

Congressional Record

(excerpt)

July 24, 1966

**House of Representatives –
debate on H. Res. 935 (89th
Congress), a resolution from the
House Rules Committee allowing
debate on the Department of
Transportation Act. Beginning of
general debate on the bill itself,
H.R. 15963 (89th Congress).**

conference committee added one investigation not in the House-passed bill and deleted one project investigation that was in the House-passed bill. With respect to the new planning starts, the conference committee included three project investigations not in the House-passed bill and deleted seven project investigations that were in the House-passed bill. These actions by the conference committee were based upon careful examination of the status of planning on the affected projects.

The conference committee retained the House-approved provision which provides a time limit on the submission to Congress of feasibility reports after completion and requires the Secretary to furnish the legislative committees all of the information which is developed in connection with project investigations, including information on all of the alternatives studied, in order that the committees and the Congress may judge whether, considering all relevant factors, the best plan of development has been recommended.

The House-passed bill would have permitted feasibility studies on projects when the funds for such studies were advanced by non-Federal sources. The conference committee agreed upon the language in the Senate-passed bill which permits feasibility studies to be accelerated with donated funds, but such studies cannot be initiated without specific congressional authorization.

There was one new provision in the Senate-passed bill which was not in the bill considered by the House. This is a provision which amends the authorizing act of the third powerplant at Grand Coulee Dam. This provision was accepted by the conference committee with certain language changes.

The Grand Coulee Dam Act establishes a form of basin account for the Pacific Northwest and provides for financial assistance from the Federal Columbia River power system to reclamation projects in the Pacific Northwest that are hereafter authorized. The purpose of the proposed amendment is to specify the conditions under which such financial assistance may be given and to place a limitation upon the amount. As adopted by the conference committee, the language provides that the financial assistance for reclamation projects, both existing, and future, will not cause increases in power rates of the Bonneville Power Administration, and it limits the amount of such assistance to an average of \$30 million annually in any period of 20 consecutive years. The conference committee determined that this amount would be adequate to meet the foreseeable needs for such assistance in the Northwest. The new language includes provisions for a periodic review of the adequacy of this amount authorized for irrigation assistance and for recommendation by the Secretary of any changes that may be needed.

Mr. Speaker, I urge the adoption of the conference report on S. 3034.

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

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

Mr. HOSMER. Mr. Speaker, the language of the conference report is perhaps better written than that which was discarded. I concur with the gentleman's approval of the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to. A motion to reconsider was laid on the table.

DEPARTMENT OF TRANSPORTATION ACT

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 935 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 935

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. 15963) to establish a Department of Transportation, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, 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.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH] pending which I yield myself such time as I may consume.

Mr. Speaker, those who listened to the reading of the rule will know that it provides for an open rule, that it waives points of order, and provides 4 hours of general debate for consideration of H.R. 15963, a bill to establish a Department of Transportation.

I suppose that all Members know that there has been some controversy over the bill itself, the Department of Transportation bill, but nobody has sought time from me on this side, so I will assume that there is little controversy on the rule, and reserve the balance of my time.

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

Mr. BOLLING. Mr. Speaker, I am glad to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate my colleague yielding.

I am sure he knows I want to ask my usual question: Why is there a waiver of points of order? Was it asked for by the chairman, or did the committee in its wisdom put it in?

Mr. BOLLING. Mr. Speaker, I will reply to the gentleman from Missouri by saying that it was requested by the gentleman from California, the manager handling the bill. This consolidates in one Department a number of other agencies and functions which are transferred to the Department. Naturally, the

funds are too. So for all practical purposes there are a number of reappropriations in the bill. The only way they can be protected would be by having a waiver of points of order. I believe the Committee on Rules agreed with that unanimously. That is the reason the rule so provides.

Mr. HALL. Mr. Speaker, putting it into a nutshell, it makes germane appropriation changes within an authorization bill submitted by a legislative committee.

Mr. BOLLING. It makes in order those appropriations.

Mr. HALL. I thank the gentleman.

Mr. BOLLING. Mr. Speaker, I yield to the gentleman from California.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by the distinguished gentleman from Missouri, House Resolution 935 does make in order consideration of H.R. 15963, the Department of Transportation bill, with 4 hours of debate under an open rule, except that points of order are waived. It does provide for transfer of funds, and it is necessary to waive points of order for that reason.

The purpose of the bill is to establish a new Cabinet-level Department of Transportation, bringing together a number of Federal agencies and activities involving transportation promotion and safety, but not the economic regulation, which will remain with the appropriate regulatory agencies currently performing that job.

It is estimated that the new Department will employ 100,000 people and spend some \$6 billion in Federal funds presently expended annually on transportation.

There is no need to dwell on the tremendous population growth and movement which has occurred in the past 20 years, and will explode even more dramatically in the next 20 years. A few figures will suffice to state the case: by 1975 about 120 million vehicles may be on American roads; domestic airline traffic may double by 1975; by 1975 intercity ton-miles of cargo and intercity passenger miles may reach 2,440 billion and 1,464 billion respectively, increases of 65 percent over current figures. It is clear that our transportation system will be greatly taxed to provide demanded service, demands which must be met.

A number of agencies, and some functions of other agencies will be transferred to the new Department. Chief among these are: First, the office of Under Secretary of Commerce for Transportation, along with its staff and programs; second, the Bureau of Public Roads and the Federal highway program it administers; third, the Federal Aviation Agency, with its functions in safety, development, and subsidy programs; fourth, the Coast Guard with its activities relating to transportation and marine safety; fifth, the Maritime Administration with its construction and operating subsidy programs; sixth, the functions of the CAB to determine probable causes of aircraft accidents and its appellate functions related to safety certificates and licenses are transferred to

the National Transportation Safety Board created by the bill. The CAB's function in accident investigation are transferred to the Secretary of the Department of Transportation and will be delegated to the Office of Accident Investigation, also created by the bill; seventh, the safety functions of the Interstate Commerce Commission, primarily the inspection and enforcement of safety regulations for railroads, motor carriers and pipelines.

In addition to the transfer of these agency functions to the proposed Department, other chief features of the bill include:

First, the exclusion of the transportation resources of the DOD from the new Department. Nor will the administration of the Panama Canal come into the Department—it will remain with the Army.

Second, there is created a National Transportation Safety Board within the Department. Its purpose is to determine and report the cause or probable cause of transportation accidents, and to review on appeal the orders of the Secretary in amending, suspending, or revoking any certificate or license issued by the Secretary. It is authorized to conduct studies relating to safety. The Board will be comprised of five members, appointed by the President with Senate confirmation. It will have its own budget and staff, but be within the Department.

Third, an Office of Accident Investigation is created in the Department to investigate aircraft accidents, independent of the FAA—transferred into the new Department—and using the former CAB investigative personnel.

The Secretary of Transportation is given the authority to set standards and criteria to be used in determining where Federal funds will be invested in transportation facilities or equipment. Currently this authority is diffused among several agencies, each concerned with a particular area in which it has expertise. The Water Resources Council's area of authority is exempted from this section; all others are included. The bill provides that the Secretary cannot promulgate standards or criteria contrary to existing law.

A number of additional views are presented. The gentleman from New York [Mr. ROSENTHAL] supports the bill but wants a stronger attack on transportation noise, particularly with respect to aircraft.

Members DWYER, REID of New York, HORTON, RUMSFELD, ERLNBORN, and WYDLER support the bill. They point to facts and projections indicating current and rising problems, and believe that Federal coordination is indicated. They do feel that in several areas the proposed Department is not adequate to its projected role, particularly in removing economic regulation from its authority. Mass transportation is also left out. They point out that for all the talk of an independent safety board, it is not so in fact; its appropriations will be controlled by the Department, and it has no authority to conduct its own accident investigations. It independently will only

determine probable cause. These Members also believe that air accident investigations should remain with CAB, or be transferred to the Safety Board rather than to the Office of Accident Investigation to maintain fuller independence from other aircraft controls transferred into the Department.

Finally, these Members question section 7 of the bill which provides for the Secretary of Transportation to set standards and criteria for the investment of Federal funds on transportation facilities and equipment.

Members CALLAWAY and DOLE oppose the bill as reported, though they believe the concept to be sound. They cite the present lack of coordination among the present modes of transportation, but they believe the Department will not solve the problems, because authority is fractured, some taken into the Department, some not.

They do not believe that the problems of our merchant marine will be solved by moving the Maritime Administration from Commerce to Transportation; what is needed is for the executive to see the problem and follow the urging of Congress to request appropriations.

They point to the current success of the aviation industry under its present CAB, FAA control and see no reason to change, pointing to the problems of the railroads operating under ICC control.

They believe that safety and accident investigation and prevention, particularly with respect to airlines will suffer under the bill as independence is lost, and one Department will, in effect, be investigating its own safety regulations. They note that the National Transportation Safety Board does not even have authority to conduct investigations, but merely determining probable cause; it is the Secretary who is actually charged with responsibility to conduct the investigations.

They strongly oppose section 7, on much the same basis as do other members, that is, too vague a grant of power to the Secretary, with the clear possibility that he may, by the use of Federal funds, indirectly set Government policy in transportation.

Members BROWN and DICKINSON oppose the bill on these four points: First, section 7 abrogates congressional control of Federal investment in the fields of transportation; second, most modes of transportation have prospered without Federal coordination; third, urban mass transport is not even included in the bill; fourth, the independence of accident investigation is destroyed with the bill which will provide that the Department investigate itself—a very unlikely situation. They do believe a bill could be prepared to remove these problems and be a positive good for the industry.

Mr. EDWARDS, recently appointed to the committee, and a member of the Merchant Marine and Fisheries Committee, confines his views to the merchant marine problems. He points to our falling tonnage, our old ships, and our growing needs. Merely moving the agency to a new department is not the solution. Money for ships, which the

administration has continually refused, is the answer.

I believe our big problem today, as I understand it, will be on the merchant marine situation. There may be other amendments offered, but at the time the Committee on Rules heard this particular bill, the Committee on Merchant Marine and Fisheries was considering a bill related to this. They have had this problem for a long period of time, as to the future of the merchant marine. Many of the members who testified, from the Committee on Merchant Marine and Fisheries, stated that in their opinions the Maritime Administration has been more or less a stepchild within the Department of Commerce for many years, and that we are far behind on needed ships, possibly 100 ships or more. They requested that we try to hold up a rule on this bill until they could finish their hearings, and possibly make their bill, as they reported it, the one in order.

That did not seem to be what we could do at that time, because there was not any bill before us, so a rule was granted.

Subsequent thereto, a rule also was granted on H.R. 11696, which will remove the Maritime Administration from this particular bill and set it up as a separate agency. That will present some problems here today, Mr. Speaker.

As I understand it, the proponents of that position—which I personally support—will make a motion or offer an amendment to strike that part from this bill which deals with the Maritime Administration, so that subsequently that can be considered in a separate bill. I know that those who are completely in support of this bill will not agree with me, but some feel if it is not done at this particular time we may never get an opportunity to do it later on.

I want to bring that to the attention of the House, because this is where the tough vote is going to come today.

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

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

Mr. GROSS. Does the gentleman anticipate that with the passage of this bill there would be an abolishment of existing agencies of one kind and another, or would they still exist?

Mr. SMITH of California. The agencies which are in existence, as I understand it, going right down the line—the Bureau of Public Roads, the highway program, the Federal Aviation Agency, the Coast Guard, the Maritime Administration, and so forth—all would be transferred into this new Department of Transportation, at the Secretary level.

Mr. GROSS. If the gentleman will yield further, that is just the trouble. I went through the business of establishing the Defense Department. We were told by any number of Members of the House at that time—some of whom are still here—of the economy which would be obtained through the creation of the Defense Department. None of the various departments which existed previously was abolished. All were simply brought in, lock, stock and barrel, and on top was a layer of "fat" created, known as the Department of Defense.

We were supposed to have common catalog purchasing and free exchange of information, but nothing happened. Today we do not have a common purchasing catalog worthy of the name in the Department of Defense. Recently—only a few weeks ago, I believe—they needed certain calibers of ammunition in Vietnam. Instead of picking up the telephone and calling the other departments that use ammunition, such as the Navy and the Marine Corps, no one bothered to do that, but instead they went out and ordered it, when there was surplus to the use of the Marine Corps millions of dollars worth of this ammunition. It is incredible that a situation like that can exist in the Department of Defense, but we got nothing except an added layer of fat in the Department of Defense plus a huge payroll. If this is what we are out to do here, I want no part of it.

Mr. SMITH of California. Mr. Speaker, I will say in reply to the gentleman that I really do not see the connection between what I read in the report and the testimony here. I do not think we are trying to do away with any of these departments.

Mr. GROSS. Why not do away with them if you are putting it all in one Department?

Mr. SMITH of California. I am trying to answer the gentleman's question as long as he brought it in on this particular bill, if he will just let me do so.

The report shows that there is a tremendous population growth and that this growth will continue. Probably in the next 20 years we may have a tremendously larger number of people and vehicles. The report and the testimony show that the argument is in order to handle this large growth we should have a Department of Transportation with a Secretary who can run it. I see nothing there about doing away with any agencies or any savings, and I do not think there will be any savings.

Mr. GROSS. Does not the gentleman think that there should be abolished some of the agencies presently existing? If an argument for the creation of this brandnew Department of the Government is to provide for more efficiency, with less overlapping and so on and so forth, then why should not some of these agencies presently existing be abolished?

Mr. SMITH of California. I cannot answer the gentleman.

Mr. CLARENCE J. BROWN, JR. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. Yes. I yield to the gentleman.

Mr. CLARENCE J. BROWN, JR. There is a subtlety involved in this particular piece of legislation in that the responsibilities, duties, and powers of the FAA and the Bureau of Public Roads and a portion of the Interstate Commerce Commission are transferred, but those agencies as such are not going to be moved to the new Department of Transportation intact. The Secretary of the Department of Transportation under this legislation is given complete power to reorganize those agencies as he sees fit, so that the Bureau of Public Roads and the FAA will only be recognizable if

the Secretary of the Department of Transportation wants them to be recognizable.

Mr. SMITH of California. Mr. Speaker, I thank the gentleman, and I have no further requests for time and know of no objection to the rule.

Mr. BOLLING. Mr. Speaker, I move the previous question.

The resolution was agreed to.

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15963) to establish a Department of Transportation, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15963, with Mr. PRICE in the chair.

IN THE COMMITTEE OF THE WHOLE

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California [Mr. HOLIFIELD] will be recognized for 2 hours and the gentleman from Illinois [Mr. ERLBORN] will be recognized for 2 hours.

The Chair recognizes the gentleman from California [Mr. HOLIFIELD].

Mr. HOLIFIELD. Mr. Chairman, I yield myself to 10 minutes.

Mr. Chairman, H.R. 15963 would establish a new Department of Transportation, making the 12th Department of Cabinet rank in the executive branch of the Government.

Mr. Chairman, it would bring together major Federal agencies and programs relating to transportation, promotion and safety, but not economic regulation which remains with the regulatory bodies.

Mr. Chairman, as the Members of the Committee of the Whole House on the State of the Union know, President Johnson sent his transportation message to the Congress on March 2, 1966, strongly recommending the creation of a Department of Transportation. His message highlighted the urgent contemporary problems which exist in the transportation field and emphasized the pressing need for a solution.

Mr. Chairman, in the year 1842 the great English poet, Tennyson, in his poem "Locksley Hall" said:

For I dipt into the future, far as human eye could see,
Saw the Vision of the World, and all the wonder that would be;
Saw the heavens fill with commerce, argosies of magic sails,
Pilots of the purple twilight, dropping down with costly bales;
Heard the heavens fill with shouting, and there rain'd a ghastly dew
From the nations' airy navies grappling in the central blue.

Mr. Chairman, that was in 1842. This is the year 1966. This present-day generation is called upon to look into the future.

Mr. Chairman, we have pending before us today a bill that seeks to set up an

organization, a Government organization, which will take care of the problems of transportation in the future.

Mr. Chairman, we have in this country 195 million people. It is estimated by Government students on population trends and growth that by the year 2000 we will have 362 million people. We will have to double our transportation facilities; yes, possibly treble them, because as we live in a more affluent society, there will be a constantly increasing trend of population and, therefore, the utilization of transportation.

Mr. Chairman, we are going to have to move the goods, the manufactured goods, the food, the products of the field and factory from place to place within the United States and throughout the world.

Mr. Chairman, our transportation system has grown up helter-skelter, without any plan for coordination, without any plan as to efficiency of operation.

Mr. Chairman, some of our transportation modes have become obsolete, others have forged ahead.

Mr. Chairman, I am not going to attempt to analyze this bill which is pending before us today. I have placed in the Record of August 22, 1966, which is under the seats of the Members, an analysis of the bill. That analysis begins on page 20129. Therefore, I am not going to drone on for 25 or 30 minutes upon the analysis of this bill.

The 4 hours of debate in my opinion will give us an adequate time to consider the different sections of the bill.

I want you to know that this new Department will rank fifth among the 12 Cabinet-level Departments in Federal funding—fifth. It will rank fourth in employment used by transportation services, 14 percent of the Nation's work force.

So we are talking about a not unimportant Department, but we are talking about the fourth and fifth among our most important Departments in our 12 Departments of Government when this is established.

We are talking in terms of gross national product of about 14 percent of our gross national product of 700-some-odd billion dollars. That is what we are talking about.

We are following out the principle of the Hoover Commission. I was a member of the second Hoover Commission and I handled some 50-odd reorganization bills as chairman of the Subcommittee on Reorganization during those years.

We are talking about in this instance the bringing together in one new Cabinet-level Department the major scattered instruments of transportation located throughout the Government.

If you will look at the chart to my right, you will see the modes of transportation on the bottom line.

We are setting up a Federal Railroad Administration.

We are setting up a Federal Highway Administration.

Those are the two basic transportation modes at the present time in terms of tonnage and people.

We are transferring over into this Department a Federal Maritime Administration which has gone through a

number of changes. In 1950 I handled the Reorganization Plan No. 21. It has had another Reorganization Plan No. 7 in 1961. It has been an independent agency. It is now in the Department of Commerce. It is in a subordinate position in the Department of Commerce because the Department of Commerce is concerned with many subjects, many fields of jurisdictional duty and implementation. But in this Department there will only be one objective, there will only be one subject matter. That subject matter will be the one problem, the great problem of transportation.

So in moving the Maritime Administration from its present subordinate position in a department with many unrelated subject matters, we are upgrading it by putting in a department with only one interest, the interest of transportation. We are putting it on the same level as aviation. The same level as railroads. The same level as highway administration.

To those Members who have had a chance to read my remarks, they will find reference to subsidies. I think if they will read the latter part of my remarks they will find that I said that since World War II the Federal Government has funded to the tune of about \$3 billion maritime transportation. But they will also find that I refer to other subsidies to other transportation modes far greater than the maritime subsidies.

I say that he who wants to point the finger of charging subsidies to the Maritime Administration should look also to the subsidies we have given to the railroads in free right-of-ways in the early days, in giving them every other section of land—land containing in many instances mines, coal fields, and oil fields. We have given the railroads attractive tariff rates through our regulatory bodies.

I would not know how to compute the hundreds of millions and possibly billions of dollars that we have used to subsidize the railroads.

Let us get to the Federal highway system. We have a program now which this Congress is supporting of approximately \$50 billion over the period of the next 10 years to finance the highways for the benefit of the private automobile owners and for the benefit of the huge commercial trucking industry.

Let us consider, then, that in the present program of highway financing we have about a \$50 billion cost tag.

Let us move to aviation—

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

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

Mr. FALLON. I hope I misunderstood the gentleman when he said that we were subsidizing the highway construction industry.

Mr. HOLIFIELD. I will complete that thought for the gentleman. Of course, we have taxes that pay back into the fund. We have taxes that pay back into all the different modes of transportation. But in the obligation of Federal funds at low-interest rates for these programs there is an element of subsidy. Now, I am not fighting the subsidies.

Mr. FALLON. There is no subsidy in the highway construction program. There is no borrowing of money. We have the use taxes to build these highways; so the people who use them are paying for them now and even highways that have not yet been built. They are already paid for. But there is no subsidy on the part of the Federal Government because the people are paying their way in this field.

Mr. HOLIFIELD. If the gentleman wants to say that the taxes that the people are paying in for these highways is not a public subsidy, that is all right with me. I will not argue the point.

Mr. FALLON. A public subsidy but not a Federal subsidy.

Mr. HOLIFIELD. I am talking about subsidies. The same thing is true of your airplane tickets. You pay a tax on the airplane tickets you buy, and that goes back into the operation of the FAA. The expenses of that Agency are running about \$750 million a year and about \$200 million is being paid back in the form of taxes raised in various ways. But with Federal funds we are building airways and airports, and we are operating with about 40,000 people the aviation facilities in our towers, our weather bureaus, and other facilities that contribute directly to that industry.

So I am not using the term "subsidy" to run down the Maritime Administration. I want that to be made very clear. I am trying to put it in perspective because some people say that we should not have a Maritime Administration, and I do not say that, as anyone can see in my remarks. I say that we should have.

Now, there will be a move made to strike out the Maritime Administration from this bill, I am told. No one can foresee the future. If this occurs, I want the Members of this House to think about it very seriously. Will they obtain a dynamic, viable maritime program by withdrawing themselves from the mainstream of transportation attention, and getting off to one side and playing solitaire in the backroom, or if they allow themselves to be put into this Department of Transportation—and that is where the chips are—they might be able to sit in and get a few more chips from that game.

This is a matter of judgment for the House. I am not going to complain with anyone as to how they vote on this issue. I am not going to bleed on this subject. If after considering the arguments that will be put forth the majority of the Members want to vote to strike it out, that is within their power, and as the servant of the House, of course, I will abide by the result.

Needless to say, I will oppose the effort because I honestly and sincerely believe that the time has come when we need research and development in every form of transportation—yes, paid for with Government funds. I am not against that, because it is for the benefit of the people of this Nation to move their bodies and to move their goods. But I am going to ask the Members of this House to consider whether they believe they will get more attention with a Secretary of Cabinet-level rank to plead

their case before the various committees of Congress and the President or would they get more attention with a low-level administrator of a relatively small independent agency.

That is the problem we have to face. I know the pressures we have been under. I have had a little of it myself. I have some big ports in California handling about 75 million tons out of those ports. I believe Los Angeles ranks maybe third or fourth within the Nation. It is within 8 miles of the edge of my district. But we stand in the light of history. We have to make the decision as to what is best for this Nation in terms of the overwhelming problems that we are going to face tomorrow.

In the July Fortune magazine, there is a great and interesting article on transportation, with a picture of a modern train. The article states that we can have right now, with the technology we have, 125-mile-an-hour trains. It tells a lot of things. It tells how we can move, on a highway that costs \$6 million a mile, 7,500 people an hour, and how we can move on a high-speed train 45,000 people per hour.

It tells a lot of things—things that need to be done, things that the Secretary of this Department is charged with considering under the purpose of the bill, which is to develop an overall national policy of transportation. Get the declaration of purpose of the bill and read it.

It is up to the Secretary to do research and develop an improved, safe, efficient national policy and to come to the Congress with recommendations.

Here I want to make a final, and I believe important, point. When H.R. 13200 was brought up to our Committee on Government Operations I looked at the bill, which was sent up by the administration, and I said "This bill is not a good bill. It cannot be passed in the House of Representatives, and it should not be passed as it is." My committee worked hard. The gentleman from Illinois [Mr. ERLBORN], and others on his staff and on my staff worked hard. We rewrote the bill, and we bring it for consideration of the Members as a rewritten, clean bill.

What were the principles we worked under? We worked under these principles. We proposed to transfer over into this department the four modes of transportation, but we are going to respect the statutory responsibilities and duties which have already been enacted by the Congress.

We are going to respect the Interstate and Foreign Commerce Committee. We are not going to allow in this bill changes in statutory duties and responsibilities which they have enacted in that committee.

We did the same thing on Public Works. We said that the new Department Secretary cannot touch the highway fund. If anyone wants to touch the highway fund, the Secretary will have to go before the gentleman from Maryland's [Mr. FALLON] committee, and tell him why he wants to touch it. The gentleman from Maryland [Mr. FALLON] and his committee can then work on that problem, and they can approve it

or disapprove it, and refer whatever they want to do to the Congress, because it has to be done from a statutory standpoint.

We did the same thing in the merchant marine field. We said that we cannot change the functions which pertain to the Merchant Marine Committee without going to the Merchant Marine Committee.

We did this with the Post Office and Civil Service. My staff conferred with the staff of the Post Office and Civil Service Committee, and we worked out a number of places where the bill would have changed laws pertaining to the classification and hiring of personnel.

The gentleman from North Carolina [Mr. HENDERSON] will offer a final amendment. We have made changes at his suggestion, and the suggestion of his staff, and we worked out even as late as today a final amendment which will make sure that the dual compensation law, which is a prerogative of the House Committee on Post Office and Civil Service, will be followed in this bill.

So we have said in this bill that we are not going to encroach upon the powers of the President, and we are not going to let the President encroach upon the powers of the Congress. We are going to keep it as it is, and if they want to change the statutory responsibilities which have been enacted over the years, let them go to the respective committees and get them changed.

Could anything be more fair than that?

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

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

Mr. WRIGHT. I want to congratulate the distinguished gentleman from California, the manager of this bill, not only upon the statement he is making but also upon the long, long weeks of painful, arduous, and careful study he has devoted to this problem. There has been careful, painful, arduous study devoted by the committee, and specifically by the manager of the bill, to a detailed analysis and study of each one of the functions proposed to be encompassed in this new Department.

I am convinced that to the extent it has been humanly possible for the legislative mind and craftsmanship so to devise the gentleman from California, through his leadership, and his committee which met and studied this with him, have carefully preserved the integrity of each of the functions, so that no function benefits at the expense of another and so that no function of transportation is unduly harmed.

I believe he has preserved a balance of powers which had existed in the statutes between the executive and legislative branches. I know he has been extremely careful to preserve the integrity of the Congress. He has given to the administration no power it did not already possess, and has taken from the administration no power it possessed. He has taken from no committee any right or jurisdiction it possessed, and he has given to no other committee a right or power that would act to the detriment

of any other committee of the House. Above all, he has preserved inviolate the integrity of the Congress and its right to review in the same manner it has reviewed in the past each of these various programs.

I should like for the House to realize the long, hard, careful hours of detailed study and analysis that went into the preservation of this careful and delicate balance which the gentleman from California has brought to us today.

Mr. HOLIFIELD. I thank the gentleman for his kind remarks. The gentleman knows that we worked with the gentleman from Texas, with the gentleman from Alabama [Mr. JONES], and the staff of the Public Works Committee to very carefully take everything out of the original bill that interfered in any way with his committee. Our committee has worked hard and done a good job. It is up to the Membership of the House whether we are to move forward into the future or to look back toward the past.

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

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

Mr. CUNNINGHAM. Last week we passed two bills having to do with auto safety. It is my understanding that this new Department will have jurisdiction over traffic safety in its general sense; is that correct?

Mr. HOLIFIELD. It would be my thought that when the Highway Administration is set up, all existing statutes on that point—and I believe the bills were drawn with at least the knowledge in mind that this legislation was in process—would go into this, and all these elements of safety on our automotive transportation system would be placed in this Department.

