources. If need be, let the U.S. Government act in behalf of all the people and take over the national oil and gas resources of our country, including the great oil shale deposits and the offshore oil resources. The government should also exercise control over all oil imports from abroad. Fuel oil and gas constitute the very lifeblood of our economy. The Federal Government has a clear duty to step in and act for *all* the people as against the profiteering and self-serving policies of both the giant oil companies and the oil-rich Arab shieks. At the same time, the health and welfare of our people demand that we not sacrifice the progress we have already made in protecting our environment from the excesses of energy utilization.

7. We reject the Ford Administration's method of rationing which would raise fuel prices by excise taxes and decontrol of natural gas and crude oil. Under such a rationing plan, the rich would get more than they want and the poor less than they need. If rationing is necessary, it should be instituted along the lines of the system used during World War II, which would insure an equitable distribution of limited supplies for the duration of the emergency. Other reforms, such as increased use of small cars, limited speeds and greater emphasis on mass transit, could also be important in this effort.

8. We are mindful of the fact that the measures we have proposed to stimulate the economy will require large sums of money. We believe that this money is obtainable if Congress would close the tax loopholes through which highly profitable corporations and wealthy individuals avoid paying their fair share of taxes, not to mention the tens of billions of dollars of undivided profits being withheld by the large corporations. We call for the elimination of oil depletion allowances. Through such an equitable tax program, an estimated $30 billion can be returned to the U.S. Treasury.

9. Furthermore, we believe that the military budget can and must be cut substantially to give our nation the added funds it needs to combat the immediate economic dangers which are engulfing us. It is absolutely unconscionable for the Ford Administration to propose pouring an additional $300 million down the drain to support the discredited Thieu government in South Vietnam, and an additional $220 million for the Lon Nol regime in Cambodia, while attempting to cut food stamps and other social welfare programs for the poor and hungry in our country. We feel that the nation's security will not be jeopardized if the government would transfer some of the many billions of dollars now earmarked for nuclear weapons to the more urgent activity of promoting employment and economic recovery. If, in addition, the Pentagon were placed on the kind of austerity program that all of the people are being asked to endure, an estimated saving of $25 billion and probably more could be realized. This money, too, is desperately needed to fight the recession.

The Liberal Party does not claim that its recommendations in this brief statement constitute a full-fledged, comprehensive program, nor does it view them as a panacea that will overcome all of our economic ills. It does, however, maintain that these proposals are essential ingredients in any concerted effort to rescue our country from the brink of catastrophe and to rebuild a healthy economy. What we as a people were able to accomplish from 1939 to 1945 in fulfilling our needs and purposes during the critical period of World War II, we can accomplish today through leadership, national will, planning and a bold, vigorous and equitable program to deal with the great economic crisis facing us today.

DELEGATE CONFERENCE OF THE LIBERAL PARTY

(By EDWARD I. KOCH)

The American economy is now suffering from the first depression of the postwar era. The response of the Ford administration has been both inappropriate and inadequate. While unemployment rapidly approaches 10% and supplementary unemployment benefits, as well as regular unemployment compensation, begin to run dry, Treasury Secretary Simon and Federal Reserve Chairman Arthur Burns solemnly warn of the danger of excessive stimulation. Indeed until Christmas, President Ford was promoting a tax increase, distributing WIN buttons, and dragging his skis on the Colorado slopes. His January program, most of it mercifully now dead, threatened simultaneously to aggravate inflation and deepen recession—no inconsiderable feat. The energy program would have had the effect, if Congress had not vetoed two-thirds of the $3 levy, of raising the price of oil from $11 to $14 per barrel and increasing the cost of living 2 to 3%.

Here is something worth lingering on. For a year and a half, the Administration and its agents have been complaining that the price of oil at $11 per barrel is intolerable. Its response is to add $3 to this unsupportable burden. Just as there are signs of glut of oil, dissension among members of the OPEC cartel, and good prospects of large new supplies from the North Sea, Mexico, and elsewhere, Dr. Kissinger is proposing to put a *floor* under international oil prices. Who will benefit aside from OPEC and our own oil giants is unclear.

I don't want to spend my time complaining about Administration policies that are almost embarrassing in their confusion. What should we be doing right now? What should we be doing to guard against new disaster in the future?

THE IMMEDIATE EMERGENCY

1. *Energy:* Let me tell you what I believe in—the immediate termination of oil depletion allowances and the institution of competition in the energy industry. I voted with the majority of the House to eliminate the 22% oil depletion allowance this year. We also must break up the current monopolies which allow oil companies to control the wholesaling and retailing, as well as production, of oil and oil products. Senator Adlai Stevenson has introduced legislation to put the federal government into the oil exploration business. This is a good step but it doesn't go far enough. We must also advance the technology of coal gasification through either price guarantees to the coal industry or government supported research.

During recent House Ways and Means Committee hearings on improving automobile fuel economy, I proposed that an *annual*—annual, not one time—excise tax be imposed on gas guzzlers. We could have a 63% improvement in fuel economy if we were to change the nature of automobile ownership so as to increase the percentage of compact and subcompact cars.

2. *Taxes:* I voted for the House passed bill which provides for $21 billion tax rebate and tax reduction over the next two years. What sane politician would do otherwise? And undoubtedly the Senate will increase that to more than $30 billion. But I have my doubts as to whether this in fact is the best approach to our current depression. I believe that if we invested $30 billion this year in public works projects and put people to work while at the same time adding to the gross national product of this country, we would be doing much better than putting $100 or $200 into the pockets of a family on a one shot basis. I am on the Transportation Subcommittee of the Appropriations Committee. Just the other day some AMTRAK officials testified before my committee and complained about the fall off in rail ridership and the need to repair the existing track on some of the rails in the Northeast corridor so that trains would not have to reduce their speeds to 30 mph when they should be doing 70 mph. We talked about the Metroliner which originally ran between New York and Washington in 3 hours and now often takes considerably longer. The train is capable of going 150 mph, but does an average of 80 mph. Why? Because the track and the catenaries (overhead wiring) are pre World War I in parts and not capable of using the Metroliner at its optimum. To replace the existing track bed and catenaries would cost approximately $2 billion and would reduce the time to 2½ hours or less. Aside from that simple convenience, think of the hundreds of thousands who could be employed on such projects throughout the country. We are abandoning rail lines at this moment because they are antiquated and can no longer do the job.

3. *Inflation:* Inflation is still with us although prices are beginning to fall. I keep track of what for me are a few staples—tunafish, mayonnaise and Keebler cookies. In the last 18 months, a small can of tunafish went from 31¢ to 45¢ and its price has not fallen, but mayonnaise which went from 79¢ a quart to $1.59 has fallen by 20¢ and Keebler cookies which went from 43¢ to 99¢ a bag in the last 18 months was just reduced to 89¢. Inflation while waning, is still with us and what we must do in that area is to provide controls for those sectors of our economy that are not truly competitive: such as the basic industries of steel, fuel, utilities and cars leaving wherever possible in the truly competitive economy the market forces of competition to control prices.

Conclusion: The single most important legislation, and I am not the initiator of it, but a co-sponsor, is that of Congressman Augustus Hawkins, H.R. 50, The Equal Opportunity and Full Employment Act. It is an update of the original full employment act of 1945 sponsored by Senator Robert F. Wagner. He did not weasel word his legislation. His bill established a policy of full employment for the United States and directed the President and Congress to take what action necessary every year to implement this policy. Since then every President and every Congress has violated that promise. It is never too late to undo the errors of yesterday. It is never too late to have a new beginning. We cannot accept the goal of the Administration as set forth by the Federal Reserve Chairman Arthur Burns who only last week spoke of reducing unemployment to 5.5% in the next 2 or 3 years. That kind of half-hearted approach must be resisted. Other free societies,

the Swedes, the Germans, the Swiss, the Australians have provided near full employment for their citizens; surely we can equal if not better their record with the bounty that God has provided this country. We, and particularly those in the Liberal Party, are sensitive to the dangers high unemployment poses to our First Amendment rights while totalitarian states have full employment at the cost of democratic freedoms. We must prove that we can have both political freedom and full employment and that in a Democracy that must go hand in hand.

Finally, let me say, and I know this is tangential to this address but it is close to my heart, that we must address ourselves in a very special way to two sectors of our population: the elderly and the children. Our elderly are suffering as no other group in this country and the greatest blot on the Ford record is the proposed reduction in the value of food stamps. And it is to the discredit of every public office holder in this country, without regard to party, that we have permitted our elderly to be abandoned and to be ripped off by rapacious nursing home operators. And our children, what of them? The Ford Administration has proposed an elimination of the school lunch, school breakfast, special milk, day care, summer feeding and supplemental feeding programs. That must and will be stopped. Dostoevski said that we could judge a society by the way it treats its prisoners. I would suggest that we can judge it by the way it treats its elderly and children, as well.

All is not bleak although we have dwelt on the gloomy side. I am now in my seventh year and fourth term in the House of Representatives and I can tell you that the new Members and there are 92 new Members, have brought a new spirit. They have made changes by their very presence in the structure of the Congress which you already are aware of and I believe they represent the best in this country and that you can depend on them and me to do what is right and get this country going again.

HOME HEALTH CARE—PART II

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, together with 60 House cosponsors, I have introduced H.R. 4772 and H.R. 4774, the National Home Health Care Act of 1975. The bill has been given equally strong support in the Senate where it has been introduced as S. 1163 by Senators FRANK MOSS and FRANK CHURCH, respective chairmen of the Senate Subcommittee on Long Term Care and Committee on Aging, HUGH SCOTT, Senate minority leader, and Senators WILLIAMS, DOMENICI, and TUNNEY.

To discuss the need for home health care and the public support this proposal is receiving, it is my intention to place statements in the RECORD several times a week by experts and lay persons commenting on the legislation.

This is the second in the series.

STATEMENT OF THE AMERICAN PUBLIC HEALTH ASSOCIATION

(By C. Arden Miller, M.D., president)

We have read, with interest, your draft bill on the expansion of home health services and commend this effort as a long-needed and positive step in the provision of long-term care.

As well as offering badly needed changes such as the abolition of a ceiling on the number of days of coverage and the inclusion of homemaking as a covered service, we believe your bill provides for some innovative means of encouraging home health care. The provision that allows for the payment of rent and for the expansion of Federal funding for congregate housing are affirmative programs that will have impact on changing this nation's archaic tendency towards emphasizing institutional care.

[From the American Journal of Public Health, February 1974, Vol. 64, No. 2]

HOME HEALTH SERVICES: A NATIONAL NEED

I. BACKGROUND

Fostering social conditions and programs which safeguard and enhance the health of the population is one of the basic tenets of public health. Yet home health programs and delivery of home health services have been primarily dependent upon the recommendations and referrals of institutions for care of the sick, or upon individual physicians.

It is estimated that between 4–7 million persons in need of long-term care are living outside of institutions. It is imperative that the public health profession address itself to the endorsement, support, and creation of home health services programs which will maintain this "high-risk" group in the mainstream of society, as well as make it possible for those who are institutionalized to return to their homes, families, and commmunities.

In "A Report to the Special Committee on Aging, United States Senate," prepared by Brahna Trager in April, 1972, Senators Church and Muskie state:

"For too long these vital services have been pushed to the sidelines. Their potential has not been realized. And this neglect of these services has caused us all to suffer in one way or another. The most unfortunate victims have been the consumers who need their services."

Throughout the history of mankind, people in need of help during illness and disability have been in their homes for the great proportion of the time. Even today, with our sophisticated development for diagnostic and treatment services in institutions, the great bulk of need still exists outside of these facilities. One has only to consider the prevalence and trend of chronic illness in our society to arrive at one very impressive gauge of this fact. The National Health Interview Survey of 1965 and 1967 found that 85.6 percent of persons over age 65 and living at home had one or more chronic illness conditions; 46 percent of those age 65 and over had varying degrees of limitation of major activity (ability to work, keep house, etc.). In addition, nearly 5 percent were confined to the house.

Our modern preoccupation with the organization, equipping, and financing of institutional care has led us to a disproportionate investment of economic and manpower resources in this area, especially in acute care facilities. One cannot argue that these are not an extremely important and vital part of our health care system, for indeed they are. But we have neglected the adequate development of long-term care institutions and have almost completely ignored the home care field. The reasons for this are well known, and need not be more than mentioned here, but a partial listing would include:

Technological advancements which require patients to come to a given facility;

Urbanization and transportation facilities bringing people within reach of medical center institutions;

Third-party payment which fosters hospitalization;

Relative ease of gaining contributor and government support for the visible "bricks and mortar" facility and for the dramatic application of medical advancements carried out in hospitals;

Convenience and economical expenditure of time for physicians and other health personnel when patients are institutionalized;

Lack of available family members to provide support services outside of institutions, due to population mobility and the high proportion of women employed outside the home.

Development of long-term care facilities has grown impressively in recent years, but there is considerable evidence that we are using many of them inappropriately. A list of studies on the subject is attached (see Appendix A), but in sum, they show that, in the nursing homes studied, from 20 to 50 percent of patients could have used less costly levels of care.

It is significant that the limited, recent concern for fostering "alternatives to institutional care" has been triggered almost exclusively by the alarm over rising costs. Legislative action and support have been aimed at finding less expensive means of providing care, and this is entirely appropriate when the less costly avenues meet the patient's needs. Costs cannot, of course, be condoned as the only consideration in providing care at any level. It is extremely important that a continuum of care be available, from the most highly sophisticated to the most simple, and that people have access to each level on a flexible basis according to need and effectivenss.

The home care services are at present so limited in scope and geographic availability as to seriously reduce such service as a viable choice for large numbers of people. Financial and manpower resources must be invested in this area to a much greater degree if people are to be served in the most effective way at a supportable cost level.

Home health services have been characteristically defined as "a complex of health and assistive services required by an individual or a family which may be brought when and as needed into the home to support optimum health and improve or restore functioning, or to enhance life and living."

While there are a variety of organizations and agencies, each of which may offer special pieces of this total complex of services, coordination is often lacking. One individual or family, sophisticated and knowledgeable in the use of agencies, may be receiving a plethora of services while another individual or family may not be able to obtain minimal services. Different eligibility requirements may interfere with an individual's ability to receive necessary services. For instance, an individual may be eligible for visits by a visiting nurse for dressings to a wound, but not for housekeeping assistance. The lack of coverage for housekeeping assistance could mean that this person cannot leave the institutional setting because he or she would be unable to get food or prepared meals.

The insistence by third-party payers, either private insurance carriers or governmental insurance carriers, as well as by many agencies, that no services can be covered or provided unless physician-prescribed may cut off many persons from procuring a service which, while not medically indicated from a disease-oriented standpoint, may be psychologically and socially necessary from a health supportive or disease preventive standpoint. While physicians are expert in the treatment of disease, they are often less expert in the care and assistance individuals may require to enhance or support functioning when it relates to disability. Nurses, physical therapists, and occupational therapists are far more knowledgeable in these areas.

Family relationships are often difficult to assess when interaction takes place outside the home setting. Family members who are quite attentive and helpful while the person is institutionalized may grow weary and even resent the constant responsibility, as well as the confinement or limitations upon their life style because of the presence within the home

of a chronically ill or disabled person. Roles and family relationships become disrupted and difficult to cope with in the absence of supportive assistance or counseling. Placement of the "patient" may lead to similar problems as well as a sense of isolation for the "patient."

It is well acknowledged that changes in life style and behavior patterns, or uprooting from a familiar environment, can be a causative factor in disorientation and can lead to aberrant behavior, particularly in the elderly. No matter how good the institution, certain demands for conformity or standardization will be made upon the individual. To some extent, he must alter his pace and accustomed patterns to fit in with the group or the institutional regimen. Often, the process of institutionalization itself aggravates the problem and reduces ability to function.

At least 10—25 percent of the population now in institutional homes of varying kinds could be cared for and remain in their own homes if organized services beyond episodic nursing and medical care were available. Some people are there because they require assistance with their activities of daily living—ranging from complete hygiene and feeding to minimal assistance in getting out of and into bed. Some are there because they do not have the physical reserves to maintain a clean and uncluttered environment. Some are there because they do not have family members to assist them, or because those family members can assist them for only a portion of any given day. Some are there because they require medications or treatments, the response and progress of which must be evaluated on a daily basis. Some are there because they require treatments and medications which must be administered by someone else on a daily or twice-daily basis. Some are there because they need special types of equipment in order to function or to survive.

While individuals may be presumed innocent until proven guilty, home health services are presumed unnecessary until proven essential. In certain instances, third-party payers imply that agencies delivering services are either inept in their ability to evaluate need for service or dishonest in their claims. On occasion, the position is taken that, while this service may be necessary, it is not reimbursable or covered under the terms of contract or eligibility criteria. Claims by insurance programs imply to the consumer that, in the event of a health crisis or health need, he will receive full service to the extent of his need; policies and contracts are so worded that they may be interpreted in any manner by the insurance companies. While many of us jokingly refer to contracts or policies as having all benefits in large print and all restrictions in microscopic print, it becomes far from laughable when individuals are faced with the economic crisis which often follows the health or illness crisis. There are some insurance policies which offer "X" number of dollars per week or month to people when they are hospitalized. People subscribe to this insurance, expecting to insure income during a non-earning period. However, should this same individual be confined at home receiving services there, this policy would not apply. In fact, many of these companies will not even cover the period an individual is in an extended care facility for continuing treatment of the illness for which he was hospitalized. Thus, a person might well discover that if he remains in the "acute hospital," he would be covered by his hospital insurance and receive an income, while if he remains at home or leaves the hospital sooner with supportive services in his home, he may have to pay all of his own medical bills and nursing bills with no income to fall back on. Insurance carriers should be required to write policies with such clarity that consumers can readily understand the coverage.

Interestingly enough, those in the middle income group are the most affected by the varying restrictions. Their usual income levels do not qualify them for municipal, state, or federal aid, nor do they afford them sufficient money to pay for the services. The poor are also affected, because the degree of proof that services provided are indeed essential is almost prohibitive.

The concept of individuals going into the home to assist or minister during times of crisis or illness has always been present. Many of these services were delivered free of charge to the needy. They were whimsical, dependent upon the extent to which the recipients were considered deserving and were visible. Today our criteria for the "deserving" would, on the surface, appear less whimsical, but, in fact, they are still capricious.

Individuals or families are deprived of necessary services because of rigid restrictions by Medicare or because of the inability of the providers to correctly interpret and understand the implications of the conditions. One must, in effect, prove that home health services are necessary and a substitute for institutionalization and consequently less costly.

For want of a walker, an individual may be chairbound. For want of a skilled therapist, an individual may lose the use of a hand or a leg. For want of an hydraulic lift, or individuals skilled in lifting, a person may be bedbound. For want of delivery of an oxygen tank and instructions in the use of a mask or inhalator an individual may remain within the confines of an institution, fearful of leaving. Our production line technological approach has extended to the care of the sick, the elderly, the infirm, and the isolated and lonely. We put them where the services are, rather than bringing the services to them.

Most major hospitals today have a home health or home care coordinator. This person, most frequently, becomes involved after admission of an individual to the hospital setting and usually when discharge is being considered. It is rare that one sees a home care coordinator involved in the evaluation of admissions to the hospital or in the outpatient units. Again, this reflects a concept of home health services to the ill as an aftermath of continuation of institutional care, so that our present continuum of care is most likely to be hospital, then home, rather than choice of hospital when care in the home is impossible because of the need for specific services which are not transportable and to which the individual cannot be transported for a brief treatment.