That would be at the lower level, at the operating everyday level. It would probably be in the same hands it is now in.

In the field of the National Transportation Safety Board, which is a planning and recommending field, they would look at highway, railroad, aviation, and shipping problems with the idea in mind of suggesting improvements but not implementing them. They would have to come to the Congress if they wished to do anything other than the statutes on those subjects which we have already enacted provided.

Mr. CUNNINGHAM. I appreciate that. In respect to the two bills we passed last week, one established within the Department of Commerce a safety advisory board or commission. I do not have the correct wording in front of me, but it is a committee to advise the Secretary. The other bill, which came from the Committee on Public Works, established a similar type of board, only to be appointed by the President subject to the advice and consent of the Senate.

These are two conflicting committees or boards, in my opinion. Would this legislation perhaps draw those together, so that there would not be a conflict of the two boards?

Mr. HOLIFIELD. I would think it would. Of course, we cannot in legislating for the future try to correct, and

I tried not to correct, statutory provisions whether they were in harmony or in conflict. This would be part of the job of the Secretary of Transportation, that is, he should come before the proper committees and first work out a solution if there is a conflict and then come before the jurisdictional legislative committees for such changes as might be necessary that he might need over and above the existing statutory provisions given to him by simple transfer.

Mr. CUNNINGHAM. I thank the gentleman.

Mr. ERLÉNBOEN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I think it is undeniable that it is a historic occasion when we consider the creation of a new executive-level department. As has been pointed out by the gentleman from California [Mr. HOLIFIELD], this would be the 12th such executive Cabinet Department, if this bill is successful and the Department of Transportation is created. It is also interesting to note that several of the existing Departments were created in this century, one of them just last year, in this particular 89th Congress. Last year when we considered the creation of the Department of Housing and Urban Development I took the floor to oppose that bill. Presently in our subcommittee we are considering the creation of a Department of Consumers, and I oppose that bill. However, I take the floor today in support of the creation of the Department of Transportation. Now, there has to be some reason to take this divergent view in opposing the creation of two Departments and supporting the creation of a third. I think it is important that we know we must have some pragmatic test against which to test the proposal to create a new Cabinet-level department. I think that test should be, Is there a sufficient body of Federal law, and is there a sufficient amount of Federal activity in this field to warrant the organizational structure to be developed for this particular activity? Now, the Department of HUD, as we pointed out last year, did nothing but take the Housing and Home Finance Agency and raise this to Cabinet level. It did not, as the sponsors so often said, bring together diverse activities of the Federal Government and put them under one roof so that we would have a better administration of our Federal laws. The same is true of the proposed Department of Consumers. It does not bring diverse Federal activities together and put them under one roof for proper administrative purposes. Here in this proposal, though, to create a Department of Transportation, we do meet the test of bringing together diverse Federal activities in the field of transportation, and we put them together in one Cabinet-level Department so that we can have the proper administration of these interrelated and presently fragmented Federal activities relating to the transportation industry. Just as one example of the fact that there is a sufficient level of Federal activity in this field is the fact that the proposed Department would have immediately, just from the agencies now existing which it would bring into the Department, 100,000 employees and

an annual budget in the various activities of some \$6 billion. I think this alone is ample evidence of the fact that there are sufficient Federal activities and Federal programs in the field of transportation so that they should be coordinated.

Now, some of the background as to the importance of transportation itself. At the present time some 20 percent of our gross national product each year consists of outlays for transportation services. At the present time we have a population of some 200 million people, and by the end of this century it is anticipated that population may be doubled, which will increase at least twofold the demands for the movement of goods and people.

Mr. Chairman, in 1946 there were 1.5 million miles of paved roads in this country. Today there are 3.25 million miles of paved roads and we have not as yet satisfied the demand.

Mr. Chairman, over the past century we have seen the evolution of the railroad industry from a transportation monopoly which needed to be closely regulated so that the public interest could be protected. It is a business that is in great difficulty because it is in keen competition with other modes of transportation.

Mr. Chairman, in this century we have seen the invention of the airplane, we have seen the instigation of air travel, we have seen the progress through a Federal subsidy, to the point where now no major air carrier is any longer in need of subsidy, but in fact they are very healthy and in some cases wealthy enterprises.

So, Mr. Chairman, there has been a tremendous increase in the demand for transportation, a tremendous increase in Federal involvement in the field of transportation in the last 50 or 60 years.

A Department of Transportation was first proposed in the late 1800's. Today, I believe, we have reached the time in history when the creation of a Department of Transportation, if it is not overdue, is certainly due.

Mr. Chairman, let us look at a few of these things which have brought this picture into focus and which have caused a proliferation of agencies and commissions that have been created and which have attempted to put the imprint of the Federal Government upon the field of transportation.

Mr. Chairman, we have the Civil Aeronautics Board, we have the Federal Aviation Administration, we have the Interstate Commerce Commission, we have the Bureau of Public Roads, we have the Maritime Administration and the Maritime Commission, we have the Assistant Secretary of Commerce for Transportation. This is just to name a few.

Now, Mr. Chairman, this particular bill will not bring together all Federal activities in the field of transportation. I do not want anyone to be misled into thinking that this is a cure-all; and probably it is not.

Mr. Chairman, when we look at the interest of the Federal Government in transportation we find that it has a twofold aspect. First of all is economic regulation and this function is served by

independent commissions primarily such as the Interstate Commerce Commission, the Civil Aeronautics Board, and like commissions; the Federal Maritime Commission, for instance, and designedly, these commissions were created as independent commissions and not as a part of the role or normal operation of the executive branch of our Government, because they exercise economic regulation, they exercise a quasi-legislative, a quasi-judicial function.

On the other hand, Mr. Chairman, the Federal Government's activity having to do with planning, research, promotion, safety regulations, and noneconomic regulations, is within the normal operations of the executive branch of the Government, agencies, and Cabinet-level departments. A part of this is lodged in the Department of Commerce and so forth.

Mr. Chairman, we do not propose in this bill to affect the economic regulatory functions of the independent commissions, and I do not believe we should ever do so. I do not believe we should give to any administration, whether it be Democrat or Republican, the power to set, through the executive branch of our Government, the policy for economic regulation. Therefore, properly, the Interstate Commerce Commission in its economic regulatory functions is left out of the bill, the Federal Maritime Commission is left out of the bill, and the regulatory functions of the Civil Aeronautics Board are left out of the bill.

Mr. Chairman, the hearings on this bill were extensive and lasted over a period of several months.

Mr. Chairman, I want to congratulate the gentleman from California [Mr. HOLIFIELD] for his patience in hearing all of these witnesses and in scheduling the hearings day after day. Many pages of hearings were filled with the testimony of the people who would be affected, the people representing the various modes of transportation who would be affected by the creation of this bill.

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

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

Mr. HOLIFIELD. Mr. Chairman, I want to thank the gentleman for those remarks and I want to pay tribute to the gentleman from Illinois who is one of the hardest working Congressmen I have worked with. We have worked together in the committee. In many instances we came to agreement. He made many valuable suggestions. There were a few areas in which we did not agree but we did not disagree disagreeably, as the gentleman will tell you.

I want to pay tribute to the gentleman and his colleagues on his side, but particularly the gentleman who was there every minute of the hearings and worked just as hard as any of the Members of this House.

Mr. ERLENBORN. I thank the gentleman.

Mr. Chairman, as a result of the hearings, I discovered—and the other members of the committee discovered that generally speaking the representatives of industry and labor alike in the field of

transportation did support the concept of the creation of a Department of Transportation.

I think the original testimony developed from the representatives of the various modes of transportation—the airlines, the highway truckers and the railroad industry, had a rather similar ring to it. That was that they did like the concept of a Department of Transportation, but—and then usually they would have some exceptions that would almost in effect have taken them out of the Department of Transportation.

Mr. Chairman, I think the action of the subcommittee in amending the bill in providing for separate administrations to represent the modal interests, satisfied most of the demands of industry for amendments to the bill to see that their interests were separately represented by the Maritime Administration, the Highway Administration, the Aviation Administration and so on.

One of the sections which came under the most criticism was section 7. Some amendment was made to section 7. Some of those who opposed section 7 were appeased when exceptions were added to this section to make the particular activities they were interested in exempted from the Secretary's control to establish standards and criteria, so some people were satisfied with those amendments.

The committee also improved the bill by beefing up the powers of the National Transportation Safety Board.

In the administration bill when first introduced, this was nothing more than a hollow shell. So these improvements were made. But I do not want to leave the impression with anyone that I think the bill is as yet perfect. Although I support the bill, I think there are some serious defects.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman.

Mr. DON H. CLAUSEN. Mr. Chairman, I have had correspondence with a number of people, because of my interest in aviation in regard to the desirability of leaving the Federal Aviation Agency out of the so-called Department of Transportation.

I wonder if the gentleman could advise the Committee, and myself in particular, as to the reasons for the action in rejecting this request. I understand the request was made that the Federal Aviation Agency remain as an independent Agency but it was included for reasons that you apparently have decided to be in the best interests of anyone.

I wonder if the gentleman could elaborate on this for the purpose of the Record?

Mr. ERLENBORN. I would be happy to.

Mr. Chairman, in the field of Federal activity in the aviation industry, it may be somewhat unique in that we have two separate agencies—the FAA and the CAB, both of them quasi-independent agencies, presidentially appointed and confirmed by the Senate.

The FAA has as its principal function the regulation of air traffic, the opera-

tion of air traffic controls. The CAB has as its principal function the economic regulation of the air transportation industry.

The rationale in putting the FAA into this Department is that in these non-economic regulatory functions, such as the promotion of the industry and the conduct and control of the airways, this properly belonged in the executive branch of the Government in this new Department.

But the economic regulatory functions of the Civil Aeronautics Board did not belong in a new Department but should remain an independent Board such as the ICC is for the railway industry.

Mr. DON H. CLAUSEN. You do not feel that their function will be diminished by, as someone has described it, being swallowed up in this overall Department and therefore will not be able to be responsive to the changing needs in the aviation fields?

Mr. ERLENBORN. No, I do not think they will. I think they are properly in this new Department, which will have an overall view of transportation.

I should mention one other thing. Though we are not transferring the CAB into this Department, we are taking the safety function of the CAB, the accident-investigating function. We are placing it in the new Department. This is one of the defects in the bill. Only a few short years ago this Congress, in its wisdom, separated the accident-investigating function and put it in the CAB and made it separate from the function of the FAA in conducting traffic in the airways, so that we now have the CAB as an independent body, including the investigating activities of the FAA.

This bill as it now stands would merge these two functions and would put us back to where we were 10 years ago, and we would have the anomaly of the Secretary of the Department of Transportation having the accident-investigating function and, on the other hand, having the FAA activity, so that in effect he would be investigating himself. This is one of the amendments I hope will be adopted to separate out this function. I will offer such an amendment.

Mr. CLARENCE J. BROWN, JR. Mr. Chairman, will the gentleman yield?

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

Mr. CLARENCE J. BROWN, JR. I think it should be made clear that only the functions, duties, and responsibilities of the FAA are transferred to the Department of Transportation, but FAA is not transferred not as an organizational entity into the new Department. In other words, the Secretary of the Department of Transportation would have the opportunity to set up any kind of organization he wants under the new Federal Aviation Administration.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

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

Mr. DON H. CLAUSEN. Then you are satisfied that the function of the FAA will not be jeopardized in any way?

Mr. CLARENCE J. BROWN, JR. I am satisfied that the function of the FAA will

be moved into the new Department. I am not satisfied that it will not be jeopardized.

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

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

Mr. McCLODY. I commend the gentleman for his expert exposition of this legislation. I also wish to congratulate the gentleman from California, the chairman of the subcommittee, and the gentleman from Illinois on producing this important legislation. I happen to come, as does the gentleman in the well, from a metropolitan area, northeastern Illinois. I am particularly interested in the subject of urban mass transportation. I would like to inquire as to whether or not this subject is included within this legislation, and whether the function of promoting and improving urban mass transportation is going to come under the jurisdiction of the Department of Transportation.

Mr. ERLENBORN. I am happy the gentleman asked that question because it brings me to the closing part of my remarks. This is again one of the defects that is presently in the bill under consideration, even though, as I have said, the subcommittee did a fine job in other areas of the bill. But to answer the question specifically, the urban mass transportation program, which was established by legislation last year and placed in the Housing and Urban Development Department because at that time there was no Department of Transportation, under this bill would stay in the Housing and Urban Development Department.

If we have a real transportation crisis in America, it is in the cities and urban areas of the United States. If we are going to coordinate our transportation activities, and if this new Department of Transportation is to be meaningful whatsoever, we should have the urban mass transportation program under the Secretary of Transportation, and at the proper time I will offer an amendment for that purpose.

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

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

Mr. McCLODY. I am interested in the gentleman's comments and also in the subject of his proposed amendment because it does seem to me that the subject of our highways and the subject of urban mass transportation are so closely interrelated that they really belong in the same Department. I feel very strongly that the encouragement of urban mass transportation is the only answer to relieving our highways leading into our great metropolitan areas and within our metropolitan areas, and it would certainly be appropriate, in my opinion, to employ funds for highway purposes or to provide funds for the general purpose of providing highways and for relieving highways through the promotion of Department of Urban Mass Transportation facilities.

I am not suggesting that this is the full function of the Federal Government.

But I do feel the Department of Transportation is an appropriate Department of the Federal Government in which these functions should be carried out and directed, so that the metropolitan area itself can provide the maximum of highway facilities as well as urban transportation facilities for the large populations that reside in those areas.

Mr. ERLENBORN. I thank the gentleman for his contribution. I agree with him wholeheartedly.

Mr. SLACK. Mr. Chairman, will the gentleman yield at this point?

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

Mr. SLACK. Mr. Chairman, we are presently and we have been appropriating moneys for research in transportation and also high-speed ground transportation within the Department of Commerce. Is it true that this new agency of transportation would assume this responsibility, or would it remain within the Department of Commerce?

Mr. ERLENBORN. It will remain in the Department of Housing and Urban Development, as I recall. I am not certain. Certainly the urban mass transportation stays in Housing and Urban Development.

Mr. SLACK. Perhaps the gentleman did not understand me. I was talking about transportation research.

Mr. ERLENBORN. The gentleman is talking about the northeast corridor high-speed?

Mr. SLACK. No, the transportation research. Since 1962 we have appropriated \$7,625,000 in the area of transportation research. In addition to that we have appropriated \$18,250,000 for the high-speed ground transportation. These are both within the Department of Commerce at the present time. My question is: Would they be transferred to the new Department of Transportation?

Mr. ERLENBORN. Yes. I understand the gentleman's question. My understanding is that they will be.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ERLENBORN. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, let me say, as I understand it, the functions of the Department of Commerce relating to transportation are transferred to the new Department of Transportation.

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

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

Mr. HOLIFIELD. Mr. Chairman, I want to reaffirm what the gentleman has said, that the functions of transportation that are now in the Department of Commerce are transferred over into the Department of Transportation, in line with trying to put all transportation matters together.

The gentleman has correctly said we have not put urban mass transit in, and there will be some discussion of that matter. We have not put in the St. Lawrence Seaway Development Corporation and the Alaska Railroad. There are a few things that have been left out, but reasons will be given, both pro and con, on that later.

Mr. SLACK. I thank the gentleman for yielding.

Mr. ERLÉNBOEN. In summation, there are defects in this bill, as I have stated. Let me point out what these are. In colloquy they have been developed to a certain extent.

The fact that the accident investigating function of the CAB is going to be merged in with the Secretary of FAA is a defect, in my opinion, and also in the opinion of people in the industry it is a defect. This function should be separated out. Accident investigation should not be undertaken by the Secretary, so that he will not be investigating himself.

Section 7, although it has been amended, is still very unacceptable. Section 7 gives the Secretary of the Department the right to establish standards and criteria.

There is an amendment in this bill offered by the majority, which was adopted, that would give the appearance of making this unobjectionable, because it says—and this is in section 4(e)—that the standards and criteria so established by the Secretary shall not conflict with standards and criteria established by the law. The fact is, there are few if any standards or criteria in the area of Federal investment in transportation. There are few if any legislative enactments relating to standards and criteria in the Federal transportation area.

This still gives the Secretary pretty much of a free hand to establish standards and criteria for transportation. It also would require that any other agency or department proposing an investment in transportation by the Federal Government would have to establish their plan according to the facts developed by the Secretary of Transportation, and conform their proposal to the standards and criteria established by the Secretary of Transportation.

It appears to me that in the original bill as introduced by the administration there was an attempt to take what is now the function of Congress and give this to the executive department.

Actually, this whole area is somewhat a gray area, part executive, part legislative, but there certainly was an attempt by the administration to swing the pendulum over to the executive and to give all the power to the executive department in establishing standards and criteria for water resource projects and all other transportation projects.

If this section remains in the bill, that pendulum will still be on the side of the executive, taking congressional prerogatives and giving them to the executive department.

At the proper time I shall offer a motion to strike section 7 from this bill. I do not believe we can improve this section. I do not believe the amendments adopted by the subcommittee and the committee have made much of an improvement to this section. I believe that the entire section 7 should be stricken from the bill. It has no real bearing on the other powers and functions of the Secretary of Transportation.

So the amendments will be offered at the proper time. I hope I will have the

support of the membership in improving the bill even beyond the point the subcommittee and the committee did in their deliberations.

Mr. HOLIFIELD. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. Brooks].

Mr. BROOKS. Mr. Chairman, first I should like to pay some tribute to the chairman of the committee and to the senior Republican and other members who worked with them on the Committee on Government Operations for doing what I believe is a splendid job in full accord with the highest traditions of this legislative body in protecting the statutes as they now exist, as passed by the Congress, and at the same time putting them into an agency where they can be administered fairly and constructively.

Mr. Chairman, throughout history, the degree of development of a national transportation system has been a determining factor in boosting or in limiting the heights of greatness to which nations have aspired. Today our network of roadways, railways, waterways and airways monitor the heartbeat of our Nation—restraining us when inadequate, beckoning to us when lying useless.

The United States can be proud of its vast and varied system of mobility. In no industry has the inventive genius of the American people been more pronounced. No nation in history has been so successful in drawing together the far-flung reaches of its geography into a cohesive unit, working together to create the standard of living we enjoy.

We are no longer in a period of infancy in the development of our transportation system. We are in a period of highly sophisticated and challenging growth. In this era of development of supersonic transports, giant aircraft, high-speed rail transportation, and interstate highways, we cannot ignore the need for unified effort in planning and constructing a well-balanced transportation system that will complement and aid the growth of our country in all respects. We cannot permit even the possibility of an antiquated, uncoordinated, wasteful transportation system that would stifle the progress of our country.

Today we are considering legislation to establish a department in the Government that will provide the framework within which a coordinated effort can be put forth. In the past, as a particular type of transportation has become an important influence in our economic structure, the Government has assumed its responsibility for encouraging, assisting, protecting, coordinating and sometimes regulating the industry so that it could best serve the needs of our country. Water transportation was undoubtedly the most prominent means of linking the colonies along the Atlantic seaboard together. Rail transportation conquered our western frontiers in the late 19th century. The automobile and the highway virtually revolutionized the way of life in every community in the country in the early 20th century. Now, air travel pulls us even closer together.

Presently we have a fragmentation of Government agencies dealing with the administration of the Government's in-

terest in transportation matters. The ICC watches over the railroads and motor carriers while the Federal Maritime Administration and the Coast Guard are responsible for water transportation and the FAA and the CAB share responsibilities in aviation. The Department of Commerce has various functions in the field of transportation, particularly with regard to automotive travel. Transportation safety is scattered all over the Federal Government.

This fragmentation is not conducive to the development of a well-rounded, coordinated system. It lends itself to duplication and waste and leaves large areas untouched. Our Government cannot deal haphazardly with an activity of such national importance. Every dollar must be invested wisely if we are to maintain a transportation system which complements and aids the other segments of our economy.

We can afford neither an over-expansion nor an underexpansion in any individual mode of transportation. The problem now is with mixing and balancing the various means of travel in proper proportion so that for any given need, we will have the most efficient and convenient method of travel available. Only with sufficient direction, coordination, and cooperation can we delineate the problems and achieve the optimum reward for the investments of both the Government and the private citizens of this country.

The Government invests billions of dollars each year in highway construction, aircraft research and development, air traffic control, ship construction, railroad inspections and other transportation activities. Certainly there should be an officer of Cabinet rank to oversee the various programs and policies which we here in Congress have enacted.

In the new Department, these programs will be continued, but will be carried on in an environment oriented toward a complete transportation system rather than one distinct and isolated segment of the system. The advantage of a coordinated effort is obvious when we recognize the interrelation of the several modes of transportation—airline passengers travel to and from the terminals over superhighways; freight is delivered to and taken from the wharves by rail. There is no logic in administering these interdependent segments of the transportation system in separate Government agencies. A departmental organization with cognizance over all administrative transportation functions will permit a comprehensive evaluation of our needs and problems and enable us to develop an overall policy to meet the demands of the future.

Our cities and industrial complexes continue to grow at fantastic rates. The demands upon our rural areas for agricultural products and natural resources to support them will grow at a similar rate. This expected growth will impose a crushing burden on our existing transportation facilities. No one has suggested that our transportation system will not expand, but the Government's participation and investment in this ex-

pansion will be most productive only if made in a systematic, coordinated, and well-planned manner. No new department has faced a greater challenge nor held more promise. We cannot risk failing to recognize and meet that challenge.

Mr. CHAIRMAN, the state of our transportation may determine the state of our Nation. I urge the enactment of this vital legislation that will create a department through which this Government can fulfill the need of the people of this country.

Mr. HOLIFIELD. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. ROSENTHAL].

Mr. ROSENTHAL. Mr. Chairman, I rise in support of H.R. 15963. I think it is a good bill but there are some features, particularly the one I am going to address myself to, that warrant special attention.

Let me say first I want to join with my colleagues in acknowledging the fact that the gentleman from California [Mr. HOLIFIELD] rendered monumental service to the House in bringing this bill to the floor today. We know that he and the members of the staff, together with minority members, worked countless hours, days, nights, weeks, and months in order to bring to the floor a very difficult and involved but at the same time a very useful bill.

Mr. Chairman, I would like to direct my remarks specifically to an amendment that I propose to offer at the appropriate time to create within this Department an Office of Aircraft Noise Control and Abatement. Something must be done now to help to alleviate what has become, in my judgment, a most acute social problem in the areas surrounding our cities. Many Members of Congress have been particularly disturbed, as have their constituents been, about the problem of aircraft noise. The gentlemen from New York [Messrs. ANDERSON, TENZER, and WYDLER] and I have all spent many months, if not years, trying to see if something could not be done to alleviate if not to eliminate this very, very difficult social problem. Those of us who live near cities I am sure are aware of the interesting comment that the New York Times editorial offered on August 17, 1966, in commenting on the airline strike when they said the following:

About the only blessing of the airline strike is that life has been a bit quieter for the people unlucky enough to live within roaring distance of jet airports. Now that the planes are about to fly again it is time for Congress to do something about taking the decibels out of the aerial parade.

There is an enormous amount of evidence which documents the extent of the aircraft noise problem.

Aircraft noise is a matter that affects probably some 10 or 20 million American citizens, and I think it is about time that Congress did something to meet its responsibility in this very difficult area.

A brief review of what we have not done in the past might be useful in deciding what we ought to do in the future. All of you know that the jet engine was developed by the Air Force essentially

for military purposes, and those that developed the jet engine were concerned with thrust and speed and not with noise. Airport neighbors in those days were told that they had to learn to live with this problem and had to accommodate themselves to it in the interest of national defense. The fact is that the aircraft industry itself has done virtually nothing about solving the problem of aircraft noise. As I said in my separate views, which I commend to all of you, appearing on page 76 of the committee report:

Efforts over the past years have been far less concerted than many of us in Congress have thought necessary and believed possible. Airplane manufacturers have not been falling over each other in competition to produce quieter aircraft. Noise abatement research and development, after all, hardly promises higher profits. Indeed, it can be said that noise abatement has been to the airline industry what safety engineering has been to the automobile industry. It has been, in short, an irritating and costly sacrifice which private industry is understandably reluctant to undertake.

At the present time the Department of Commerce, the FAA, and the NASA have all made some efforts, but only token efforts. And this problem is of such proportion that it will not yield to tokenism. Everybody knows this is true.

Essentially, Mr. Chairman, past efforts, in principal, have only been in the areas of flight pattern planning. Budgets have been incredibly low. For example, in 1966 NASA requested nothing for research and development in the field of aircraft noise abatement, and whatever little money that Congress forced upon them, they refused to spend.

Mr. Chairman, several months ago, for the first time, after prodding by Members of Congress, the FAA established a noise abatement service. This same group also serves as the interagency committee, made up of the Assistant Secretary of HUD, Commerce, and NASA. There are four people—only four people—assigned by the FAA, to supervise the alleviation of aircraft noise abatement.

Mr. Chairman, this entire problem, I believe, is important to 10 to 20 million people, a problem which has created more controversy in the affected areas surrounding our cities than any other, and it is going to have to be solved by only four people. They are outstanding public servants—these four—but they have neither the influence nor resources to do the job.

Mr. Chairman, the problem is that up to now no one has really felt the need to do anything. The FAA has obviously been subject to pressure from the aircraft industry. There has been no effective spokesmen for the airport neighbor. My proposed office would provide that voice.

Mr. Chairman, the President acted in April of this year for the first time in recognizing that this is a problem. He established a Presidential panel on jet aircraft noise. Subsequently, he established an interagency group consisting of representatives of HUD, Commerce, OST, FAA, and NASA. We all welcomed that interagency group. But I submit that such an agency is not the most likely to

be active day in and day out. It is under no obligation to meet or to report to Congress. It has no continuing guarantee of funds. And, in any case its staff is the same four men who work on the FAA noise abatement staff. I repeat, their resources and influence are insufficient.

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

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 239]	
Adams	Gettys
Andrews	Hagan, Ga.
Glenn	Halleck
Ashley	Hanna
Baring	Hansen, Wash.
Blatnik	Hébert
Broomfield	Jones, Mo.
Byrnes, Wis.	King, N.Y.
Cahill	Kirwan
Callaway	Kluczynski
Carey	Landrum
Celler	Long, La.
Cobelan	McEwen
Conable	McMillan
Conyers	Martin, Ala.
Cooley	Martin, Mass.
Cramer	Morrison
Denton	Multer
Diggs	Murray
Ellsworth	O'Brien
Evins, Tenn.	Powell
Flynt	Resnick
Fogarty	Reuss
Foley	Rivers, Alaska
Ford	Rogers, Tex.
William D.	Rooney, N.Y.
	Roudebush
	Schlesler
	Schmidhauser
	Scott
	Senner
	Sickles
	Sikes
	Smith, Calif.
	Sweeney
	Thomas
	Toll
	Tupper
	Tuten
	Walker, Miss.
	White, Idaho
	White, Tex.
	Williams
	Wilson
	Charles H.
	Wolf
	Zablocki

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. PRICE, 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. 15963, and finding itself without a quorum, he had directed the roll to be called, when 358 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from New York [Mr. ROSENTHAL] had 4 minutes remaining. The Chair recognizes the gentleman from New York [Mr. ROSENTHAL].

Mr. ROSENTHAL. Mr. Chairman, the present effort on the part of the Executive to meet this acute problem is dissipated and proliferated among a number of agencies. As I mentioned before, this kind of dissipation is simply inadequate to our needs. It was for this reason that the administration set up the FAA noise abatement service. They already realize the problem, in other words. My view is simply that their new concern and recognition will not receive sufficient expression without a visible office by virtue of congressional mandate.

Mr. Chairman, in 1966 the FAA, which has primary responsibility in the research and development field of noise abatement, received \$780,000; in 1967, it is proposed to receive only \$565,000. Nobody believes this is enough. But the noise abatement cause requires more political muscle if it is to get the money it

needs. And this is where my proposed Office fits in.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HOLIFIELD. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. TENZER. Mr. Chairman, will the gentleman yield at this point?

Mr. ROSENTHAL. Mr. Chairman, I am happy to yield to the gentleman from New York.

Mr. TENZER. Mr. Chairman, I rise at this time, first, to compliment the gentleman in the well for taking up the fight for jet noise control and abatement. I will support the amendment to be offered by the gentleman from New York [Mr. ROSENTHAL].

Mr. Chairman, I also wish to compliment the chairman of the Committee on Government Operations, the gentleman from California [Mr. HOLIFIELD], and I should like to indicate my support of H.R. 15963, a bill to establish a Cabinet-level Department of Transportation.

Mr. Chairman, I would like to call to the attention of my colleagues that the amendment to be offered by the gentleman from New York [Mr. ROSENTHAL] which will provide for the establishment of an Office of Aircraft Noise Control and Abatement within the Department of Transportation, will only take care of one aspect of the problem of jet noise. I want to alert my colleagues, my constituents, as well as the millions of citizens who reside in and around the Nation's airfields that this is only a very small step we are asking the Congress to take today by the adoption of the proposed amendment.

Mr. Chairman, the creation of an Office of Aircraft Noise Control and Abatement merely sets up an office to coordinate our efforts to reduce aircraft noise. We may very well by this means avoid the duplication of effort which has up to now taken place in attempts to find a solution to the problem.

Mr. Chairman, during the 1st session of the 89th Congress, I called to the attention of my colleagues that a number of agencies of our Government are engaged in one form or another of noise research. By combining all these efforts we may be able to avoid a waste of funds. The establishment of a noise abatement agency connected with the new Department of Transportation does not provide a mandate from Congress to accelerate the efforts in this field. This is what is needed and this is what I will continue to urge. It does not give to the Department of Transportation the additional regulatory powers which it needs or the funds required to make real and substantial progress in combating jet noises.

Mr. Chairman, I live in the shadow of Kennedy airfield, and various flight paths travel over my own home and over the homes of many thousands of my neighbors in the Fifth Congressional District of New York.

Millions of people living in and near our airports are similarly affected.

I urge my colleagues to review the statements which I have made in this Chamber on the subject of aircraft noise

abatement, and I refer to my previous remarks:

	Page
May 6, 1965: "Aircraft Noise Abatement"	9701
Daily Record, May 13, 1965: "Jet Noise—Opens the Floodgates of Litigation"	A2377
Daily Record, May 20, 1965: "More on Jet Noise: NASA Conference"	A2533
Daily Record, May 27, 1965: "More on Jet Noise—Part IV—NASA Research Program"	A2718
Daily Record, June 10, 1965: "More on Jet Noise—Part V—FAA Aircraft Noise Symposium"	A3037
Daily Record, July 8, 1965: "Jet Noise—Part VI—Hazard to the Nation's Health"	A3630
Aug. 12, 1965: "More on Jet Noise—Part VII—Report on Noise Forum"	20398
Aug. 30, 1965: "More on Jet Noise—Part VIII—Novel Test Over Long Island and Correspondence With the President"	22277-22278
Sept. 15, 1965: "The Latest on Jet Noise—Part IX"	24020-24021
Mar. 2, 1966: "President Recognizes Jet Noise Problem"	4810-4811
Mar. 21, 1966: "President Johnson Acts on Congressman TENZER's Jet Noise Plea"	6420-6421
May 3, 1966: "Debate on NASA Appropriation"	9679-9685
July 12, 1966: "Jet Noise: A Plea for Bipartisan Support"	15392-15393
Daily Record, Aug. 8, 1966: "Jet Noise" (delay the supersonic transport)	A4263

Mr. Chairman, I call to the attention of the gentleman in the well and to my colleagues that the additional steps needed will be the subject of hearings before the Committee on Interstate and Foreign Commerce to which my bills—H.R. 7982 and H.R. 16172, have been referred. The Committee will also consider the bill introduced by Chairman STAGGERS of that committee.

These bills when reported to the floor will present a more comprehensive and more meaningful program for effective noise abatement control.

I make this point, so that my support of the proposed amendment, may not be misunderstood. I want to indicate to my colleagues that this is not a cure-all or an answer to all of the problem of jet noise.

Mr. Chairman, I commend the gentleman for his efforts and welcome his support when I continue to fight beyond the action to be taken by the House on his amendment. I know I can count on his support in the long-range fight to find a solution to a national menace.

Mr. ROSENTHAL. I thank the gentleman for his comments.

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

Mr. ROSENTHAL. I yield to the gentleman.

Mr. RYAN. Mr. Chairman, I want to commend the gentleman from New York [Mr. ROSENTHAL] for his thoughtful approach to this serious problem and for having focused the attention of the Committee upon the question of aircraft noise control and abatement.

When the NASA authorization bill was on the floor on May 3, I urged that \$20 million additional be utilized by NASA to conduct a full-scale research program on the engineering problems inherent in

jet noise. I pointed out that NASA was the proper agency to deal with the engineering questions associated with aircraft noise control and abatement. Unfortunately, the amendment which I supported was rejected, as was the motion to recommit with instructions similar to the amendment. In other words, the House voted to postpone the day of reckoning.

Five or six agencies have been involved in this problem without overall coordination or a sense of urgency. It is time that this matter receive the priority it deserves, for the effects of jet noise are becoming more serious every day for those who live in the shadow of our great airports and the noise belt of our airplanes.

Mr. ROSENTHAL. Mr. Chairman, I think the bill before us expresses the theory of unifying command and responsibility in the field of transportation. This is good administration. I believe it is also good administration to assign specific statutory responsibility for a problem everyone knows is crucial. Only then do we assure action and provide for the continual review of a concerned Congress.

The very fact that this chart sits here today is an indictment of the failure to respond to this need.

Nowhere on this chart, under the responsibilities and duties listed for the Federal Aviation Agency is there one sentence or any comment of any kind about executive responsibility in the field of aircraft noise abatement. If the executives of the Department of Transportation are disposed to take this as a serious problem, then surely there must be some agency, some bureau, some other office responsible for getting at this problem. It is for this reason that this amendment is offered today.

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

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

Mr. BINGHAM. Mr. Chairman, I would like to commend the gentleman for his initiative in this regard and to his statements, and I wish to lend my support to his amendment.

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

Mr. ROSENTHAL. I yield to the gentleman.

Mr. HOLIFIELD. Mr. Chairman, the gentleman alluded to the chart. There are many sections that are not portrayed on the chart. The use of the chart here is as an organizational chart.

But the gentleman is well aware that we wrote into the bill in section 4, page 5, lines 4 to 6, that the Secretary should promote and undertake research and development in relation to transportation including noise abatement with particular attention to aircraft noise. So we have given them a charge, a responsibility, and a duty. Many of these duties are not on the chart. The reference to the chart is inconsequential, in my opinion.

Mr. ROSENTHAL. I am very much aware of the amendment we added into the bill.

Mr. HOLIFIELD. Mr. Chairman, if the gentleman will yield further—

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

Mr. HOLIFIELD. Because of the gentleman's interest—and it has been very great and he has been a great help to the committee—and the interest of others on the committee, we did write in that particular section of the bill a serious charge and responsibility to the Secretary to get to this matter. As the gentleman knows, there are other bills, like the gentleman from New York [Mr. TENZER] has just mentioned, which go to the substantive problems, and which are in the jurisdiction of the Interstate and Foreign Commerce Committee.

Mr. ROSENTHAL. I acknowledge that, and I acknowledge publicly my gratitude to the gentleman from California for inserting that provision in the bill. But the simple difference between the gentleman from California and myself is that I am convinced that the provision he refers to requires a specific office for its effective implementation. This would be a statement by Congress that we expect something to be done, and that we want to see a single agency responsible for action. It is a direct responsibility which Congress will be assigning to the proposed Secretary. I think this carries more significance and muscle than a mere commentary in the foreword of the bill. Once the office is established, it will have access to the Bureau of the Budget, it will have access to the Secretary, and it will know the American people have spoken through the Congress and expect something to be done.

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

Mr. ROSENTHAL. I shall be happy to yield to the gentleman from New Jersey.

Mr. JOELSON. Mr. Chairman, I am pleased to support H.R. 15963, which would establish a Department of Transportation on a Cabinet level. As a Representative from a metropolitan area surrounding New York City, it is clear to me that we must increase our efforts to combat the choking strangulation with which we are faced on our highways, railroads, and airways. In the jet era we cannot get by with horse and buggy policies.

I am impressed by the statement of the Committee on Government Operations that in 1965, 87 million vehicles traveled the streets and highways of the Nation, and that it is estimated that in another 10 years the number of such vehicles will double.

No matter how diligent existing agencies may be, it is necessary to combine them under one head to make sure that their efforts are coordinated and integrated. I think it important that such agencies as the Federal Aviation Agency, the Bureau of Public Roads, the Under Secretary of Commerce for Transportation, the Civil Aeronautics Board and the Interstate Commerce Commission be subject to common control and direction. I believe that a most important function of the Department of Transportation will be to conduct research and development aimed not only at improving the flow of transportation facilities,

but also combating the air pollution and the noise which plague our cities.

I hope that this legislation will be enacted by an overwhelming majority.

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

Mr. ROSENTHAL. I shall be happy to yield to the gentleman from New York [Mr. GILBERT].

Mr. GILBERT. Mr. Chairman, I support the Rosenthal amendment to establish within the Department of Transportation an Office of Aircraft Noise Control and Abatement. I commend the gentleman from New York for offering this amendment.

If we are to find a solution to the problem of aircraft noise, then the responsibility for all noise abatement efforts and functions must be coordinated and concentrated within one office in the new Department. At the present time they are spread about among several Federal agencies—the FAA, the National Aeronautics and Space Administration, the Department of Commerce, and the Department of Housing and Urban Development.

Several weeks ago I introduced a bill to provide for aircraft noise abatement study and regulation. Other Members have offered similar proposals, and the administration is strongly in favor of such legislation. This is a serious problem to which we must find an answer. I have received many complaints from residents of my 22d District in the Bronx, N.Y. The Bronx is severely affected as well as the Queens area in Long Island—since the addition of long runways at La Guardia Airport. But it is not a problem only in my city; it is one which confronts the residents of cities throughout the country which are adjacent to airports.

The office which would be created by the amendment offered by my colleague from New York [Mr. ROSENTHAL] would be the logical agency and would provide the sensible approach to coordinating and carrying out the objectives of my bill, and similar bills, to study, control and regulate aircraft noise.

I strongly support the gentleman's amendment and I hope the Committee will adopt it when we come to the amendatory stage of consideration of this legislation to create a Department of Transportation. I urge my colleagues in the House to join me at that time in supporting the amendment of the gentleman from New York [Mr. ROSENTHAL] to establish an Office of Aircraft Noise Control and Abatement.

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

Mr. ROSENTHAL. I am glad to yield to the gentleman from New York [Mr. ADDABBO].

Mr. ADDABBO. Mr. Chairman, I wish to compliment the gentleman from New York [Mr. ROSENTHAL] as a member of this Committee on Government Operations, for bringing again to the attention of this House through this bill the serious question of aircraft noise abatement which besets us in Queens with reference to the Kennedy-La Guardia Airports, but which will also

affect many more areas with the additional airport activities and the increase in the jet noise of additional jet aircraft as is attested to by the increased concern of more and more of our colleagues each year.

Mr. Chairman, I generally support the bill before us, H.R. 15963. There is a need to bring the various agencies involved in the various modes of transportation together where the overall problems can be dealt with. The importance of these functions cannot be minimized for our national well-being depends upon an efficient and healthy transportation industry.

I was disappointed that the bill, as reported, does not give sufficient recognition to the most troublesome area of air transportation, I refer to the problem of aircraft noise for which I and my Queens and Nassau colleagues have for many years sought a solution. Greater recognition of this problem must be given—the problem has to be conquered. The amendment to be offered relative to the establishment of an Office of Aircraft Noise Abatement by my colleague, the gentleman from New York [Mr. ROSENTHAL], should be adopted.

There is another area in the bill before us which I am convinced is a mistake. Mr. Chairman, I am convinced that the maritime affairs should not be included in the Department of Transportation. The problems and importance of the maritime industry are of such importance that they can be dealt with effectively only through a separate and independent Federal Maritime Administration. I shall support the amendment which will be offered to strike maritime matters from this bill.

As a member of the Subcommittee on Treasury-Post Office, Committee on Appropriations, I have had firsthand dealings and knowledge of the work of the U.S. Coast Guard, now an arm of the Treasury Department. The Coast Guard was originally established to prevent smuggling and like activities—to-day it still has important work and functions in this area and, of course, has been enlarged and given many other duties. However, by no stretch of the imagination, can one justify including this agency in a Department of Transportation. If it is believed that the Coast Guard no longer belongs in the Treasury Department, then the only logical move would be to move it into the Department of Defense.

Mr. Chairman, I believe that we can have a good bill and a more effective Department of Transportation with the adoption of the amendments I have discussed. The need for the new Department is apparent—let us make it the best possible.

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

Mr. ROSENTHAL. I am happy to yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, I intend to vote for the amendment by the gentleman from New York [Mr. ROSENTHAL]. This amendment deserves support, in my opinion, because it would provide the kind of office that is so urgently

needed to administer the aircraft noise abatement regulations proposed in another bill, H.R. 15875, also sponsored by the gentleman from New York.

Every Member of this House was, I am sure, relieved and happy last Friday when the 6-week-long airline strike ended. By Saturday morning, however, those who live near airports were reminded of the relative silence during the strike. Today's high-speed jet transportation is a mixed blessing. With all its conveniences, it has brought the inconvenience—and sometimes discomfort of noisy skies.

Yet, as Mr. ROSENTHAL pointed out so well in his supplementary comments to the committee report on H.R. 15963, activities by existing agencies to curb aircraft noise "have been so modest because they have lacked any specific and vigorous statutory instruction. They have been so limited because no office has been specifically designated by the Congress to study and prosecute noise abatement policy. The conditions requiring an effective Federal aircraft noise abatement program, in other words, are exactly similar to those arguing for a strong transportation safety policy. The effort must be centralized, coordinated, designated by statute, and instructed to direct all its energies to that single purpose."

In another section of his comments, the gentleman from New York [Mr. ROSENTHAL], said that—

Noise abatement had been to the airline industry what safety engineering has been to the automobile industry. It has been, in short, an irritating and costly sacrifice which private industry is understandably reluctant to undertake.

Mr. Speaker, the President's Special Panel on Jet Aircraft Noise, which issued its report last March, concluded:

Initiative for solving problems of jet aircraft noise can effectively come only from a source not compromised by economic interests in conflict with those of the major groups now involved—engine and aircraft manufacturers, airline operators, and local governments. And there is only one source meeting this constraint which can be functionally effective—the Federal Government.

The problem of aircraft noise, while concentrated mostly around airports in metropolitan areas, is nevertheless a national problem. Without question, it is going to get worse before it gets better. One of the areas now concerned with the problem is Minneapolis-St. Paul, Minn., site of a major international airport. In July the operators of the airport, the Minneapolis-St. Paul Metropolitan Airports Commission, passed a resolution recognizing the need for Federal action. One pertinent part of the resolution says:

The Congress should act as quickly as practicable upon the recommendation of the President or, in the alternative, on its own initiative confer upon the Federal Aviation Agency or other body or group, in its wisdom, the authority to establish and promulgate a maximum standard of aircraft noise in perceived noise decibels or other acknowledged standard and to vest the authority and power in the Federal Aviation Agency or other appropriate body, to enforce adherence to such standards by all aircraft operators, or take such other action as will result in effective discipline over the total problem.

Mr. Chairman, I think an "appropriate body" in which to vest the much-needed authority to promulgate aircraft noise abatement standards would be the office proposed by this amendment. I urge the support of all Members of the House. In so urging, I ask that the resolution passed by the Minneapolis-St. Paul Metropolitan Airports Commission be printed in its entirety:

RESOLUTION No. 661

Whereas the Minneapolis-Saint Paul Metropolitan Airports Commission, operators of the Minneapolis-Saint Paul International Airport—Wold-Chamberlain Field, pursuant to Minnesota Statutes, has a vital interest in urging a solution to the aircraft noise problem; and

Whereas the noise created by the present jet aircraft is becoming a more serious problem and a solution of this problem is daily becoming more urgent; and

Whereas the problem defies solution at the local governmental level and is properly a problem of national concern by virtue of Federal Statutes defining the airspace to be within the public domain and subject only to the jurisdiction of the Federal Government; and

Whereas an orderly approach to the problem requires an extensive evaluation of the consequent effects created thereby, an analysis of the means by which aircraft noise annoyance can be reduced to acceptable levels, and the formulation and adoption of a comprehensive integrated program to solve the problem in the interest of the public; and

Whereas the President of the United States, in his message on Transportation delivered to the United States Congress on March 2, 1966, took cognizance of the urgency of solving this problem; and

Whereas at the present time no maximum standard of aircraft noise has been formulated or adopted by the Federal Government, and no agency or department possesses the authority to regulate aircraft noise; now therefore, be it

Resolved, by the Minneapolis-Saint Paul Metropolitan Airports Commission, operators of Minneapolis-Saint Paul International Airport—Wold-Chamberlain Field, that:

1. This Commission hereby finds and determines that noise created by the operation of present jet aircraft is a problem of serious proportions not within the control of the Minneapolis-Saint Paul Metropolitan Airports Commission as a local governmental unit;

2. This Commission is convinced beyond doubt that means and methods presently exist to reduce aircraft noise to a level acceptable to the communities at which jet aircraft operate.

3. The Government of the United States should accept Federal responsibility for the control and consequences of aircraft noise because of the congressional declaration that the airspace is public domain (Congress by such declaration has assumed the responsibility and duty to control in all respects the users of the airspace);

4. The President's Science Advisor, with the administrators of the Federal Aviation Agency, National Aeronautics and Space Administration, and the Secretary of Commerce and the Secretary of Housing and Urban Development, should take steps toward the sound resolution of this problem by legislative recommendations to the Congress.

5. The Congress should act as quickly as practicable upon the recommendations of the President or, in the alternative, on its own initiative confer upon the Federal Aviation Agency or other body or group, in its wisdom, the authority to establish and promulgate a maximum standard of aircraft noise in per-

ceived noise decibels or other acknowledged standard and to vest the authority and power in the Federal Aviation Agency or other appropriate body, to enforce adherence to such standards by all aircraft operators, or take such other action as will result in effective discipline over the total problem;

6. The President's Science Advisor, the administrators of the Federal Aviation Agency, National Aeronautics and Space Administration, and the Secretary of Commerce and the Secretary of Housing and Urban Development, take cognizance of the urgency of solving this situation and make provisions for receiving an expression of the views of representatives of national association or organizations comprised of State, County or Municipal Governments; be it further

Resolved, That copies of this Resolution shall be forwarded to the President of the United States, the U.S. Senators representing the State of Minnesota, the Congressmen constituting the Minnesota Congressional Delegation, the President's Science Advisor, the administrators of the Federal Aviation Agency, National Aeronautics and Space Administration, and the Secretary of Commerce and the Secretary of Housing and Urban Development, the President and Executive Director of National Association of Counties, the President and Executive Director of National League of Cities, and National Association of Municipal Law Officers and other interested organization, and that the Executive Director of the Minneapolis-Saint Paul Metropolitan Airports Commission inquire periodically as to any affirmative action or lack thereof on this matter so as to keep this Commission informed concerning the reactions of the recipients of this Resolution.

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

Mr. ROSENTHAL. I am happy to yield to the gentleman from New York.

Mr. FARBSTEN. Mr. Chairman, I might state that the congressional district which it is my honor to represent is subject to noises that seem incongruous as a result of the helicopters going from La Guardia and Kennedy Airports to the New York central area.

Now, Mr. Chairman, these are residential areas and are also business areas. These noises disrupt the life of the people and the life of the business community which is extremely important.

So, Mr. Chairman, I believe the amendment of the gentleman from New York [Mr. ROSENTHAL] is very salutary and in my opinion should be accepted.

Mr. ROSENTHAL. I thank the gentleman from New York.

Mr. ERLBORN. Mr. Chairman, I yield to the gentleman from New York [Mr. KUPFERMAN], such time as he may require.

Mr. KUPFERMAN. Mr. Chairman, I support H.R. 15963, the Department of Transportation Act, as a necessary advance in the ever increasing struggle to meet the complex demands for improved transportation.

As I stated in the CONGRESSIONAL RECORD of August 16 at page 19568, during the debate in the House on the mass transit bill—H.R. 14810—we live in a modern age, but with an archaic and chaotic transportation system. There is little question that with the technological know-how of our country we can meet the transportation problems of tomorrow. Our first order of business, however, is to meet the pressing needs of today.

One of the most pressing needs of today which we have failed to recognize is for the abatement of excessive noise, whatever the source.

It has been suggested by some of my colleagues that the proposed legislation before us today is deficient in that it fails to deal with the subject of aircraft noise abatement.

I concur with and commend those who would take active steps to abate aircraft noise.

I would be remiss, however, if I failed to caution my colleagues against being somewhat nearsighted about what they hear.

Aircraft noise is a serious problem. It is, however, one of a whole series of complex sources of excessive noise. To the city dweller, for example, the din of the helicopter flying overhead and the din of the air compressor and pneumatic drill outside his apartment window at 7 a.m. are both serious.

On April 21, 1966, I introduced a bill—H.R. 14602—which appears in the CONGRESSIONAL RECORD of April 21 together with my statement and related studies and articles at pages 8745 through 8768 to provide a comprehensive study of the complex noise situation in the United States with a view toward a better understanding of the detrimental effects of excessive noise.

My bill would establish an Office of Noise Control within the Office of the Surgeon General. The Office, headed by a Director and assisted by a Noise Control Advisory Council, would provide grants to the States and local governments to research ways and means of control, prevention and abatement of noise.

The Office of Noise Control would cooperate fully with existing Federal agencies presently working in the specific field of jet aircraft noise abatement, and would prepare, publish and disseminate educational materials dealing with control, prevention and abatement of noise.

I am pleased that there has been considerable response to my noise pollution bill. In the CONGRESSIONAL RECORD of June 2 at pages 12191 through 12205 and August 4 at pages 18233 through 18257, I have set forth editorials and letters on the subject, together with additional studies and articles of interest to those concerned with noise.

Presently, FAA is primarily concerned with noise research from the perspective of where and how the planes fly. NASA seems to be primarily concerned with the mechanical generation of noise.

It is my firm belief that the notable research and admirable work being carried on by the FAA, NASA, and CHABA—Committee on Hearing and Bioacoustics—should be centralized to insure greater efficiency and more benefit to all those interested in the general field of noise abatement. We can no longer afford to go off in several different directions in our effort to reduce excessive noise.

We must develop a central unit or "noise information clearinghouse" where the efforts of all the present agencies working with jet and helicopter noise can be combined and coordinated.

If we were faced only with noise from vehicles and planes used in transportation, it would seem logical to place a central office of noise control within the bill to establish a National Department of Transportation, before us today—H.R. 15963. In the CONGRESSIONAL RECORD of May 2 at pages 9470 through 9477 I set forth detailed studies relating to excessive noise caused by trucks and automobiles on our Nation's highways.

The fact is, however, that excessive noise is coming from several sources which have nothing to do with transportation as such.

As I stated in the CONGRESSIONAL RECORD of May 3 at page 9679 during the debate on Congressman WYDLER's excellent amendment to the NASA appropriation to provide \$20 million toward jet aircraft noise reduction, we must be careful not merely to appropriate a blanket amount of money to be used for jet aircraft noise abatement without definite criteria, a well-planned program, and a systems approach with respect to controls.

One of the many types of controls which should be employed, for example, is the prescription of standards for accurate measurement of aircraft noise. I have today introduced a bill which would provide that the Administrator of FAA be empowered to prescribe such standards, rules and regulations with respect to aircraft noise abatement in the issuance, amendment, modification, suspension or revocation of any certificate. A copy of my bill is included at the end of that statement. I would stress, however, that this is only one small example of the overall program of needed controls.

The committee's decision to include in section 4 of the transportation bill a provision that the Secretary of Transportation conduct research on the problem is a good idea but little more. What we need is an immediate and all-out effort to launch a vigorous and imaginative program to deal with the general problem in all areas of noise pollution.

A copy of my bill on the question only of setting Federal aviation aircraft noise standards, follows:

H.R. —

A bill to amend the Federal Aviation Act of 1958 to authorize aircraft noise abatement regulation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title VI of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1421-1430), is amended by adding at the end thereof the following new section:

"AIRCRAFT NOISE CONTROL AND ABATEMENT

"Standards, rules, and regulations

"Sec. 611. (a) The Administrator is empowered to prescribe and amend standards for the measurement of aircraft noise and to prescribe and amend such rules and regulations as he may find necessary to provide for the control and abatement of aircraft noise, including the application of such standards, rules, and regulations in the issuance, amendment, modification, suspension, or revocation of any certificate authorized by this title.

"Notice and appeal

"(b) In any action to amend, modify, suspend, or revoke a certificate in which viola-

tion of aircraft noise standards, rules, or regulations is at issue the certificate holder shall have the same notice and appeal rights as are contained in section 609, and in any appeal to the Board, the Board shall consider the aircraft noise violation issues in addition to the safety and public interest issues as provided in section 609."

SEC. 2. That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading "TITLE VI—SAFETY REGULATION OF CIVIL AERONAUTICS" is amended by adding at the end thereof the following:

"Sec. 611. Aircraft noise control and abatement.

"(a) Standards, rules, and regulations.

"(b) Notice and appeal."

Mr. ERLÉNBERG. Mr. Chairman, I yield to the gentlewoman from New Jersey [Mrs. DWYER], 10 minutes.

Mrs. DWYER. Mr. Chairman, I rise in support of H.R. 15963.

I believe that few of us would deny the fact that our transportation system is in need of overhaul today. While the airlines are beginning to prosper, the railroads are in ill health and our merchant marine is dying. While we have developed a successful interstate highway system, our urban thoroughfares are choked and urban mass transit is decaying.

Transportation—as a vital public necessity—has been regulated by the Government almost since its inception. But, regulation has been piecemeal and patchwork. Over much of our history, we have concentrated upon individual modes of transportation, instead of looking upon each mode as part of an integrated system. Thus, in seeking to assist one form of transport, we have sometimes injured another. This approach, has, in too many instances, jeopardized the health of the entire industry and has also impeded the traveler and the shipper who generally must rely upon more than one form of transportation.