In 1972, the Special Committee on Aging of the United States Senate, in the previously cited report on home health services in the United States, made the following major recommendations:

Medicare and Medicaid regulations must be interpreted and applied so as to provide, rather than restrict, home health services;

Home health planning must be based primarily on the professional judgments of those familiar with consumer needs rather than remote decision-makers far removed from the problems;

Institutionalization as a condition for home health care must be eliminated, as well as requirements for co-insurance payments;

Costly and confusing red tape must be eliminated in providing home health services, including in particular the practices of prior authorization and retroactive denials;

Proposals for national health care legislation must include provision for comprehensive home health services;

A national approach to the provision of adequate coverage of the population by home health services is essential.

In 1973, individuals are still being institutionalized and being maintained in institutions because of lack of adequate home care services or, where the services do exist, because of inability to pay for them or to have them covered through some form of health insurance.

II. IMPLICATIONS FOR ACTION

A. Types of Services Necessary: The quantity, range, and pattern of organization of home health services will depend upon the socioeconomic, cultural, and age characteristics of the population to be served and the types of health and social problems most prevalent in the area. Differing geographic areas (urban, suburban, rural) will also influence the range and patterns of services required.

Basic service components which must be available for effective and high-quality care to individuals in their homes include medical, dental, and nursng care; homemaker-home health aide services; physical, occupational, and speech therapies; social work, nutritional, health education, laboratory, and pharmaceutical services; transportation and medical equipment and supplies.

Regardless of the specific components required in individual situations for safe and effective care, all of the above components—with the possible exception of physical, occupational, and speech therapies—should be available on a seven-day-a-week basis.

Social problems have a direct relationship to the health and well-being of individuals within a society. A complete health service program must foster means and methods to improve the social setting as well as provide direct medical and nursing intervention to deal with the resultant health problems. The following factors must also fall within the purview of organized home health services; patient and family education to enhance compliance with prescribed regimens; provision for adequate and safe housing; assistance with maintaining a clean and nonhazardous environment; nutritional services including home delivered meals, or shopping, as well as preparation of food; arrangements for individuals to move beyond the immediate confines of their homes to socialize and interact with others, whether it be the sick individual or members of the family who may not be free unless someone can relieve them; and planning for socialization within the home for the completely homebound, through periodic visits of others.

Central to the organization of high quality patient care services at home must be mechanisms for coordination of the various services and components of care required by individual patient and family situations.

B. Present Effect on Economy.

1. Loss of Work: Empirically, it is known that there are a number of individuals who could work either at home or in an outside work setting if provisions could be made to get work to them, or to get them to work. In addition, concentrated supportive rehabilitative services in the home could assist them to develop sufficient capacity to function productively within the home, and, in many instances, to be able to independently travel to and from a work setting. Money spent in such a program would be returned indirectly through the earning capacity of these people.

Family members who might be capable of earning or working are confined to home because of the prolonged or permanent invalidism of a sick member. In addition, this type of input creates emotional as well as energy drains upon well family members, which often precipitates both physiological and psychological illness increasing the health problem.

2. Use of Institutions at Higher Cost: There are people who are institutionalized beyond a necessary time due to lack of organized services to meet their particular needs. The following figures represent the difference in cost for home health agencies and institutions of any kind.

Medicare reimbursement for home health services and inpatient hospitalization, 1969–72

[In millions of dollars]

Year	Reimbursements: Home health	Reimbursements: Hospitalization
1969	79.7	4,088.6
1970	68.7	4,514.7
1971	56.6	5,026.6
1972[1]	58.5	5,550.6

[1] Estimated on the basis of claims received through December 7, 1972 (first six months multiplied by two).

Source: Monthly Benefit Statistics, February 15, 1972; No. 1, 1973; DHEW/SSA/Office of Research and Statistics.

1971 medicare reimbursements

[In thousands]

Hospital Insurance	$5,234,630
Inpatient hospital	5,026,025
Home health	40,771
Extended care facility	167,834
Medicare Insurance	[1] 1,956,423
Physicians	1,748,270
Home health	15,824
Outpatient hospital	104,778
Independent laboratory	12,398
All other	75,062
Total	7,191,053

[1] Includes some reimbursables for which type of service is unknown.

Source: (same as above).

Home health (Parts A and B) reimbursements for 1971, total $56,595 (in thousands) or 0.787% of the total Medicare reimbursement for services in 1971.

Prepared by Department of Home Health Agencies and Community Health Services, NLN 2–20–73.

III. RECOMMENDED POLICY

We must approach the problems of the chronically ill, aging, and infirm with the same vigorous leadership that we have demonstrated in the past in dealing with communicable diseases and maternal and child health, for these illnesses are also a part of family health and the public's health.

Therefore, it is recommended that APHA:

1. Endorse the "Home Health Services Definition and Statement" (Appendix B), developed by a task force composed of representatives of outpatient and home care institutions, American Hospital Association; the Council of Home Health agencies and Community Health Services, National League for Nursing; the National Association of Home Health Agencies; and the National Council for Homemaker-Home Health Aide Services.

2. Develop a multi-disciplinary task force to develop guidelines and criteria to further the implementation of Home Health Services.

3. Support liaison with other national organizations involved in delineating and supporting Home Health Services with the goal of strengthening delivery and coordination of services. Advise the federal government of the importance of allocating funds in support of these services based upon the guidelines established by the organizations.

4. Encourage local communities through the Comprehensive Health Planning Agency to study and determine the extent and type of needs peculiar to their area and develop programs to meet these needs.

5. APHA should go on record in support of the inclusion of home care coverage in whatever kind of national health insurance is to be enacted.

APPENDIX B

DEFINITION AND STATEMENT

Foreword: The following definition and position statement on Home Health Services was developed by a task force composed of representatives of the Assembly of Outpatient and Home Care Institutions, American Hospital Association; the Council of Home Health Agencies and Community Health Services, National League for Nursing; the National Association of Home Health Agencies; and the National Council for Homemaker-Home Health Aide Services, Inc.

Definition: Home health service is that component of comprehensive health care whereby services are provided to individuals and families in their places of residence for the purpose of promoting, maintaining, or restoring health, or minimizing the effects of illness and disability. Services appropriate to the needs of the individual patient and family are planned; coordinated and made available by an agency/institution, or a unit of an agency/institution, organized for the delivery of health care through the use of employed staff, contractual arrangements, or a combination of administrative patterns.

These services are provided under a plan of care which includes appropriate service components such as, but not limited to, medical care, dental care, nursing, physical therapy, speech therapy, occupational therapy, social work, nutrition, homemaker-home health aide, transportation, laboratory services, medical equipment and supplies.

STATEMENT ON HEALTH SERVICES IN THE HOME

The home environment plays a significant role in promoting health and facilitating the healing process. Properly coordinated and administered home health care provides a meaningful health service for ill persons, speeds recovery and rehabilitation of individuals with acute or chronic health problems, and assists in the prevention of disease and disability.

The provision of appropriate health care services to patients in their homes benefits the patient, the family, and the community. Therefore, it is imperative that quality health service in the home be a basic component of the health care system.

Home health services can:

1. Contribute to the health and well-being of the patient and his family;

2. Restore the patient to health and/or maximum functioning;

3. Prevent costly and inappropriate admission to institutions;

4. Reduce readmission to institutions; and

5. Enable earlier discharge from hospitals, extended or intermediate care facilities, or nursing homes.

Health services at home must be characterized by:

1. Provision of high quality care to patients;

2. Professional coordination of the various services delivered to the individual patient and family;

3. Evaluate techniques to insure the appropriateness and the quality of care provided; and

4. Appropriate administrative controls.

Levels of care varying in intensity and service components responsive to the individual needs of patients must be available in the home. As patients' needs change, there must be adequate mechanisms for movement of patients within the varying levels of home care, as well as for transfer to other care settings.

The economic realities of the cost of health services to individuals, families, and communities make it imperative that health services at home be included in all present and future health care delivery systems. It, therefore, becomes mandatory that:

1. Present and future funding mechanisms, governmental and non-governmental, adequately finance all levels and service components of home health care on a continuing basis;

2. Availability and accessibility of home health services for all populations be assured;

3. Developmental funds be an integral part of all financing for the expansion of existing services and initiation of new programs.

THE NATIONAL HOME HEALTH CARE ACT OF 1975

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, together with over 60 House cosponsors and a growing number of Senators including FRANK MOSS, FRANK CHURCH, and HUGH SCOTT, I have introduced the National Home Health Care Act of 1975.

There is a nationwide scandal in nursing homes, both in the treatment and overcharging of patients.

The abuses disclosed in recent hearings should not be allowed to continue anywhere in the country. Those in need of nursing home care must have decent homes available to them; but care must be available to those who are now forced to seek institutionalization, whether in a hospital or a nursing home, only because of the lack of reasonable alternatives. A recent HEW study estimates that between 14 and 24 percent of the Nation's 1,070,000 nursing home patients are "unnecessarily maintained" in institutions because of the lack of alternatives.

One of our priorities in this session of Congress should be to develop alternatives to nursing home care for our elderly and disabled. Today's medicare and medicaid laws restrict benefits a patient may receive at home while extensively covering that patient's far more costly, but often unnecessary, long-term care in an institution.

My bill will provide an option of home health care and correlative services—assistance with household tasks, shopping, walking, transportation to doctor visits, senior centers, and nutrition centers, and assistance in rent payments or private home costs—under medicare and medicaid as an alternative for those who would otherwise require nursing home care.

To provide such services will cost the Government far less per patient than institutionalization now does. Reports by GAO, the Senate Special Committee on Aging, and all other studies I have seen demonstrate that home health programs—averaging from $180 to $600 per month depending on the level of care—cost substantially less than the $15,000 to $20,000 per year or $1,500 per month or $50 per day it takes to place a patient in a nursing home.

The legislation also contains provisions to:

First. Allow medicaid and medicare payments to hospitals and nursing homes for providing home health care—in addition to the bill's provisions for expanded

home health and correlative services by traditional home health providers.

Second. Require review of benefits by a flexible three-member panel so as to include social workers, nurses, psychiatrists, psychoanalysts, or other qualified specialists as well as physicians.

Third. Require at least two panel reviews annually of the need for and level of home health care.

Fourth. Appoint a home health patient ombudsman in the Department of Health, Education, and Welfare with responsibility for program oversight, who must provide a public annual written report.

Fifth. Permit additional services to the home health patient such as physical therapy, nutritional guidance, family and personal counseling, as well as necessary medical equipment such as hospital beds, wheelchairs, salves, oils, powders, and so forth.

Sixth. Insure that no individual under medicare or medicaid will receive more home health care benefits than he or she would have were they institutionalized.

There has been some controversy over one portion of the bill—to wit section 7—which requires that the child of a person in a nursing home or receiving home health assistance make a contribution to the beneficiary's care to the extent of up to 5 percent of the child's taxable income, based on a sliding scale for the amount of income. This means that a family of four with an income of $15,000 using the standard deduction would pay $500—5 percent of the $10,000 in taxable income—in a year while the Federal payment might be as high as $10,000 to $15,000. An individual making under $4,000 in taxable income and a family under $6,000 would not have to pay.

The bill states that the delivery of health care is in no way conditional upon the payment of the children. In addition, in no case, regardless of income, will the contribution exceed the cost of the care.

Just as parents have certain responsibilities for the care of their children, as legislated last year under the social services amendments, I believe that this obligation also extends from an adult to his or her elderly or disabled parent. My feeling on this is summed up in a remark I remember my mother once made when reading about an abandoned parent:

> That woman raised and cared for seven children; you'd think that seven children could take care of one mother.

I have introduced a second identical version of the bill but without the parent support requirement, section 7. Thus, both bills will be available for consideration, one with the section for parent support, one identical save omission of this section.

While this legislation could be included in any comprehensive health insurance bill, it stands on its own if no health package is enacted. There is a need for nursing homes for those incapable of remaining in their own homes even with the supportive services provided by this legislation, but those persons who can remain at home with the necessary supportive services and thereby afforded longer, more productive lives should be given that opportunity.

We must provide our elderly and disabled the privacy, dignity, and peace of mind to which they are entitled—in their own homes, when they do not need the broad range of services that should be available in a properly run nursing home.

I hope the broad congressional support already evident will grow and that early hearings will be held on this legislation so badly needed by our Nation's elderly and disabled citizens.

KISSINGER ON CUBA: THREE VIEWS

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the Miami Herald of March 8 and 9, 1975, carried two excellent analyses of Secretary Kissinger's recent remarks on U.S. policy toward Cuba. The two articles are by the Miami Herald's Latin American editor, Don Bohning, and Dr. Leon Goure of the University of Miami's Center for Advanced International Studies.

Because of widespread interest in Congress in our Cuban policy I am including in the CONGRESSIONAL RECORD as a part of these remarks an extract of Dr. Kissinger's remarks on Cuba from his March 1 speech in Houston and the two Miami Herald articles:

THE UNITED STATES AND LATIN AMERICA: THE NEW OPPORTUNITY

(Address by Hon. Henry A. Kissinger, at the Combined Service Club Luncheon, Shamrock Hilton Hotel, Houston, Tex., Mar. 1, 1975)

In January 1962 the Organization of American States determined that Cuba had excluded itself from participation in the inter-American community by its military ties to the Soviet Union and its export of revolution in the Hemisphere. A year later the United States imposed its own sanctions. In 1964 the member nations of the OAS agreed collectively under the Rio Treaty of Reciprocal Assistance to sever diplomatic and trade relations with Cuba.

More than a decade has passed. The countries of Latin America have successfully resisted pressure and subversion; nations that in the early Sixties felt most threatened by Cuban revolutionary violence no longer feel the menace so acutely. This situation has generated a reconsideration of the OAS sanctions and raised questions about the future of our own bilateral relations with Cuba.

Last September several Latin American countries proposed a meeting to consider lifting the collective sanctions. We agreed that a consideration of the Cuban issue at a meeting in Quito of the Foreign Ministers of the Americas was appropriate. We determined to remain completely neutral in the debate and abstained in the vote. Our guiding principle then, as now, was to prevent the Cuba issue from dividing us from our Hemispheric neighbors.

A majority voted to lift the collective sanctions. But the Rio Treaty requires a two-thirds vote and the sanctions thus remain formally in force. The United States considers itself bound by the collective will as a matter of international law, and so there can be no change in our bilateral relations with Cuba as long as the OAS mandate remains in force.

Since the Quito meeting, however, several Latin American countries have announced that they are prepared to resume trade with Cuba. Also since the meeting at Quito, all the OAS nations have tentatively agreed that the Rio Treaty should be amended to permit the lifting of sanctions by a majority vote. Several of my Latin American colleagues have suggested that this agreement in principle might be applied to the existing Cuban sanctions. I will be consulting with them with respect to this initiative during my trip to South America with the attitude of finding a generally acceptable solution.

If the OAS sanctions are eventually repealed, the United States will consider changes in its bilateral relations with Cuba and in its regulations. Our decision will be based on what we consider to be in our own best interests, and will be heavily influenced by the external policies of the Cuban government.

We see no virtue in perpetual antagonism between the United States and Cuba. Our concerns relate above all to Cuba's external policies and military relationships with countries outside the Hemisphere. We have taken some symbolic steps to indicate that we are prepared to move in a new direction if Cuba will. Fundamental change cannot come, however, unless Cuba demonstrates a readiness to assume the mutuality of obligation and regard upon which a new relationship must be founded.

[From the Miami Herald, Mar. 8, 1975]

WHAT DOES RESUMPTION OFFER UNITED STATES?—SOVIET MILITARY BINDS CUBA HARD AND FAST

(By Dr. Leon Goure)

In his "deliberative and carefully constructed" speech in Houston on March 1, Secretary of State Kissinger indicated that the Ford administration was prepared to move in a "new direction" in its policy toward Cuba. In his speech Kissinger signaled the willingness of the United States to vote for the lifting of the OAS sanctions against Cuba at the next meeting of the OAS General Assembly in May if, as appears highly likely he finds a consensus to do so among the Latin American governments.

However, most significant in Kissinger's statement was the indication that the lifting of the OAS sanctions would not automatically commit the United States to any change in its own relations with Havana. While, as he said, the U.S. sees no "virtue in perpetuating antagonism" between the two countries, the actions of the U.S. will be based on "what we consider to be in our own best interests," and would be "heavily influenced by the external policies of the Cuban government."

In particular, Kissinger identified U.S. continued concern over Cuba's "external policies and military relationships with countries outside the hemisphere," obviously referring to Castro's export of revolution to Latin America, as well as Cuba's close political and military ties with the Soviet Union. Kissinger did not specify other issues in dispute between Washington and Havana, but he warned that a "fundamental change" in relations cannot come about "unless Cuba demonstrates a readiness to assume mutuality of obligations and regard upon which a new relationship must be founded."

As worded, Kissinger's statement in Houston indicates that there has been no fundamental change in the long-standing U.S. conditions for a resumption of relations with Havana. Indeed, these conditions, which require Cuba to fundamentally alter its external policies and to loosen, if not altogether sever, its military ties with the Soviet Union, go well beyond a mere detente in U.S.-Cuban relations. The conditions imply that Cuba must cease being a Soviet outpost and proxy in the Western Hemsphere and abandon all efforts to export revolution to the region, thus, in effect, no longer acting as a Commu-

nist state and a member of the Soviet-led Communist bloc.

In the public debate over the issue of the lifting of the trade embargo and the resumption of relations with Cuba, little attention is paid to Soviet policies toward and activities in Latin America, nor the use Moscow makes of Cuba in the pursuit of its objectives in the Western Hemisphere. The marked upsurge of Soviet activities in Latin America in recent years, coupled with the growing integration of Cuba into the Soviet bloc and increased Soviet control over all aspects of Cuban policies, both domestic and foreign, raise profound doubts about the prospects for effecting any fundamental changes in Cuba's policies or ties to the Soviet Union along the lines demanded by the U.S.

An analysis of Cuba's policies and relations with the Soviet Union, undertaken by two staff members of the Center for Advanced International Studies at the University of Miami, indicates that after years of effort, the Soviet Union has succeeded in absorbing Cuba into and firmly tying it to its bloc, and that at present Cuba is, in fact, a political and military proxy of Moscow.

Soviet efforts to integrate Cuba into the "socialist community of states" led by Moscow and to make the Castro regime completely subservient to it, culminated in July 1972 in Cuba's entry as a full member in the Soviet-East European Council for Mutual Economic Assistance (CEMA), the economic arm of the Warsaw Pact. With this step, Cuba's economy and foreign trade were brought in line with the "division of labor" within the Moscow-led communist community and coordinated with the Soviet Union's five-year economic plan.

Joint Soviet-Cuban economic planning, which allows Moscow a major say in Cuba's economic development, extends not only to the current Soviet five-year plan, but also includes the next five-year plan for the period 1976–1980 and, as Cuba's Foreign Minister Carlos Rodrigues indicated in January 1974, Soviet specialists will assist Cuba in the planning of the development of its sugar industry for a period up to 1990. Under these plans, the Soviet Union and the other Communist states will continue to be Cuba's main trading partners and a source of economic assistance and technology.

At present the Communist countries account for some 70 percent of Cuba's foreign trade and receive the major share of its exports of sugar and nickel. At the same time, Cuba is heavily dependent on imports from the Soviet bloc, largely financed on the basis of long-term credits and repayable in Cuban goods, for machinery and spare parts, oil, food and various critical raw materials for its industries. Soviet exports to Cuba in 1973 amounted to some $923 million and will exceed $1 billion in 1974–1975, while the total trade turnover of $1.8 billion in 1974 is projected to reach a level of $2.7 billion in 1975. Thus, as the Soviet Minister of Foreign Trade, Patolichev, has declared, "Cuba is one of the Soviet Union's basic trading partners."

Although the current high sugar prices in the world market have considerably boosted Cuba's earnings for the approximately 2 million tons it is free to sell to non-Communist countries, much of the gain, according to a Radio Havana broadcast on December 13, 1974, has been "absorbed" by the higher prices Cuba has had to pay for its imports from Western countries. With Cuba's sugar production not showing any marked increase, it is doubtful that Havana has either much sugar or currency to spare for any significant trade with the U.S.

Meanwhile, the Soviet Union has benefited by paying below world prices for Cuban sugar and nickel, which has had the effect of further raising the island's debt to Moscow.

Cuba's integration into the Soviet bloc extends not only to the sphere of economic planning but also to Communist party relations, and to other areas, such as scientific and technological cooperation, the training of Cuban students and technicians, cultural relations, education and so on. For example, on January 24 Havana announced the signing of an agreement for the printing in the USSR of 4 million textbooks for Cuban primary schools.

It is argued sometimes that Cuba's political integration with the Soviet Union has the beneficial effect of moderating Castro's revolutionary stance and forces him to cease his efforts to promote guerrilla warfare in Latin America because Moscow is believed to be opposed to such adventures and to be primarily interested in developing relations with the present Latin American governments, and concerned with the preservation of the U.S.-Soviet détente. The cessation of Castro's efforts to export revolution to Latin America is one of the stated conditions for U.S. resumption of relations with Cuba.

While it is true that the Soviet Union has proclaimed its preference for a strategy of "peaceful" conquest of power by the Communist parties on the basis of the organization of united fronts with other Left and Center-Left parties, Moscow at the same time does not eschew possible resort to violent revolution.

In his speech in Havana in January 1974, Brezhnev declared "We are not pacifists, we are not for peace at any price, and we are not, of course, for any freezing of the social-political processes taking place inside the countries."

The key issue in a possible U.S. resumption of relations with Cuba is the question of its military ties with the Soviet Union. The significance of Cuba as a Soviet military outpost and as a potential threat to U.S. security was vividly illustrated by the 1962 missile crisis, and again in 1970, by Moscow's attempt to establish a nuclear submarine base at the Cuban port of Cienfuegos. Although the Soviet Union at the time denied any intention of building a "Soviet" naval base in Cuba, the facilities at Cienfuegos have not been dismantled and a succession of Soviet naval squadrons, including submarines, have been visiting Cuban ports and cruising the Caribbean.

It remains to be seen whether the U.S. will indeed base its decisions regarding its Cuban policy on its "own best interests" and will insist on Cuba demonstrating a readiness to meet U.S. conditions, especially in the matter of Cuban military ties with the Soviet Union.

A U.S. vote in favor of the lifting of the OAS sanctions should be viewed by Havana as a further indication to Castro of Washington's willingness to consider a major shift in its policy toward Cuba. Even so, there is no reason for the U.S. to rush into resuming relations with Cuba, especially without an adequate quid pro quo on the latter's part which meets U.S. interests.

The matter of the ultimate decision whether or not to resume relations with Cuba should not be influenced by any wishful thinking, but should be based on a careful and objective weighing of the signals emanating from Moscow and Havana, and of their actions.

[From the Miami Herald, Mar. 9, 1975]

FOCUS ON CUBA: DO RECENT DEVELOPMENTS SIGNAL A SHIFT IN U.S. POLICY?

(By Don Bohning)

Secretary of State Henry Kissinger has acknowledged the obvious: Cuba has come in from the hemisphere cold.

Until Kissinger's well-publicized speech in Houston a week ago, Washington had adamantly insisted there had been "no change" in U.S. policy toward Cuba despite mounting indications to the contrary in recent months.

Even now, State Department officials contend, press interpretation of Kissinger's remarks on Cuba went far beyond what the Secretary actually said.

That is perhaps true. Yet, State Department officials have made no effort to counteract such interpretations and, in fact, contributed to them with the advance ballyhoo that accompanied the speech and high level Washington background briefings.

Neither do they dispute that when Kissinger said "we see no virtue in perpetual antagonism between the United States and Cuba," it was probably the most conciliatory statement by a U.S. official toward the Castro regime since diplomatic relations between the two countries were broken on Jan. 3, 1961.

If that didn't get across the message that there has, indeed, been a change in the U.S. attitude toward Castro, the State Department response to legislation relating to Cuba introduced in Congress last week should make it abundantly clear.

Sen. Edward Kennedy (D., Mass.), introduced a bill that would, among other things, end the 13-year-old U.S. trade embargo against Cuba.

And Sens. Jacob Javits (R., N.Y.) and Claiborne Pell (D., R.I.) presented a resolution calling for the normalization of relations between the United States and Cuba.

A year, or even six months, ago such proposed legislation would have provoked the haughty State Department reply that it served no useful purpose.

But now, says a State Department official when asked about the Kennedy legislation, "we think it is desirable that the Congress 'consider and debate' the process of normalizing relations with Cuba, as Sen. Kennedy said in introducing the bill."

He added, however, "We do not think it would serve our interests that the bill be passed immediately since that would open up trade before the Organizations of American States has acted to repeal the existing multilateral sanctions. This would be inconsisted with our OAS commitments."

Th unspoken implication is that once the OAS sanctions are lifted, the United States is more than willing to consider abandoning its own embargo against the island.

It is now certain the sanctions will be revoked, with U.S. support, at the May OAS general assembly meeting in Washington.

As for the Javits-Pell resolution, the State Department reaction there is also instructive as to which way the wind is blowing across the Carribbean.

"We would welcome a debate which would lead to a better understanding of the issues at stake and full public support," said an official of the resolution.

The immediate issue at stake, from the Washington perspective, is not so much bilateral U.S.-Cuban relations as U.S. relations with the rest of the hemisphere and how the Cuba question is increasingly complicating them.

Just how far much of the rest of the hemisphere is ahead of the United States in disposing of the Cuban problem was brought home again last week when Colombia resumed diplomatic relations with the Castro government.

The simultaneous announcement, made Thursday in Bogota and Havana, said the two countries had decided "to re-establish, as of today, consular, commercial and communications relations at the ambassadorial level."

'We are thawing the cold war," declared Colombian Foreign Minister Indalecio Lievano.

There is some speculation that Kissinger's speech a week ago was deliberately timed before the Colombia-Cuba announcement—

and certainly before his planned Latin American trip next month—to signal to the rest of the hemisphere that U.S. policy has changed.

Colombia became the ninth OAS member nation to have diplomatic relations with Cuba in defiance of the decade-old OAS sanctions.

Other OAS countries that maintain formal ties with Havana are Argentina, Peru, Venezuela, Panama, Mexico, Jamaica, Trinidad and Barbados.

Guyana, Canada and the Bahamas, three non-OAS hemisphere nations, also have diplomatic relations with Cuba.

Over and above the collective sanctions, there are unilateral U.S. laws on the books that discriminate in various ways against third countries dealing with Cuba.

It is in this area where the greatest urgency for action lies, according to both congressional and State Department sources.

In some cases, restrictions affecting third-country shipping and U.S. grant assistance already are being quietly overlooked. And in other instances, such as the sale to Cuba by U.S. subsidiaries overseas, exceptions are being granted in increasing numbers.

The Kennedy legislation, or "omnibus bill," as a State Department official calls it, would eliminate the third-country restrictions in addition to removing the U.S. trade embargo against Cuba.

His bill, Kennedy said in introducing it, would "remove prohibitions against trade with Cuba, prohibitions against third countries which trade with Cuba and prohibitions on U.S. travel to Cuba."

Similar legislation, but not quite as all-inclusive, has been introduced in the House of Representatives by Rep. Michael Harrington (D., Mass.).

What his bill does not do, Kennedy emphasized, is authorize any change in the "prohibition against U.S. foreign assistance to Cuba." Nor does it authorize "any change in the prohibition against assistance to those nations that supply Cuba with arms" or "extend most favored nation treatment to Cuba."

Kennedy drew a pointed parallel between Washington's condemnation of the Arab blacklist against firms doing business with Israel and the U.S. boycott of Cuba.

The Arab blacklist, Kennedy said, "is morally repugnant to every American and an intolerable practice, yet in condemning this use of economic power we must also recognize that we ourselves have for more than a decade used similar economic weapons against nations and shipping lines doing business with Cuba. We, too, have maintained and enforced a blacklist."

Knowledgeable congressional sources doubt that the Kennedy legislation will be approved in the form it has been introduced.

They see its value chiefly as keeping the pressure on the administration to do something about the Cuba question.

The same sources see, by midsummer, a large-scale lifting of all restrictions against third countries dealing with Cuba, with the end of the unilateral U.S. trade embargo against the island coming by the end of the year.

Full diplomatic relations, between the United States and Cuba, unless events move more rapidly than now foreseen, probably are at least two years away—sometime after the 1976 presidential elections.

In the interim, there is likely to be an escalating series of moves and countermoves or, as Secretary Kissinger calls them, "symbolic steps" by both sides toward reconciliation.

Those already have begun.

"We have taken some symbolic steps to indicate that we are prepared to move in a new direction if Cuba will," Kissinger said in his Houston speech.

State Department officials, briefing newsmen in Washington, said those "symbolic steps" specifically included the relaxing of travel restrictions last month against Cuban diplomats at the United Nations—this after state Department officials had denied at the time the restrictions were lifted that it signified any change in policy toward Cuba.

There has not been a clearly discernible Cuban response to Kissinger's speech although the release last week before their terms expired of three Americans jailed in Havana on narcotics charges was seen in some quarters as a "symbolic step" by the Castro government.

Castro, traditionally, makes a major speech on March 13, the anniversary of a 1957 Cuban student attack against the government of the late Fulgencio Batista, then in power in Havana.

There is speculation in Washington that Castro might use that occasion for a more clearly enunciated reaction to the overture contained in Kissinger's speech.

On the U.S. side, there are likely to be no more major moves toward Cuba before the OAS sanctions are lifted in May.

There will be at least one opportunity before then, however, for Washington to extend another symbolic olive branch.

U.S. travel restrictions to Cuba, renewable periodically at the discretion of the secretary of state, expire later this month.

Although court decisions have rendered the travel restrictions unenforceable, were Kissinger to announce that they had not been renewed or, even if they were quietly allowed to lapse, it would most certainly be interpreted as a "symbolic step" by Washington.

While the mechanics of the evolution in U.S.-Cuban relations still remain unclear, there is no longer much doubt that a new era has begun, and Kissinger publicly recognized it last week.

BROTHERHOOD AWARD PRESENTED TO GEORGE MEANY

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, the National Conference of Christians and Jews recently held its Brotherhood Award meeting, and this year presented the award to George Meany, president of the AFL–CIO. Mr. Meany had significant things to say in his speech accepting the award—comments about unemployment, boycotts, and about our basic rights as free people in a democracy. I believe his speech is well worth perusal by all Members, and I include it in the RECORD, as follows:

I am delighted to be here and, of course, deeply honored to receive the annual Brotherhood Award of the National Conference of Christians and Jews.

I'm particularly honored to be introduced and presented here tonight by the Vice President of the United States, who I have known for many, many years. I have been reading about him lately. I see where he is trying to bring the United States Senate into the 20th Century. And I would say, if he was scarred a little bit in the attempt, not to worry about it. They are very honorable scars.

I take this Award—not for myself—but in behalf of the organization I have the honor to head, the AFL–CIO—in behalf, really of the American Labor movement which, I believe, perhaps immodestly, is the most effective human rights movement in this country.

You know—in the final analysis—human rights rest on human dignity—on a common recognition of the worth of the human personality.

If we lose that sense of self-worth—of dignity, we become careless of the rights of others and we fail to claim our own rights as well. Before we know it, we have passively acquiesced in our own enslavement.

It is not surprising, therefore, that totalitarian governments must rob their citizens of dignity.

The business of dictatorship is to dictate—to control all the way—including the thought processes of its victims. In carrying on its business, it destroys the dignity of all those under its control by telling them that they are not whole human beings in themselves—that they are fulfilled as persons only through service to the State—or only through subservience to an ideology or doctrine. Their own humanity is not sufficient—they need Big Brother—be he named Adolph, Josef or Leonid.

But dictatorship is not the only enemy of human dignity. Poverty, hunger, disease, unemployment—these are also things that demean the human personality. These are also the things that make people feel less than whole.

That is why a man who is out of work—a man who can not properly feed or clothe or shelter his family does not feel like a whole man—and the same goes for women who bear like responsibilities.

And, I believe, the labor movement has done more than any other single force in American life to enhance the economic security of the great mass of America's working people. I also believe it has done more than any other segment of our society to build the broad base of dignity that supports the human rights we often take for granted.

In this sense, the labor movement is a human rights movement—no less than the National Conference of Christians and Jews or the NAACP.

And yet, much of what we do in the field of human rights does not carry a human rights label. It is a natural by-product of our day-to-day role in the world of work.

For example, we do not recruit to the ranks of organized labor on the basis of race, creed, sex or ethnic background. We do not have quotas in the labor movement.

We don't ask a man where he comes from or what his political views are before he joins a union. All we want to know is—does he work here and what kind of work does he do and—if he works for a living, we feel he belongs in the union.

And, despite all of the anti-union propaganda that has been beamed into the black community, the latest studies show that black workers are more prone to join a union than are white workers.

And, no wonder—the earnings of unionized black workers are, on the average, substantially higher than among their non-union counterparts.

I contend that when you substantially raise a man's earnings—especially if he is a poor man—you don't just put more meat on his table—you help him hold his head a little higher.

And that is what the labor movement is in the business of doing—helping people hold their heads a little higher. Helping people become more human in the highest sense—and therefore more conscious of their human rights.

But, these days—we must admit— our job is getting more difficult each day—and you all know the reason.

It is not because we have stopped trying. It is because the policies of the Administration that has been in power in Washington since January, 1969 have thrown this nation into an economic crisis worse than anything we have known since the Great Depression of the 1930s.

Unemployment is feeding on unemploy-

ment. 8.2 percent of our workforce is jobless—according to the official figures, which very much understate the problem.

But while the official overall rate is 8.2 percent, it was 13.4 percent for blacks in mid-January. It was 14.3 for the unskilled and 13.1 for the semi-skilled. It was 20.8 for teenagers and 41.1 for black teenagers.

Now, I submit—contrary to what Arthur Burns may think—that these are not just statistics. This is a human tragedy. Millions of disadvantaged Americans who began to make real progress in the 1960s are now being thrust back to where they were ten or fifteen years ago.

I believe that we are sitting on social dynamite. As the recession deepens—and all signs point in that direction—racial and social tensions are bound to rise, posing a threat to the real accomplishments of organizations like the National Conference of Christians and Jews and so many others that have labored so hard to eradicate bigotry and prejudice from the land.

I did not come here to present the AFL-CIO's program to deal with the economic crisis—although I do want you to be aware that we have one. We think it is a better one than the President has offered—and, certainly, it is more comprehensive than what the Democrats have offered.

The point I want to make is that all of us who are deeply concerned about human rights and human relations must turn our attention to the economy—because if it continues to go downhill—it can become the breeding ground of ugly social impulses and emotions—among them the ancient curse of anti-Semitism.

I am not an alarmist but I do read history—and we know from history, that anti-Semitism seems to intensify in times of severe economic and social stress.

Today, we have an additional danger. Not only does our deteriorating domestic economy provide an all-too-rich soil for scapegoating and demagoguery but, we are faced—on the international scene—with powerful waves of anti-Semitism emanating from the Middle East.

And, make no mistake about it—the Arab fanatics are not just anti-Israel or anti-Zionist. They are anti-Jewish. They are plain, old-fashioned anti-Semites in the spirit of Adolph Hitler.

But, the most outrageous thing is that the venom with which they have poisoned their own societies they now seek to inject into our society.

I think President Ford is to be commended for speaking out so clearly against the Arab blacklist. The idea that any foreign investors would discriminate against Americans who are Jewish or who do business with Israel is a monstrous abomination.

But, what is worse is the fact that there are American Governmental agencies that cooperate in this despicable practice.

Imagine The Army Corps of Engineers admits that it goes along with the demands of the Arab States that no Jews be sent into their countries.

And, then we learn that our Department of Agriculture—you know Earl Butz' Department of Agriculture—you know Earl Butz—holds a 6.5 percent interest in the Intra Investment Company of Beirut, Lebanon—a company that boycotts banks that give economic assistance to the Israelis.

I think we have to go farther than the President's statement. I think we have to let the whole world know that in the United States of America, that in our country, human rights still take priority over the dollar.

I think we should tell the Arabs that any would-be investors from any country who subscribes to the blacklist are henceforth barred from doing business in the United States.

There is some business we don't need.

Throughout the world today there is great confusion about what the United States of America stands for—or whether we stand for anything at all.

In the American Congress, a very strange discussion is taking place. It has to do with whether we should give South Vietnam the remaining $300 million of the $1 billion originally authorized for military assistance. In other words, should we keep our commitment. According to many experts, the survival of the country may be at stake.

Many voices are raised against further aid. The Thieu regime is too repressive, they say. It is also too corrupt. It is intolerant of press criticism. It manhandles demonstrators. It even sometimes arrests union leaders and Buddhists. Its elections are not nearly as democratic as ours.

I can understand these criticisms—although I don't agree with the conclusions some people come to. But, what I can't understand is how the same people who want to cut off aid to South Vietnam because its government is too repressive—turn around and argue for 6 percent U.S. credits for the Soviet Union—where there are No demonstrations, No unions, No elections—and the most degrading form of corruption—the complete monopoly of all power—political, economic and military—by a single ruling clique over the lives of every single person within the Soviet Union.

Incidentally, on the issue of governmental corruption in high places, we here in the United States should guard against any feeling of excessive self-righteousness.

We should give some thought and contemplation to our own recent experience with corruption at the very highest level.

If the stupid Watergate break-in had not accidentally come to light—how far would the Fascist mentality that prevailed in the White House have carried us down the road to repression of individual human rights—to harassment and control of the press—to the manhandling of demonstrators and all the rest of those evils of dictatorial regimes which we so readily deplore?

How much of a step would it have been from the promulgation of an enemies list to the complete monopoly of power over the social, economic and political life of our nation?

The air has been filled recently with talk of detente. That's a lovely word. I couldn't find it in the American dictionary, but, it's in the French dictionary. Detente not only with the Soviet Union and China but with the East European puppet regimes. Trade with these countries from the United States is aid to them. Yet, which of these governments comes anywhere near being as democratic as South Vietnam?

So, as you look at our policies in Southeast Asia—where the first bitter fruits of a false detente can be tasted—and as you look at our policies toward the Soviet Union—where our guiding moral principle—and "moral" has to be in quotes—is "no interference in their internal affairs", not even in defense of human rights—and then as you look at our policies in the Middle East—where we are supplying various Arab governments with fancy aircraft, nuclear reactors—and God knows what else—what other goodies Henry hands out—at the same time those Governments remain pledged to destroy Israel, the only democratic state in the Middle East—as you look over all these policies, is it any wonder that nobody knows anymore what this country believes in—or what it stands for?