By establishing a Department of Transportation, there would be created the means for fashioning a coordinated and unified approach to transportation. Promotion, research, safety, planning and development could be approached on functional bases which cut across individual model lines. Economies and advances in technology, developed in one form of transport, would in the future be more rapidly and readily applied to others.

This does not mean, of course, that creation of the new Department would be a panacea. To the contrary, as I have pointed out in my additional views to the committee report, many shortcomings exist in the legislation, as reported.

H.R. 15963 does not deal, for example, with the issue of urban mass transportation. Rather, this matter is left in limbo for at least a year while metropolitan areas continue to strangle in transportation bottlenecks.

We are told in the President's message that the Secretary of Transportation and the Secretary of Housing and Urban Development are to study this matter for a year and then decide where urban mass transportation should be housed.

But there is not one word in the bill which commands that these conversations be held, that establishes guidelines or priorities to be followed by the two Secretaries in their conversations, or that requires that a decision be reached within 1 year. This absence of clear direction and decisionmaking places in jeopardy the entire urban mass transportation program. Instead of deferring to this policy of drift, the committee should have resolved this matter before the bill was brought to the floor.

While it does not seem overly significant whether the responsibility for coordinating balanced transportation programs in urban areas is located in the new department or in the Department of Housing and Urban Development, it is deeply troubling that under this legislation the overall responsibility is located in neither department.

There is, as we all can appreciate from firsthand experience, a very close connection between highways and rail mass transit in urban areas and between transportation generally and other urban development programs.

If, therefore, we want to promote real balance between our highway and mass transportation programs—which should be a major objective—we must pay more than lipservice to the concept and provide a workable system for coordinating the two.

Moreover, we cannot have Federal highway officials, without taking into consideration all the factors which contribute to area growth, vetoing the carefully planned efforts of local communities to evolve their own development programs, including transportation.

Turning to the issue of air safety, the bill provides that the functions of the Bureau of Safety of the Civil Aeronautics Board are to be transferred to the new Department and are to be placed under the direct authority of the Secretary of Transportation. This could jeopardize the advances we have made in air safety in recent years.

In 1958, Congress established an independent Federal Aviation Agency which was to be responsible for control over the regulation of airways and over various promotional aspects of aviation. Among its duties, the FAA was charged with the responsibility for promulgating air safety regulations. At the same time, Congress also established an independent Civil Aeronautics Board which was given economic regulatory responsibility over civilian aviation and the responsibility for investigating aviation accidents.

Prior to 1958, both the duty to promulgate air safety regulations and to investigate aviation accidents was housed within the Department of Commerce. As my additional views point out, this dual responsibility proved unsatisfactory because it authorized one agency to sit in judgment upon its own mistakes. As a result, the state of aviation safety at that time was unacceptable. Since 1958, significant advancement has been made in the air safety record. Regrettably, we still experience most unfortunate accidents. But safety has improved and every effort is being made to improve it

even further. A major reason has been the fact that when the Federal Aviation Agency has been found to have contributed to an accident, the CAB has not hesitated to say so.

Now, however, we are asked to return air safety to that unsatisfactory state which existed prior to 1958. The regulation of safety, along with other functions, is to be transferred to the Secretary of Transportation from the FAA. Similarly, the functions of the Bureau of Safety are to be transferred to the Secretary from the CAB. It is correct that the latter would be placed in a separate office of accident investigation. But, this office would be under the direct supervision and control of the Secretary. Thus, once again, accident investigation and safety regulation would come under the supervision of a single agency—an agency which would be charged with investigating itself. This should not be permitted to occur.

Another objectionable feature of the bill is its failure to deal effectively with the subject of noise abatement and air pollution.

A majority of our country's population now lives in metropolitan areas. Each year this majority grows larger. While metropolitan living provides many advantages, it also creates a number of irritants. Among the most serious are those caused by noise and pollution. And, of course, the transportation media are among the major contributors to both of these problems. In the case of noise, for example, the whine and roar from low-flying jet aircraft over residential areas is particularly disruptive of normal living. As for air pollution, the fumes emitted from cars, trucks, trains, and other forms of transportation can all but suffocate the city dweller.

The continuation and aggravation of these objectionable conditions will surely turn our metropolitan areas into wastelands. Yet these problems continue to be shunted from agency to agency and from official to official. No one will accept real responsibility. No one will take it upon himself to institute the necessary corrective action. Now is the time and here is the place to stop passing the buck. We are here creating a Department of Transportation. We are placing upon the Secretary of this Department the responsibility for operating, coordinating, researching, and planning the many separate facets of transportation. If we are to launch an effective program to eliminate the irritants caused by noise and air pollution, we should do it now by authorizing and directing the Secretary to exercise the necessary responsibility.

Finally, section 7 of the bill is open to serious question. By this section, the Secretary is authorized to promulgate on his own authority criteria and standards for the investment of Federal funds for transportation. I recognize that the breadth of this section has been considerably narrowed since its original introduction. Many investment programs have been eliminated from its coverage. But some investment programs remain affected.

More important, however, is the fact that the principle behind this section will remain intact; namely, that the Secretary will be handed the unrestricted authority to interpose his judgment over that of Congress as to how or whether money should be spent. In addition, the Secretary would be in a position to interfere with national transportation policy. Under present authority, only Congress has the authority to establish such policy. In this bill, we specifically provide that Congress retain this authority and only give to the Secretary the authority to recommend changes in policy to the Congress. But, if the Secretary retains the right under section 7 to transfer money from one program to another or to withhold spending money on a particular program, he could be in a position to affect transportation policy in the absence of congressional directive. In my opinion, the Secretary should not have such authority.

Aside from these defects and a few others of a more limited nature, this is a good bill. By correcting these defects, we can make it an even better bill. I believe that in establishing the Department of Transportation we can better perfect the Government's means of coordinating and improving the Nation's transportation network. Generally, I am reluctant to create a new department of Government since this has a tendency to escalate bureaucracy without improving efficiency. But, in this case, transportation has historically been regulated by the Government. By establishing this new Department, we are fashioning a means of streamlining and improving the Government's role.

Mr. Chairman, I urge enactment of H.R. 15963.

Mr. ERLENBORN. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. BROYHILL].

Mr. BROYHILL. of Virginia. Mr. Chairman, I rise in support of this legislation and particularly in support of an amendment which will be offered tomorrow by the gentleman from New York [Mr. ROSENTHAL].

Mr. Chairman, the Department of Transportation concept is something which has been proposed and supported by several administrations.

We are at last at the point where we may implement these suggestions and, if there is any doubt about the important place of transportation activities in our Government and in our economy, the recent airline strike should have clarified our thinking.

The purpose of this legislation is to bring together into one place for coordination and administration all possible aspects of transportation activities within the Federal Government. If this is our purpose, and I think it is and should be, the matter of aircraft noise control should be high on the list of the things requiring the coordination to which I refer.

The history of the Federal Government activities having to do with abatement of aircraft noise has so far presented a rather sorry picture. There have been abortive studies, long hear-

ings, proposals of legislation, considerable conversation, and large amounts of public frustration. In short, nothing much has been accomplished.

Consideration of the legislation we have before us today may be our one real opportunity to bring together all of the activities having to do with aircraft noise and to get some real action started on this problem.

The creation of an Office of Aircraft Noise Control and Abatement within this new Department of Transportation will not only bring about better coordination of Government activities in this field, but it will also make it possible for the public and the Congress to look to one agency and to one office for results in the solution of this problem.

In one of the many special studies which have been made on this subject, the President's Special Panel on Jet Aircraft Noise concluded a report in March of this year as follows:

Initiative for solving problems of jet aircraft noise can effectively come only from a source not compromised by economic interests in conflict with those of the major groups now involved—engine and aircraft manufacturers, airline operators, and local governments. And there is only one source meeting this constraint which can be functionally effective—the Federal Government.

As my colleagues know, Washington National Airport, located just across the Potomac River in my northern Virginia district, is a vivid illustration of the need for noise abatement regulation at a more effective level.

The Federal Aviation Agency and its noise abatement staff makes a valiant effort to reduce noise in the Washington area resulting from National Airport traffic. But there is virtually no punitive action they can take against pilots who violate their procedures for staying within the prescribed flight pattern and/or climbing to prescribed heights before turning over residential areas. Voluntary methods can only accomplish a limited degree of success in spite of continuing agency pressure upon the airline industry and its pilots.

The FAA has even less success in the reduction of engine noise. It is quite natural that airlines under pressure from stockholders to make profits would resist use of mufflers or other noise abatement devices which would also reduce the amount of power output per gallon of fuel. It is natural, too, that engine manufacturers would direct the greater part of their research to improvements more directly connected with increased efficiency rather than into the problem of noise reduction.

An example of the weakness of the FAA in this field is a brochure recently sent to my office by the National Aircraft Noise Abatement Council, the private industry organization interested in this problem. In some four or five pages of the bulletin, all information and advice was solely related to soundproofing of buildings against aircraft noise.

The Federal Aviation Agency has requested and received cooperation from the airlines flying in and out of National Airport to limit the number of flights by commercial carriers to 40 an hour, including both jet and propeller-driven

planes. With the gradual changeover to jets it is both possible and probable that this will mean 40 jets landing and taking off each hour before long. In addition, unless this voluntary cooperation is backed with some enforcement authority there is bound to be more and more pressure to add to the number of landings and takeoffs which can be accommodated at National.

While the studies, proposals, hearings, conversations and frustration continue, those who live along the green valley of the Potomac suffer, as do all those who live in the immediate vicinity of any of our major city airports. The problem increases daily and the number of people affected increases accordingly.

Mr. Chairman, I intend to support an amendment, which I understand will be offered by the gentleman from New York [Mr. ROSENTHAL], which would provide for the creation of an Office of Aircraft Noise Control and Abatement. I urge my colleagues to join me in making the creation of an Office of Aircraft Noise Control and Abatement an integral part of the Department of Transportation. The problem has been a lack of coordination and directed interest, and such an office can provide the focal point for action and solution.

Mr. ERLBORN. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. COLLIER].

Mr. COLLIER. Mr. Chairman, I should like to return for a moment to a discussion of some aspects of the amendment which the gentleman from New York [Mr. ROSENTHAL], indicated he will offer tomorrow.

I believe it essential that we get this problem of jet aircraft noise in its proper perspective.

In 1962 I was a member of the Committee on Interstate and Foreign Commerce and of the Subcommittee on Aeronautics and Transportation. We conducted extensive hearings on jet aircraft noise. Subsequently, the following year, I was instrumental in securing a series of jet aircraft hearings, prompted by a very serious situation in this area in my own congressional district, which embraces O'Hare Field, one of the busiest if not the busiest airport in the world. It became evident, after many days of hearings, that actually there was no one in the Federal Government who was responsible for the welfare and the interest of the people on the ground.

The FAA generally, and I suppose properly, was primarily interested in the safety of the aircraft.

The local airport authorities did not have authority extending beyond the geographical confines of the airport.

The other people who testified before the committee, including the air lines representatives, felt that anything which could be done in this area had to be done primarily through improvement in engineering.

So at the close of the hearings it became quite evident that there was a void or a gray area in the matter of protecting the rights of many people on the ground who are constantly annoyed and who find the jet air noise a nuisance almost daily in their way of life, as well as to the

schools and churches in the areas affected by noise on the ground.

We have spent millions of dollars over the years rescuing aircraft noise problems both civilian and military.

There are funds within the NASA appropriation, as we all know, to deal with jet aircraft noise through improved engineering.

Today this remains a serious problem in many areas of the country. I quite agree with the gentleman from New York in saying I believe Congress has a responsibility to delegate to an agency authority and to make it mandatory that they deal with this very serious problem.

I do not believe it is going to be done unless we specifically direct through this legislation that it be done, and establish the power in an agency whose sole responsibility will be to handle the growing problem of jet aircraft noise in the space age in which we live.

I say to the gentleman from New York as one who has, incidentally, on two previous occasions, in the 87th Congress and again in the 89th Congress, introduced special legislation to establish a noise abatement commission, I will join him tomorrow in support of his amendment.

Mr. ERLBORN. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. CLARENCE J. BROWN, JR.].

Mr. CLARENCE J. BROWN, JR. Mr. Chairman, I am, like everyone else who has spoken on this bill, for the concept of a Department of Transportation; but, unlike most of those who have spoken up to this point, I am opposed to this bill H.R. 15963, at least until the bill is cleaned up by action of this Congress.

I am a little like Sam Goldwyn who, when he was asked to be involved in a business deal that he really did not want to pursue because he felt it might be bad for business—but yet he did not want to offend anybody—said, "Please include me out."

I am not alone in wanting to be "included out" of this bill, because most of the industry people who testified, have also asked to be "included out." As a matter of fact, most of the Government agencies involved in transportation have succeeded in being "included out" as far as this bill is concerned.

The merchant marine, which is tied now to the Commerce Department, has asked to be "included out." It may have some difficulty in succeeding in doing this, but it certainly has made its case impressively to the Congress.

The Great Lakes carriers and barge lines in this country, fearing the executive's setting standards for transportation investment without congressional action, have also asked to be "included out."

The airlines, happy with the independent status of the FAA and the CAB and fearing overcoordination from the executive branch of the Government, have asked to be "included out."

The railroads, overregulated now but at least comfortable and trusting as far as the Interstate Commerce Commission is concerned, have asked to be "included out" of the proposed Department of Transportation.

Pipelines, not now as closely regulated and not wanting to be any more closely regulated than they are, have asked to be "included out" of the new Department of Transportation.

Trucklines, fearing the economics of perhaps inappropriate safety regulations, have also asked to be "included out" of the new Department of Transportation.

So let us look at the transportation industry for just a moment if we can. First, let us make note of the fact that businesses within each mode of transportation in this industry compete with each other. The different modes also compete with each other within the appropriate framework of Federal rules and regulations. They are not always satisfied, perhaps, with that Federal regulation, but at least most of them have grown comfortable with the independent agencies now in charge of regulating their rates, their routes, their rules of operation, and the safety requirements under which they operate.

These hitherto independent agencies which do this regulation job, compete in their turn with each other for the attention of the Congress. They compete for rulemaking legislation. They also compete for subsidy grants for things like harbors, airports, highways, riverways, and so forth—things that are of fundamental assistance to the successful operation of the various modes of transportation in our country. Each of these independent agencies and each of these modes has its champions within the individual membership of Congress. And each agency and mode has its champion within the committee organization of the Congress.

This is why the industries in each mode fear too much power in a single hand in the administration. Most of them have suggested that this power continue to reside in the Congress or in the quasi-independent agencies which Congress has set up to regulate the various modes of transportation for the Congress.

Mr. Chairman, I think the reason for this fear is that they know the Federal Government—just like the grace of the good Lord—what it giveth, it can take away.

Mr. Chairman, we found this to be true in education, that what the executive branch of the Government controls, it can also withhold.

They also know that there are differences in the way some of the regulations can be applied. And, so, to yield safety regulations—which are economic in their base—and licensing control to the executive branch of the Government raises some areas of concern.

For the executive branch to set economic standards and criteria for the investment of Federal funds also raises some concern because then, if you do not have a champion in the executive department, your mode just might be in trouble.

And, Mr. Chairman, this bill also envisions the expenditure of a good deal more Federal time and effort and money in the area of research and development in the area of transportation in this country. If the research and development funds are being spent upon the

mode of transportation of someone else and not yours, then you would like to have a champion, which you may not have in the executive department.

The influence of a Secretary of Transportation upon rates and routes set by even independent agencies can certainly be great, also.

So, we see the various industries involved in transportation in this country expressing their fear of the weighted impact of the executive branch of the Government controlling their industry.

What would happen should the executive lay heavier emphasis, for instance, upon air and highways than upon railroads and barge lines, or vice versa?

Now, Mr. Chairman, these decisions are fought out in the Congress in a public forum. Under this bill that seems unlikely for reasons upon which I should like to expand. The worst thing that could happen is that you might be completely forgotten like the merchant marine.

The "include me out" approach that I suggest industry representatives felt when they testified on this bill did not show up in the testimony of representatives of the executive branch of Government simply because we did not have very many people from the executive branch of Government who testified on this bill. Moreover, they had taken care of their "include me out" feelings on H.R. 15963—or rather, its predecessor H.R. 13200—in the gestation period of the bill within the executive department. Apparently in most instances they accomplished their purpose, because under this bill the Department of Transportation Secretary is precluded from developing standards and criteria for the evaluation of Federal investment in transportation in such areas as these and, Mr. Chairman, I quote directly from the bill: "Defense features included at the direction or upon official certification of the Department of Defense in the design and construction of civil air, sea, and land transportation" will not have the comment or the criticism of the Secretary of the Department of Transportation with reference to standards and criteria.

Thus, Mr. Chairman, Secretary McNamara has been successful in getting the Department of Defense "included out" of this legislation.

Also, Mr. Chairman, "included out" are programs of foreign assistance, because, apparently, Secretary of State Rusk was successful in getting his Department "included out" of this legislation.

Mr. Chairman, the interoceanic canal outside of the continental limits of the United States takes care of both Dean Rusk and Bob McNamara, because it is also "included out."

And, Mr. Chairman, as if that were not enough, practically everyone else in the executive branch of the Government is "included out" under this language now contained in the bill: "acquisition of transportation facilities for equipment by Federal agencies in providing transportation services for their own use" and will not be under the purview of the Secretary of Transportation in establishing standards and criteria.

Thus the Post Office, the General Services Administration, the Department of Agriculture, the Department of the Interior, and others are "included out" of the Department of Transportation.

Grant-in-aid programs are also eliminated. So urban mass transportation and the northeast corridor now under the Department of Housing and Urban Development are "included out" of this legislation. We have already had considerable expansion of the questionable logic in that.

Finally, in the action of the committee at the last minute as a matter of compromise in order to get the Committee on Public Works of this Congress off its back, this legislation "included out" water resources. This took the Corps of Engineers out of the standards criteria which are to be set by the Secretary of the Department of Transportation.

The Coast Guard which now comes under the Treasury Department—at least in the organizational way that some of the other agencies are brought into DOT—is also "included out," because the Coast Guard is brought in as an organizational entity inviolate from the Department of the Treasury—and the Department of Defense under which the Coast Guard operates in time of war. Thus, the Treasury was successful in getting Coast Guard "included out" so far as losing its identity the way FAA and BPR lose theirs.

The Coast Guard, as a matter of fact, comes in as a sort of "fifth mode" of transportation on a coequal organization chart level with the highway, rail, air, and maritime administrations in the proposed Department.

The issue of the Federal Maritime Administration in the Department raises an interesting question. If it is stricken out by the action of the Congress, what happens to the Coast Guard? Who is the Coast Guard going to regulate under the Department of Transportation?

Mr. Chairman, we have obviously had many compromises to get this bill this far, and apparently some discussion of further compromise is going on at this moment with reference to the Maritime Administration in this Department. And it, too, may be successful in getting "included out" before today or tomorrow is over.

Now where do the agencies proposed to make up the Department of Transportation envisioned on this organizational chart come from?

First, the Maritime Administration. It comes from the Under Secretary for Transportation of the Department of Commerce to the Secretary of Transportation—and I understand also that he may even become the Secretary of Transportation if we create this Cabinet-level post. The Maritime Administration comes from the Department of Commerce where it has languished since 1950 when it was put in the Department of Commerce by a reorganization plan growing out of the Hoover Commission.

The Committee on Merchant Marine and Fisheries, of course, has hit the ceiling on this move because it would rather have the Maritime Administration moved

away from the executive branch of the Government and closer to Congress.

Several of the representatives from the maritime industry have also expressed their opposition to moving to DOT as have the labor unions who work in the merchant marine industry.

The FAA and the part of the CAB to be brought under the Department of Transportation did not come from another executive department. As a matter of fact, there is very little in this bill that does come from other executive departments. The FAA functions and the part of the CAB functions which are to be transferred to the Secretary of the Department of Transportation come from the presently quasi-legislative, quasi-judicial and quasi-administrative independent agencies—FAA and CAB—which were established pretty much as arms of Congress.

The Committee on Interstate and Foreign Commerce has been watching over the FAA and the CAB in this independent or quasi-legislative status. This committee did not testify on this bill.

Mr. Chairman, part of the ICC is also removed, transferred and split between the proposed Federal Rail Administration and Federal Highway Administration of DOT. These functions also come from an otherwise independent or quasi-legislative agency of the Government the independent agency which is now the ICC.

The Bureau of Public Roads comes under the Department of Commerce now, but its duties will move to the Department of Transportation.

This Bureau moves in the same way that the FAA will move. The Bureau of Public Works and the FAA will move in responsibilities only because they can be completely reorganized under the language of section 9(j), 6(a), 6(c) and 6(e) of this legislation.

Only the powers and duties of these two agencies are to be transferred. The Secretary is left with the right to reorganize them completely.

An amendment will be introduced to try to keep the organization of FAA and BPR unchanged after the transfer to DOT when we get to the amendments tomorrow.

But I would raise this point, Mr. Chairman. If the Merchant Marine and Fisheries Committee want the status of the Maritime Administration protected by moving it into an independent status, then it would seem to me that the Interstate Commerce Committee and the Public Works Committee might want to maintain the independent status of the FAA, the Bureau of Public Roads, the ICC, and some of the other agencies in which they are so involved.

The question was raised earlier about the use of user taxes in this area. Well, there was quite a bit of conflicting testimony, on whether or not ultimately the Secretary of the Department of Transportation might be able to redirect some of these user taxes from highway, to other areas of transportation investment after the creation of this department.

The question of cost has been raised in the organization of this new depart-

ment. The way the bill is written there is no limitation on the kind of reorganization that the Secretary of the Department of Transportation could make in some of these presently independent agencies when they come under his jurisdiction. And so it would seem to me that the cost question is opened, therefore.

So what this bill does not do is coordinate the executive branch activities now related to transportation. It does not say anything about the transportation activities of the Post Office, Defense, Housing and Urban Development, State, Agriculture, and the other Federal departments. It only coordinates under the Executive and the Secretary of the Department of Transportation many of activities of Federal Government affecting the private sector of our economy by taking the present Government activities in this private-sector area which have traditionally been the prerogatives of Congress and moving them into the executive branch of the Government.

Section 7—and if you have heard of this bill at all before today you have heard of section 7—sees the Department of Transportation Secretary prohibited from recommending standards and criteria in such executive branch areas of transportation as defense, post office, and so forth. But the Secretary of the Department of Transportation not only can recommend Federal investment in the private sector of transportation, he can set these standards. Under the way this law is drawn, Congress has nothing to say about it.

And the standards which the Secretary will set—make no mistake about it—will control much of the investment of Federal funds in the various areas of transportation.

Section 7(b) (1) on page 25, line 3 to 15, states that all reports prepared by other branches of the Government must conform to the standards and criteria which the Secretary sets, and so we will not have any "minority views" when the standards and the criteria are set.

Congress traditionally has made the final determinations on standards by which Federal investments and transportation policies are judged. Under this legislation the Congress will not make that final decision because there is no room for objection. The standards are set by the Secretary of the Department of Transportation, after he has recommended them to the President and the President has approved what they will be. Those people in private industry who testified did not object—and I do not object—to the Secretary developing standard and criteria and recommending them, as long as he recommends them to Congress for congressional action. But the Secretary does not recommend to Congress; he recommends to the President, and the President approves the Secretary's standards, not the Congress.

Holy Pedernales, Mr. Chairman. It looks like the Corps of Engineers' decisions are now going to be made in the White House.

The Corps of Engineers' standards and criteria, with the cost-benefit ratio, for-

merly were recommended to Congress and accepted or rejected. And here we had the upper hand because we were a branch of the Government against only an agency of another branch of Government. But now we will be a branch of Government, the legislative branch, directly up against the executive branch, and who will control? My guess is that it will be the Bureau of the Budget. They will recommend and control which standards and criteria we will follow. Because, remember, under this legislation, all reports must conform to those standards and criteria set by the Department of Transportation. The Congress, in the final analysis, will just send the money.

No such power was granted to the Secretary of Housing and Urban Development when that Department was created. As a matter of fact, it was not even conferred on the Department of Defense. But, as we know, the Department of Defense and even the Department of Agriculture, which was created in the last century, have given us recent examples of the Executive deciding on its own what it will do and will not do, regardless of congressional action to the contrary.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ERLÉNBERG. Mr. Chairman, I yield the gentleman from Ohio an additional 5 minutes.

Mr. CLARENCE J. BROWN, JR. So, Mr. Chairman, we see the possibility of the Executive being able to set its own standards and criteria, and thus its own policies, and even the possibility of refusing to observe congressional policies.

I feel the integrity of Congress and perhaps even the balance of powers in the three branches of Government are at stake. If the Members believe this is not a political issue back home, then I suggest they discuss it with some of their constituents. People do not like their Congresses or their Congressmen to be merely rubber stamps for the executive branch of the Government.

In section 7(b), as noted earlier, other agencies are precluded from bringing in conflicting facts on transportation standards and criteria to those developed by the Secretary of Transportation. It will be somewhat like the good soldiers in the Defense Department, where they go along or get out.

The next step after this legislation is passed, as I see it, will be for the executive branch of the Government to submit a reorganization plan to bring in the rest of the activities now undertaken by Government in the transportation field. Thus the Department of Transportation Secretary will have the opportunity to be in fact a czar of transportation.

Perhaps it will be unnecessary to do that, however, because with Executive control of standards and criteria and Federal investments in rail, air, highway, and maritime activities, the rest of the areas in which Federal investments are made will be surrounded.

In my opinion section 7 should not be stricken from this legislation. It should be amended to say that Congress, and not the President, has the power to establish standards and criteria. An

amendment will be introduced to this effect.

I believe it is enough for the Congress to yield the quasi-legislative, the quasi-judicial, and the quasi-administrative duties of the present independent agencies to the Executive, and for the Executive to have in this new Department a direct line of control into the presently independent agencies which now deal with transportation.

The independence of the CAB will be discussed later on, I am sure, but it has been alluded to by my colleague from Illinois. The independence of the CAB will be largely vitiated by the fact that the independence in the investigation of accidents will be lost, by bringing this activity under the Department of Transportation's Secretary, so that he will have the power to control the expenditures for this formerly completely independent accident investigation activity. CAB will not have the unfettered opportunity to criticize other transportation activities of the Federal Government under this bill.

Congress will not be a watchdog in such areas any longer, because there will not be the opportunity for divergent views. So perhaps industries will speak up? There is no representation for a spokesman for any transportation industry in this bill.

What do the Assistant Secretaries and the Administrators do under this legislation? If anyone wants to find out, do not read the bill. We have to ask the author of the bill, because the bill is silent on this subject. The Secretaries are left in limbo, for the Secretary of Transportation to tell them what their assignment will be.

Research? Whom will we have appointed? A college professor? A labor union economist? Who will it be? It may not be—because the bill does not suggest that it will be—the representative of any mode of transportation. Who then suggests to the Federal Government with reference to transportation, and to whom do they suggest it? Apparently only to the Secretary himself. If there is a head of a trucking company who feels the Federal Government's policies are hurting his business, to whom does he go? He does not have any assured representation within the Department of Transportation and Congress does not determine standards and criteria for Federal investment any more.