It used to be thought that we had a clear commitment—a vested interest—in the growth and expansion of democratic societies throughout the world. It used to be thought that this commitment was not just a matter of sentimental idealism but was based on a recognition that totalitarianism—whether of the left or the right—posed an ever-present threat to our own way of life.

One doesn't hear much of this kind of talk any more. It is buried under mountains of propaganda about detente and peaceful coexistence. And, in this climate, talk about democracy and human rights becomes an embarrassment. It makes people feel uncomfortable. It makes them feel awkward.

Frankly, I think that this is a terrible thing. We have come to a sorry pass in the history of this great experiment in democratic self-government whose 200th anniversary we shall soon celebrate.

There is no doubt in my mind but that this world-wide confusion about the credibility, the commitment and the cardinal purposes of the United States in world affairs today is a major factor contributing to the financial and political instability that has shaken so much of the Western world and threatens to alter the international balance of power with frightful consequences.

But, while the immediate future looks glum, in the long run, I am not a pessimist. Increasingly, thoughtful Americans are beginning to realize that the pendulum has swung too far in the direction of wistful delusion.

A new realism is bound to set in—and with it—a new set of policies. The greatest enemies of genuine detente will prove to be—not the so-called Cold Warriors like George Meany, but the inability of the Soviet Union—given the system by which it is governed—to renounce its fundamental ambitions and values.

Those ambitions and values may be temporarily accommodated by some of our businessmen who are at home wherever there is a buck to be made—whether in Texas or Siberia—but we, in the labor movement, can not make that cozy accommodation.

We can not survive as a trade union movement except where there is democracy. Human rights are the very life blood of our movement.

Take away the freedom to speak, the freedom to associate, the freedom to assemble, the freedom to criticize the government, if you please, the freedom to strike—take these away and you can perhaps still run a corporation but you can't run an institution such as a trade union dedicated to the welfare of the ordinary citizen who works for wages—NO WAY! Come to think of it, when and where workers lose these freedoms, somehow all the other segments of society are likewise adversely affected.

This is why—no matter what Administration is in power, or who the Secretary of State may be—the Trade Union movement has—and must have—a continuing and consistent commitment to human rights and democratic values.

Ten years ago on the 7th of this month, an event took place in Selma, Alabama, which will not soon be forgotten.

On that "Bloody Sunday", hundreds of people who were peacefully demonstrating for voting rights were set upon by Alabama Highway patrolmen and brutally beaten.

That was a horrible day in our history. But, six months later—on August 6, 1965, President Lyndon Johnson signed the Voting Rights Act into law.

Many people sacrificed life, limb and security on behalf of the cause of civil rights in the 1960s. But the point is, their sacrifice was not in vain. They actually won. And, because of their victory, Selma seems far off today—a long, long time away.

The American labor movement was part of that struggle—as you would expect. Not enough people know, however, that labor's influence on Capitol Hill was probably the most important single factor in winning the passage of that 1965 Voting Rights Act.

So, when you hear people talking about "powerful big labor"—yes, we have power—but we like to think that we use our "labor power" on behalf of human rights.

And, we say—flat out: What we want for ourselves as American workers, we want for all the people of this world—the entire human family.

All peoples—not just Americans—should have the rights that were won in Selma, Alabama—ten years ago—the rights we are still fighting to protect and expand.

All people should have these rights—and, if saying that is interfering in the internal affairs of other countries, then I would take my stand with Aleksandr Solzhenitsyn, who said:

". . . All Internal Affairs have ceased to exist on our crowded Earth! The salvation of mankind lies only in making everything the concern of all."

In this spirit of brotherhood, I thank you again for your annual award, which I am proud to accept on behalf of the AFL–CIO.

THE NEED FOR STRIP MINING LEGISLATION

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PERKINS. Mr. Speaker, last year the Congress, with wisdom and good judgment, passed an act to regulate strip mining which should have become law, but was pocket vetoed. Now, early in this session, we have the opportunity to do something about it, and we should seize it.

Mr. Speaker, this legislation would be the salvation of the coal mining industry, and not—as some mistakenly believe—a detriment to it.

It would save Appalachia, while allowing responsible mining to continue there, and in the other coal areas of the East. And it will prevent the wholesale destruction of the Great Plains Area of the West, preserving a tremendous source of badly needed food.

But it would also provide money, through the reclamation fee, for a broad series of needed public improvements, in the counties where the coal comes from. The funds that will be returned to the coal areas can be used to rebuild those areas—roads, schools, health facilities, water and sewer projects, all could be built with these funds.

Mr. Speaker, in the past several Congresses, I have introduced a bill which would provide for a severance tax on coal and other minerals, with the tax being returned to the counties which produced the minerals.

The bill we are going to vote on moves in that direction, so far as coal is concerned, and it is a very good step, because it is fair and equitable.

Regarding the reclamation fee, the House has made some concessions which I hope will be strengthened in conference.

Additionally, the legislation would authorize reconstruction work on small farms whose productivity has been destroyed by the effects of strip mining. Restoring these small farms by reclaiming their fields and pastures, and cleaning their streams, will mean that families can earn a living from them again, but it will also mean that additional sources of food will be available to help prevent the shortages which we have faced and can face again very easily.

Mr. Speaker, responsible coal mine operators will be able to produce all of the coal we need under this legislation, despite what has been said by those who want to move the American coal production system from east of the Mississippi to the Great Plains of the West.

We should pass this bill, and pass it in a way that insures it becoming law, and we should do this without delay.

The entire Nation will benefit from positive action on this legislation, as well as the people in the coal areas.

GOVERNMENT IN THE SUNSHINE ACT

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I am today reintroducing the Government in the Sunshine bill which I sponsored in the 93d Congress. More than 50 of our colleagues joined me in the 93d sponsoring this important measure which would require that all meetings of multimember Federal agencies at which official agency business is considered or discussed shall be open to the public. The senior Senator from Florida, Senator LAWTON CHILES, is the principal sponsor and major force behind this legislation in the Senate where hearings were held by a Subcommittee of the Government Operations Committee last year.

The very concept of democracy implies open Government, where the people can participate or at least know what actions affecting their lives are being taken. The Congress has taken important steps in the last several years to open up its own proceedings. In 1973, the House adopted legislation which I sponsored amending the rules to strengthen the requirement for open hearings and open committee meetings including meetings for the markup of legislation. Prior to that action, 56 percent of House hearings and meetings were open to the public in 1972. In contrast, under the stronger open meetings rule adopted in the 93d Congress, 92 percent of all House committee hearings and markup sessions were open to the public in 1974.

At the beginning of this Congress, the House adopted another rule change which I sponsored to require that House-Senate conference committee meetings be held in open session unless a majority of the conferees of either body voted to close the session. The Senate Democratic Caucus and the Republican conference have adopted resolutions in support of this change, and implementing legislation is now pending before the Senate Rules and Administration Committee.

These actions have served to significantly open up the legislative process to public scrutiny as it should be. The most effective way to restore public confidence in the operation of the Congress and to erase doubts concerning possible conflicts of interest, is to do away with secrecy and make the process more open—so that the public can follow committee deliberations and know how decisions are reached and for what reasons.

The public has an equal right to know how the agencies of the executive branch are interpreting the laws enacted by the Congress. The legislation I am introducing today would provide that opportunity, and open up many of the deliberations of Federal agencies.

I hope that the House will act on the proposal this Congress. I urge the support of all Members and welcome any suggestions for strengthening or otherwise perfecting the proposal. The active support for meaningful reforms which the Members of the 94th Congress have demonstrated gives me great hope that efforts to open up the deliberations of the executive agencies will benefit from their commitment and make the Government more responsive and accessible to the people.

The text of the Government in the Sunshine proposal follows:

H.R. 5075

A bill to provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes.

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

SECTION 1. SHORT TITLE.—This Act may be cited as the "Government in the Sunshine Act".

SEC. 2. DECLARATION OF POLICY.—It is hereby declared to be the policy of the United States that the public is entitled to the fullest practicable information regarding the decisionmaking processes of the Federal Government.

SEC. 3. DEFINITIONS.—For purposes of this Act—

(1) "National defense" means—

(A) the protection of the United States and its military forces against actual or potential military attack by a foreign power;

(B) the obtaining of foreign intelligence information deemed essential to the military defense of the United States or its forces;

(C) the protection of information essential to the military defense of the United States or its forces against foreign intelligence activities; or

(D) the protection, to the extent specifically found necessary by the President in writing, of the United States against overthrow of the Government by force; and

(2) "Person" includes an individual, partnership, corporation, associated governmental authority, or public or private organization.

AGENCY PROCEDURES

SEC. 4. (a) This section applies, according to the provisions thereof, to any agency, as defined in section 551(1) of title 5, United States Code, where the body comprising the agency consists of two or more members. Except as provided in subsection (b), all meetings (including meetings to conduct hearings) of such agencies, or a subdivision thereof authorized to take action on behalf of the agency, shall be open to the public. For purposes of this section, a meeting consists of any procedure by which official agency business is considered or discussed by at least the number of agency members (or of members of a subdivision of the agency authorized to take action on behalf of the agency), required to take action on behalf of the agency.

(b) Subsection (a) shall not apply to any portion or portions of an agency meeting where the agency determines by a vote of a majority of its entire membership, or, in the case of a subdivision thereof authorized to take action on behalf of the agency, a majority of the membership of such subdivision, that such portion or portions of the meeting—

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

(2) will relate solely to individual agency personnel or to internal agency office management and administration or financial auditing;

(3) will tend to charge with crime or misconduct, or to disgrace any person, or will represent a clearly unwarranted invasion of the privacy of any individual: *Provided*, That this paragraph shall not apply to any Government officer or employee with respect to his official duties or employment: *And provided further*, That as applied to a witness at a meeting this paragraph shall not apply unless the witness requests in writing that the meeting be closed to the public;

(4) will disclose information pertaining to any investigation conducted for law enforcement purposes, but only to the extent that the disclosure would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (D) disclose investigative techniques and procedures, (E) endanger the life or physical safety of law enforcement personnel; or (F) in the case of an agency authorized to regulate the issuance or trading of securities, disclose information concerning such securities, or the markets in which they are traded, when such information must be kept confidential in order to avoid premature speculation in the trading of such securities; or

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

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

(B) the information has been obtained by the Federal Government on a confidential basis other than through an application by such person for a specific Government financial or other benefit and the information must be kept secret in order to prevent grave and irreparable injury to the competitive position of such person;

(6) will relate to the conduct or disposition (but not the initiation) of a case of adjudication governed by the provisions of the first paragraph of section 554(a) of title 5, United States Code, or of subsection (1), (2), (4), (5), or (6) thereof.

A separate vote of the agency members, or the members of a subdivision thereof authorized to take action on behalf of the agency, shall be taken with respect to each agency meeting a portion or portions of which are proposed to be closed to the public pursuant to this subsection. The vote of each agency member participating in such vote shall be recorded and no proxies shall be allowed. Within one day of such vote, the agency shall make publicly available a written copy of such vote and, if a meeting or portion thereof is closed to the public, a full written explanation of its action.

(c) Each agency shall make public announcement of the date, place, and subject matter of each meeting, and whether open or closed to the public, at least one week before each meeting. Such announcement shall be made unless the agency determines by a vote of the majority of its members, or in the case of a subdivision thereof authorized to take action on behalf of the agency, a majority of the members of the subdivision, that agency business requires that such meetings be called at an earlier date, in which case the agency shall make public announcement of the date, place, and subject matter of such meeting, and whether open or closed to the public, at the earliest practicable opportunity.

(d) A complete transcript or electronic recording adequate to fully record the proceedings shall be made of each meeting of each agency (whether open or closed to the public). Except as provided in subsection (e) of this section a copy of the transcript or electronic recording of each such meeting, together with any official minutes of such meeting, shall be made available to the public for inspection, and additional copies of any such transcript, minutes, or recording (or a copy of a transcription of the electronic recording), shall be furnished to any person at the actual cost of duplication or transcription. Notwithstanding the provisions of subsection (e), in the case of meetings closed to the public, the portion of such transcript made available for public inspection or electronic recording shall include a list of all persons attending and their affiliation, except for any portion of such list which would disclose the identity of a confidential source, or endanger the life or physical safety of law enforcement personnel.

(e) In the case of meetings closed to the public pursuant to subsection (b) of this section, the agency may delete from the copies of transcripts, electronic recordings, and minutes made available or furnished to the public pursuant to subsection (d) of this section, those portions which the agency determines by vote of a majority of its membership consist of materials specified in paragraph (1), (2), (3), (4), (5), or (6) of subsection (b) of this section. A separate vote of the agency shall be taken with respect to each transcript, electronic recording, or minutes. The vote of each agency member participating in such vote shall be recorded and published, and no proxies shall be allowed. In place of each portion deleted from copies of the meeting transcript, electronic recording, and minutes made available to the public, the agency shall supply a full 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 paragraph (1), (2), (3), (4), (5), or (6) of subsection (b). The agency shall maintain a complete verbatim copy of the transcript, or a complete electronic recording of each meeting (including those portions deleted from copies made available to the public), for a period of at least two years after such meeting, or until one year after the conclusion of any proceeding with respect to which the meeting, or a portion thereof, was held, whichever occurs later.

(f) Each agency subject to the requirements of this section shall, within three hundred and sixty days after the enactment of this Act, following consultation with the Administrative Conference of the United States and published notice in the Federal Register of at least thirty days and opportunity for written comment by any persons, promulgate regulations to implement the requirements of subsections (a) through (e) inclusive of this section. Such regulations must, prior to final promulgation, receive the approval in writing of the Assistant Attorney General, office of Legal Counsel, certifying that in his opinion the regulations are in accord with the requirements of this section. Any citizen or person resident in the United States may bring a proceeding in the United States Court of Appeals for the District of Columbia Circuit—

(1) to require an agency to promulgate such regulations if such agency has not promulgated such regulations within the time period specified herein; or

(2) to set aside agency regulations issued pursuant to this subsection that are not in accord with the requirements of subsections (a) through (e) inclusive of this section, and to require the promulgation of regulations that are in accord with such subsections.

(g) The district courts of the United States shall have jurisdiction to enforce the requirements of subsections (a) through (e) inclusive of this section by declaratory judgment, injunctive relief, or otherwise. Such actions shall be brought within sixty days after the meeting whose closing is challenged as a violation of this section: *Provided*, That if public notice of such meeting was not provided by the agency in accordance with the requirements of this section, such action shall be brought within sixty days of such meeting or such public announcement, whichever is the later. Such actions shall be brought against an agency and its members by any citizen or person resident in the United States. Such actions may be brought in the district wherein the plaintiff resides, or has his principal place of business, or where the agency in question has its headquarters. In such actions a defendant shall serve his answer within twenty days after the service of the complaint. The burden is on the agency to sustain its action. Except as to causes the court considers of greater importance, proceedings before the district court, as authorized by this paragraph, take precedence on the docket over all other causes and shall be assigned a hearing and trial at the earliest practicable date and expedited in every way. In deciding such cases the court may examine any portion of a meeting transcript or electronic recording that was deleted from the publicly available copy and may take such additional evidence as it deems necessary. Among other forms of equitable relief, including the granting of an injunction against future violations of this section, the court may require that any portion of a meeting transcript or electronic recording improperly deleted from the publicly available copy be made publicly available for inspection and copying, and, having due regard for orderly administration and the public interest, may set aside any agency action taken or discussed at an agency meeting improperly closed to the public. The jurisdiction of the district courts under this subsection shall be concurrent with that of any other court otherwise authorized by law to review agency action. Any such court may, at the application of any person otherwise properly a party to a proceeding before such court to review an agency action, inquire into asserted violations by the agency of the requirements of this section and afford the relief authorized by this section in the case of proceedings by district courts.

(h) In any action brought pursuant to subsection (f) or (g) of this section, the reasonable costs of litigation (including reasonable fees for attorneys and expert witnesses) may be apportioned to the original parties or their successors in interest whenever the court determines such award is appropriate. In the case of apportionment of costs against an agency or its members, the costs may be assessed by the court against the United States.

(i) The agencies subject to the requirements of this section shall annually report to Congress regarding their compliance with such requirements, including a tabulation of the total number of agency meetings open to the public, the total number of meetings closed to the public, the reasons for closing such meetings, and a description of any litigation brought against the agency under this section.

SEC. 5. Title 5 of the United States Code is amended by adding after section 557 the following:

"EX PARTE COMMUNICATIONS IN AGENCY PROCEEDING

"SEC. 557A. (a) DEFINITIONS.—For purposes of this section—

"(1) 'Ex parte communication' means a communication relevant to an on-the-record

agency proceeding where such communication is not made on the record, or openly at a scheduled hearing session in such proceeding, and reasonable notice thereof is not given to all parties to, or intervenors in, such proceedings.

"(2) 'Interested person' means any person (including a member or employee of any Government agency or authority) other than a member or employee of the agency before which the on-the-record proceeding is pending who communicates with an agency member or employee with respect to any such on-the-record agency proceeding.

"(3) 'On-the-record agency proceeding' means any proceedings before any agency where the agency action, or a portion thereof, is required by law to be determined on the record after an opportunity for an agency hearing.

"(b) This section applies to any on-the-record agency proceeding.

"(c) In any agency proceeding which is subject to subsection (b) of this section—

"(1) no interested person shall make or cause to be made to any member of the agency in question, administrative judge, or employee who is or may be involved in the decisional process of the proceeding any ex parte communication;

"(2) no member of the agency in question, administrative judge, or employee who is or may be involved in the decisional process of the proceeding shall make or cause to be made to an interested person any ex parte communication;

"(3) a member of the agency in question, administrative judge, or employee who is or may be involved in the decisional process of the proceeding, who receives a communication in violation of this subsection, shall place in the public record of the proceeding—

"(A) any written material submitted in violation of this subsection; and

"(B) a memorandum stating the substance of each oral communication submitted in violation of this subsection; and

"(C) responses, if any, to the materials described in subparagraphs (A) and (B) of this subsection;

"(4) upon obtaining knowledge of a communication in violation of this subsection prompted by or from a party or intervenors to any proceeding to which this section applies, the agency members or member, the administrative judge, or employee presiding at the hearings may, to the extent consistent with the interests of justice and the policy of the underlying statutes, require the party or intervenors to show cause why his claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected by virtue of such violation.

"(d) The prohibitions of this section shall not apply—

"(1) to any proceeding to the extent required for the disposition of ex parte matters as authorized by law;

"(2) to any written communication from persons who are neither parties or intervenors to the proceeding, nor government officials acting in their official capacity, where such communications are promptly placed in the public docket file of the proceedings.

"(e) The prohibitions of this section shall apply at such time as the agency shall designate, having due regard for the public interest in open decisionmaking by agencies, but in no case shall they apply later than the time at which a proceeding is noticed for hearing. If the person responsible for the communication has knowledge that the proceeding will be noticed, the prohibitions of this section shall apply at the time of his acquisition of such knowledge. In the case of any person who files with an agency any application, petition, or other form of request for agency action, the prohibitions of this section shall apply, with respect to communications with such person, commencing at the time of such filing or at the time otherwise provided by this subsection, whichever occurs first.

"(f) Every agency notice of an opportunity for participation by interested persons in a hearing shall contain a statement as follows:

"(1) if such notice relates to an on-the-record agency proceeding, it shall state that the proceeding is subject to the provisions of this section with respect to ex parte communications;

"(2) if such notice relates to an agency proceeding not on-the-record, it shall state that the proceeding is not subject to the provisions of this section with respect to ex parte communications.

If a notice of hearing with respect to any proceeding before an agency fails to comply with this section, the proceeding shall be deemed to be an on-the-record agency proceeding for purposes of ex parte communications.

"(g) Each agency subject to the requirements of this section shall, within three hundred and sixty days after the enactment of this section, following consultation with the Administrative Conference of the United States and published notice in the Federal Register of at least thirty days and opportunity for written comment, promulgate regulations to implement the requirements of this section. Any citizen or person resident in the United States may bring a proceeding in the United States Court of Appeals for the District of Columbia Circuit—

"(1) to require any agency to promulgate regulations if the agency has not promulgated such regulations within the time period specified; or

"(2) to set aside agency regulations issued pursuant to this subsection that are not in accord with the requirements of this section, and to require the promulgation of regulations that are in accord with this section.

"(h) Nothing in this section shall be construed to permit any communication which is prohibited by any other provision of law, or to prohibit any agency from adopting, by rule or otherwise, prohibitions or regulations governing ex parte communications which are additional to, or more stringent than, the requirements of this section.

"(i) The district courts of the United States shall have jurisdiction to enforce the requirements of subsections (c) and (e) of this section by declaratory judgment, injunctive relief, or otherwise. The action may be brought by any citizen of or person resident in the United States. The action shall be brought in the district wherein the plaintiff resides or has his principal place of business, or where the agency in question has its headquarters. Where a person other than an agency, agency member, administrative judge, or employee is alleged to have participated in a violation of the requirements of this section, such person may, but need not, be joined as a party defendant; for purposes of joining such person as a party defendant, service may be had on such person in any district. Among other forms of equitable relief, the court may require that any ex parte communication made or received in violation of the requirements of this section be published, and, having due regard for orderly administration and the public interest, may set aside any agency action taken in a proceeding where the violation occurred. The jurisdiction of the district courts under this subsection shall be concurrent with that of any other court otherwise authorized by law to review agency action. Any such court may, at the application of any person otherwise properly a party to a proceeding before such court to review an agency action, inquire into asserted violations by the agency of the requirements of this section, and afford the relief authorized by this section in the case of proceedings by district courts.

"(j) In any action brought pursuant to subsection (g) and (i) of this section, cost of litigation (including reasonable fees for attorneys and expert witnesses) may be apportioned to the original parties or their successors in interest whenever the court determines such award is appropriate."

SEC. 6. This Act and the amendments made by this Act do not authorize withholding of information or limit the availability of records to the public except as provided in this title. This Act does not authorize any information to be withheld from Congress.

ILLEGAL SPYING BY THE IRS

(Ms. ABZUG asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Ms. ABZUG. Mr. Speaker, on Thursday, March 13, 1975, the Subcommittee on Government Information and Individual Rights held a hearing on the intelligence-gathering operations of the Internal Revenue Service. At this hearing the Commissioner of the IRS, Donald C. Alexander, testified along with a number of his associates.

The Commissioner gave testimony, under oath, that the IRS was not collecting information on the political or social beliefs of any individual, was not operating a surveillance system aimed at political dissidents, and further, that all intelligence-gathering operations were suspended pending a full review of their procedures. Commissioner Alexander further testified that while there might have been past improprieties, none of the investigations he ordered, upon becoming Commissioner, turned up any serious cases of improper activity by the IRS.

Yet, just the next day, Friday, March 14, 1975, the Miami News carried a story alleging that the IRS carried on an extensive operation in 1972 involving the surveillance of numerous public officials in Florida, including Federal judges. These IRS agents were not investigating tax fraud, according to the story, but were collecting data on the private lives and social habits of these persons. The IRS was using paid informants to pry into the lives of high officials whose only apparent "wrong" was to question the illegal activities of the Nixon administration.

Commissioner Alexander has not denied the allegations in this story, and has, in fact, finally confirmed that the IRS may have been engaged in such tactics. An internal investigation has been undertaken in Miami. Yet, just the day before, he testified that stories such as this were gross exaggerations. Just the day before, I asked the Director of the Intelligence Division, John Olszewski, if the IRS had paid informants on its payroll. Mr. Olszewski testified:

> We do not necessarily have a man on payroll where he is receiving weekly or monthly payments.

Yet, on Friday, the Miami News carried the story, which has not been challenged, that an informer was receiving a weekly salary in addition to expenses—a direct refutation of sworn testimony.

When I again asked the IRS witnesses if any of these types of prior newspaper allegations were true, I received the same

vague assurances that the news stories were inaccurate or were exaggerations. The Assistant Commissioner for Inspection, Warren Bates, said:

We looked at some of the activities of our group file, particularly those in one district. We found the same as Mr. Olszewski told you a few minutes ago. We do have managers and supervisors and employees who are importing information into the IGRS (Intelligence Gathering Research System) system. It is their judgment as to how they apply the guidelines issued to them. Undoubtedly, the kind of information that goes in there—the sort of thing you talk about—can creep into those files. It is not a deliberate searching out of that information.

I hardly think, Mr. Speaker, that a concerted, long-term effort to pry into the lives of public officials can be passed off as information "creeping" into the files.

Either the Internal Revenue Service has the most inept leadership in the U.S. Government or their senior officials lied to my subcommittee. I intend to get to the bottom of this and have demanded a full report by Commissioner Alexander on the extent to which the IRS was operating in clear violation of the law, not only in Florida, but wherever else these activities may have taken place.

Mr. Speaker, at this point in the RECORD I insert the text of several articles dealing with these disclosures:

[From the Miami News, Mar. 14, 1975]

I SPIED ON DADE OFFICIALS FOR IRS, EX-AGENT SAYS

(By Dick Holland and Chris Sanson)

The Internal Revenue Service in Miami employed dozens of undercover agents in 1972 to spy on the sex lives and drinking habits of public officials, including federal judges, according to a woman who says she was one of the agents.

The effort was designated "Operation Leprechaun," said the woman, identified here only as Jane Doe because of her fear of retaliation.

Her account is backed up by documents including a sworn affidavit, a signed statement from the IRS regarding her wages from the service during the period, and receipt for a safety deposit box she shared with her immediate supervisor in the IRS.

She told The Miami News that for spying on public officials including Dade State Attorney Richard Gerstein, she was promised "$20,000 a year for life and eventually a home outside the country."

She actually got "$200 a week—sometimes more, sometimes less—plus car expenses," she said. The car was rented by the IRS, she said, and the license tag was changed weekly.

The Miami News has obtained a copy of a letter from an IRS official to the woman attesting to the payment of $2,960 to her by the IRS for services during 1974.

Jane Doe's account of her activities in behalf of the IRS dovetails with information given The News earlier by an IRS agent who, during the latter years of the Nixon Administration, was assigned to a special intelligence-gathering unit in Miami.

"Specifically," she said, "they wanted information on the personal life of the officials, what they were doing, where they were going, who were they hanging around with, their sex life and their drinking habits."

What IRS' objective was in launching Operation Leprechaun was not immediately clear.

The emphasis of the spying came to be "completely on sex," she said, adding that she could not imagine what that could have to do with possible income tax violations, the sole legitimate purview of the IRS.

Asked to respond to her allegations, Holger Euringer, public information officer for the IRS Florida District, said:

"I don't think that now we are in a position to deny that some of the information we got was definitely not tax-related. But when someone gives you a packet of information, it's apt to contain anything."

Jane said her immediate supervisor in Operation Leprechaun was John T. Harrison, and his superior was Thomas A. Lopez. Harrison is now with the IRS intelligence unit in Fort Lauderdale. Lopez is still a member of the Miami IRS intelligence unit.

She said she had previously worked with another investigative-type federal agency, and was interviewed by Harrison and Lopez after she went to the IRS in Miami in early 1972 on a personal tax matter.

Lopez has been identifiied by the Miami News source within the IRS as having been the leader of a special Miami intelligence-gathering unit. In May of 1973 this unit, and its counterparts in other major cities, were officially designated as Information Gathering and Retrieval System (IGRS).

Orders to suspend operation of the IGRS were handed down from Washington last Jan. 22.

Euringer said that during the period in question, "We did have confidential informants just like any other federal agencies. They were not on what I would call the regular payroll, but we did pay them as they provided us with information.

He added: "We are not doing that now. As you know, we are reevaluating our entire intelligence gathering situation (since the suspension of the IGRS work).

Euringer said he had never heard of Operation Leprechaun, but conceded that this "doesn't prove it didn't exist."

Jane Doe said the targets of Leprechaun included, in addition to Gerstein, 29 persons ranging from attorneys to city and county commisioners and mayors, state legislators, an assistant U.S. attorney, a public relations man, a political confidante, a minister, a city manager, municipal and Circuit Court judges, a justice of the Florida Supreme Court and three judges of the U.S. District Court.

She said Harrison gave her photographs of the 30 targets and all but one of the photos—that of a female Circuit Court judge—appeared to have been taken during surveillance with a telephoto lens. The back of each photo bore the name of the subject handwritten in green ink by Harrison, she said.

She said she immediately recognized only one of the subjects, Gerstein, because she had met him casually through a mutual acquaintance.

Gerstein and his chief investigator, Martin Dardis, were at that time about to become deeply involved in the investigation of the Watergate coverup conspiracy which originated on Key Biscayne.

Jane said her IRS superiors told her that the people in the photos "were all 'bad actors,' that they all had 'sexual hangups.'"

Harrison asked her to help recruit other undercover agents, she said, and she did so, from among the Cuban exile community. She said Harrison bragged to her at one point later that he had—31 such agents at work.

Jane Doe was found independently of The Miami News source still within the IRS, but he said her information on Operation Leprechaun "is absolutely accurate."

He said the operatives hired by the special unit were "85 per cent Cubans—They either own or manage or work at restaurants and night clubs, night spots where you have fun—and games . . . Cubans are all over the place and are not shocked at the suggestion of spying."

Jane said her IRS superiors bought membership cards for her in certain private clubs which the targets of the surveillance were believed to frequent.

She told The News that during her several months' work as an operative she went to those clubs but "I didn't know any of those people and I didn't see them there."

She said the surveillance during Leprechaun included, for example, photo-taking of a certain female judge's home, automobile and pet monkey.

At one point, she said, the agents were discussing a plan to have a male agent attempt to "establish a relationship" with the judge. The plan was to disable the judge's car and have the agent pretend to just happen by while she was at the car. He would fix it and strike up an acquaintance.

There were also efforts to get information on the rumored homosexual proclivities of one of the male subjects, Jane Doe said.

She said she didn't feel at the outset that there was anything illegal or improper about the Leprechaun tactics "because, after all, the IRS was doing it."

She dug up information on some of the subjects by searching through newspapers and publications in the public library, she said.

The information was innocuous, harmless, and actually available to anyone who wanted it, but she typed it up anyway and gave it to Harrison, she said.

They would meet weekly, usually in a parked car, she said. She was paid by cash, except once when she couldn't meet personally with Harrison and he sent her a check in the mail, drawn on a local bank, she asserted.

At one point, she said, her superiors inexplicably presented her with a French poodle. They seemed to regard her information as valuable, "because they paid me for it. I'd just give it to him (Harrison) and he'd stick it in his briefcase."

She said she was never told where the information was going, but assumed it was "the secretary of the Treasury or the White House."

The Washington Bureau of the Philadelphia Bulletin early this year quoted high-level sources in Washington as saying that Lopez, identified by Jane as Harrison's superior, was relaying information directly to John Dean, who was counsel to the White House.

Jane, an attractive woman, said that while she was with Leprechaun, she got married, and "they (the IRS) never found out about it (at that time) that I know of."

Not far into her employment, she said, her superiors ordered her to concentrate her attention on Gerstein.

She said her superiors discussed Watergate. "This was most important to them. They separated me from the rest of the group because I was working on Gerstein. They said the order came from 'the highest levels.'"

She said her superiors never ordered her directly to try to have sex with the state attorney, "but they insinuated it."

It did not come about; she said, and by September of 1972 she felt that what her superiors really sought was "entrapment" of Gerstein. She said she told her superiors that what they were attempting was illegal or improper and she wanted out.

The Miami News' source within the IRS said: "Entrapment was the name of the game—and since the group being spied upon had very few saints in it, entrapment was pretty tough to prove."

Jane Doe said that when she quit, an IRS agent threatened that she or her children would suffer "a fatal accident" or he would railroad her into jail if she ever revealed what went on.

Since leaving, she said, she has changed her name and place of residence several times. She said she was kept under surveillance by the IRS for two or three months after her departure, but apparently has not

been the object of special IRS interest for some time since.

She said she finally decided to come forward with her account upon learning of the current multifaceted investigations of alleged improper activities by the IRS and other federal investigative agencies.

When The News asked Harrison to respond to Jane's allegations, he asked the reporter to repeat his name and give his phone number, then said: "I'll have to get back to you on this."

It was nearly four hours later that Euringer, information officer in Jacksonville, called. Euringer said it would be difficult to respond to specific statements by Jane Doe because The News would not reveal her true name.

Leon Levine, IRS operations chief in Washington, was asked about Jane's allegations and mentioned the name of Lopez before the reporter did. The name had come up previously, of course, in earlier phases of the inquiry.

Levine said her statements amount to "much more specific allegations" than had been made in the past.

Like the more general allegations made earlier, they are "very serious allegations," Levine said, "but just allegations."

He said all will be, or already are being, investigated by the IRS district, regional, and national offices as well as by the IRS internal security division.

[From the Washington Star-News Mar. 15, 1975]

1972 IRS SPYING ON JUDGES ALLEGED

MIAMI, FLA.,—The Internal Revenue Service in Miami employed dozens of undercover agents in 1972 to spy on public officials, including federal judges, the Miami News said yesterday.

Quoting an unnamed former IRS agent who helped gather the information, the News said agents concentrated on gathering information about their subjects' sex lives and drinking habits.

The ex-agent, an unidentified woman, told the News she did not know what the IRS' objective was in launching "Operation Leprechaun."

She identified one of the surveillance leaders as Thomas A. Lopez, still a member of the IRS intelligence unit here. Lopez was not immediately available for comment.

Earlier this year, The Philadelphia Bulletin quoted high-level sources in Washington as saying that Lopez had relayed IRS information to John Dean when he was White House counsel in the Nixon administration.

The News said the 30 persons watched by the hired agents included U.S. District Court Judges Joseph Eaton, William O. Mehrtens and Emett Choate, all based in Florida; Florida Supreme Court Justice B. K. Roberts, and Dade County State's Atty. Richard Gerstein, who participated in the Watergate investigation.

The former agent told the News she was promised "$20,000 a year for life and eventually a home outside the country" for her clandestine work. She actually received about $200 a week and automobile expenses, she said.

"They wanted information on the personal life of the officials, what they were doing, where they were going, who were they hanging around with, their sex life and their drinking habits," she said.

Holger Euringer, an IRS spokesman here, said of the report:

"I don't think that we now are in a position to deny that some of the information we got was definitely not tax-related. But when someone gives you a packet of information it's apt to contain anything."

Euringer added, "We did have confidential informants just like any other federal agency. They were not on what I would call the regular payroll, but we did pay them as they provided us with information.

"We are not doing that now," he said.

[From the New York Times, Mar. 15, 1975]

MIAMIAN ASSERTS IRS RECRUITED HER TO SPY OUT PERSONAL DATA ON OFFICIALS

(By B. Drummond Ayres, Jr.)

MIAMI, March 14.—A Miami woman said today that she was recruited by the Internal Revenue Service in 1972 to take part in a widespread operation to gather information on the sex life and drinking habits of 30 prominent South Floridians, among them a state attorney involved in the Watergate investigation.

The woman, Elsa Suarez, said the spy effort had been dubbed Operation Leprechaun and had been aimed mainly at Federal and state judges and several city and county commissioners.

She said that the over-all goal of the operation had never been made very clear to her. But she said that she had been promised a life-long pension of $20,000 a year and home abroad if she could come up with information that would "get" the state attorney, Richard Gerstein of Dade County.

"It was like a small C.I.A. operation," she asserted in an interview. "I was supposed to mingle in local exclusive clubs and bars and these judges and politicians, pick up all the dirt I could, maybe even go to bed with them.

"I never did sleep with anybody or get any good dirt during the three months I was on the job. My contacts had told me that the people I was supposed to watch were 'no good,' that one was a homosexual, that others had mistresses."

ONLY ON TAX VIOLATIONS

The Internal Revenue Service normally gathers intelligence only on tax violations.

Local officials of the agency refused to comment on Mrs. Suarez's charges and referred all queries to their Washington headquarters. In Washington, a spokesman for the agency said its top officials were "in a meeting."

Six weeks ago, The Philadelphia Bulletin reported that a secret unit of the I.R.S. that allegedly had collected "personal information" on thousands of American citizens in recent years had been ordered to disband and destroy its files.

The article indicated that the unit had operated in a number of cities, including Miami. It quoted sources who said that some of the unit's operatives had reported directly to the White House when Richard M. Nixon was President.

One such operative, it added, was Thomas Lopez, a Miami tax agent.

Mrs. Suarez, in asserting that she had spied for the service, produced several supporting documents and mentioned Mr. Lopez's name. One document appeared to be a photocopy of a letter from the I.R.S. regarding $2,960 allegedly paid her by the agency.

NAMED CONTACT

Another document appeared to be a receipt indicating that she had shared a safe-deposit box at the Florida National Bank in Coral Gables with John T. Harrison, whom she named as her chief contact in the agency, along with Mr. Lopez.

Mrs. Suarez, a 33-year-old divorcee, has made a sworn statement regarding her assertions to Richard Gerstein, the State Attorney for Dade County who is one of the 30 persons she was told to watch.

Mr. Gerstein, an early investigator in the Watergate case because of its many Florida aspects, called this afternoon for a Congressional investigation of Mrs. Suarez's charges.

"In the meantime," he said, "I'm conducting my own investigation to see if any local laws have been violated. I want to know if any tax people have threatened any bar owners or the like with tax suits or loss of licenses for failing to come up with information on people like me.

"All I can add is that I hope the secret files contain only the real facts on me, not my fantasies."

Mrs. Suarez said she apparently had been recruited by the I.R.S. because of an earlier undercover association with other Federal agencies, among them the Drug Enforcement Administration, and because she had voluntarily approached the tax agency with information about a tax violation.

After joining the I.R.S. spying operation, Mrs. Suarez reported, she was given a code name—Carmen—and was told to recruit other undercover agents.

"I got two guys," she said "one of whom had worked with me earlier on a narcotics case."

She did not disclose any names.

She said her contacts at the agency had told her that they were interested mainly in the "sexual hangups" of the people she was assigned to watch.

"They told me, 'Get Gerstein in particular because he's making trouble with his Watergate investigation,' " she recounted.

NOT CLEAR ON OBJECTIVE

"They said they would give me a $20,000-a-year pension for life, new identity and a home abroad if I were successful. But other than that, they were never very clear about the objective of Operation Leprechaun."

To make her job easier, Mrs. Suarez said, the I.R.S. gave her a car and membership in the Jockey, Palm Bay and Mutiny Clubs, three of Miami's most exclusive organizations.

"I would go to these clubs and try to meet the people I was supposed to be watching," she said. "I didn't have a whole lot of luck.

"They also told me to get involved in politics because that would introduce me to a lot of people."

After three months of trying and producing little information she said, she told one of her contacts that she wanted to quit.

"I thought things looked fishy," she recounted, "but the contact became very angry and threatened me and my children."