H.R. 15963 is compromised in order to present to us a new model H.R. 13200, which was the original administration version. Frankly, it is just a little chrome added to the old steamroller.

There has been no industry testimony on H.R. 15963, and very little committee testimony, and very little testimony, for that matter, from the executive branch of the Government.

An allusion was made earlier to the Hoover Commission and the fact that the Hoover Commission recommended the formation of a Department of Transportation. I should like to clear up a point here, because my predecessor from Ohio in the seat I now hold was the author of the Hoover Commission and

served on it. The Hoover Commission did not recommend the formation of a Department of Transportation. The Brookings Institute, which did the homework for the transportation area of the Hoover Commission, recommended the creation of a separate Department of Transportation. The Hoover Commission members turned down the idea and suggested that the Department of Transportation should be incorporated into the Department of Commerce.

And the first step was taken in that area. Do you Members know what went in? It was the merchant marine. What success has it had since the Maritime Administration went into that Department?

What this bill does is to give great powers from the Congress to the executive branch of the Government.

What it does not do is:

It does not spell out any transportation policy.

It does not solve transportation labor tie-ups. They are not even mentioned under this legislation.

It does not tell how highway carnage can be ended. It does put safety regulation in the new organization, but it does not say what we will do about it.

It does not improve the merchant marine at all. As a matter of fact, it leaves it at the same level as now, or below.

It does not help the sick and over-regulated railroads. But it gives the railroads two masters instead of one.

It does not attack the problem of aircraft noise, so that airports can be located where the people are.

It does not accept the responsibility it ought to have in regard to mass transportation.

The author of the bill says that this bill is "a new organization, a new framework, and a new posture of government—a willingness to look at many interrelated transportation problems in a comprehensive way with readiness to grapple with them—a broad and enduring foundation upon which a national transportation policy can be built."

It gives the power to the Executive to do that or anything he might want to. It does not do much else.

The President was somewhat more candid in his message on this bill when he said:

We have fallen short because our transportation system has not emerged from a single drawing board on which the needs and capacities of our economy were all charted.

Section 7 consolidates all the industry drawing boards of all the modes of transportation and moves them from the Congress to the White House.

Mr. HOLIFIELD. Mr. Chairman, I yield myself 2 minutes.

As I have listened to my good friend from Ohio [Mr. CLARENCE J. BROWN, JR.], I have been astounded by his approach to the bill. If I wished to stand up in the well of the House and mention 150 things that did not pertain to the legislation under consideration probably I could do so. Many of the things to which he referred require statutory changes by jurisdictional committees.

It is not within the jurisdiction of this committee to go into the statutory changes over which other committees have jurisdiction.

This has been one of the guiding principles of our procedure, not to step on the toes of other committees.

The gentleman speaks about section 7. He speaks about giving power to the Secretary.

The first three lines of section 7 are:

The Secretary shall develop and from time to time in the light of experience revise standards and criteria consistent with national transportation policies,

That is on page 23. Now let us look at lines 10 to 16 on page 6:

Nothing in this Act shall be construed to authorize without appropriate action by Congress, the adoption or revision of a national transportation policy. Nor shall the Secretary promulgate investment standards or criteria pursuant to section 7 of this Act which are contrary to or inconsistent with Acts of Congress relating to standards or criteria for transportation investments.

Mr. CLARENCE J. BROWN, JR. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. They have to come back. They have to come back to this Congress to do these things.

Yes, I will yield to the gentleman.

Mr. CLARENCE J. BROWN, JR. How many of the standards and criteria for the investment made in transportation by the Federal Government are spelled out in existing legislation?

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

Mr. HOLIFIELD. Mr. Chairman, I yield myself 1 additional minute in order to answer the question of the gentleman.

All criteria and standards of investment that now exist still exist. No new ones will be allowed unless they are consistent with existing acts of Congress or, if they are not consistent with existing statutory acts of Congress, the Secretary has to come back to the Congress and get statutory enactment of the basic authority so that he can make rules, regulations, and criteria based upon that statutory authority.

Mr. CLARENCE J. BROWN, JR. But the Secretary has the power under the language of section 7 to set those standards and criteria any way he wants to, does he not?

Mr. HOLIFIELD. Yes, but not unless they are consistent with present statutes, criteria, and standards which have been approved by the Congress. If they go contrary to the existing statutes, then he has to come back to the Congress.

Mr. Chairman, I will pursue this further at another time, because I have now promised to yield 10 minutes to the gentleman from Wisconsin [Mr. REUSS], and I do so yield.

Mr. REUSS. Mr. Chairman, I rise in support of H.R. 15963 to create a new executive Department of Transportation. This measure will provide coordination for the vast programs our Government is already engaged in the field of transportation and produce greater effectiveness in the solution of the many knotty transportation problems still remaining.

We have made remarkable progress in providing for the transportation needs

of our country and its fast growing population on land, by water and in the air. The utter dependence of our economy and the welfare of the people on transportation systems is patently obvious. One-sixth of our gross national product is accounted for by transportation. But important as it is and as good as it is, it is not good enough.

In the words of our President in his message to Congress earlier this year:

It is not good enough when it offers nearly a mile of street or road for every square mile of land—and yet provides no relief from time-consuming, frustrating, and wasteful congestion.

It is not good enough when it produces sleek and efficient jet aircraft—and yet cannot move passengers to and from airports in the time it takes those aircraft to fly hundreds of miles.

It is not good enough when it builds super-highways for supercharged automobiles—and yet cannot find a way to prevent 50,000 highway deaths this year.

It is not good enough when public and private investors pour \$15 million into a large, high-speed ship—only to watch it remain idle in port for days before it is loaded.

It is not good enough when it lays out new freeways to serve new cities and suburbs—and carelessly scars the irreplaceable countryside.

It is not good enough when it adheres to custom for its own sake—and ignores opportunities to serve our people more economically and efficiently.

It is not good enough if it responds to the needs of an earlier America—and does not help us expand our trade and distribute the fruits of our land throughout the world.

The President said that America today still lacks a coordinated transportation system that permits travelers and goods to move conveniently and efficiently from one means of transportation to another, using the best characteristics of each.

It is obvious to me, Mr. Chairman, that greater coordination in the system is required, but before that can ever be accomplished there must be coordination in the Federal Government's own programs to aid our transportation system.

This need for coordination is widely recognized. The Wall Street Journal has expressed its amazement that because of our uncoordination the Nation's transportation web is not in worse shape. The Journal, and I might say other respected voices, cry that this bill does not go far enough. All functions, they say, both promotional and regulatory, should be in the Department.

Our friends in the Republican Policy Committee support the establishment of a new department but with reservations concerning various features of the bill.

We all recall, of course, that President Eisenhower called for such a department.

There is, then, a widespread consensus on the basic question of coordination and that an executive department is the proper instrument for such coordination.

This House has only last week expressed its continuing and vital interest in transportation problems by passing the Motor Vehicle Safety Act and the Highway Safety Act, both of which will have a profound impact on the excessively high accident rate in our country. Safety will be a prime objective of the

new department and for this reason alone the bill merits passage.

The gentleman from California [Mr. HOLIFIELD] has already detailed the composition of the new department. I will not repeat this to you. I think the organizational concept is sound from the point of view of proper governmental management. I do not think it is necessary or desirable to bring the regulatory agencies and their functions into the new department. These are quasi-legislative and quasi-judicial. They represent, as we all know, an extension of the power of Congress and carry on their activities better in independent status.

I would like to stress here two aspects of transportation not included in this bill. Many Members like myself are interested in the St. Lawrence Seaway and the promise this holds for the development of the trade and commerce of our inland States. Last Friday, 49 Members of both the House and Senate sent a petition to the White House requesting the President to postpone for a year any toll increases on the seaway so that Congress may have an opportunity to review our Government's role in financing and, we hope, strengthen the seaway by passing legislation to make permanent our Federal investment in that great development. In his message on transportation, the President proposed that the St. Lawrence Seaway Development Corporation be included in the new Department of Transportation. The Corporation was not put in the bill because legislation was not necessary to accomplish this transfer and the President could and would do it by Executive order after the Department has been established.

We believe this should be done and will be done by the President. We have been given a clear understanding on this question and have, therefore, not introduced an amendment to the bill such as has been proposed by a number of Members of the other body.

Furthermore, the importance of this great Corporation is such that when brought into the Department it should not be subordinate to any operating agency but should be on a par with the other operating agencies such as the Federal Railroad Administration, Federal Aviation Administration, Federal Highway Administration, the Federal Maritime Administration and the Coast Guard. We want the record being made here today to show that we have assurances from the White House that the St. Lawrence Seaway Corporation will not be downgraded in the new Department. It will continue as an operating agency and, as such, will report directly to the Secretary. Its needs will not, therefore, be lost sight of in the competition with other transportation requirements.

In submitting his proposal for a new Department of Transportation, the President did not include urban mass transportation. As all Members know, this program is now being administered by the Department of Housing and Urban Development. HUD is responsible for a unified Federal approach to urban problems. The Department of Transportation is responsible for a unified approach

to transportation problems. Neither can work independently of the other in urban transportation. The two must participate in the important decisions that must be made, which will require the contribution and cooperation of both Secretaries. The President was unable to state with certainty at this time what the proper division of labor between the two Departments should be. He has said that after the new Department has been created he will direct the Secretary of Transportation and the Secretary of HUD to study the problem and recommend to him within a year the means and procedures by which the cooperation can best be achieved, not only in principle but in practical effect.

I believe the President has chosen a wise course. Urban mass transit is so intimately tied in with other urban problems that it seems to me that the program should remain with HUD. I do have an open mind, however, based on future developments after the new Department has been put into operation.

The Mass Transportation Act, now in conference between the Houses, not only increases the grant authorization but includes a proposal that I presented in committee directing the Secretary of HUD in consultation with the Secretary of Commerce to prepare a program of research, development, and demonstration of new methods of urban transportation. We are seeking new breakthroughs in this tough problem for our hard-pressed cities. The solution will probably depend primarily on new and radically improved methods. We cannot now be sure that transferring this program to DOT will be the answer. We need action, fast action on these problems. It may cause some delay to move it over.

In the Housing Act of 1966 that has been reported and is pending for action in the House, we give to the Secretary of HUD authority to achieve coordination of Federal programs in metropolitan development by calling on other Federal agencies to supply such data as he considers necessary and we require those other agencies to cooperate with him in carrying out his responsibilities. This would naturally include urban transportation and it may well be that under this authority the Secretary of HUD could adequately fulfill his responsibilities in successfully meeting the urban mass transit problem.

Thus, a strong case can be made for keeping mass transit in HUD and it would indeed be precipitous for Congress to transfer it to the Department of Transportation at this critical time.

The legislation before us is among the most important the Congress will act on this year. I hope H.R. 15963 will be passed by an overwhelming vote.

Mr. CLARENCE J. BROWN, JR. Mr. Chairman, will the gentleman yield?

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

Mr. CLARENCE J. BROWN, JR. Is there anything in the language of the legislation which we now have under consideration which says or even indicates in any way that what the gentleman just said is so, that the President will ask the Secretary of the Department

of Transportation and the Secretary of HUD to sit down together and make a study?

Mr. REUSS. No; there is no language in the act, but the President has strongly supported this. I have no doubt whatever, from my conversations with Secretary Weaver of HUD, that this study will probably be made and a recommendation made in no greater length of time than 1 year's time, and I would think the matter could then be resolved.

Mr. CLARENCE J. BROWN, JR. Mr. Chairman, will the gentleman yield further?

Mr. REUSS. I yield further to the gentleman from Ohio.

Mr. CLARENCE J. BROWN, JR. This is in the area then of faith, let us say? We just sort of take some of these things on faith that these will be done at some future date in all likelihood if things are right and if everyone is agreeable. And if there is no real objection at that time?

Mr. REUSS. I think we take this on a little more than faith, I will say to the gentleman from Ohio. In the first place, we have the considered and public statement of the President of the United States, and in the second place, Urban Mass Transit now is in the Department of HUD, and any time the Members of the Legislature feel that it should be transferred over to Transportation or any place else this, of course, can be done.

Mr. Chairman, the President is acting in good faith when he says he cannot now determine where the public interest will best be served. I myself would have difficulty making that decision.

Mr. CLARENCE J. BROWN, JR. Mr. Chairman, will the gentleman yield further?

Mr. REUSS. I yield further to the gentleman from Ohio.

Mr. CLARENCE J. BROWN, JR. These statements are not binding upon a future President nor are they binding upon the Secretary of the Department of Transportation, should we establish this Department and a Secretary is appointed?

Mr. REUSS. No. All that the President has said is that he is going to ask the two Secretaries to make a study and report back to him with their recommendations within a period of a year. However, he could submit such official report to the Congress at any time when in his judgment it is ready. It is open to the Congress at any time to make its judgment.

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

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

Mr. HOLIFIELD. Mr. Chairman, the gentleman is correct, and let me read the words of the President of the United States in his transmission of March 2 with reference to his message on the subject of urban transportation. He stated as follows:

Urban transportation.—The Departments of Transportation and Housing and Urban Development must cooperate in decisions affecting urban transportation.

The future of urban transportation—the safety, convenience, and indeed the liveliness of its users—depends upon wide-scale,

rational planning. If the Federal Government is to contribute to that planning, it must speak with a coherent voice.

The Department of Housing and Urban Development bears the principal responsibility for a unified Federal approach to urban problems. Yet it cannot perform this task without the counsel, support, and cooperation of the Department of Transportation.

I shall ask the two Secretaries to recommend to me, within a year after the creation of the new Department, the means and procedures by which this cooperation can best be achieved—not only in principle, but in practical effect.

This is the President's intention. Of course, you cannot bind the actions of Presidents in the future, but we would not doubt the integrity of the President in saying what he wants to do because he is not only a man of integrity but it is also a matter of good sense.

We are looking at this problem in the cities within the confines of municipal areas. We have a special problem there which is completely different from the intercity transportation across the country from city to city.

They are studying this problem down there. They have already set up a group down there that are working on this problem and they are going to come back to us at the end of a year and give us a report as to whether it should be in the Department of Transportation.

Maybe they will recommend that it should be in the Department of Transportation. Maybe they will recommend that it stay in HUD. But at least at that time they will have to come before the Congress—and if they do not come voluntarily, I will take the responsibility to ask them to come before my committee at the end of the year and give us their report. I think they will do this without any special urging because Mr. Weaver has told me he will be glad to come and report to us at the end of the year.

Mr. CLARENCE J. BROWN, JR. Mr. Chairman, I am glad to have the assurance of the gentleman in the well and of my colleagues from California and the assurances he read from the President. The only way we could tie this down any further is to write it into the legislation.

Mr. HOLIFIELD. Mr. Chairman, I understand the gentleman from New Jersey [Mrs. Dwyer] has an amendment, or at least is trying to prepare an amendment. I might say I would not want to commit myself to it because I do not know what the wording will be. But we have had some very pleasant talks together about this amendment that the gentleman is working on and I am in accord with her purpose. If we can work something out that will be germane to the bill and properly placed within the bill, I would say at this time that I have no objection to the principle that is involved, although very frankly I think it is unnecessary. But I am of an open mind on the subject, I will say.

Mr. CLARENCE J. BROWN, JR. I think if we can get it into the legislation, we would all be satisfied.

Mr. REUSS. Mr. Chairman, if I may address myself to the point of urban mass transportation, which I know the

gentleman from Illinois and the gentleman from Ohio and the gentleman from New Jersey are all intensely interested in, I would like to give my own personal view, as one who is also intensely interested in a breakthrough in urban mass transportation.

I would hope very much that the problem of urban mass transportation could stay in HUD, where it now is, for some time to come. I say that not because I am mortgaged to the Department of Housing and Urban Development, but because they are now seized of the problem. They have been working at it.

Mr. Chairman, just this week this body, with bipartisan support, passed the Mass Transportation Act of 1966, which I trust will become law very shortly, a key provision of which was to impose upon the Department of Housing and Urban Development the task of working out within the next 18 months a 5-year crash program of research and development and demonstration of wholly new systems of urban transportation.

I think many Members feel in their bones that new technology must be evolved if we are really going to untangle the traffic jams of our cities.

It would be a bad blow to the expediting of this program if the Department of Housing and Urban Development, which has been working on this for many months and holding conferences with experts from all the great industries of our country and from our great universities, were suddenly to be divested of this jurisdiction, and if it should be lodged in the Department of Transportation or in some other place which, being a fledgling department, simply would not be set up to do it.

I am sure we would lose a couple of years of momentum which we so desperately need. I would hope my friends on the minority side would take that into account should they decide to offer an amendment on this point, and take into account the imperativeness of going forward with research and development on new systems of mass transportation.

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

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

Mr. ERLENBORN. I think the gentleman would agree with me that if we have a crisis in transportation in this country, it is in the area of urban mass transportation. Our greatest problem lies right there.

Mr. REUSS. I completely agree with the gentleman.

Mr. ERLENBORN. Certainly any solution to that problem will have to be coordinated with our overall transportation system. We cannot ignore the modes of transportation that are bringing people and goods into the central cities, and any urban mass transit program that we develop must be coordinated with our system of highway, aircraft, railroad, and other modes of transportation.

Mr. REUSS. The gentleman is so right. Just as urban transport has to be coordinated with other forms of transport, so the forms of transport have to be coordinated with the transit problems

of our cities. The two are really indistinguishable parts of a whole. If we follow logic on the subject, we would say, "Let us have just one glorious Cabinet department which will handle all our problems."

Inevitably there are overlaps. They can be settled only by sympathetic coordination. Whichever way this thing goes, a year from now it will be the job of the gentleman from Illinois, the gentleman from Wisconsin, and others to see that that coordination is obtained.

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

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

Mr. ERLÉNBOEN. The gentleman has made the point, and the point was made by administration witnesses in our hearings, that this is a new program. The Housing and Urban Department Act was passed only last year and that this is a new program. Therefore, we should let it grow where it is. Congress made a conscious decision to put it in the Housing and Urban Department program last year. Obviously the Congress was not presented with the choice last year of putting the urban mass transit program either in the Department of Transportation or in the Housing and Urban Development Department, because we had no Department of Transportation.

The point I would like to make is that if this is a fledgling program which should not be ripped up by its roots, then what is the rationale behind taking the Northeast Corridor, the high-speed rail program, out of the Department of Commerce, which is also a new, fledgling program, ripping that up by the roots and putting it in the new Department?

Mr. REUSS. I will be glad to try to answer that question.

Mr. ERLÉNBOEN. Let me suggest an answer, and that is that we are developing the personnel for this new program. If we are developing the personnel for a new program, why not let this personnel and the program be developed where the program will ultimately rest, instead of having it start here and then moving it over, with the resultant dismay to those involved in it?

Mr. REUSS. I think the gentleman begs the question when he says that the mass transit program will ultimately rest in the Department of Transportation. We do not know. I want to wait to see what the study develops a year from now. It did make sense, since the Department of Commerce was being very largely relieved of its transportation functions, to take the Boston-to-Washington high-speed railroad out of that Department and put it in Transportation. It is also true that the high-speed Boston-to-Washington railroad related to railroads generally in intercity transport, and it will go to the new Department of Transportation.

I think, however, there is a vital difference between that and urban mass transit, where we for several months have been getting started and are gathering momentum and building up a staff on urban mass transit.

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

Mr. HOLIFIELD. Mr. Chairman, I yield the gentleman 1 additional minute, whether he wants it or not.

Mr. REUSS. I thank the gentleman, but I think I have divested myself.

Mr. HOLIFIELD. I would like to point out that on page 15 of the report the following statement appears:

The President has said he intends, upon the creation of the Department of Transportation, to ask the heads of the two Departments concerned to study and report within 1 year on a logical and efficient organization of urban mass transportation functions. It may well be that these functions will be lodged in the new Department. The committee considers that the President's proposed course is reasonable and that the final organizational decision on urban mass transportation should be deferred.

Until this study is completed.

Mr. REUSS. That says it in a nutshell. The matter should be deferred until we know what we are doing.

Mr. HOLIFIELD. We have no great conflicts in principle here.

Mr. REUSS. I thank the gentleman.

Mr. ERLÉNBOEN. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. HORTON].

Mr. HORTON. Mr. Chairman and Members of the Committee, I have considered it a privilege and a pleasure to serve on the Government Operations Committee under the chairmanship of the gentleman from Illinois [Mr. Dawson] and to work closely with the gentleman from California [Mr. HOLIFIELD] on the Military Operations Subcommittee.

Also I want to take this occasion to commend the gentleman from California [Mr. HOLIFIELD], and the gentleman from Illinois [Mr. ERLÉNBOEN], for the very patient time that they have spent in bringing to the floor this very important piece of legislation. Knowing the gentleman from California, and having worked with him on the Military Operations Subcommittee of this committee, I know how thorough he is. I know, from having worked with Mr. ERLÉNBOEN also on another subcommittee, of his thoroughness in this legislation. I know both of them have spent a great amount of time, as have other members of the subcommittee, in bringing this bill to the floor.

I want to indicate that I support the bill and I expect to vote for it.

I recognize that the establishment of a new department certainly creates problems, and this bill certainly does have some problems. I have signed the additional views, which are on page 79 of the report which accompanies H.R. 15963. I invite my colleagues to read those additional views, in which I was joined by seven other members of the minority. These views point out some of the problems with respect to this bill.

Also, Mr. Chairman, I intend to offer an amendment to promote labor-management harmony in the transportation industry which will direct the Secretary of Transportation to assist in promoting industrial harmony and stable employment conditions in all modes of transportation. The Secretary also would be responsible for informing the President

of the status of labor-management contracts.

I am not suggesting another labor agency nor does the Horton amendment propose to interfere with or in any sense replace or duplicate the existing agencies concerned with labor-management relations.

My plan is an "early warning system," and my amendment would make constructive counsel available to labor and management before difficulties reach the point of work stoppages.

Collective bargaining is one of our fundamental freedoms. Government has a responsibility to help assure its vitality. Therefore, I believe our approach in Congress should avoid punitive actions that can only lead to erosion of this right. Rather, let us employ the resources of the Federal Government to induce cooperation and agreement.

Arthur Goldberg, when he was Secretary of Labor, expressed very well what I intend by my amendment. Speaking to the National Academy of Arbitrators at Pittsburgh in 1962, Mr. Goldberg said:

The government must give better aid to collective bargaining not only through improved good office and mediation procedures but also through better and more precise economic data—data provided before the fact, not as a post mortem inquest; so as to assist settlements, not simply analyze them.

My proposal will offer this kind of aid through the Secretary of Transportation. Such impartial assistance would benefit both labor and management by advance detection of friction points. From this knowledge, I would hope the Secretary could work with the parties involved in a common effort to resolve problems before they grow, otherwise unattended, into crisis proportions.

The recent airline strike points up the fact that labor relations in the transportation industries are far from harmonious. Work stoppages in the airlines, railway, and maritime industries have occurred with some frequency. The railroads have had a bitter conflict regarding work rules. In the maritime industry, Taft-Hartley emergency disputes provisions have had to be frequently invoked, and with little success, for the strikes often went on after all the emergency procedures had been exhausted. Only in the trucking industry has there been relative quiet.

Since transportation has a crucial role in the Nation's economy, transport work stoppages are almost immediately a matter of national interest. If the strike is prolonged, the Government becomes more and more involved. Emergency boards and commissions are appointed. The public demands that something be done. Finally, if emergency procedures are exhausted, the only action remaining is for the President to act, or for special legislation to be passed.

In offering my amendment which directs the Secretary of Transportation to assist in promoting labor-management harmony in the Nation's transportation industries, I am impressed with the need to study labor legislation in the transportation industries. Such studies

could deal with, for example, inconsistencies in the present law. The railroads and airlines are covered by the Railway Labor Act while the trucking and maritime industries come under the National Labor Relations Act, including the amendments enacted in the Taft-Hartley Act. The National Mediation Board and the National Railroad Adjustment Board are concerned with the railroads and airlines, while the trucking and maritime industries come under the jurisdiction of the National Labor Relations Board and the Federal Mediation and Conciliation Service.

As an article published 2 years ago points out:

... Even students of labor relations are puzzled by differences in emergency dispute clauses found in the Railway Labor Act as compared to the Taft-Hartley Act. The employment of a Taft-Hartley injunction, as compared to the appointment of an emergency panel under the Railway Labor Act, results in a different procedure and time period for a "status quo" on the issues.¹

Under both laws, however, transportation disputes have become what the Secretary of Labor has termed "marathons of maneuver." At a 1963 meeting of the National Academy of Arbitrators, he said:

The last round of contract disputes in the airline industry (not yet quite completed) took over two years, and involved the President of the United States, the Secretary of Labor, the Under Secretary of Labor, the National Mediation Board, a Special Presidential Commission, nine Presidential Emergency Boards, and three Boards of Arbitration—a total of 36 public representatives.

(In) the recent longshore case, the public participants, during its twelve-month course, were the President, the Secretary of Labor, an Assistant Secretary of Labor, the Director of the Federal Mediation and Conciliation Service, his Deputy, fifteen FMCS mediators, a Taft-Hartley Board of Inquiry, the Attorney General, the Federal District Court, the Mayors of numerous port cities, a Special Presidential Board which was appointed but never convened, and another Special Board under the chairmanship of a U.S. Senator.²

Secretary Wirtz concluded then that "such a program of improvisation clearly offers nothing for the longrun future."³ The airline strike, and the uncertainty as to how it was going to be settled, appeared to bear out this conclusion. Therefore, it seems imperative that more workable and consistent means be devised to deal with labor disputes in the transportation industries. The present legal and administrative machinery is inadequate.

It is true that many legislative remedies have been suggested. They tend to be drastic—for example, compulsory arbitration—and/or hastily devised because they are usually the result of a transportation emergency brought on by a labor dispute. However, I feel an "early warning system" in the proposed Department of Transportation could

help come up with solutions which were arrived at through careful study of the complex issues involved.

Legislation is, of course, not the only or final answer to labor disputes. Good will and effective communication between the parties involved are also necessary. My labor-management amendment, in fact, directs the Secretary of Transportation to assist in promoting better relations between labor and management in the transportation industries as a supplement to the good offices of the National Mediation Board and the Federal Mediation and Conciliation Service.

The major justification for assigning this new authority to the Department of Transportation would be to put increased emphasis upon a problem area in transportation. The first stated purpose of the Department of Transportation Act—H.R. 15963 as reported by the House Committee on Government Operations—is to provide leadership in identifying and solving transportation problems. I believe the Horton amendment could make a major contribution to this goal.

When it is offered, during the amending process, I urge my colleagues to support it so that we can have this additional tool in this crucial area.

Again may I state my belief in this bill. It is important for us to establish a Department of Transportation in order that we can have one uniform Federal policy respecting national transportation.

I believe it is in the national interest to have this Department. Even though we do have problems, which I am sure will be ironed out during the amending process, this is a good bill.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. HOLIFIELD. Mr. Chairman, I yield the gentleman 1 minute for the purpose of expressing my appreciation for the hard work that he has done on the Subcommittee on Military Operations, for his devotion to duty, for his attendance at the sessions, and for his always constructive approach to the problems which we have in that subcommittee. The gentleman knows how highly I regard his judgment. I will look forward tomorrow to seeing the context of his amendment, and I will give it every consideration that I can in relation to the integrity of the bill.

Mr. HORTON. Mr. Chairman, I thank the gentleman very much.

Mr. HOLIFIELD. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. HARDY].

Mr. HARDY. Mr. Chairman, I have never been an enthusiast about increasing governmental agencies. In fact, on previous occasions, I have opposed the establishment of new Federal departments simply because of a desire to slow down, rather than accelerate, the pace at which governmental activities and bureaucracy are expanding.

All of us know that governmental agencies have a way not only of perpetuating themselves, but of expanding both their personnel and the areas of their jurisdiction. Frankly, I think that Gov-

ernment is much too big and I wish there were some way we could decentralize it. But I am also conscious of the fact that as our national economy becomes increasingly complex, centralized direction becomes increasingly necessary in some areas, especially those which require regulation.

The field of transportation is such an area. It was inevitable that there would have to be Federal regulation of transportation by rail, by air, and by water. It was equally inevitable that major responsibility for the planning and financing of roads and highways would have to be undertaken by the Federal Government as would the regulation of transport traffic over the Nation's highways.

Heretofore, these highly important elements of our transportation industry have been scattered in a wide variety of independent agencies and some have been parts of governmental departments where they have been comparatively insignificant subordinate elements. Transportation is a tremendously important part of our economy, and there is such an inseparable interrelationship among the differing but competing modes of transport that a coordinating authority is needed. Such coordination, it seems to me, can best be provided by a new Federal department, headed by a Secretary with Cabinet status.

During committee consideration of this bill, my colleague, the gentleman from Maryland [Mr. GARMATZ] and I offered an amendment which was adopted by the committee that will leave with the Interstate Commerce Commission its present powers and functions in railroad "car service" matters. I consider this to be one of the more important amendments made in committee because such matters which often involve quasi-judicial determinations should be left with the Interstate Commerce Commission.

There is much more to "car service" than getting freight cars to points at which they are needed. Numerous provisions of the Interstate Commerce Act vest the Commission with certain powers and authority over "car service." Some of those sections apply only in times of car shortages or emergency conditions, while other sections have general application and apply to the everyday operations of the railroads. All of these sections are, in a sense, interrelated and deal directly with the economic regulation of the railroad industry. In addition, car service, in its broad sense, includes such matters as demurrage, or car detention, and charges for these, along with the rules, regulations, and practices affecting such charges, are published in public tariffs.

Thus, the so-called car service functions reach deeply into the economic regulation of the railroad industry. Such economic regulatory matters should properly rest with the Interstate Commerce Commission and should not be placed in the hands of an executive or purely administrative agency.

Another point I want to discuss has to do with the placing of the Maritime Administration within the new Department.

I have the honor to represent a district where transportation is a major industry.

¹ Shils, Edward B. Transportation's Labor Crisis. Harvard Business Review. May/June 1964, p. 96.

² As quoted in Kaufman, Jacob J. The Railroad Labor Dispute: a Marathon of Maneuver and Improvisation. Industrial and Labor Relations Review, January 1965, p. 196.

³ Ibid, pp. 196-197.

My district is a maritime district. We boast the finest harbor in the world—Hampton Roads. We also pride ourselves on unexcelled shipping and shipbuilding facilities, as well as personnel who are outstanding in maritime services and operations. The first job I had after graduation from college was with a steamship agency. Through the years I have learned the importance of shipping to our Nation—the importance of our merchant marine, not only to the economy and commercial well-being of our country, but as an urgent requirement of our national defense.

In recent years I have been deeply concerned about our merchant marine, about the way it has been neglected, about our failure to pursue the policy officially set forth in our Merchant Marine Act. I shall not attempt to place the responsibility for this, but you and I have witnessed a rapid decline in the American merchant marine. We are not operating the ships that we should be operating. We have lost our position of leadership. Not only are we not operating the number of ships we should be operating, but we are not keeping our fleet modern—we are not building the ships we ought to be building. In short, although there is statutory authority to make the American merchant marine second to none, that statute is not being carried out.

Who can say how much of this is due to the fact that the Maritime Administration is just a little wheel in the big Department of Commerce? Who can say whether the lack of emphasis on new ship construction is due to disinterest on the part of the Secretary of Commerce or to the inability of the Administrator of the Maritime Administration to secure the kind of support he has needed?

Let me comment briefly on the proposal advanced by some of our colleagues to establish an independent maritime agency outside the Department of Transportation. I know that they are motivated by an earnest desire to try to promote our Nation's maritime interests and to try to restore Maritime to its proper place in our national picture.

I, too, share that desire, but I am convinced that the best way to accomplish that objective is to make the Maritime Administration one of the major components of the new Department of Transportation. Then that new component should be staffed by aggressive, competent top-level personnel who can enlist the full cooperation and support of the Secretary, and through him have access to the White House and employ persuasion with the Bureau of the Budget.

Unfortunately, none of us can say with certainty where Maritime would function best. It is a matter of judgment. But in recent years we have witnessed the transition of a number of agencies from independent status to constituent parts of two new Departments. I believe that the lines of communication for these constituent agencies have been improved and I think the voice of Maritime would be stronger when the needs of

our merchant marine are expressed by a Cabinet officer instead of merely by an agency administrator.

Under the bill, the Federal Maritime Commission would retain its independence as a quasi-judicial agency just as the ICC and the CAB would. This is entirely proper, and quasi-judicial functions should be separated from the responsibilities of the Secretary of Transportation. There is some question in my mind about the desirability of including in the new Department the responsibility for determining maritime subsidies which are of a regulatory nature, and may involve quasi-judicial determinations. It is my understanding that an amendment to establish an independent subsidy board may be offered, and as I understand that amendment, it seems to me to be a desirable one.

All in all, I think the bill before us justifies support, and that the administrative functions of the agencies which it embraces, including Maritime, can best be discharged by the new Department headed by a Secretary with Cabinet status.

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

Mr. HARDY. I am happy to yield to the gentleman from Virginia.

Mr. DOWNING. Mr. Chairman, I compliment my beloved friend on his fine talk, but I must say that it is the first time in a long time that I must respectfully disagree with him.

Mr. HARDY. That does not make the gentleman right.

Mr. DOWNING. That does not make the gentleman in the well right either.

Does the gentleman believe it was wise when we passed Reorganization Plan No. 7 and we were told it would be helpful to the merchant marine—for you will recall that this was when they placed the merchant marine under the Department of Commerce and great things were supposed to happen to the merchant marine—but they have not. Would the gentleman agree with me that that was a mistake?

Mr. HARDY. Insofar as subsidy determinations are concerned, I am inclined to think that they should never have been placed in an administrative agency. I had some questions about that at the time.

I had some questions about this particular aspect of the matter at the time. As I recall it, when the reorganization plan was considered by our committee, I raised some questions about it. I think, however, we were given assurances that there would be adequate safeguards. I am not at all sure that it has worked as it should have. However, let me say this to my friend, I do not think the problem with our merchant marine stems from the fact that it is in the Department of Commerce, I think it stems from the fact that there has not been enough interest in the executive branch of the Government to give us the kind of merchant marine we should have had.

I put an editorial from the Norfolk Virginian Pilot newspaper in the Record yesterday. That editorial wound up

with this observation, which I think is a very valid one:

It is ultimately a Presidential responsibility.

If we have Presidential support for a sound merchant marine that would be our national policy. It does not make too much difference whether it is in the Department of Commerce or in a new department or whether it is an independent agency.

Without that we are still not going to get the kind of merchant marine we ought to have.

Mr. DOWNING. Mr. Chairman, in that respect I am very much in accord with the gentleman.

However, I am fearful that placing the merchant marine administration in the Department of Transportation will have the same result as when we placed it in the Department of Commerce and nothing good will come out of it. In my opinion, it is like transferring a body from one grave to another.

Mr. HARDY. Mr. Chairman, let me comment just briefly on that, if I may. Actually as I stated a moment ago, I do not think it makes too much difference where it is. If it does not have support in the highest administration circles, Maritime is not going to get its place in the sun. However, a fault that I find with the present situation relates to the making of subsidy determinations which to my mind does have some quasi-judicial aspects. I think if that were removed from the administrative agency, it would be an improvement. However, I do not think the fact that this was placed in the Department of Commerce is responsible for all the ills of the merchant marine today.

The real trouble is that Maritime has not had the blessings of the top administrative people.

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

Mr. HARDY. I yield to the gentleman.

Mr. HOLIFIELD. Mr. Chairman, I agree with the gentleman completely on his analysis of the plight of the maritime program.

Now it is well to go into some history. The gentleman from Virginia [Mr. HARDY] back in 1950, I believe it was—his committee made a complete analysis or scrutiny of the action of the Maritime Administration and came up with an interesting report. So interesting in fact that when Reorganization Plan No. 21 of 1950 came before us, there was not a disapproving resolution filed by the members of the Committee on Merchant Marine and Fisheries or any other Member of the House of Representatives and it automatically became the law.

Then, again, when Reorganization Plan No. 7 was considered, which was in 1961, our departed friend, the Honorable Herbert Bonner, came to our distinguished chairman, the gentleman from Illinois [Mr. Dawson], and expressed his interest in the matter. The Committee on Government Operations voted to table the disapproving resolution introduced by the gentleman from Connecticut [Mr.

MONAGAN] at that time, and the matter was brought up on the floor on the motion of the gentleman from Iowa [Mr. GROSS], and in the debate on the floor Representatives CELLER and Bonner strongly supported the reorganization plan.

Mr. HARDY. The gentleman is correct in his recollection that a subcommittee which I headed in 1949 and 1950 did make an extensive study of the Maritime Commission as it was then operating. I do not know whether our study had anything to do with the reorganization plan that was subsequently offered or not. I do know, however, that there were some shortcomings in the administration of the maritime program at that time and there was serious need for improvement. I cannot say whether there is any relationship actually between the reorganization plans of 1950 and 1961 and the deplorable situation in which Maritime now finds itself.

I am inclined to think its present plight is due more to neglect and disinterest in high places than anything else.

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

Mr. HARDY. I yield to the gentleman from North Carolina.

Mr. LENNON. I direct my remarks to the gentleman from California, who commented on the statement and position taken by a former beloved friend and chairman of the Merchant Marine Committee, and call the attention of the House to the fact that the last official act of the late Herbert Bonner was to stand in the well of this House, after the introduction of a bill calling for the establishment of an independent maritime agency, and making the statement that he had made a grievous and grave mistake when he supported Reorganization Plan No. 17 in 1961, just to keep the record straight.

Mr. HARDY. I recall that that is an accurate portrayal of the situation. Whatever we do, Mr. Chairman, I think all of us are interested in improving the status of our American merchant marine. That is certainly my motivation.

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

Mr. HARDY. I am glad to yield to the gentleman from North Carolina.

Mr. LENNON. Going back to Reorganization Plan No. 21 in 1950, which moved the Maritime Administration from an independent agency into the Department of Commerce, at that time under the Reorganization Act there was created in the Department of Commerce the position of Under Secretary of Commerce for Transportation. That particular reorganization plan spelled out the responsibilities of the Secretary of Commerce to establish and promulgate a policy on transportation. It has not been done yet, and the gentleman knows it.

Mr. HARDY. I must comment on that briefly.

Mr. HOLIFIELD. I hope the gentleman's comment will be brief, because I have an agreement for the Committee to rise at 5:30.

Mr. HARDY. That being the case, I will withhold the comment.

The CHAIRMAN. The gentleman from Illinois is recognized.

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

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

Mr. HOLIFIELD. If the gentleman can conclude with his present commitments to speak before 5:30, I will ask that the title be read and then move that the Committee rise.

Mr. ERLENBORN. I do not believe I have more than 20 minutes of time requested.

Mr. HOLIFIELD. I thank the gentleman.

Mr. ERLENBORN. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. CHAMBERLAIN].

Mr. CHAMBERLAIN. Mr. Chairman, I rise in support of the creation of a Department of Transportation and the continued operation of the Coast Guard as a legal entity within it. I have asked for this opportunity to speak not only to voice my own support but to try to allay any apprehension there might be about uprooting this service originally established as a part of the Treasury Department by Alexander Hamilton in 1790. I speak as one who has served 4 years with the Coast Guard during World War II and also from my experience as an officer of the Coast Guard Reserve. I am pleased that those entrusted with maintaining the traditions of the Coast Guard have expressed full support for the transfer of the Coast Guard to the new Department of Transportation. In testifying before the Committee on Government Operations, Vice Adm. William D. Shields, former Assistant Commandant of the U.S. Coast Guard, stressed five special advantages accruing to the Coast Guard by this transfer:

First. The Coast Guard will be a part of an executive department whose sole objective is in an area in which the Coast Guard operates continually, that is transportation and transportation safety.

Second. The Coast Guard will be in the mainstream of development of national transportation policy.

Third. Coast Guard prestige at international conferences dealing with transportation will be enhanced by the Coast Guard being an integral part of the Department of Transportation.

Fourth. The resulting closer relationships with other elements in the Department of Transportation will improve Coast Guard capabilities.

Fifth. Coast Guard personnel would serve in positions within the Department of Transportation at high levels of policymaking and administration.

It is further to be stressed that the Coast Guard is the only Government agency being brought into the new Department which is to preserve its identity as a separate unit. As the committee report specifically points out on page 24:

So far as the Coast Guard is concerned, while it has a traditional link to the Treasury Department, its primary civil functions relate to maritime and to some extent air transportation. Now that a separate Department of Transportation is being set up, that Department is the logical home for the Coast Guard which, under the bill, would still remain as a separate unit in its present form.

It is essential that in view of the fact that during wartime the Coast Guard becomes a military service under the operational control of the Navy, and that its status as a complete entity should and must be maintained at all times.

That the Department of Transportation is the new, natural home for the Coast Guard is especially appropriate since the Coast Guard is the agency of the Federal Government principally responsible for safety in the maritime field. As transportation safety is to be a particular concern of this new Department it is imperative that the Coast Guard have an effective voice in policy questions affecting standards and procedures regulating our sealanes. As Vice Adm. Paul E. Trimble, at the time Chief of Staff of the Coast Guard, testified before the other body:

Because of our important missions in the search and rescue field and the aids to navigation field, and the maritime safety field, and others, it was apparent from the outset that the Coast Guard is an essential member of the Transportation family.

Speaking for the Coast Guard Admiral Trimble added:

I think we would feel like we were a second cousin if there were a Department of Transportation . . . considering transportation policy, transportation long range planning and research—(and) we were on the outside and not a part of it because of the part that we do play.

Mr. Chairman, I am satisfied that the relocating of the Coast Guard within the Department of Transportation will not adversely affect Coast Guard operations. Furthermore, there is a strong indication that it would actually be detrimental to the service and to the Nation if it were left out. I, therefore, support and urge my colleagues to support this section of H.R. 15963.

Mr. PATTEN. Mr. Chairman, I ask unanimous consent that the gentleman from Maryland [Mr. SICKLES] may extend his remarks at this point in the Record.

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

There was no objection.

Mr. SICKLES. Mr. Chairman, a highly mobile population is probably the most distinctive feature of modern American society. Transportation today accounts for one-sixth of our \$700 billion gross national product. It is therefore anachronistic and wasteful to maintain the current overlapping and uncoordinated collection of Federal transportation agencies. Valuable streamlining will be achieved by passage of the Department of Transportation Act of 1966.

This act creates a Cabinet-level Department with operating divisions embracing the major modes of travel. The Department will coordinate the 100,000 Federal personnel employed and the \$6 billion in Federal tax funds spent annually for transportation.

In the long run, this consolidation will save the taxpayers' money. The Bureau of the Budget believes that budgetary economies, such as more effectively used computers, will completely offset within

2 to 3 years the cost of creating the Department.

All transportation problems will be more effectively attacked within the framework of the Department of Transportation. But one problem in particular will be given vitally needed special attention. A National Transportation Safety Board will work within the Department to try and awaken the American people to the high rate of transportation accidents.

Last year, 1,365 Americans died in Vietnam. The public was understandably concerned by each death. But where was the corresponding public concern for the 49,000 Americans who died in auto accidents during the same year?

Hopefully the National Transportation Safety Board will be able to break through the high wall of public apathy which currently surrounds this problem. This Board will carefully investigate the causes of accidents and then recommend appropriate legislation to Congress.

The Department of Transportation will also formulate consistent Federal policies governing investment in transportation facilities, just as the Water Resources Council now develops investment standards for water resource projects. Clear standards are needed to meaningfully evaluate the hundreds of transportation proposals brought before the Government each year.

The creation of a Cabinet-level Department is a large undertaking. But when 2.5 million Americans earn their living by moving people and goods, a large undertaking is required. Although we sometimes wish we could, it is impossible to go back to that period in history when only five Cabinet-level Departments were sufficient to run the affairs of this Nation. The Department of Transportation is necessary to help us keep pace with the growing complexity of modern life.

Mr. ERLÉNBOURN. Mr. Chairman, I yield 15 minutes to the gentleman from Alabama [Mr. EDWARDS].

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

The CHAIRMAN. The Chair will count.

Mr. HOLIFIELD. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. PRICE, 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. 15963) to establish a Department of Transportation, and for other purposes, had come to no resolution thereon.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14596) entitled "An act making appropriations for the Department

of Agriculture and related agencies for the fiscal year ending June 30, 1967, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14921) entitled "An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1967, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. Con. Res. 90) entitled "Concurrent resolution to authorize printing of additional copies of hearings."

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8989) entitled "An act to promote health and safety in metal and nonmetallic mineral industries, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. YARBOROUGH, Mr. MORSE, Mr. RANDOLPH, Mr. PELL, Mr. NELSON, Mr. KENNEDY of New York, Mr. JAVITS, Mr. PROUTY, and Mr. FANNIN to be the conferees on the part of the Senate.

THE ACTIONS OF MR. HAROLD HOWE II

Mr. O'NEAL of Georgia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

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

There was no objection.

Mr. O'NEAL of Georgia. Mr. Speaker, my colleagues will recall that during the recent debate on the Civil Rights Act of 1966, several Congressmen brought to the attention of the House the high-handed, tyrannical, inconsistent, illogical and even illegal actions of Mr. Harold Howe II.

Now, I have news for the Members that the constitutional guarantee of a free press has been dealt a shattering blow in the State of Georgia by four junior bureaucrats from the U.S. Office of Education.

It has come to my attention that a four-man team from the Office of Education has been visiting with boards of education throughout Georgia telling them what must be done if they are to continue receiving Federal aid.

Despite the fact that the State of Georgia has an open-meetings law, and ignoring the first amendment to the U.S. Constitution, these representatives of the Federal Government have refused to meet in the presence of accredited news reporters. Members of the press have been expelled from meetings they have a legal right to attend. While the local school boards have defended the people's

inherent right to be informed, the press has been barred at the demand of four political hacks, who were, on their own admission, carrying out orders from Washington.

These four men have stormed through Georgia with the diplomacy of a buzzsaw, disrupting our local communities and flouting the State's open meetings law. The team spokesman, who identified himself as James Rich, has taken the position that meetings between his uninvited group and local school officials can be compared to a jury session in which matters are understandably discussed behind closed doors. At least one school official told this emissary that he was not serving on a jury but rather attending a public meeting to handle public business.

Mr. Speaker, just in case any of my colleagues are wondering at this point why the local school officials and representatives of the press stood for such capricious and arbitrary treatment, I would like to remind my friends that the Office of Education holds a big stick over the heads of our educators. Through a bureaucratic interpretation of the Civil Rights Act of 1964, our school boards are forced to bow and scrape to each and every silly demand of King Harold Howe II, and his numerous lackeys or face the withdrawal of Federal aid. Such action has served to strengthen rather than soften resistance toward the desegregation guidelines in the South.

The Georgia Press Association, which represents 227 newspapers in the State, has adopted a resolution expressing the indignation of the fourth estate. I have in my possession a copy of this resolution and selected editorial comments from the Georgia press which I would like to share with my colleagues.

Mr. Speaker, I ask permission at this point in the Record to extend my remarks and include extraneous matter.

A RESOLUTION ADOPTED BY THE GEORGIA PRESS ASSOCIATION

Whereas the Georgia Press Association, representing 227 newspapers in the state believes the public has a right to know about all matters of the public's business, and,

Whereas the newspapers uphold the inherent constitutional right of the people to be represented in meetings wherein are discussed matters of vital public concern and interest, and,

Whereas the laws of the State of Georgia provide that public bodies, including boards of education hold open meetings and maintain open records, and,

Whereas the representatives of the U.S. Department of Health, Education and Welfare are currently holding meetings with local school boards in Georgia for the purpose of resolving difficulties with regard to desegregation of school systems, a subject of vital public interest, as acknowledged by the Department of Health, Education and Welfare itself, in specifically recommending certain steps to encourage community support for its student-teacher transfer policies, namely "meeting with civic groups, parent groups and church groups and the like to express the purposes and nature of the desegregation plan and transfer policy encouraging public officials and other community leaders to make public statements and otherwise provide for the desegregation plan and transfer policy" and,

Congressional Record

(excerpt)

July 29, 1966

**House of Representatives –
continuation of general debate on
the Department of Transportation
Act, H.R. 15963 (89th Congress).**

Mr. McVicker with Mrs. Thomas.
Mr. Moorhead with Mr. Sickles.
Mr. Murphy of Illinois with Mr. Scott.
Mr. Ottinger with Mr. Rostenkowski.
Mr. Murray with Mr. Senner.
Mr. Olson of Minnesota with Mr. Love.
Mr. Long of Maryland with Mr. Stephens.
Mr. Fraser with Mr. Long of Louisiana.
Mr. Tuten with Mr. Schisler.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PROVIDING FOR FURTHER EXPENSES OF CONDUCTING STUDIES AND INVESTIGATIONS AUTHORIZED BY HOUSE RESOLUTION 84

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 1904) on the resolution (H. Res. 714) to provide for further expenses of conducting studies and investigations authorized by House Resolution 84 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 714

Resolved. That for the further expenses of conducting the studies and investigations authorized by H. Res. 84. Eighty-ninth Congress, incurred by the Committee on Foreign Affairs, acting as a whole or by subcommittee, not to exceed \$75,000, including expenditures for the employment of experts, clerical, stenographic, and other assistance, shall be paid out of the contingent fund of the House on vouchers authorized by such committee or subcommittee, signed by the chairman of the committee, and approved by the Committee on House Administration.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditures 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 Foreign Affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING EXPENDITURES INCURRED BY THE SPECIAL COMMITTEE TO INVESTIGATE CAMPAIGN EXPENDITURES TO BE PAID FROM THE CONTINGENT FUND OF THE HOUSE

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 1905) on the resolution (H. Res. 959) authorizing expenditures incurred by the Special Committee To Investigate Campaign Expenditures to be paid from the contingent fund of the House, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 959

Resolved. That the expenses of conducting the investigation authorized by H. Res. 929, Eighty-ninth Congress, incurred by the Special Committee To Investigate Campaign

Expenditures, 1966, acting as a whole or by subcommittee, not to exceed \$55,000, including expenditures for employment of experts, special counsel, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by said committee, signed by the chairman of the committee, and approved by the Committee on House Administration.

SEC. 2. The official stenographers to committees may be used at all hearings held in the District of Columbia if not otherwise engaged.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 247]

Anderson, Ill.	Hansen, Idaho	Ottlinger
Arends	Hansen, Wash.	Poage
Ashmore	Harsha	Powell
Barins	Harvey, Ind.	Furell
Battin	Harvey, Mich.	Quillen
Blatnik	Hays	Reinecke
Boggs	Horton	Resnick
Bolling	Hosmer	Rhodes, Ariz.
Brown, Calif.	Hungate	Rhodes, Pa.
Callaway	Jennings	Rogers, Colo.
Cohelan	Keogh	Rogers, Tex.
Conyers	King, N.Y.	Ronan
Corman	Krebs	Rostenkowski
Craley	Kupferman	St Germain
Cramer	Laird	Scheuer
Cunningham	Landrum	Schisler
Daddario	Long, La.	Scott
Davis, Wis.	Love	Senner
Dickinson	McClory	Shriver
Diggs	McDowell	Sickles
Dingell	McMillan	Sikes
Duncan, Oreg.	McVicker	Stephens
Edmondson	MacGregor	Stratton
Everett	Martin, Ala.	Thomas
Fisher	Martin, Mass.	Toll
Flood	May	Tuten
Foley	Michel	Udall
Fountain	Moeller	Utt
Fraser	Moorhead	Van Deerlin
Fulton, Tenn.	Morris	Walker, Miss.
Gallagher	Morrison	Watson
Gathings	Murphy, Ill.	Weltner
Grabowski	O'Brien	Willis
Gray	O'Hara, Mich.	Wilson
Hagan, Ga.	O'Konski	Charles H.
Halleck	Olson, Minn.	Zablocki
Hanna	O'Neill, Mass.	

The SPEAKER. On this rollcall 321 Members have answered to their names, a quorum.

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

DEPARTMENT OF TRANSPORTATION ACT

Mr. HOLIFIELD. 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. 15963) to establish a Department of Transportation, and for other purposes.

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

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. 15963, with Mr. PRICE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Wednesday, August 24, 1966, the gentleman from California [Mr. HOLIFIELD], had 36 minutes remaining and the gentleman from Illinois [Mr. ERLÉNBOHN], had 41 minutes remaining. The Chair recognizes the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, I yield myself 5 minutes.

In my 24 years in Congress I have never before encountered the atmosphere of pressure from lobbyists, such a barrage of distortion of the truth, as has occurred during the consideration of the Department of Transportation legislation. I want to make it clear that this barrage does not come from the Members of the House. It does not come from the railroad industry. It does not come from the highway people, nor has it come from the aviation industry. It has come in the main from Paul Hall, president of the Seafarers Union of North America.

In the Baltimore Sun of August 19, 1966, on page C-9, there is an article by the maritime editor of the Sun, and the article reads as follows:

Two International AFL-CIO presidents today charged that the Johnson Administration has offered to build 25 bulk cargo ships if organized labor will forget about an independent Maritime Administration.

The article then quotes Mr. Paul Hall as follows:

"We're not about to make such a deal," said Paul Hall, President of the Maritime Trades Department before his group at a quarterly meeting in Chicago today. . . . "This Administration is no good. They don't do what they say they will. Lyndon B. Johnson's word is not worth two cents as far as the maritime end is concerned. I don't think they can be trusted."

Mr. Chairman, I have checked with the President's aids, who are in a position to know about this matter, and they state without exception no such offer was made to Mr. Hall or to his associates. I talked with the President no later than last Friday, August 26, 1966, and he told me that he had never made such an offer nor did he authorize such an offer. Therefore, I brand Paul Hall's assertion as an untruth.

In the Baltimore Sun of August 11, 1966, page C-7, in a column by the maritime editor of the Sun headed by the word "Deal" the following statement is found:

"He"—meaning Hall—"charged that while the Maritime labor unions and the unsubsidized segment of the shipping industry were fighting for an independent Maritime Administration, the Committee of American Steamship Lines 'made a deal' with CHET HOLIFIELD (Representative HOLIFIELD, D., California) to take care of themselves within the new Department of Transportation. We thought they were with us until we found out differently."