Mrs. Suarez was reported today to be under police protection.

[From the Washington Post, Mar. 16, 1975]

IRS TEAM TO PROBE MIAMI UNIT

MIAMI, March 15.—Internal Revenue Service inspectors arrived here today to investigate reports of a local IRS spying operation that allegedly gathered information about the drinking habits and sex lives of public officials.

"We mean to find out what was going on down there, and what it was about," said Leon Levine, IRS operations chief in Washington. "All we have is allegations, and if we are going to find out anything, we are going to do it the right way—orderly, logically and legally."

Levine said officials from Washington and Atlanta would investigate reports published Friday in The Miami News and The Miami Herald in which sources said the IRS in Miami employed dozens of undercover agents to gather personal information about 30 persons.

[From the Washington Star-News, Mar. 17, 1975]

STRIKE FORCE DEFENDED

MIAMI.—A Justice Department strike force director, denying published allegations, says his office was interested in corruption and organized crime and not the sex lives and drinking habits of federal and state officials.

Douglas McMillan, the Organized Crime Strike Force's Miami-based regional director,

was quoted by the Miami Herald yesterday as saying a 1972 investigation stemmed from an agreement between the strike force and the Internal Revenue service.

"It (the investigation) was an intelligence-gathering operation aimed at corruption and organized crime," McMillan said. "The last thing we were interested in were the sex lives of anybody. We have neither the time or the inclination." The Miami News said last week in a copyrighted story an IRS spy network, known as "Operation Leprechaun," studied the sex habits and private lives of 30 prominent Miamians, including a Supreme Court justice and three federal judges.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CHARLES H. WILSON of California (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. ALEXANDER (at the request of Mr. O'NEILL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HYDE) to revise and extend their remarks and include extraneous material:)

Mr. STEIGER of Wisconsin, for 15 minutes, today.

Mr. BURKE of Florida, for 5 minutes, today.

Mr. DUNCAN of Tennessee, for 1 hour, today.

Mr. LENT, for 5 minutes, today.

Mr. TALCOTT, for 10 minutes, today.

(The following Members (at the request of Mr. SIMON) to revise and extend their remarks and to include extraneous material:)

Mr. MORGAN, for 10 minutes, today.

Mr. JONES of North Carolina, for 10 minutes, today.

Mr. BINGHAM, for 5 minutes, today.

Mr. HUGHES, for 5 minutes, today.

Mr. FLOOD, for 5 minutes, today.

Mr. DIGGS, for 5 minutes, today.

Mr. BROWN of California, for 5 minutes today.

Mr. FASCELL, for 10 minutes, today.

Mr. BRADEMAS, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes. todav.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HYDE) and to include extraneous matter:)

Mr. YOUNG of Alaska.

Mr. LAGOMARSINO.

Mr. CARTER.

Mr. CRANE.

Mr. ROBERT W. DANIEL, Jr.

Mr. MCKINNEY.

Mr. CLANCY.

Mr. PRESSLER.

Mr. ANDERSON of Illinois in two instances.

Mr. BURKE of Florida in four instances.

Mr. GUYER.

Mr. ASHBROOK in three instances.

Mr. GILMAN.

Mr. KASTEN.

Mr. ARMSTRONG.

Mr. YOUNG of Florida in five instances.

Mr. WIGGINS.

Mr. BOB WILSON.

Mr. PRITCHARD.

Mr. MYERS of Pennsylvania.

Mr. GOLDWATER.

Mr. JARMAN.

(The following Members (at the request of Mr. SIMON) and to include extraneous matter:)

Mr. HARRINGTON in 10 instances.

Mr. REES.

Mr. FUQUA in five instances.

Mr. WAXMAN.

Mr. JONES of North Carolina.

Mr. DINGELL

Mr. LLOYD of California.

Mr. SOLARZ in three instances.

Mr. HUGHES in 10 instances.

Mr. DRINAN in 10 instances.

Mr. ROSENTHAL in five instances.

Mr. OBEY.

Mr. RANGEL.

Ms. CHISHOLM.

Mr. MILLER of California.

Mr. UDALL.

Mr. EILBERG.

Mr. ULLMAN.

Mrs. SCHROEDER in five instances.

Mrs. SPELLMAN.

Mr. MINETA.

Mr. MCDONALD of Georgia in four instances.

Mr. MANN.

Mrs. SULLIVAN.

Mr. ROE in two instances.

Mr. EVINS of Tennessee.

Mr. DOWNING.

Mr. MORGAN in five instances.

Mr. ANDERSON of California in three instances.

Mr. GONZALEZ in three instances.

Mr. RICHMOND.

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. 326. An act to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

S. 1172.—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.

ADJOURNMENT

Mr. SIMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 19, 1975, 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:

589. A letter from the Secretary of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations and for other purposes; to the Committee on Armed Services.

590. A letter from the Chairman of the Board of Governors, Federal Reserve System, transmitting the portion of the annual report of the Board of Governors for calendar year 1974 dealing with monetary policy and the economy; to the Committee on Banking, Currency and Housing.

591. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act No. 1–4, "To modify the vending regulations in regard to ice cream vendors," pursuant to section 602(c) of Public Law 93–198; to the Committee on the District of Columbia.

592. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend the authorization of appropriations for the National Institute of Education, to establish priorities on which the resources of the Institute will be concentrated, and for other purposes; to the Committee on Education and Labor.

593. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend until July 31, 1975, the date for submission of the long-range projection for the provision of comprehensive services to handicapped individuals; to the Committee on Education and Labor.

594. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting notice of proposed amendments to the regulations governing the Library Services and Construction Act, to reflect amendments made by Public Law 93–380, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

595. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting notice of proposed regulations for a State Dissemination Grants program in the National Institute of Education, Department of Health, Education, and Welfare, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

596. A letter from the Comptroller, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Navy to offer to sell certain defense articles to the Government of Spain, pursuant to section 36(b) of the Foreign Military Sales Act, as amended; to the Committee on Foreign Affairs.

597. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend section 48 of the Bankruptcy Act (11 U.S.C. 76) to increase the maximum compensation allowable to receivers and trustees; to the Committee on the Judiciary.

598. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend the Bankruptcy Act to abolish the referees' salary and expense fund, to provide that fees and charges collected by the clerk of a court of bankruptcy in bankruptcy proceedings be paid into the general fund of the Treasury of the United States, to provide salaries and expenses of referees be paid from the general fund of the Treasury, and to eliminate the statutory criteria presently required to be considered by the Judicial Conference in fixing salaries of full-time referees; to the Committee on the Judiciary.

599. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, to authorize appropriations for bridge alteration, to author-

ize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes; to the Committee on Merchant Marine and Fisheries.

600. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend the civil service retirement law to increase the retirement benefits of referees in bankruptcy; to the Committee on Post Office and Civil Service.

601. A letter from the Secretary of Commerce, transmitting the annual report of the Foreign-Trade Zones Board for fiscal year 1974, together with reports covering the same period of Foreign-Trade Zones Nos. 1, 2, 3, 5, 7, 8, 9, 10, 12, 15, and 17, and subzones 3A and 9A, pursuant to section 16 of the Foreign-Trade Zones Act of 1934, as amended; to the Committee on Ways and Means.

602. A letter from the Secretary of the Army and the Secretary of Agriculture, transmitting notice of the intention of the Departments of the Army and Agriculture to interchange lands at Fort Polk, La., pursuant to 70 Stat. 656; jointly to the Committees on Agriculture, and Armed Services.

603. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend the Bankruptcy Act and the civil service retirement law with respect to the tenure and retirement of referees in bankruptcy; jointly to the Committees on the Judiciary, and 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. FLYNT: Committee on Standards of Official Conduct. House Resolution 46. Resolution to amend the Code of Official Conduct of the Rules of the House of Representatives; with amendment (Rept. No. 94–76). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 337. Resolution providing for the consideration of H.R. 4485. A bill to provide for greater homeownership opportunities for middle-income families and to encourage more efficient use of land and energy resources. (Rept. No. 94–80). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DANIELSON: Committee on the Judiciary. H.R. 2562. A bill for the relief of Charles P. Bailey (Rept. No. 94–77). Referred to the Committee of the Whole House.

Mr. FISH: Committee on the Judiciary. H.R. 3382. A bill for the relief of Raymond Monroe (Rept. No. 94–78). Referred to the Committee of the Whole House.

Mr. MOORHEAD of California: Committee on the Judiciary. H.R. 4056. A bill for the relief of Tri-State Motor Transit Co.; with amendment (Rept. No. 94–79). Referred to the Committee of the Whole House.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 49. A bill to authorize the Secretary of the Interior to establish on certain public lands of the U.S. national petroleum reserves the development of which needs to be regulated in a manner consistent with the total energy needs of the Nation, and for other purposes; with amendment, and referred to the Committee on Armed Services for the period ending April 19, 1975. (Rept. No. 94–81, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 5054. A bill to amend the Public Health Service Act to establish an emergency health benefits protection program for the unemployed; to the Committee on Interstate and Foreign Commerce.

By Mr. ARMSTRONG (for himself and Mr. MONTGOMERY):

H.R. 5055. A bill to amend section 615(a) of title 10, United States Code, relating to required service of members of the Armed Forces; to the Committee on Armed Services.

By Mr. ANDERSON of Illinois (for himself, Mr. ABDNOR, Mr. ANDREWS of North Dakota, Mr. ARMSTRONG, Mr. CARTER, Mr. DICKINSON, Mr. EDGAR, Mr. ERLENBORN, Mr. ESCH, Mr. ESHLEMAN, Mr. FISH, Mr. FREY, Mr. GIBBONS, Mr. GRASSLEY, Mr. HASTINGS, Mr. HINSHAW, Mr. HYDE, Mr. KASTEN, Mr. KELLY, Mr. LAGOMARSINO, Mr. LUJAN, Mr. MCDONALD of GEORGIA, Mr. MILLER of Ohio, Mr. MOORHEAD of California):

H.R. 5056. A bill to amend title 2 of the United States Code to provide for the consideration and adoption of the Rules of the House of Representatives for the 95th and each succeeding Congress; to the Committee on Rules.

By Mr. ANDERSON of Illinois (for himself, Mr. O'BRIEN, Mr. PEYSER, Mr. SCHULZE, Mr. SEBELIUS, Mr. STEIGER of Wisconsin):

H.R. 5057. A bill to amend title 2 of the United States Code to provide for the consideration and adoption of the Rules of the House of Representatives for the 95th and each succeeding Congress; to the Committee on Rules.

By Mr. ARCHER (for himself, Mr. ABDNOR, Mr. ANDREWS of North Dakota, Mr. BEARD of Tennessee, Mr. BROOMFIELD, Mr. BURGENER, Mr. BURLESON of Texas, Mr. COUGHLIN, Mr. DAN DANIEL, Mr. DICKINSON, Mr. FLOOD, Mrs. HOLT, Mr. JOHNSON of Colorado, Mr. LENT, Mr. LOTT, Mr. MCCOLLISTER, Mr. MCDONALD of Georgia, Mr. MURTHA, Mr. O'BRIEN, Mr. PATTISON of New York, and Mr. RIEGLE):

H.R. 5058. A bill to amend the Internal Revenue Code of 1954 to provide income tax relief for small businesses; to the Committee on Ways and Means.

By Mr. ARCHER (for himself, Mr. ROE, Mrs. SCHROEDER, Mr. THONE, Mr. WAGGONNER, Mr. WINN, Mr. YATRON, Mr. MITCHELL of Maryland, and Mr. MONTGOMERY):

H.R. 5059. A bill to amend the Internal Revenue Code of 1954 to provide income tax relief for small businesses; to the Committee on Ways and Means.

By Mr. ASHLEY (for himself and Mr. BLANCHARD):

H.R. 5060. A bill to authorize temporary assistance to help defray mortgage payments on homes owned by persons who are temporarily unemployed or whose incomes have been significantly reduced as the result of adverse economic conditions; to the Committee on Banking, Currency and Housing.

By Mr. ASHLEY (by request):

H.R. 5061. A bill relating to collective-bargaining representation of postal employees; to the Committee on Post Office and Civil Service.

By Mr. BAUCUS:

H.R. 5062. A bill to authorize a vigorous Federal program of research, development, and demonstration to assure the utilization of MHD (magnetohydrodynamics) to assist in meeting our national energy needs, and for other purposes; to the Committee on Science and Technology.

By Mr. BURKE of Florida:

H.R. 5063. A bill to provide for the issuance of a commemorative postage stamp in honor of the veterans of the Spanish-American War; to the Committee on Post Office and Civil Service.

H.R. 5064. A bill to provide for the issuance of a commemorative postage stamp in honor of the veterans of World War II; to the Committee on Post Office and Civil Service.

H.R. 5065. A bill to provide for the issuance of a commemorative postage stamp in honor of the veterans of World War I; to the Committee on Post Office and Civil Service.

H.R. 5066. A bill to provide for the issuance of a commemorative postage stamp in honor of the first enlisted women in the U.S. Armed Forces; to the Committee on Post Office and Civil Service.

H.R. 5067. A bill to provide for a national cemetery in the area of Broward County, Fla.; to the Committee on Veterans' Affairs.

H.R. 5068. A bill to permit the release of certain veterans from liability to the United States arising out of loans made, guaranteed, or insured under chapter 37 of title 38, United States Code; to the Committee on Veterans' Affairs.

H.R. 5069. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

H.R. 5070. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pension of $200 per month to World War I veterans, subject to a $3,000 and $4,200 annual income limitation; to provide that retirement income such as social security shall not be counted as income; to provide that such pension shall be increased by 10 percent where the veteran served overseas during World War I, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CONABLE:

H.R. 5071. A bill to amend section 584 of the Internal Revenue Code of 1954 with respect to the treatment of affiliated banks for purposes of the common trust fund provisions of such code; to the Committee on Ways and Means.

By Mr. DENT (for himself, Mrs. COLLINS of Illinois, Mr. CONTE, Mr. HOLLAND, Mr. KEMP, and Mr. MOAKLEY):

H.R. 5072. A bill to provide an income tax credit for savings for the payment of post-secondary educational expenses; to the Committee on Ways and Means.

By Mr. DICKINSON (for himself, Mr. ANDERSON of Illinois, Mr. ARCHER, Mr. BAFALIS, Mr. BEARD of Tennessee, Mr. CHAPPELL, Mr. DEL CLAWSON, Mr. COLLINS of Texas, Mr. CRANE, Mr. DERWINSKI, Mr. DEVINE, Mr. GOLDWATER, Mr. GOODLING, Mr. HENDERSON, Mr. HINSHAW, Mrs. HOLT, Mr. KETCHUM, Mr. MCDONALD of Georgia, Mr. MANN, Mr. MARTIN of North Carolina, Mr. ROBINSON, Mr. ROUSSELOT, Mr. SEBELIUS, Mr. STEIGER of Arizona, and Mr. TAYLOR of Missouri):

H.R. 5073. A bill to amend the Food Stamp Act of 1964, to exclude from coverage under

the act households which have members who are on strike, and for other purposes; to the Committee on Agriculture.

By Mr. DICKINSON (for himself, Mr. TREEN, Mr. WHITEHURST, Mr. BOB WILSON, Mr. WINN, and Mr. YOUNG of Florida):

H.R. 5074. A bill to amend the Food Stamp Act of 1964, to exclude from coverage under the act households which have members who are on strike, and for other purposes; to the Committee on Agriculture.

By Mr. FASCELL:

H.R. 5075. A bill to provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes; to the Committee on Government Operations.

By Mr. FOLEY:

H.R. 5076. A bill to prohibit the Consumer Product Safety Commission from restricting the sale or manufacture of firearms or ammunition; to the Committee on Interstate and Foreign Commerce.

By Mr. FOLEY (for himself, Mr. ULLMAN, Mr. AUCOIN, Mr. DUNCAN of Oregon, Mr. WEAVER, Mr. MEEDS, Mr. BONKER, Mr. JOHNSON of California and Mr. SYMMS):

H.R. 5077. A bill relating to certain Forest Service timber sale contracts involving road construction; to the Committee on Public Works and Transportation.

By Mr. FREY:

H.R. 5078. A bill to provide financial assistance to the States for improved educational services for exceptional children; to establish a National Clearinghouse for Exceptional Children; and for other purposes; to the Committee on Education and Labor.

By Mr. GUYER:

H.R. 5079. A bill to provide that Federal expenditures shall not exceed Federal revenues, except in time of war or grave national emergency declared by the Congress, and to provide for systematic reduction of the public debt; to the Committee on Ways and Means.

H.R. 5080. A bill to amend title II of the Social Security Act to increase to $7,500 the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. HANNAFORD:

H.R. 5081. A bill to amend title II of the Social Security Act to increase to $3,600 the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted each year without any deductions from benefits thereunder); to the Committee on Ways and Means.

By Mr. HARRINGTON (for himself, Mr. O'BRIEN, Mr. ROSENTHAL, Mr. FORD of Michigan, Mr. BROWN of CALIFORNIA, Mr. RYAN, Mr. REES, Mr. BADILLO, Mrs. SCHROEDER, Mr. RICHMOND, Mr. OTTINGER, Mr. RIEGLE, Mr. EDGAR, and Mr. DUNCAN of Oregon):

H.R. 5082. A bill to amend the Trade Act of 1974 to provide for the application of the generalized system of preferences to Western Hemisphere countries; to the Committee on Ways and Means.

By Mr. HINSHAW:

H.R. 5083. A bill to provide that the U.S. Postal Service may not require the installation of mailboxes at the curb line of residential property in certain localities; to the Committee on Post Office and Civil Service.

By Mr. JEFFORDS (for himself and Mr. HANNAFORD):

H.R. 5084. A bill to prohibit the introduction into interstate commerce of nonreturnable beverage containers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JEFFORDS (for himself and Mr. CLEVELAND):

H.R. 5085. A bill to amend the Internal Revenue Code of 1954 to impose an excise tax on passenger automobiles based on fuel consumption rates and to allow a credit for the purchase of passenger automobiles which meet certain standards of fuel consumption, and for other purposes; to the Committee on Ways and Means.

By Mr. JONES of Tennessee (for himself, Mr. EVINS of Tennessee, Mr. FULTON, Mr. FORD of Tennessee, Mr. DUNCAN of Tennessee, and Mr. BEARD of Tennessee):

H.R. 5086. A bill to amend the Controlled Substances Act to provide penalties for persons who obtain or attempt to obtain narcotics or other controlled substances from a retail pharmacy by force and violence and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTEN (for himself, Mr. DERWINSKI, Mr. WINN, Mr. AUCOIN, Mr. RYAN, and Mr. HANNAFORD):

H.R. 5087. A bill to amend the State and Local Fiscal Assistance Act of 1972 to extend the Federal revenue sharing program for an additional period, to periodically increase the amounts returned to States and local governments under such program, and for other purposes; to the Committee on Government Operations.

By Mr. KEMP (for himself, Mr. LAFALCE, Mr. NOWAK, Mr. HANLEY, Mr. DELANEY, Mr. HORTON, Mr. KOCH, Mr. LENT, Mr. RANGEL, Mr. FLOOD, Mr. GILMAN, Mr. RICHMOND, Mr. MCKINNEY, Mr. MITCHELL of New York, Mr. MCEWEN, Mr. PIKE, Mr. PATTISON of New York, Mr. PEYSER, Mr. ROSENTHAL, Mr. JEFFORDS, Mr. FISH, Mr. ADDABBO, Mr. ZEFERETTI, and Mr. HASTINGS):

H.R. 5088. A bill to amend section 109 of title 23 of the United States Code to permit the Secretary of Transportation to delegate the responsibility for the preparation of an environmental impact statement to the State affected by a proposed project on a Federal-aid highway system; to the Committee on Public Works and Transportation.

By Mr. LENT (for himself, Mr. DUNCAN of Tennessee, Mr. YATRON, Mr. DEL CLAWSON, Mr. LAGOMARSINO, Mr. HORTON, Mr. O'BRIEN, Mr. SOLARZ, Mr. RYAN, and Mr. HENDERSON):

H.R. 5089. A bill to establish a contiguous fishery zone (200-mile limit) beyond the territorial sea of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. MEEDS:

H.R. 5090. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Cowlitz Tribe of Indians in Indian Claims Commission docket No. 218, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MEEDS (for himself, Ms. ABZUG, Mr. BROWN of California, Mrs. COLLINS, of Illinois, Mr. CLAY, Mr. DE LUGO, Mr. DRINAN, Mr. GREEN, Mr. HANNAFORD, Mr. HARRINGTON, Mr. HARRIS, Mr. MAGUIRE, Mr. MIKVA, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOORHEAD of Pennsylvania, Mr. O'HARA, Mr. REES, Mr. REUSS, Mr. RIEGLE, Mr. ROSENTHAL, Mr. STUDDS, Mr. ULLMAN, Mr. VANIK, and Mr. WOLFF):

H.R. 5091. A bill to provide for the establishment of an American Folklife Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. O'HARA:

H.R. 5092. A bill to improve the service which is provided to consumers in connection with escrow accounts on real estate mortgages, to prevent abuses of the escrow system, to require that interest be paid on escrow deposits, and for other purposes; to the Committee on Banking, Currency and Housing.

By Mr. PEPPER:

H.R. 5093. A bill to amend section 355 of title 38, United States Code, relating to the authority of the Administrator of Veterans' Affairs to readjust the schedule of ratings for the disabilities of veterans; to the Committee on Veterans' Affairs.

H.R. 5094. A bill to amend section 333 of title 38, United States Code, to provide that veterans who serve 2 or more years in peacetime shall be entitled to a presumption that chronic diseases becoming manifest within 1 year from the date of separation from service are service connected; to the Committee on Veterans' Affairs.

H.R. 5095. A bill to amend section 620, title 38, United States Code, to authorize direct admission to community nursing homes at the expense of the U.S. Government; to the Committee on Veterans' Affairs.

H.R. 5096. A bill to amend title 38 of the United States Code to provide an annual clothing allowance to certain veterans who, because of a service-connected disability, wear a prosthetic appliance or appliances which tend to wear out or tear their clothing; to the Committee on Veterans' Affairs.

H.R. 5097. A bill to amend title 38 of the United States Code to provide that pensioners may be furnished necessary medical services in Veterans' Administration facilities; to the Committee on Veterans' Affairs.

H.R. 5098. A bill to amend title 38, United States Code, to increase the amount of veterans' benefits for burial and funeral expense allowance from the present $250 to $750; to the Committee on Veterans' Affairs.

H.R. 5099. A bill to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund; to the Committee on Veterans' Affairs.

H.R. 5100. A bill to provide for annual adjustments in monthly monetary benefits administered by the Veterans' Administration, according to changes in the Consumer Price Index; to the Committee on Veterans' Affairs.

H.R. 5101. A bill to provide that veterans be provided employment opportunities after discharge at certain minimum salary rates; to the Committee on Veterans' Affairs.

H.R. 5102. A bill to expand the authority of the Veterans' Administration to make direct loans to veterans where private capital is unavailable at the statutory interest rate; to the Committee on Veterans' Affairs.

H.R. 5103. A bill to amend title 38, United States Code, to increase the limitations with respect to direct loans to veterans from $21,000 to $25,000; to the Committee on Veterans' Affairs.

H.R. 5104. A bill to amend title 38, United States Code, to improve the business loan program for veterans; to the Committee on Veterans' Affairs.

H.R. 5105. A bill to amend title 38 of the United States Code to provide mustering-out payments for military service after August 5, 1964; to the Committee on Veterans' Affairs.

H.R. 5106. A bill to insure that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

H.R. 5107. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

H.R. 5108. A bill to make available to veterans of the Vietnam war all benefits available to World War II and Korean conflict veterans; to the Committee on Veterans' Affairs.

H.R. 5109. A bill to amend title 38 of the United States Code in order to provide service pension to certain veterans of World War I and pension to the widows of such veterans; to the Committee on Veterans' Affairs.

H.R. 5110. A bill to amend title 38 of the United Sttaes Code so as to entitle veterans of the Mexican border period and of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively, and to increase pension rates; to the Committee on Veterans' Affairs.

H.R. 5111. A bill to amend title 38 of the United States Code to provide for a pension of $100 per month for unremarried widows of men awarded a Medal of Honor posthumously; to the Committee on Veterans' Affairs.

H.R. 5112. A bill to amend title 38, United States Code, to provide that remarriage of the widows of a veteran after age 60 shall not result in termination of dependency and indemnity compensation; to the Committee on Veterans' Affairs.

H.R. 5113. A bill to amend title 38, of the United States Code, in order to credit physicians and dentists with 20 or more years of service in the Veterans' Administration with certain service for retirement purposes; to the Committee on Veterans' Affairs.

H.R. 5114. A bill to provide equitable treatment of veterans enrolled in vocational education courses; to the Committee on Veterans' Affairs.

H.R. 5115. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to Vietnam-era veterans; to the Committee on Veterans' Affairs.

H.R. 5116. A bill to amend title 38, United States Code, to authorize a treatment and rehabilitation program in the Veterans' Administration for servicemen, veterans, and ex-servicemen suffering from drug abuse or drug dependency; to the Committee on Veterans' Affairs.

H.R. 5117. A bill to amend title 38 of the United States Code to clarify the circumstances under which the Administrator of Veterans' Affairs may pay for care and treatment rendered to veterans by private hospitals in emergencies; to the Committee on Veterans' Affairs.

H.R. 5118. A bill to amend title 38 of the United States Code to permit veterans to determine how certain drugs and medicines will be supplied to them; to the Committee on Veterans' Affairs.

H.R. 5119. A bill to amend chapter 73 of title 38, United States Code, to make a career in the Department of Medicine and Surgery more attractive; to the Committee on Veterans' Affairs.

H.R. 5120. A bill to amend chapter 35 of title 38, United States Code, so as to provide educational assistance at secondary school level to eligible widows and wives, without charge to any period of entitlement the wife or widow may have pursuant to sections 1710 and 1711 of this chapter; to the Committee on Veterans' Affairs.

H.R. 5121. A bill to amend chapter 34 of title 38, United States Code, to authorize additional payments to eligible veterans to partially defray the cost of tuition; to the Committee on Veterans' Affairs.

H.R. 5122. A bill to amend chapter 34 of title 38, United States Code, to permit eligible veterans pursuing full-time programs of education to receive increased monthly educational assistance allowances and have their period of entitlement reduced proportionally; to the Committee on Veterans' Affairs.

H.R. 5123. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to veterans who have served in the Indochina theater of operations during the Vietnam era; to the Committee on Veterans' Affairs.

By Mr. PICKLE (for himself, Mr. ECKHARDT, Mr. KRUEGER, Mr. GONZALEZ, Mr. HIGHTOWER, Mr. WRIGHT, Mr. CHARLES WILSON of Texas, Mr. TEAGUE, Mr. KAZEN, Mr. MILFORD, Mr. WHITE, Mr. POAGE, Mr. PATMAN, and Mr. BROOKS):

H.R. 5124. A bill to provide for the establishment of an American Folklife Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mrs. SCHROEDER:

H.R. 5125. A bill to require the Director of the Office of Management and Budget to make recommendations to the President with respect to national observances, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STRATTON (for himself, Mr. ASHLEY, Mr. BADILLO, Mr. BREAUX, Mr. BRODHEAD, Mr. BROWN of California, Mr. BUCHANAN, Mr. CARNEY, Mr. CONTE, Mr. CONYERS, Mr. COTTER, Mr. DOWNEY, Mr. DRINAN, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mrs. FENWICK, Mr. FISH, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, and Mr. HENDERSON):

H.R. 5126. A bill to prohibit any increase in the price of certain consumer commodities by any retailer once a price is placed on any such commodity by such retailer, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STRATTON (for himself, Mr. HYDE, Mr. LAFALCE, Mr. LLOYD of California, Mr. MCEWEN, Mr. MCHUGH, Mr. MAZZOLI, Mr. MOTTL, Mr. O'BRIEN, Mr. OTTINGER, Mr. RICHMOND, Mr. RODINO, Mr. ROSENTHAL, Mr. SARBANES, Mrs. SCHROEDER, Mr. SOLARZ, Mr. STARK, Mrs. SULLIVAN, Mr. WALSH, Mr. WHITEHURST, Mr. YOUNG of Florida, and Mr. ZEFERETTI):

H.R. 5127. A bill to prohibit any increase in the price of certain consumer commodities by any retailer once a price is placed on any such commodity by such retailer, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Ms. ABZUG (for herself, Mr. STARK, Mr. STOKES, Mr. CHARLES WILSON of Texas, and Mr. WON PAT):

H.R. 5128. A bill to amend the Privacy Act of 1974; to the Committee on Government Operations.

By Ms. ABZUG (for herself, Mr. ADDABBO, Mr. BADILLO, Mr. BAUCUS, Mrs. BOGGS, Mrs. BURKE of California, Mr. CARR, Mr. DANIELSON, Mr. DELLUMS, Mr. DRINAN, Mr. EDGAR, Mr. FORD of Tennessee, Mr. HANNAFORD, Mr. HARRINGTON, Mr. KOCH, Mr. MAGUIRE, Mr. MELCHER, Mr. MIKVA, Mr. MITCHELL of Maryland, Mr. NIX, Mr. PATTISON of New York, Mr. RICHMOND, Mr. ROE, Mr. SOLARZ, and Mrs. SPELLMAN):

H.R. 5129. A bill to amend the Privacy Act of 1974; to the Committee on Government Operations.

By Mr. ANNUNZIO:

H.R. 5130. A bill to provide for the issuance of a special postage stamp in commemoration of the life and work of a man of science, Enrico Fermi; to the Committee on Post Office and Civil Service.

By Mr. ASHBROOK:

H.R. 5131. A bill to prevent the estate tax law from operating to encourage or to require the destruction of open lands and historic places, by amending the Internal Revenue Code of 1954 to provide that real property which is farmland, woodland, or open land and forms part of an estate may be valued, for estate tax purposes, at its value as farmland, woodland, or open land (rather than at its fair market value), and to provide that real property which is listed on the National Register of Historic Places may be valued, for estate tax purposes, at its value for its existing use, and to provide for the revocation of such lower evaluation and recapture of unpaid taxes with interest in appropriate circumstances; to the Committee on Ways and Means.

By Mr. DRINAN (for himself, Ms. ABZUG, Mrs. COLLINS of Illinois, Mr. DIGGS, Mr. EDGAR, Mr. HARRINGTON, Mr. HAWKINS, Mr. HELSTOSKI, Mr. ROSENTHAL, Mr. SOLARZ, Mr. STARK, and Mr. WAXMAN):

H.R. 5132. A bill to substantially reduce the personal dangers and fatalities caused by the criminal and violent behavior of those persons who lawlessly misuse firearms by restricting the availability of such firearms for law enforcement; military purposes; and for certain approved purposes including sporting and recreational uses; to the Committee on the Judiciary.

By Mr. DUNCAN of Tennessee for himself, Mr. WAGGONNER, Mrs. HOLT, Mr. ARCHER, Mr. DEVINE, Mr. STEIGER of Arizona, Mr. GOODLING, Mr. DICKINSON, Mr. ROUSSELOT, Mr. ROBERTS, Mr. TALCOTT, Mr. CRANE, Mr. SEBELIUS, Mr. SPENCE, Mr. BEARD of Tennessee, Mr. CONLAN, Mr. LAGOMARSINO, Mr. KINDNESS, Mr. BROYHILL, Mr. HUTCHINSON, and Mr. HANSEN):

H.R. 5133. A bill to amend title IV of the Social Security Act to improve and make more realistic various provisions relating to eligibility for aid to families with dependent children and the administration of the AFDC program, and for other purposes; to the Committee on Ways and Means.

By Mr. DUNCAN of Tennessee for himself, Mr. VANDER JAGT, Mr. SATTERFIELD, Mr. BURGENER, Mr. MYERS of Indiana, Mr. DEL CLAWSON, Mr. SNYDER, Mr. COLLINS of Texas, Mr. TREEN, Mr. CHAPPELL, Mr. THONE, Mr. BAUMAN, Mr. LOTT, Mr. MARTIN, Mr. EDWARDS of Alabama, Mr. YOUNG of Florida, Mr. SHUSTER, Mr. HINSHAW, Mr. BURLESON of Texas, Mr. TAYLOR of Missouri, and Mr. REGULA):

H.R. 5134. A bill to amend title IV of the Social Security Act to improve and make more realistic various provisions relating to eligibility for aid to families with dependent children and the administration of the AFDC program, and for other purposes; to the Committee on Ways and Means.

By Mr. DUNCAN of Tennessee for himself, Mr. MICHEL, Mr. BAFALIS, Mr. DAN DANIEL, Mr. GOLDWATER, Mr. ROBINSON, Mr. KASTEN, Mr. MOORHEAD of California, Mr. MILLER of Ohio, Mr. WHITE, Mr. SYMMS, Mr. KETCHUM, Mr. GRASSLEY, Mr. CLANCY, Mr. ARMSTRONG, Mr. KEMP, Mr. ESHLEMAN, Mr. DERWINSKI, Mr. HAGEDORN, Mr. KELLY, Mr. MONTGOMERY and Mr. LUJAN):

H.R. 5135. A bill to amend title IV of the Social Security Act to improve and make more realistic various provisions relating to eligibility for aid to families with dependent children and the administration of the AFDC program, and for other purposes; to the Committee on Ways and Means.

By Mr. GUDE:

H.R. 5136. A bill to authorize the transfer of jurisdiction of certain lands in the National Park System located in Montgomery County, Md., and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 5137. A bill to authorize the transfer of jurisdiction of certain lands in the National Park System located in Montgomery County, Md., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARRINGTON:

H.R. 5138. A bill to insure that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. HARRINGTON (for himself and Mr. COHEN):

H.R. 5139. A bill to insure that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mrs. HOLT (for herself, Mr. STEELMAN, Mr. MCDONALD of Georgia, and Mr. BAUMAN):

H.R. 5140. A bill to require that estimates of the average cost for each taxpaying family be included in all bills and resolutions of a public character introduced and reported in the Senate and the House of Representatives; to the Committee on Rules.

By Mr. LENT:

H.R. 5141. A bill to incorporate the United States Submarine Veterans of World War II; to the Committee on the Judiciary.

By Mr. LEVITAS:

H.R. 5142. A bill to repeal the Council on Wage and Price Stability Act; to the Committee on Banking, Currency and Housing.

By Mr. LITTON (for himself, Mr. CLAY, Mr. DENT, Mr. HANNAFORD, Mr. HAWKINS, Mr. JONES of Tennessee, Mr. LONG of Louisiana, Ms. MINK, Mr. RANDALL, Mr. SANTINI, Mr. SYMINGTON, and Mr. CHARLES H WILSON of California):

H.R. 5143. A bill to amend the Legislative Reorganization Act of 1970 to provide seminars to freshmen Members of the Congress, and for other purposes; to the Committee on House Administration.

By Mr. MCKINNEY:

H.R. 5144. A bill to decrease to 16 the minimum age at which a person may file on his own behalf a naturalization petition; to the Committee on the Judiciary.

By Mr. MACDONALD of Massachusetts:

H.R. 5145. A bill to amend the Social Security Act to provide for a minimum annual income (subject to subsequent increases to reflect the cost of living) of $3,850 in the case of elderly individuals and $5,200 in the case of elderly couples; to the Committee on Ways and Means.

By Mr. MELCHER (for himself, and Mrs. HECKLER of Massachusetts):

H.R. 5146. A bill to amend the Internal Revenue Code of 1954 to allow farmers to defer certain payments received for losses to crops caused by natural disasters until the taxable year in which the income from the crops would have been reported; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 5147. A bill to increase the appropriation authorization relating to the Andrew Johnson National Historic Site, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RAILSBACK:

H.R. 5148. A bill to enable cattle producers to establish, finance, and carry out a coordinated program of research, producer and consumer education, and promotion to improve, maintain, and develop markets for cattle, beef, and beef products; to the Committee on Agriculture.

By Mr. ROSENTHAL:

H.R. 5149. A bill to amend the Social Security Act to establish a new program of assured annual income benefits for the aged, the blind, and the disabled; to amend title II of such act to improve the computation of benefits and eligibility therefor, to provide for payment of widow's and widower's benefits in full at age 50 without regard to disability, to raise the earnings base, to eliminate the actuarial reduction and lower the age entitlement, to provide optional coverage for Federal employees, to eliminate the retirement test, and to increase the lump-sum death payment; to amend title XVIII of such act to reduce to 60 the age of entitlement to medicare benefits and liberalize coverage of the disabled without regard to age, to provide coverage for certain governmental employees, to include qualified prescription drugs, free annual physical examinations, flu shots, prosthetics, eye care, dental care, and hearing aids under the supplementary medical benefits program, and to eliminate monthly premiums under such program for those whose gross annual income is below $4,800; to establish a food allowance program for older Americans; and for other purposes; to the Committee on Ways and Means.

By Mr. ROSENTHAL (for himself, Ms. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BRADEMAS, Mr. BROWN of California, Ms. COLLINS of Illinois, Mr. CONYERS, Mr. DOMINICK V. DANIELS, Mr. DOWNEY, Mr. DRINAN, Mr. EDGAR, Mr. EDWARDS of California, Mr. FRASER, Mr. HARRINGTON, Mr. HECHLER of West Virginia, and Ms. HOLTZMAN):

H.R. 5150. A bill to require major corporations to file cost justifications of price increases made in connection with compliance with Federal regulatory requirements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. KOCH, Mr. LLOYD of California, Ms. MINK, Mr. MOORHEAD of Pennsylvania, Mr. NIX, Mr. OTTINGER, Mr. REES, Mr. RICHMOND, Mr. RODINO, Mr. ROYBAL, Ms. SCHROEDER, Mr. SOLARZ, Ms. SPELLMAN, Mr. UDALL, and Mr. YATRON):

H.R. 5151. A bill to require major corporations to file cost justifications of price increases made in connection with compliance with Federal regulatory requirements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. SPELLMAN:

H.R. 5152. A bill to amend section 552 of title 5, United States Code, known as the Freedom of Information Act, to secure to employees of the Federal Government the right to disclose information which is required by law to be disclosed by agencies; to the Committee on Government Operations.

By Mr. BOB WILSON (for himself, Mr. AUCOIN, Mr. BLANCHARD, Mr. BURGENER, Mr. DEL CLAWSON, Mr. COUGHLIN, Mr. D'AMOURS, Mr. DOMINICK V. DANIELS, Mr. KEMP, Mr. LONG of Maryland, Mr. MCCOLLISTER, Mr. SARASIN, Mrs. SPELLMAN, Mr. STEELMAN, Mr. WAGGONNER, and Mr. YOUNG of Florida):

H.R. 5153. A bill to prohibit any change in the status of any member of the uniformed services who is in a missing status under chapter 10 of title 37, United States Code, until the provision of the Paris Peace Accord of January 27, 1973, have been fully complied with, and for other purposes; to the Committee on Armed Services.