"They don't care just as they have never cared, about what happens to the American Merchant Marine as a whole, just as long as

their own little corner is salvaged. Now when we have a good chance of getting an independent agency, they go around making deals behind everybody's back."

There is more in the column, but I will end the quotation at that point.

Mr. Chairman, I brand this statement as untrue. I have never been contacted by nor have I discussed any matter with any representative of the American Steamship Line, referred to in the article in the initials "C.A.S.L." except in the open committee session when, along with other members of our committee, I listened to their representative state their case, and he stated it very plainly.

That was the only conference that I have had, if that might be called a conference. So when a leader of organized labor charges that a Member of Congress has made some kind of deal such as this charge, I can only say that it is an unmitigated untruth.

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

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

Mr. ALBERT. Mr. Chairman, I could hardly believe my eyes when I read the statement about the gentleman that the Seafarers Union president made. It is difficult for me to believe that any person in a responsible position in organized labor would do or say some of the things that have been attributed to Mr. Hall. I read in another article where he had promised certain Members of the House extinction if they did not do what he wanted them to do.

Mr. HOLIFIELD. I was just about to get to that. If the distinguished majority leader will yield to me a moment, I will say I am just coming to that.

Mr. ALBERT. I thank the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLIFIELD. Mr. Chairman, I yield myself 5 additional minutes.

Now, Mr. Chairman, as part of the pressure from the Merchant Marine Labor Union lobbyist, Mr. Hall, we have threats to defeat three Members of Congress, not because of their votes on adverse labor legislation—and I want to make this very clear—not because they have voted against the interests of labor or labor legislation. The Members referred to have excellent labor vote records. Mr. Hall is going to go into the districts of the three Members and try to defeat them because they do not agree with him on the placement of the Maritime Administration in the structure of government.

In the August 15, 1966, issue of the Baltimore Sun, Hall threatens to defeat the gentleman from Ohio [Mr. ASHLEY], the gentleman from New York [Mr. Dowl], and then we have the following two interesting paragraphs:

The Maritime Trades Department of the AFL-CIO has placed three incumbent Congressmen "on the list" to oppose in the upcoming elections in consequence of their position against an independent Maritime Administration.

That is the end of that paragraph quotation. Then, Mr. Chairman, there is a closing paragraph of the news article—and I have all of these here in front of

me. The quotation on the interview of Mr. Paul Hall is as follows:

The third one on whom the MTD is "down" is Representative HOLIFIELD (Democrat, of California) but the Maritime Unions do not believe they can defeat him.

This, of course, gives me a great deal of confidence. They are going to come into my district, after 24 years of my supporting good labor legislation, and because I disagree with them—and I think they are making a colossal blunder in trying to obtain an independent agency outside of the mainstream of the department, where the focus of interest will be and where the President, who sets the limit on their budget wants them to be—because I disagree with them on that point, they are going to come into my district and defeat me.

Although I detect a lack of confidence on the part of Mr. Hall in his plans to defeat me in the forthcoming election, I would just like to say to Mr. Hall and to any of his labor friends who wish to engage in a retributive political "black-jack" operation on me that they ought to start right now. They ought to go to my district and start working against me and start spending money against me. I am not going to be able to get there for several weeks. I believe we will have business in the House. This will give them an opportunity to get a good running start.

Now, I am not concerned about these threats, Mr. Chairman. I am bringing them before the body so that Members can understand the kind of psychology we are dealing with in dealing with this matter of the Department of Transportation.

I would say that if the statements which Mr. Hall has been making in the press and in news interviews are a fair example of his political judgment as to how to win friends and influence people and get a big maritime program, I am not surprised by his evident lack of success in getting Congress to build a dynamic merchant marine, because this is not the way to win friends and influence people. This is not the way to get a dynamic program.

I have voted for every maritime program that has been presented to this Congress for 24 years. I have been a friend of the maritime program because I believe it is a program we need in this country from the standpoint of national defense.

I am fully aware of the deficiencies. I am fully aware of the subsidies that have been given to them. I have made myself completely plain on that and stated that not only the maritime industry but also other modes of transportation have received such.

The problem is an economic problem; it is not a problem of placement in Government. I would not stand here and tell Members that putting this in a Department of Transportation will solve those problems. Neither would I say that putting it in an independent agency would solve the problems. Nor will it solve the problem to leave it where it is, in the Department of Commerce.

That is what the Garmatz amendment, which will be offered, would do. It would

leave it in the Department of Commerce, a Department which has a myriad of interests other than transportation.

What we ask to do is to lift it, to upgrade it, to put it in a Department of Transportation which will be devoted to the one subject of improving all of our transportation modes. The Secretary is so charged.

I want to go into this at some length when the gentleman from Maryland [Mr. GARMATZ] offers his amendment. I will say to the Members of this House that if they wish to go ahead and vote for an independent agency, that is not concerned in this bill. The only thing the Garmatz amendment will do is to strike it out of this bill and leave it in the Department of Commerce. Then later the Garmatz bill will be taken up on the floor. It must come up. The leadership has agreed to bring it up. That would take it from wherever it is and make it an independent agency, if this House so wishes. Of course, that is a decision for the House to make at that time.

But I say that if the friends of the Maritime Administration want to use prudence and wisdom they will not strike it out of this bill and put all their eggs in the basket of the Garmatz bill, because the legislative path which both those bills will have to follow will be a dangerous path. A lot of things can happen to either of those bills in the other House. A lot of changes can be made over there. A lot of changes can be made here during the course of further consideration of this bill.

So I would say to the friends of the maritime program that they should use some prudence and wisdom on this matter of striking this out of the Department of Transportation Act.

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

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

Mr. HOLIFIELD. Mr. Chairman, I yield myself 6 additional minutes, and I now yield to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Chairman, I would like to ask the gentleman some questions relating to the transfer of some of the functions presently exercised by the Civil Aeronautics Board to the new Department. As I understand it, the National Transportation Safety Board is intended to be an independent agency within the Department. Is that correct?

Mr. HOLIFIELD. That is right, and it is so stated in the bill.

Mr. WILLIAMS. With that in mind, you are setting up also an Office of Accident Investigation. Will that Office be charged with the responsibility of investigating all accidents in every mode of transportation?

Mr. HOLIFIELD. The short answer to that is "Yes."

Mr. WILLIAMS. All right. Second—

Mr. HOLIFIELD. May I elaborate on that for just a moment?

The functions that are in the Bureau of Safety in the Civil Aeronautics Board will be transferred. Those functions at this time, as the gentleman so well

knows—and he is one of the great experts in the House on aviation and far above my poor knowledge of it—the investigation of major accidents involving civil aircraft occurring in the United States and its territories is the function of the Bureau of Safety.

Mr. WILLIAMS. That is correct.

Mr. HOLIFIELD. And that will be transferred over. In addition to that, the testimony was that they can develop the expert men in this department of the Office of Accident Investigation, that will be able to look into major railroad accidents and highway accidents, that they will have investigators who are specialists in those fields, and they will also take care of those others.

Mr. WILLIAMS. As the gentleman knows, aircraft accident investigation is a highly specialized field. It requires several teams of experts, some of them working on airframe problems, some on engine problems, and some on fuel problems, human factors, and other matters. Will these teams of experts be kept intact under this agency as they are presently set up under the CAB or will they be integrated into a sort of overall accident investigative team to investigate accidents in other transportation modes as well?

Mr. HOLIFIELD. No. The testimony brought out that each mode would have its experts and that the present experts in airplane accidents would investigate airplane accidents and that highway specialists would investigate highway accidents.

Mr. WILLIAMS. Then it is not contemplated, for instance, that aircraft investigators would have to double also as investigators of railroad accidents?

Mr. HOLIFIELD. It is not, and we provide in the bill that insofar as it is possible there shall be a continuity of operations under existing statutes the same as now obtains.

Mr. WILLIAMS. I thank the gentleman. I have one further question about another matter which concerns me in this bill. At present, appeals from Federal Aviation Agency rulings in such matters as revocation and suspension of certificates of airmen and other certification matters are reviewable by the Civil Aeronautics Board. The law was written that way in order that a separate and independent agency would have final judgment over the policing activities of the Federal Aviation Administration. It is my understanding that this bill transfers these review functions from the Civil Aeronautics Board to the National Transportation Safety Board, an independent agency within the Department.

Mr. HOLIFIELD. That is right.

Mr. WILLIAMS. But the fact remains the agency, even though supposedly independent, is still to be a part of the same Department.

Now, Mr. Chairman, are we going to be in this position—and I ask this question quite seriously and not facetiously—are we going to be in the position of giving the Department exclusive authority to pass final judgment on the actions of one of its subordinate regulatory and enforcement agencies?

Mr. HOLIFIELD. We were concerned with this very problem and so, we wrote into the bill, on page 8, section (e), the following language:

In the exercise of any of its functions, powers, and duties, the Board shall be independent of the Secretary and the other offices and officers of the Department, and shall give full consideration to the requirements imposed on the Secretary by section 4(b) of this Act.

While it is in the Department for housekeeping purposes, we think that that statute makes it completely clear that the Board is appointed by the President and confirmed by the Senate.

So, they have the opportunity in the other body to pass upon the qualifications. And, we further provide in other parts of the bill that these men shall be qualified men to go into these areas, and we believe that when the gentleman's committee, and other committees that are involved, consider the operation of this new Department, we believe that with this statutory language that we give them, notwithstanding the fact they are in the Department for housekeeping purposes, we can adequately protect independence of action.

Mr. WILLIAMS. Mr. Chairman, if the gentleman will yield further, I would like to ask one more question.

I am sorry to consume so much of the time of the gentleman from California, but the Safety Board, as I understand it, would be made up of several members; is that correct?

Mr. HOLIFIELD. Five members.

Mr. WILLIAMS. Five members, to be named by the President and confirmed by the Senate?

Mr. HOLIFIELD. Yes.

Mr. WILLIAMS. I see no requirement that these members must be a specialist in any particular field.

Did the Committee on Government Operations give consideration to placing a requirement in the legislation to the effect members of the Board be qualified as experts in particular modes of transportation?

I can foresee that we may run into some difficulty in the future, for instance, if the Board should be dominated by members representing a single mode of transportation, or if there should be no member with expertise in some particular mode.

Did the committee give consideration to trying to spell out in more detail the qualifications of the members of that Board?

Mr. HOLIFIELD. We have language to the effect that the Board members shall be appointed with due regard to their fitness for the efficient dispatch of their duties. I refer the gentleman from Mississippi to page 9, section 5, paragraph (g).

Their qualifications will be reviewed by the Senate, and we believe that the Members over there—if it were not for the rules of the House I could mention them—have had a longtime interest in the field and that those men who are approved will be experts in the field and that it is the congressional intent that they do be experts.

Mr. WILLIAMS. I thank the gentleman from California.

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

Mr. HOLIFIELD. Mr. Chairman, I yield myself 4 additional minutes.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. Yes, I yield to the gentleman from California, but I am going to have to make this short or I shall not have any time left.

Mr. DON H. CLAUSEN. Mr. Chairman, I thank the gentleman from California for yielding.

Mr. Chairman, I have had a number of discussions with the chairman of the committee, the gentleman now in the well, and I am wondering if he could satisfy some of us who are concerned about the Federal Aviation Agency in effect being swallowed up by the Department of Transportation?

Could the gentleman give me a response as to whether or not we should be concerned, and whether or not the people who are writing to us about it and about their concern in this regard have reason for which to worry?

Mr. HOLIFIELD. I do not believe that they have any reason to worry. If there is going to be any swallowing done, I believe it is going to be done the other way, because to begin with, the continuing operation and function of the FAA and the CAB functions that are carried on, in the setting up of this Federal Aviation Agency to carry out those functions, will be the most important part.

I cannot reduce it to the percentages but I would say roughly that 80 percent of the civilian employees in the Department will be performing duties pertaining to aviation. I doubt if the other modes which are relatively smaller than aviation would be able to swallow a much larger entity in the Department.

Mr. DON H. CLAUSEN. Is it the gentleman's understanding that the Federal Aviation Agency will be moved to the Department of Transportation and become the Federal Aviation Administration at that time?

Mr. HOLIFIELD. The Federal Aviation Administration will perform the following functions transferred to the Department from the Federal Aviation Agency:

First. Control navigable airspace, and regulate both civil and military operations in the interest of safety and efficiency for both.

Second. Operate a common system of air traffic control and navigation for both civil and military aircraft.

Third. Conduct research and development for air navigation facilities, and their installation and operation.

Fourth. Register civil aircraft.

Fifth. Federal aid airports program.

Sixth. Civil supersonic transport program.

All of these operational functions will be transferred over, and it is my understanding that the personnel who are expert in this field will be transferred over because we have specified that there be a

smooth continuity of operations in the modal types of transportation.

Mr. DON H. CLAUSEN. I believe from what the gentleman just said that some of our concern may be relieved. Of course, only history will prove who is right or wrong. But I think that we have to be very careful that the Federal Aviation Agency and its functions are not going to be swallowed up and in effect be competing with some of these other modes of transportation.

Mr. HOLFIELD. We had some concern with solving the problem but let me say this, if there is any intent in this bill at all, it is that the Secretary of Transportation cannot go off on his own with new policies and programs. He must operate within existing statutes as far as coordination and planning is now concerned. He must come back to the committee which has jurisdiction in the matter and obtain legislation to extend new policies and new programs.

Mr. DON H. CLAUSEN. I thank the gentleman.

The CHAIRMAN. The gentleman from Illinois [Mr. ERLÉNBOURN] is recognized.

Mr. ERLÉNBOURN. Mr. Chairman, I yield 15 minutes to the gentleman from Alabama [Mr. EDWARDS].

Mr. EDWARDS of Alabama. Mr. Chairman, one day just a few weeks ago we passed the 30th anniversary of the Merchant Marine Act of 1936. That is the law which established the basis for U.S. merchant marine policy. It provides the foundation which makes the quality of our merchant fleet a national goal. It says the merchant marine must have the best and safest ships, they must be constructed in this country; and more significant—it says the merchant marine must be a partner in our national defense structure so that in a time of national emergency it takes its place as an arm of U.S. military strength. In brief, the Merchant Marine Act of 1936 recognizes the importance of U.S. influence on the sea lanes of the world, and it provides the foundation on which to build and hold that influence.

On that same day a few weeks ago the Defense Department announced the re-commissioning of 25 C-4 merchant ships from the mothball fleet, or U.S. stock of ships held in reserve from World War II. This was done in order that essential supplies could be transported to southeast Asia to support our fighting men there.

The Defense Department said this was a way of "upgrading" our merchant fleet. There is only one word which characterizes this coincidence which found us, on the anniversary date of the Merchant Marine Act of 1936, bringing World War II ships into service and calling it "upgrading." That word is "pathetic."

The ships we are now having to bring into service in an emergency are more than 20 years old. They are outdated, unreliable and perhaps not safe. And to have to press them into service now to meet a national commitment which the administration says is of vital international and national importance is an event which not only makes a mockery

of the 1936 legislation, but also is a tragic sign of the serious mistake we have already made in allowing the U.S. merchant fleet to wither away.

The cold fact is that we are watching our once-proud merchant marine sink into a sea of confusion, neglect, lack of leadership, and bureaucratic twaddle.

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

The CHAIRMAN. The Chair will count. [After counting.] Sixty-eight Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 248]

Arends	Hungate	Roncalio
Ashley	Jennings	Rooney, Pa.
Ashmore	Keogh	Rostenkowski
Ayres	King, N.Y.	St Germain
Baring	Kirwan	Schisler
Battin	Krebs	Scott
Blatnik	Landrum	Senner
Boggs	Long, La.	Shriver
Bolling	Love	Sickles
Callaway	McClary	Sikes
Cohelan	McDowell	Smith, Calif.
Conyers	McMillan	Stephens
Corman	McVicker	Stratton
Craley	Macdonald	Teague, Calif.
Cramer	Martin, Ala.	Teague, Tex.
Cunningham	Martin, Mass.	Thomas
Diggs	May	Thompson,
Duncan, Oreg.	Michel	N.J.
Edmondson	Moeller	Thompson,
Evins, Tenn.	Moorehead	Tex.
Farnsley	Morrison	Toil
Flood	Murphy, Ill.	Tunney
Foley	O'Hara, Mich.	Tuten
Fraser	O'Konski	Udall
Fulton, Tenn.	Olson, Minn.	Utt
Gallagher	O'Neill, Mass.	Van Deerlin
Grabowski	Pirnie	Walker, Miss.
Hagan, Ga.	Poage	Watson
Halleck	Powell	Weltner
Halpern	Purcell	Whitten
Hanna	Quillen	Widnall
Hansen, Idaho	Reid, N.Y.	Willis
Hansen, Wash.	Reinecke	Wilson, Bob
Harvey, Ind.	Resnick	Wilson,
Harvey, Mich.	Rhodes, Ariz.	Charles H.
Hébert	Rhodes, Pa.	Zablocki
Horton	Rogers, Colo.	
Hosmer	Ronan	

Accordingly, the Committee rose; and the Speaker having resumed the chair. Mr. PRICE, 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. 15963, and finding itself without a quorum, he had directed the roll to be called, when 317 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Alabama has 10 minutes remaining.

Mr. EDWARDS of Alabama. Mr. Chairman, in 1946 U.S. ships carried 68.4 percent of U.S. commerce on the seas. The figure now is down to less than 9 percent. Norwegian ships carry twice as much American foreign trade as do our own ships. We rank only fourth in the number of ships afloat, and perhaps we are lucky to be doing even that well. The British insurance market threatens to raise the cargo insurance rates on older ships. Since a large part of the U.S. fleet consists of these older ships, and since the British insurance rates set the pattern for worldwide rates, the result of this action would be the virtual

elimination of a great portion of the U.S. merchant fleet from the sealanes of the world.

We have no shipbuilding program with which to meet the need facing us. Though we are blessed with warm water ports to a far greater extent than any other country, and though we have an industrial strength without parallel, our attention to the construction of new merchant ships has been tragically minimized. At the end of 1964 we ranked ninth among the shipbuilding nations of the world. By the end of 1965 we had fallen to 12th place. Our tonnage under construction during the 12-month period actually declined, and we are doing no better today. Even Poland and Yugoslavia are building more ships than we are.

While the U.S. merchant marine is dwindling away, the Soviet Union takes just the opposite action. The vital role of seapower certainly does not elude the Soviet Union, and that nation has already emerged as a leading seapower. Russia thinks of her merchant marine as an arm of the navy, and acts accordingly. She has built her merchant marine to a strength which amounts to a clear challenge for naval and mercantile supremacy at sea—a bid for control of the world's sealanes. The significance of Russia's bid is difficult to exaggerate.

In 1965 we had about 340,000 tons of new shipping under construction. And while neither Russia nor East Germany reveal the extent of their shipbuilding activity, the best estimate is that Russia is building about 1 million tons annually. This year we are building about 39 new ships. Russia is thought to be building about 550, and by 1970 is expected to build about 700 ships a year. Many, or most, of Russia's merchant ships are built so as to be interchangeable with navy ships. The latest edition of "James Fighting Ships," a recognized authority on the subject of shipping says:

The Soviet Navy draws freely from the mercantile pool whenever it is in the interests of the fighting services, either absorbing merchant ships as naval auxiliaries or building naval ships on mercantile lines.

The Russian effort clearly is a challenge for naval and mercantile supremacy at sea.

Mr. Chairman, this tragic and dangerous state of affairs follows from what is evidently a general lack of national understanding in our country of the long-term importance of merchant shipping in world politics and economics. But we must also charge our Government with a startling failure in leadership in this regard. For the fact is that even though this problem has been growing for years, we have no merchant marine policy today. The executive branch has failed to formulate any plan to give us the merchant fleet strength we need, and to that we owe our present difficulty.

These failures go back to the reorganization plans of 1950 and 1961 which progressively diminished the status of the Maritime Administration until it is lost in the Department of Commerce today. The result of this was to relegate interests of the merchant marine to an inferior status in the bureaucratic structure. It took

away the administrative independence of the merchant marine and buried it far down in the bureaucratic jungle, and it has been there ever since.

In April of 1961 when Reorganization Plan No. 7 was proposed, the executive branch offered a "sweetener" to those individuals and groups who believed in a strong merchant marine and who feared that putting the Maritime Administration into the Commerce Department would result in a policy stagnation. The "sweetener" was the establishment of a group called the Maritime Evaluation Committee which was supposed to study the whole merchant fleet problem and come up with a plan. Two years went by, and finally, in July of 1963 the group did submit a report. But nothing happened. The report died, and evidently the committee went out of existence without having any accomplishment.

Another 18 months slipped away, as Members of Congress on both sides of the aisle began to express their concern for our long-term national security in the face of increasing tensions in south-east Asia and elsewhere.

Then in January of 1965 President Johnson raised the hopes of all of us when he said in his state of the Union message that his administration pledged to find a "new policy for our merchant marine." He appointed another Government group to study the matter. It was called the Interagency Maritime Task Force. In October 1965 the group submitted its report.

The report was severely criticized from all directions except inside the Maritime Administration itself. The maritime industry, maritime labor organizations, and related groups and individuals outside the Government all joined in labeling the task force program as unacceptable. In the President's 1966 state of the Union address, not a single word relating to the merchant marine could be found. It was just as though our merchant fleet interests had disappeared from the earth at the very same time that our merchant shipping requirements were swiftly increasing as the result of a war half way around the world—a war which obviously would have to be supported in great part by merchant shipping.

The budget allocated by the President early this year for the Maritime Administration was the lowest in the past 7 years. So we not only lack a policy, but the executive branch has appeared to de-emphasize our merchant marine generally, at least in the matter of Federal Government implementation of the Merchant Marine Act of 1936. The Defense Department is on record as feeling no concern whatever over our lack of adequate merchant shipping even though it is now having to bring ships out of the mothball fleet. When the Defense Department, in order to fight a war on the other side of the globe, calls 20-year-old ships into service and says this is a way to upgrade our merchant fleet, and when at the same time the Department shows no concern, and when the administration obviously has no merchant marine policy, then, I submit that

we have a problem on our hands. In my opinion we have a gigantic problem.

Now, Mr. Chairman, we have before us the plan to take the Maritime Administration out of the Commerce Department and put it into the proposed new Transportation Department. In my judgment this would be a mistake. It would simply transfer the maritime group from the depths of one bureaucracy to the depths of another. It might actually retard merchant marine progress rather than advance it, because of the fact that any large new Government organization spends months getting organized before any policy planning is really accomplished.

Of course, it is entirely possible that President Johnson will add a "sweetener" to the proposal, just as President Kennedy did in 1961. He may, with due public acclaim, set up a new study group headed by some leading official, perhaps the Vice President, and solemnly proclaim that the group will come forth with a merchant marine policy. If this happens I would surely hope that it would be successful. But the history of these studies has not been bright, and those interested in true merchant marine progress have had to learn not to confuse appearance with reality. Or he may offer another "sweetener" such as a separate watered down subsidy board within the Department of Transportation.

But unless we have a merchant marine policy which in reality begins to get us back on the road to merchant fleet strength it is not inconceivable that the day will soon be with us when we are forced to depend on Soviet Russian ships to transport goods vital to the economy or even to the national security of the United States. And in that event a "sweetener" would not be any better than a sugar-coated pill.

Our dependence on sea transportation will not diminish. It has always been important and will continue so. We must export farm and factory products, and it is essential that we import various goods from other countries in order to maintain our economy. We must never allow conditions to deteriorate to the point at which we can no longer guarantee these exports and imports for ourselves through reliance on American ships. And yet we must ask ourselves if we are not dangerously close to that point already.

The central question at hand is whether merchant marine policy will be more effectively devised and implemented with the Maritime Administration in the Department of Transportation than it has been with the Department of Commerce. As a Member serving on both the Merchant Marine and Fisheries Committee and the Government Operations Committee it has been my privilege to consider this matter at some length. It is clear to me that solutions to our serious merchant marine problems will not be found by putting the Maritime Administration into the proposed Department of Transportation. I have discussed the issue in greater detail in the committee report—House Re-

port No. 1701—where I said that the proposed new Department will be largely oriented to domestic transportation matters, and not those of an international nature of the kind facing our merchant marine.

The American merchant marine is a sick industry. The only way to treat a patient with a progressively deteriorating condition is to place that patient in an intensive-care unit and nurse him back to health. Removing the patient from one overcrowded ward to another only portends diminishing care, and an acceleration of his demise, because he sees no hope of interest in his disease.

A great part of the solution to the merchant marine sickness lies in given the Maritime Administration independent status in the Government. This will give a true voice to the needs of the merchant fleet providing that the independent Maritime Administration is also then staffed with highly qualified, dedicated men and women. The effort requires the full attention of some of our country's best brains acting with authority as an independent group within the Government.

An independent Maritime Administration might have been able to prevent the bloc obsolescence of the majority of our fleet. It might have been able to promote the policy as set forth in the Merchant Marine Act of 1936. Common-sense dictates to us today that we will be foolhardy not to do everything possible to remedy the problems which have developed over these past years.

With the Maritime Administration in the Department of Commerce the results have been clear: stagnation, complete failure to devise a policy, confusion, and a serious decline in our merchant fleet strength. With the Maritime Administration in the Department of Transportation we would have no reason to expect anything better. In fact the time lost in setting up the new Department and making further studies could be disastrous to the merchant marine.

My recommendation, first, is to make the Maritime Administration an independent agency as recommended by the House Merchant Marine and Fisheries Committee and by the maritime industry and labor organizations.

And I want to go beyond, and also urge that the President plan to appoint as head of the independent Maritime Administration an individual of the highest ability, knowledge, and dedication so that the merchant marine will have an effective voice. Then we must go still further, and devise an effective policy so that the Merchant Marine Act of 1936 can be implemented, and in addition, give to the American people a greater feeling for the vital importance of the merchant marine to our national welfare. What I am talking about is a new horizon, a new concept of the role of the merchant marine in our national thinking.

We owe it to ourselves. Let us start today by voting to remove the Maritime Administration from the transportation bill. The logical next step would be the creation of an independent Maritime Ad-

ministration by passing H.R. 11696 which has been approved by the Rules Committee and is ready to come to the floor when scheduled by the leadership.

Mr. LENNON. Mr. Chairman, will the gentleman yield to me at this point?

Mr. EDWARDS of Alabama. I am happy to yield to my friend from North Carolina.

Mr. LENNON. Mr. Chairman, I commend the gentleman for his statement and I thank him for his supplemental and minority views that appear in the committee report.

In the 2 years the gentleman has been a member of the Merchant Marine Committee, no one has been more knowledgeable or been more concerned over the long range program of a national adequate merchant marine policy.

I happen to be one of the Members of this House who has had the honor and the privilege of serving as a member of the Merchant Marine Committee. In my judgment, the most knowledgeable man in the Congress of the United States was the former chairman of that committee, the beloved friend of most of us, our good friend Herb Bonner.

Herb served on the Merchant Marine and Fisheries Committee for 26 years. He served as an administrative assistant to a former Member, who was a member of the Merchant Marine and Fisheries Committee, for 16 years. That is a total of more than 41 years that Herb Bonner was connected with the merchant marine.