By Mr. BURKE of Florida:

H.J. Res. 330. Joint resolution to retain May 30 as Memorial Day; to the Committee on Post Office and Civil Service.

H.J. Res. 331. Joint resolution to amend title 5 of the United States Code to provide for the designation of the 11th day of November of each year as Veterans Day; to the Committee on Post Office and Civil Service.

By Mr. GUYER:

H.J. Res. 332. Joint resolution proposing an amendment to the Constitution of the United States relating to prayer and religious instructions in public schools and other facilities; to the Committee on the Judiciary.

By Mr. BRADEMAS (for himself, Mr. O'NEILL, Mr. BURKE of Massachusetts, Mr. AUCOIN, Mr. WOLFF, Mr. TAYLOR of North Carolina, Mr. HAWKINS, and Mr. LEHMAN):

H. Con. Res. 185. Concurrent resolution expressing the sense of the Congress that no legislation imposing a ceiling on social security cost-of-living benefit increases be enacted; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois (for himself, Mr. ABDNOR, Mr. ANDREWS of North Dakota, Mr. ARMSTRONG, Mr. DOWNEY, Mr. EDGAR, Mr. ERLENBORN, Mr. ESCH, Mr. ESHLEMAN, Mr. FREY, Mr. GIBBONS, Mr. GILMAN, Mr. HASTINGS, Mr. HYDE, Mr. LAGOMARSINO, Mr. LUJAN, Mr. MAGUIRE, Mr. MOORHEAD of California, Mr. O'BRIEN Mr. PEYSER, Ms. SCHROEDER, Mr. SEBELIUS, Mr. SOLARZ, Mr. STARK, and Mr. STEIGER of Wisconsin):

H. Res. 317. Resolution authorizing and directing the Speaker of the House of Representatives to take immediate action to implement a plan for the audio and video broadcasting of House floor proceedings; to the Committee on Rules.

By Mr. ANDERSON of Illinois (for himself and Ms. ABZUG):

H. Res. 318. Resolution authorizing and directing the Speaker of the House of Representatives to take immediate action to implement a plan for the audio and video broadcasting of House floor proceedings; to the Committee on Rules.

By Mr. ANDERSON of Illinois (for himself, Mr. ABDNOR, Mr. ANDREWS of North Dakota, Mr. ARCHER, Mr. ARMSTRONG, Mr. BUCHANAN, Mr. CARTER, Mr. DEVINE, Mr. DICKINSON, Mr. EDGAR, Mr. ERLENBORN, Mr. ESCH, Mr. ESHLEMAN, Mr. FISH, Mr. FREY, Mr. GILMAN, Mr. GRASSLEY, Mr. HASTINGS, Mr. HINSHAW, Mr. HYDE, Mr. KASTEN, Mr. KELLY, Mr. LAGOMARSINO, Mr. LUJAN and Mr. MCDONALD of Georgia):

H. Res. 319. Resolution to amend rule VIII of the Rules of the House of Representatives to prohibit a party caucus or conference from issuing binding instructions on a Member's committee or floor votes and to permit any Member so bound to raise a point of order; to the Committee on Rules.

By Mr. ANDERSON of Illinois (for himself, Mr. MOORHEAD of California, Mr. O'BRIEN, Mr. PEYSER, Ms. SCHROEDER, Mr. SCHULZE, Mr. SEBELIUS, and Mr. STEIGER of Wisconsin):

H. Res. 320. Resolution to amend rule VIII of the Rules of the House of Representatives to prohibit a party caucus or conference from issuing binding instructions on a Member's committee or floor votes, and to permit any Member so bound to raise a point of order; to the Committee on Rules.

By Mr. ANDERSON of Illinois (for himself, Mr. ABDNOR, Mr. ANDREWS of North Dakota, Mr. BUCHANAN, Mr. CARTER, Mr. EDGAR, Mr. ERLENBORN, Mr. ESCH, Mr. ESHLEMAN, Mr. FISH, Mr. FREY, Mr. GIBBONS, Mr. GILMAN, Mr. GRASSLEY, Mr. HASTINGS, Mr. HINSHAW, Mr. HYDE, Mr. KASTEN, Mr. KELLY, Mr. LAGOMARSINO, Mr. LUJAN, Mr. MAGUIRE, Mr. MIKVA, Mr. MOORHEAD of California, and Mr. O'BRIEN):

H. Res. 321. Resolution to amend rule XI of the Rules of the House of Representatives to require that the record of committee action be made available for public inspection,

with certain exceptions; to the Committee on Rules.

By Mr. ANDERSON of Illinois (for himself, Mr. PEYSER, Ms. SCHROEDER, Mr. SCHULZE, Mr. SEBELIUS, Mr. SOLARZ, Mr. STARK, Mr. STEIGER of Wisconsin, and Ms. ABZUG):

H. Res. 322. Resolution to amend rule XI of the Rules of the House of Representatives to require that the record of committee action be made available for public inspection, with certain exceptions; to the Committee on Rules.

By Mr. ANDERSON of Illinois (for himself, Mr. ABDNOR, Mr. ANDREWS of North Dakota, Mr. ARCHER, Mr. ARMSTRONG, Mr. BUCHANAN, Mr. CARTER, Mr. DEVINE, Mr. DICKINSON, Mr. EDGAR, Mr. ERLENBORN, Mr. ESCH, Mr. ESHLEMAN, Mr. FISH, Mr. FREY, Mr. GILMAN, Mr. GRASSLEY, Mr. HASTINGS, Mr. HINSHAW, Mr. HYDE, Mr. KASTEN, Mr. KELLY, Mr. LAGOMARSINO, Mr. LUJAN, and Mr. MILLER of Ohio):

H. Res. 323. Resolution to amend rule XI of the Rules of the House of Representatives to eliminate proxy voting in committees; to the Committee on Rules.

By Mr. ANDERSON of Illinois (for himself, Mr. MOORHEAD of California, Mr. O'BRIEN, Mr. SCHULZE, Mr. SEBELIUS, Mr. SIMON, and Mr. STEIGER of Wisconsin):

H. Res. 324. Resolution to amend rule XI of the Rules of the House of Representatives to eliminate proxy voting in committees; to the Committee on Rules.

By Mr. ANDERSON of Illinois (for himself, Mr. ABDNOR, Mr. ANDREWS of North Dakota, Mr. ARMSTRONG, Mr. BUCHANAN, Mr. EDGAR, Mr. ERLENBORN, Mr. ESCH, Mr. ESHLEMAN, Mr. FREY, Mr. GIBBONS, Mr. GILMAN, Mr. GRASSLEY, Mr. HASTINGS, Mr. HINSHAW, Mr. HYDE, Mr. KASTEN, Mr. KELLY, Mr. LAGOMARSINO, Mr. LUJAN, Mr. MAGUIRE, Mr. MATSUNAGA, Mr. MIKVA, Mr. MILLER of Ohio, and Mr. MOORHEAD of California):

H. Res. 325. Resolution to amend rule XI of the Rules of the House of Representatives to require that all committee meetings, with only limited exceptions, shall be open to the public; to the Committee on Rules.

By Mr. ANDERSON of Illinois (for himself, Mr. O'BRIEN, Mr. PEYSER, Ms. SCHROEDER, Mr. SCHULZE, Mr. SEBELIUS, Mr. SOLARZ, Mr. STARK, Mr. STEIGER of Wisconsin, and Ms. ABZUG):

H. Res. 326. Resolution to amend rule XI of the Rules of the House of Representatives to require that all committee meetings, with only limited exceptions, shall be open to the public; to the Committee on Rules.

By Mr. ANDERSON of Illinois (for himself, Mr. ABDNOR, Mr. ANDREWS of North Dakota, Mr. DEVINE, Mr. DICKINSON, Mr. EDGAR, Mr. ERLENBORN, Mr. ESCH, Mr. ESHLEMAN, Mr. FREY, Mr. GILMAN, Mr. GRASSLEY, Mr. HASTINGS, Mr. HINSHAW, Mr. HYDE, Mr. KASTEN, Mr. KELLY, Mr. LAGOMARSINO, Mr. LUJAN, Mr. MOORHEAD of California, Mr. O'BRIEN, Mr. PEYSER, Ms. SCHROEDER, Mr. SCHULZE, and Mr. SEBELIUS):

H. Res. 327. Resolution to amend rule XI of the Rules of the House of Representatives to provide that any member in committee may demand a rollcall vote on any matter, and that a rollcall vote shall be required on any motion to report a bill or resolution from committee; to the Committee on Rules.

By Mr. ANDERSON of Illinois (for himself, Mr. SOLARZ, Mr. STEIGER of Wisconsin, and Ms. ABZUG):

H. Res. 328. Resolution to amend rule XI of the Rules of the House of Representatives to provide than any member in committee may demand a rollcall vote on any matter, and that a rollcall vote shall be required on any motion to report a bill or resolution from committee; to the Committee on Rules.

By Mr. ANDERSON of Illinois (for himself, Mr. ABDNOR, Mr. ANDREWS of North Dakota, Mr. ARCHER, Mr. ARMSTRONG, Mr. BUCHANAN, Mr. CARTER, Mr. DEVINE, Mr. DICKINSON, Mr. ERLENBORN, Mr. ESCH, Mr. ESHLEMAN, Mr. FREY, Mr. GILMAN, Mr. GRASSLEY, Mr. HASTINGS, Mr. HINSHAW, Mr. HYDE, Mr. KASTEN, Mr. KELLY, Mr. LAGOMARSINO, Mr. LUJAN, Mr. McDONALD of Georgia, Mr. MILLER of Ohio, Mr. MOORHEAD of California):

H. Res. 329. Resolution to amend rule XXVII of the Rules of the House of Representatives to prescribe procedures whereby a committee may request that a matter reported should be considered under a suspension of the rules; to the Committee on Rules.

By Mr. ANDERSON of Illinois (for himself, Mr. O'BRIEN, Ms. SCHROEDER, Mr. SCHULZE, Mr. SEBELIUS, and Mr. STEIGER of Wisconsin):

H. Res. 330. Resolution to amend rule XXVII of the Rules of the House of Representatives to prescribe procedures whereby a committee may request that a matter reported should be considered under a suspension of the rules; to the Committee on Rules.

By Mr. ANDERSON of Illinois (for himself, Mr. ABDNOR, Mr. ANDREWS of North Dakota, Mr. ARMSTRONG, Mr. DEVINE, Mr. ERLENBORN, Mr. ESHLEMAN, Mr. FISH, Mr. FREY, Mr. GIBBONS, Mr. GILMAN, Mr. GRASSLEY, Mr. HASTINGS, Mr. HINSHAW, Mr. HYDE, Mr. KASTEN, Mr. LAGOMARSINO, Mr. LOTT, Mr. LUJAN, Mr. MAGUIRE, Mr. MATSUNAGA, Mr. MILLER of Ohio, Mr. MOORHEAD of California, Mr. O'BRIEN, and Mr. PEYSER):

H. Res. 331. Resolution to amend rule XXVIII of the Rules of the House of Representatives to require that all House-Senate conferences shall be open to the public and that no conference report shall be in order for consideration unless all conference sessions were open; to the Committee on Rules.

By Mr. ANDERSON of Illinois (for himself, Ms. SCHROEDER, Mr. SCHULZE, Mr. SEBELIUS, Mr. SOLARZ, Mr. STARK, Mr. KELLY, and Ms. ABZUG):

H. Res. 332. Resolution to amend rule XXVIII of the Rules of the House of Representatives to require that all House-Senate conferences shall be open to the public and that no conference report shall be in order for consideration unless all conference sessions were open; to the Committee on Rules.

By Mr. HUGHES (for himself, Mr. EDGAR, Mr. FORD of Tennessee, Mr. GAYDOS, Mr. MITCHELL of New York, Mr. MOTTL, Mr. OTTINGER, Mr. REES, Mr. RICHMOND, Mr. RODINO, Mr. SOLARZ, and Mrs. SPELLMAN):

H. Res. 333. Resolution to create a select committee to make investigations and studies relating to natural gas and petroleum reserves; to the Committee on Rules.

By Mr. LITTON (for himself, Mr. OTTINGER, Mr. PEYSER, Mr. MANN, Mr. DIGGS, Mr. KOCH, Mr. BROWN of California, Mr. BALDUS, Mr. HICKS, and Mr. RODINO):

H. Res. 334. Resolution expressing the sense of the House of Representatives concerning the need for immediate and substantial public investments in agriculture research and technology for the express purpose of increasing food production; to the Committee on Agriculture.

By Mr. MONTGOMERY (for himself, Ms. ABZUG, Mr. ADDABBO, Mr. ARCHER, Mr. BEARD of Tennessee, Mr. DEVINE, Mr. DERRICK, Mr. DICKINSON, Mr. FISH, Mr. FLYNT, Mr. FRASER, Mr. FRENZEL, Mr. GILMAN, Ms. HOLT, Mr. JONES of Oklahoma, Mr. KEMP, Mr. LAGOMARSINO, Mr. MURTHA, Mr. MYERS of Indiana, Mr. NOLAN, Mr. SPENCE, Mr. STEIGER of Arizona, Mr. SYMMS, Mr. WOLFF, and Mr. ZEFERETTI):

H. Res. 335. Resolution establishing a select committee to study the problem of U.S. servicemen missing in action in Southeast Asia; to the Committee on Rules.

By Mr. MONTGOMERY (for himself, Mr. KETCHUM, Mr. CRANE, Mr. BOB WILSON, Mr. COCHRAN, and Mr. ROSE):

H. Res. 336. Resolution establishing a select committee to study the problem of U.S. servicemen missing in action in Southeast Asia; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

57. By the SPEAKER: Memorial of the Senate of the State of Washington, relative to Americans missing in action in Southeast Asia; to the Committee on Armed Services.

58. Also, memorial of the Legislature of the State of California, relative to the definition of tax effort under the State and Local Assistance Act of 1972; to the Committee on Government Operations.

59. Also, memorial of the Legislature of the Commonwealth of Virginia, relative to automobile emission standards; to the Committee on Interstate and Foreign Commerce.

60. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to observing Veterans Day on November 11; to the Committee on Post Office and Civil Service.

61. Also, memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to air service to Puerto Rico; to the Committee on Public Works and Transportation.

62. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to extending medicare coverage to include the costs of eyeglasses, dentures, hearing aids, and prescription drugs; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HANNAFORD:

H.R. 5154. A bill for the relief of Peter J. Montagnoli; to the Committee on the Judiciary.

By Mrs. HOLT:

H.R. 5155. A bill for the relief of Charles Hammond, Jr.; to the Committee on Merchant Marine and Fisheries.

By Mr. BOB WILSON:

H.R. 5156. A bill for the relief of Peter P. Toma; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

62. By the SPEAKER: Petition of the East Bay Municipal District Employees Union, El Cerrito, Calif., relative to assistance to Cambodia and Vietnam; to the Committee on Foreign Affairs.

63. Also, petition of QED, La Jolla, Calif., relative to the Panama Canal; to the Committee on Foreign Affairs.

64. Also, petition of the Ozark Society, Little Rock, Ark., relative to including the Mulberry River in the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4296

By Mr. D'AMOURS:

Page 3, strike out lines 4 through 16 and insert:

"Notwithstanding the foregoing provisions of this section, effective for the period beginning with the date of enactment, the present support price of 80 per centum shall be adjusted thereafter by the Secretary at the beginning of each quarter, beginning with the second quarter of the calendar year of 1975, to reflect any change during the immediately preceding quarter in the index of prices paid by farmers for production items, interest, taxes, and wage rates. Such support prices shall be announced by the Secretary within 30 days prior to the beginning of each quarter.".

By Mr. RICHMOND:

Page 2, line 12, delete the language of lines 12, 13, 14, and 15 in its entirety.

Page 3, line 8, strike the figure "85 per centum", and insert in lieu thereof the figure "80 per centum".

Page 3, line 16, add a new section to read as follows:

"SEC. 3. No payment authorized under this Act shall be made to any producer or cooperator when it is disclosed that such producer or cooperator has assets in excess of $3,000,000 in nonfarmiing interests."

SENATE—*Tuesday, March 18, 1975*

(Legislative day of Wednesday, March 12, 1975)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by Hon. DALE BUMPERS, a Senator from the State of Arkansas.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, who of old didst guide our fathers through the perils of pioneer days, make us pioneers of the spirit in the testing times of our age. Grant us clear minds, dauntless courage, and persevering faith. Make us workmen who have no need to be ashamed. In our response to the Nation's needs keep us wise and tender and strong. In our dealings with each other invest us with the courteous and kindly spirit. In our dealings with ourselves, keep us honest. Show us every moment that in Thee we live and move and have our being.

We pray in His name who taught us the way of the servant. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 18, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DALE BUMPERS, a Senator from the State of Arkansas, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. BUMPERS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, March 17, 1975, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that I be recognized for 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 11 a.m., with statements therein limited to 5 minutes.

The Senator from Kentucky is recognized for up to 5 minutes.

Mr. FORD. I thank the Chair.

THE CAMBODIAN ASSISTANCE BILL

Mr. FORD. Mr. President, the Cambodian assistance bill, ordered reported, provides for additional military assistance authorizations for Cambodia for fiscal year 1975.

I plan to introduce an amendment to that bill which would eliminate all military assistance to Cambodia, in any form, and would be effective immediately upon passage of the act. My amendment would not cut off any humanitarian aid that might be necessary and favorably considered.

Mr. President, not only is this amendment intended to stop U.S. assistance for war purposes, but it is also designed to prevent a White House end run whereby some form of military support could be sent to Cambodia. In other words, there should be no way for the Executive to circumvent the intention of this amendment.

Military assistance would include cash, credit, guaranty, lease, gift, or otherwise. No license may be issued on or after such date for the transportation of arms, ammunitions, or implements of war, including technical data. In addition, any license issued prior to the date of enactment of this act, and not used as of such date, would also be invalid.

I believe that it is time for us to stop supporting the war activities in Indochina. Surely we have learned our lesson by now. This country cannot keep pouring hundreds of millions of dollars down the drain in civil wars, especially at a time when we ought to be doing more for our own people in America. I am amazed at those who say, "Well, let us dump a few hundred million dollars more as a last gesture to indicate our good faith support, even though such support will not determine the war's outcome."

Mr. President, here is a chance for the Senate to say once and for all—stop.

I read the news this morning and I watched the news, and I saw the U.S. Embassy in Cambodia not only removing all of its personnel but also burning our papers. If we pass the amendment to send funds to Cambodia I wonder which regime we will be sending them to.

Mr. President, I hope that we will receive a great deal of support for this amendment when this bill comes before the Senate. It is my understanding that the bill would be S. 663, but it could take another number. So my intent is to lay this proposal on the table and to amend whatever bill comes from the committee, by whatever number it might have.

ORDER FOR STAR PRINT—S. 510

Mr. MANSFIELD. Mr. President, on March 11, 1975, the Senator from Massachusetts (Mr. KENNEDY), filed a report on S. 510, the Medical Device Amendments of 1975. Upon reviewing this report, he has found that it contains a number of technical and clerical errors.

On behalf of the Senator from Massachusetts (Mr. KENNEDY), I therefore ask