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

Mr. ERLBORN. Mr. Chairman, I yield the gentleman an additional 5 minutes.

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

Mr. EDWARDS of Alabama. I yield to the gentleman from North Carolina.

Mr. LENNON. Mr. Chairman, there is not a man in this Congress who has the intimate knowledge of the responsibilities of the merchant marine that Herb Bonner had. I am frank to say, I do not believe in the executive branch of the Government, during the Eisenhower administration, the Kennedy administration, or the present administration, has there been a man with the general knowledge and grasp of our needs in the merchant marine possessed by Herb Bonner.

I ask the Members to listen to me.

The last official act of Herb Bonner was to stand in the well of this House on October 16 last year, when he introduced a bill calling for the establishment of an independent merchant marine. If Members do not agree with those of us who believe that this is the only approach, I ask them to do me the personal favor, for the memory of Herb Bonner, of going back to read his statement of that date.

I say to all the ladies and gentlemen, we had an independent merchant marine prior to 1950. The proposal under reorganization plans No. 21 at that time was that for our merchant marine to move forward we had to get under the spotlight of an agency of Cabinet status. At that time, Mr. Chairman, merchant

vessels owned by Americans, flying the American flag, were moving 40.6 percent of all of our export and import cargo.

Let us see what has happened since it went into the Department of Commerce, at the status of a Cabinet level department.

In a 4-year period from 1950 to 1954 that percentage dropped from 40.6 percent to 27.4 percent. And in the next decade, from 1954 to 1964, it dropped from that figure to 8.3 percent. That is the last calendar year figure we have.

I should like for those ladies and gentlemen who believe that our maritime industry is certainly the fourth arm of defense to stay with those of us who have had the responsibility on this committee for these years of making this determination.

One might say to me, "Why has the committee not acted?" Let me say it was the thinking of Herb Bonner in 1937, when I first become a member of that committee, to bring to the House of Representatives, which has the total responsibility, along with the other body, a bill establishing an independent maritime agency. But what happened? In 1961, under reorganization plan, another proposal was brought forward. Herb Bonner, being the Democrat he was, being the chairman of the committee and loyal, bought that plan in the expectation, in the hope, and in the belief at that time that it was the answer to our maritime problems.

On October 16 of last year, as I indicated only a minute ago, Herb Bonner said, "That was the most grave mistake I have ever made."

He called on the Members then, as he is calling on them now. If the Members believe what he believed, based on his vast experience, knowledge, concern, and dedication, they will stay with the committee when it makes an effort to strike from this bill the proposal to include the Maritime Administration.

I do not mean to say, ladies and gentlemen, that at some subsequent date it will not be possible to put the Maritime Administration in the Department of Transportation.

The Rules Committee has granted the Committee on Merchant Marine and Fisheries a rule on a bill, so that we can bring it to the House for the Members to decide. It is the judgment and the responsibility of the House that is involved. Members are the ones who will answer in the future, not the executive branch of the Government.

I say to my friends, we may be here in 2 or 3 weeks from now, saying that perhaps this can be put in the Department of Transportation.

We do not know. We have to look at it and we have to take a hard look at it to see whether or not we can be assured of the future of the American Maritime Administration. Ladies and gentlemen, I believe that I feebly express the thinking of all of the members of our committee, 32 of them, except for 2 on our committee, who believe this. This is our job and this is our responsibility.

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

Mr. ERLBORN. Mr. Chairman, I yield the gentleman from Alabama 6 additional minutes.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield again to the gentleman from North Carolina [Mr. LENNON].

Mr. LENNON. How would you feel as a member of a legislative authorization committee if your plea were not heard and if you had been giving time, effort, and deliberation to this proposal as we have been doing? I ask you to stay with us.

I thank the gentleman from Alabama for yielding to me.

Mr. Chairman, we seek to accomplish the objective of a sound and viable merchant marine industry, and in doing so, it is necessary that the agency responsible for its well-being be a separate and independent body and one whose sole responsibility and objective is the welfare of that industry.

Of course, the most logical question we will be asked is: What is so unusual about the maritime industry to justify its promotion and administration by an independent agency?

Mr. Chairman, there are direct and proximate relationships among many forms of transportation, such as trucks, buses, railroads, pipelines, and domestic airlines. But I submit that oceangoing vessels in the foreign trades not only do not compete with other segments of American transportation industry, but their problems are completely different.

Our vessels in the foreign trade constitute a separate and distinct transportation service which is in direct competition with the vessels of other nations in the solicitation of cargoes. As such, there is brought into play a myriad of problems and questions which are in no way involved in domestic transportation and which, of their very nature, require an authoritative, knowledgeable, and independent body to deal with them.

To subordinate water carriers to other forms of transportation will lead, inevitably, to the continuing decline of the oceangoing water transportation industry. After all, viewing the situation realistically, it would be asking too much to expect the establishment and enforcement of an effective program for the development and maintenance of a vigorous American merchant marine by a Government department which did not have that goal as its one and only target.

A mere reference to the numerous studies which have been made under Government auspices over the past 20 years conclusively proves just how peculiar in nature the maritime industry really is.

Those of us who have been very close to this problem for many years as members of the Merchant Marine and Fisheries Committee urge you to support the amendment to strike the Maritime Administration from the bill that we are now considering—in order that we may bring to the floor, under a rule already granted by the Rules Committee, legislation that will establish an independent Maritime Administration—not under any other department, agency, or instrumentality of the executive branch of the

Government. This legislation will include the creation and establishment of an independent maritime subsidy board within that agency with complete independence and final authority to pass on all matters related to construction-differential and operating-differential subsidies.

Under no conditions and circumstances should such a quasi-judicial body's decisions be subject to an administrative directive, and especially, to a veto.

Mr. EDWARDS of Alabama. Mr. Chairman, I thank the gentleman from North Carolina very much for his comments and his contribution. The gentleman is a hard-working member of our committee, and it is a pleasure for me to be associated with him.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I am glad to yield to my friend, the gentleman from California [Mr. DON H. CLAUSEN].

Mr. DON H. CLAUSEN. Mr. Chairman, I wish to commend the gentleman from Alabama [Mr. EDWARDS] for his very excellent statement upon this legislation.

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

Mr. EDWARDS of Alabama. I am happy to yield to my good friend, the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER. Mr. Chairman, I should like to join with the statement made by the distinguished gentleman from North Carolina [Mr. LENNON] in congratulating the gentleman from Alabama [Mr. EDWARDS] upon a very fine statement.

Also, Mr. Chairman, I should like to congratulate the gentleman from North Carolina [Mr. LENNON] upon the very able and comprehensive statement that he has made on this important question.

Mr. Chairman, the gentleman from Alabama [Mr. EDWARDS] and I just live a few stones' throw from one another across the State line on the beautiful Gulf of Mexico. We are both vitally interested in this subject and I know that the gentleman has done a yeoman-like work upon the Committee on Merchant Marine and Fisheries in behalf of what has been referred to here as a "sick industry."

Mr. Chairman, it is a sick industry and it needs assistance. It needs to be restored to its former independent position. And, as has been pointed out here, the Committee on Rules of the House has granted a rule upon the committee's bill which would establish this agency as an independent agency. In fact, the committee endeavored to find some parliamentary way by which it could make the bill of the Committee on Merchant Marine and Fisheries in order as an amendment to the present bill now under consideration.

Mr. Chairman, I thank the gentleman from Alabama for yielding to me.

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

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. MONAGAN].

Mr. MONAGAN. Mr. Chairman, I want to state my support of this bill, H.R. 15963.

I should like to begin by congratulating the gentleman from California [Mr. HOLIFIELD] upon the job that he has done, the difficult job of shepherding this legislation through the committee process and through the refining process here on the floor of the House.

Mr. Chairman, it has been a difficult and complex series of operations and the gentleman from California [Mr. HOLIFIELD] has been a good soldier in his willingness to take on this job.

I feel very strongly too that the minority representative, the gentleman from Illinois [Mr. ERLBORN], has done an outstanding job and I wish to congratulate him for the contribution that he has made toward bringing this very important bill to the floor of the House for consideration.

Mr. Chairman, simply by reading the categories that are covered in this legislation, and we can see that it refers to the Bureau of Public Roads, the Federal Aviation Agency, the Coast Guard, for example, we can appreciate just how broad the effect of this bill is.

That is the significant thing about the legislation, in my judgment.

I could talk, as others have, about the effect that this legislation, if adopted, will have upon these various departments. But I should like to confine myself to its potential effect upon public transportation and more particularly upon rail service.

I do not believe that this service either in my own area or in the United States as a whole would be improved by having it in separate departments and in separate bureaus.

I believe that this legislation will contribute a great deal to the upgrading and the modernizing of our systems of transportation both long range and those in the cities, and suburban areas, what we call urban mass transportation.

I know that the gentleman from New Jersey [Mrs. DWYER] is going to have an amendment in this regard which I will be very happy to support.

It is ironic that in these fields we should have to turn for models to other nations in the world, to Japan, for example, or in urban mass transportation to the city of Moscow and come reluctantly to the conclusion that that these countries have systems that are infinitely superior to our own.

Certainly the need for this type of transportation was never greater than it is at the present time. Those of us who have occasion to travel in the corridor from Boston to Washington know the demands that the future is going to present and what they are today and we understand the need for upgrading, modernizing, and for experiment in this field, so that our growing population may move rapidly and comfortably by public transportation.

It is my judgment that this legislation, which will create a single agency and conduce to having a unified view, will

permit a look at this problem from a vantage point of a single department and at the same time will permit the correlation of all the demands and problems of each of the various types of transportation whether it be air, water, river, or rail. This legislation will redound to the advantage of the people of Connecticut and of the United States generally.

I think that the gentleman from California [Mr. HOLIFIELD] expressed the objective very well in the statement he made on the second page of his recent statement when he said that under this bill, transportation affairs will acquire higher status and greater recognition in the councils of government.

I hope that you will all support this bill.

Mr. ERLBORN. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Chairman, I rise in support of an amendment, H.R. 15963, to take the Maritime Administration out of the proposed new Department of Transportation.

Mr. Chairman, to put it bluntly, I do not think the members of the Committee on Government Operations are sufficiently familiar with the problems of the American merchant marine to enable them to suggest the kind of reorganization necessary to provide for building up and maintaining an adequate merchant marine to meet the national need. Frankly, the members of the Committee on Merchant Marine and Fisheries are familiar with this fundamental problem. After all, they have been studying it for a long time; they have taken a great deal of testimony and held hearings as to how best to provide a solution. Indeed, as a result of their studies the Merchant Marine Committee reported a bill to reestablish an independent maritime agency. That is the firm judgment of a substantial majority of the members of the committee.

Mr. Chairman, the proponents of the legislation to create a new Department of Transportation and consolidate in it the Maritime Administration stress the fact that under this arrangement the maritime industry would have a Cabinet officer to represent maritime interests in the Bureau of the Budget and likewise in formulating policy. Of course, in the past the Maritime Administration has had just such representation through the Secretary of Commerce. What reason is there to think that a new Secretary of Transportation would have any stronger voice than the present Secretary of Commerce. Let us not overlook the fact that the Secretary of Commerce admittedly reduced the Maritime Administration request for 25 new ships for fiscal year 1967 to 13 ships. In other words when the pressure on all Cabinet members was exerted by the President to cut budgets the "meat ax" was used on the Maritime Administration just as it would be again when maritime interests are submerged in another department.

The members of the Merchant Marine and Fisheries Committee believe that an independent Maritime Administrator

should be free to express his views before committees of Congress and express his views freely on behalf of a merchant marine sufficient to carry its domestic waterborne commerce and a substantial portion of the waterborne export and import foreign commerce of the United States. An Administrator should be able to speak up in support of a merchant marine capable of serving as a naval and military auxiliary in time of war or national emergency; he should be able to speak up freely for a policy to foster the development and encourage the maintenance of an adequate and well-balanced merchant marine.

Mr. Chairman, many vessels are being delayed because of the lack of manpower. In particular, 10 days ago a ship loaded with ammunition for Vietnam was to sail from Seattle, but had to be held in port because she needed a radio operator. Just last Tuesday 14 vessels were delayed because of the lack of licensed engineers in Seattle, New Orleans, San Francisco, Galveston, and Houston. The Coast Guard's marine inspection office has said this shortage endangers both military and commercial shipping. In other words, because we have not had enough active American ships during the past few years we do not have trained personnel to man the vessels we have taken out of the reserve fleet.

Mr. Chairman, all segments of the industry—management and labor—in shipping as well as shipbuilding and repair recognize the need for a separate Maritime Administration; they recognize that ever since 1950, the year in which the Maritime Administration was first buried in the Department of Commerce that the lack of independent status resulted in the deterioration of our cargo vessels so that while in 1950 we were carrying 40 percent of American cargoes, American-flag ships are now carrying only 8 percent of our cargoes.

Russia today has a crash buildup of her merchant marine. The reasons Russia has given for this buildup of its merchant marine fleet are:

First. To free the U.S.S.R. from reliance on foreign-flag ships;

Second. To exert the decisive influence on world level of maritime freight rates; and

Third. To become a major carrier of the commerce of other nations.

We seem as a nation to be willing to engage in a race with Russia to land a man on the moon and spend billions of dollars each year for national prestige but unfortunately when it comes to national security and the national interest as far as a merchant marine is concerned we are allowing the competition to go by the boards.

Mr. Chairman, as one who believes in an American merchant marine in the interest of national defense and development of our domestic and foreign commerce I can only conclude that an independent agency would be the best means of achieving this end. Our shipping is unique and different from other modes of transportation; it is competing with foreign ships. For this reason, while I support a new Department of Transportation for other forms of transportation

such as railroads, trucks, and airlines, I believe the only solution for a merchant marine is an independent agency such as would result from H.R. 11696, the Bonner bill, to amend title II of the Merchant Marine Act of 1936 to restore an independent Federal Maritime Administration.

At the close of World War II, this country had a merchant marine fleet of over 3,500 vessels. By 1951, there were 1,955 active U.S.-flag ships. Today there are only 1,000, including those reactivated for the Vietnam war. The United States has dropped to 14th place among the world's major shipbuilding nations while Russia has risen from 12th to 7th place as a maritime nation. The merchant marine shipbuilding effort in this country must be increased. Unless this is done, our defense commitments throughout the world will be in jeopardy. Indeed, our national survival may depend upon the shipping that should be under construction.

This present plight of the American merchant marine demands action. Unfortunately, the present stepchild status would continue under the proposed bill. The proposed transfer does not correct the administration's known and apparent deficiencies in the maritime field. Therefore, I believe that the Maritime Administration should be established as an independent agency. But unless the House today strikes out the proposal to include the Maritime Administration in the new Department of Transportation, there is no hope of passing the Bonner bill to give this agency independent status.

So, Mr. Chairman, I strongly urge adoption of the amendment to remove the Federal Maritime Administration from the new Department of Transportation.

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

Mr. PELLY. I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, I appreciate the position of my friend and colleague from Alabama, [Mr. Edwards] for allowing me to speak for a moment on the desirability of maintaining an independent and strong American merchant marine.

After a long and brilliant history which saw our Nation become the greatest sea power in the world both through our naval strength and our merchant marine, the first legislative act which established this fine group as an independent agency came in 1936 with the passage of the Merchant Marine Act of that year.

During the war years, our merchant marine was without peer. Who can forget the valor of our merchant seamen as they challenged the German submarines in the Atlantic Ocean, and the Japanese naval and air fleets in the Pacific?

This serves to illustrate the position I take, Mr. Chairman, and to give my basic reason for strongly agreeing with my colleague. The merchant marine is in time of strife and war a well-muscled right arm for our Navy, and it should

remain independently able to remain in this position, rather than to be homogenized into a new Federal department—as it would if this bill before us is passed.

If my information is correct, the great majority of our military hardware and supplies now flowing to Vietnam to maintain our war efforts there are being transported by American-flag vessels and American bottoms. This is as it should be, although I must admit that I feel our allies should be contributing to a greater extent than they are. It seems to me that to include the merchant marine in a new Department of Transportation would possibly slow our shipping capability in this area, and would be totally inadvisable. The merchant marine service would seem to merit the consideration it has received from over 20 Members of this body who have taken direct action in an attempt to make it an independent Federal Maritime Administration.

Let it be clearly understood, Mr. Chairman, that I take the floor only on behalf of the position set forth by Mr. Edwards. The merits of the bill before us should not be totally dependent on this one proposal, and I shall weigh all factors and arguments prior to casting my vote either for or against final passage of H.R. 15963.

Mr. HOLIFIELD. Mr. Chairman, I yield to the gentleman from New York.

Mr. FARBERSTEIN. Mr. Chairman, I strongly favor establishment of an independent Department of Transportation in the Federal Establishment. As a Congressman from the east coast, I appreciate the deplorable state in which our railroads currently find themselves. I see mass transit unable to keep up with burgeoning megalopolis. I see the need for improvement in air service and truck transport. All of these matters require the undivided attention of a high Government official. A Secretary of Transportation, presiding over a cohesive Department of Transportation, will be able to offer that attention.

I cannot agree, however, that the problems of the merchant marine ought to be included in the Department of Transportation. The principal reason is that our merchant fleet is not, like the other forms of transportation I have mentioned, a form of domestic transit. It is a vehicle of foreign commerce. Its activity is, in overwhelming measure, conducted outside the jurisdiction of the United States. Our ships and sailors are normally on the high seas, and in foreign ports as often as they are in American ports. The problems of the merchant marine are thus completely different from those of, say, our railroads. A Department of Transportation would not necessarily be more qualified to deal with them than any other department.

But perhaps more important, the American merchant marine is currently in such a disastrous state that it simply cannot afford to have its problems considered within the framework of transportation matters generally. The American merchant marine, the finest in the world and the finest in our history after World War II, is now behind that of many other nations in number of ships

construction underway and tonnage carried. What is worse, we are still slipping, rather than regaining our position of eminence. I think it is agreed by all Americans that this cannot continue. The quality of our merchant fleet is an important factor in our national defense. It is an important factor in our balance of payments, which continues to plague us. It is important in the service that is provided to our manufacturers and important to businessmen throughout the country. From my own immediate point of view, I regard the state of the merchant marine as a matter of enormous concern because much of the port of New York is in my congressional district. Merchant traffic is a source of work for many men and of revenue for many businesses. The decline of the merchant fleet means, in some substantial measure, the decline of New York—which necessarily must be the home port for many American ships. I cannot sit by and watch the decline of any city. Therefore I regard it as imperative that the deterioration of our standing among the seafaring nations of the world be reversed.

I believe the best hope for the rejuvenation of our merchant fleet lies in the establishment of an independent Merchant Marine Administration. The entire industry—labor and management both—agrees with me. Most analysts of merchant marine problems subscribe to this principle. Mr. Chairman, I will, of course, vote for the establishment of a Department of Transportation but I will support the amendment to put merchant marine affairs under separate jurisdiction. The success or failure of this amendment may well determine the fact of America's future role on the high seas. I consider it essential that the American role be a strong and positive one.

Mr. HOLIFIELD. Mr. Chairman, I will shortly move that the Committee rise. I want the membership to know this. It will be done under a mutual agreement and suggestion of the leadership of the House.

Mr. ERLÉNBOERN. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. MAILLIARD].

Mr. MAILLIARD. Mr. Chairman, I thank my distinguished colleague from Illinois for yielding this time to me in order that I may express my views on the issue of whether to include or exclude the Maritime Administration from the new proposed Department of Transportation. May I say that I feel very sad that in this instance I must be in disagreement with my distinguished friend and colleague from California, and knowing him as I do and his interest over the years in the merchant marine. I know he is entirely sincere in believing that the bill he brings to the floor provides a solution to what he knows are the very urgent and extreme problems of the merchant marine. Unfortunately, the events of the years since I have been a member of the Merchant Marine Committee give me no confidence that this will provide a solution. The current and persistent decline of the American merchant marine has been for me a matter of deep and genuine concern.

As a Member of Congress and as a private citizen, I feel that this is an issue in which the survival or eventual demise of a private U.S. merchant marine is at stake. It is, therefore, a matter of national concern involving as it does our future stature as a world seapower.

Accordingly, I view this issue as one which transcends the interests of any one political party, and one which is deserving of the bipartisan support exemplified by our own Committee on Merchant Marine and Fisheries, which overwhelmingly has come out in opposition to the transfer of the Maritime Administration to the proposed Department of Transportation.

Instead, it is the considered opinion of our committee, that contrary to the proposal in H.R. 15963, there should be established an independent Federal Maritime Administration.

The question of the status of the Maritime Administration is not a new one as far as I am concerned. As early as 1961, when our Committee on Merchant Marine and Fisheries conducted hearings on Reorganization Plan No. 7, I expressed grave doubts about the placing of the Maritime Administration.

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

Mr. HOLIFIELD. Mr. Chairman, will the gentleman withhold his point of order for a few moments? We will request shortly that the Committee rise.

Mr. SAYLOR. Mr. Chairman, I might say this is the first time in the history of the Congress that we have ever had a flag officer of the Navy here speaking on something on which he is not only knowledgeable but also one of the best informed Members of the Congress in my lifetime of service here. I feel we should have a sufficient number of people here to hear it.

The CHAIRMAN. Will the gentleman withdraw his point of order?

Mr. SAYLOR. No.

The CHAIRMAN. The Chair will count.

Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 249]

Arends	Halleck	Moss
Ashmore	Hanna	Murphy, Ill.
Baring	Hansen, Idaho	O'Konski
Battin	Hansen, Wash.	Olson, Minn.
Blatnik	Harvey, Ind.	O'Neill, Mass.
Boggs	Harvey, Mich.	Poage
Bolling	Horton	Powell
Callaway	Hosmer	Purcell
Cohelan	Hungate	Quillen
Conyers	Jennings	Reinecke
Corman	Keogh	Resnick
Craley	King, N.Y.	Rhodes, Ariz.
Cramer	King, Utah	Rhodes, Pa.
Cunningham	Krebs	Rogers, Colo.
Diggs	Landrum	Rogers, Tex.
Dingell	Long, La.	Ronan
Durcan, Oreg.	Love	Rostenkowski
Edmondson	McDowell	Schisler
Everett	McMillan	Scott
Evins, Tenn.	McVicker	Senner
Farnsley	Martin, Ala.	Shriver
Findley	Martin, Mass.	Sickles
Flood	Martin, Nebr.	Sikes
Fraser	May	Sisk
Fulton, Tenn.	Michel	Stephens
Gallagher	Mize	Stratton
Grabowski	Moeller	Teague, Calif.
Hagan, Ga.	Morrison	Thomas

Toll
Tuten
Udall
Utt

Van Deerlin
Walker, Miss.
Watson
Weltner

Willis
Willson,
Charles H.
Zablocki

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having assumed the chair, Mr. PRICE, 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. 15963), and finding itself without a quorum, he had directed the roll to be called, when 338 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. PRICE. The gentleman from California is recognized for 7 minutes.

Mr. MAILLIARD. Mr. Chairman, let me assure you that it was not I who sent for you to listen to me speak, but I was saying that in 1961 I expressed very grave doubts over placing the Maritime Administration completely within the Department of Commerce. My very worst fears entertained at that time unfortunately have come to pass.

We were assured at the time of Reorganization Plan No. 7 of 1961 that this represented a change for the better, so that in the years immediately following that reorganization I was content to await these promised improvements. There were none. If anything, the condition of the American Merchant Marine became progressively worse. Even our late and beloved chairman of the committee, the Honorable Herbert C. Bonner, Democrat, of North Carolina, who supported Reorganization Plan No. 7, ultimately was constrained to express his regrets. He said on the floor of the House in October 1965, when introducing his own bill to establish an independent agency, which was less than 3 weeks before his untimely death, and I quote:

Now, after 4 years of experience under reorganization plan No. 7. I must confess regrets over my support of that plan. I feel that our maritime policy must be implemented and administered by an independent agency composed of qualified people appointed by the President and approved in the customary manner with the advice and consent of the Senate and vested with responsibility and authority to carry out the policies and laws laid down by Congress. This does not seem to be possible under a subordinated bureau buried deep in a large department having many other various responsibilities in its jurisdiction.

Herb Bonner was more than just a colleague to me. He was a close and personal friend with whom I shared a deep conviction for the need for a strong American Merchant Marine. If he were with us today, I am sure he, too, would be expressing concerns similar to those entertained by myself and other members of our Committee on Merchant Marine and Fisheries. And, I am certain that he would want us to do all in our power to exclude the Maritime Administration from the Department of Transportation, so as to fulfill his expressed conviction for the need of an independent Federal Maritime Administration.

My own efforts to establish an independent Federal Maritime Administra-

tion began almost 2 years ago, when I found I could no longer sit idly by awaiting unfulfilled promises of betterment while our merchant marine was allowed to maintain its present course to ruin. Since that time, I have spoken on the issue from public forums, on the floor of the House, and in sundry articles and statements, culminating in the introduction of my bill last September, which was but the first of several, calling for an independent Federal Maritime Administration. All of this was well in advance of any Department of Transportation proposal, a concept which I had considered earlier but rejected insofar as maritime was concerned.

Thus, when the President transmitted to the Congress on March 2d of this year his transportation message calling for the establishment of a Department of Transportation to include, among other agencies, the Maritime Administration which is now under the Department of Commerce, I expressed on that very day on the floor of the House my deep and genuine concern over the proposal, since it held little promise for the American merchant marine. It appeared to me then, as now, that this legislation only served to perpetuate the same mistakes of earlier years by denying the American maritime industry the independent voice it rightfully and justly deserves.

These fears expressed over the past several months have not been assuaged by the minimal committee amendments to H.R. 15963 seeking to clarify the role of the Maritime Administration in the proposed Department of Transportation. To the contrary, the bill as reported by our Committee on Government Operations which as now before the House serves only to deepen my concern over the future fate of the American merchant marine.

Therefore, I am forced to conclude that the testimony of knowledgeable members of the American maritime industry, my own personal views expressed in March and June of this year, and Resolution 10 of our Committee on Merchant Marine and Fisheries, all of which were presented to our Committee on Government Operations, either went unheeded or were rejected out-of-hand for the simple expediency of bureaucratic neatness and good order. But merely shifting organizational blocks to build one neat package does not and will not reconstruct the American merchant marine.

There does remain one other plausible explanation for disregarding these earlier views on the fate of the Maritime Administration, and that was furnished by my distinguished friend and colleague from my own State who chaired the subcommittee hearings on the Department of Transportation bill. On two or three occasions during the course of hearings, he indicated, and rightly so, that the issue of whether or not the Maritime Administration should be established as an independent agency was a matter within the jurisdiction of our Committee on Merchant Marine and Fisheries.

In fact, during the course of those hearings in a dialog with Mr. Paul Hall, president of the Seafarers International

Union of North America, he stated, and I quote:

Your committees for years have failed to move you toward an independent agency, and I see no evidence that you are going to be moved to your heart's desire.

Well, our Committee on Merchant Marine and Fisheries has moved toward the establishment of an independent Federal Maritime Administration, and in reporting out that measure upon which a rule has been granted, our committee overwhelmingly reaffirmed its opinion set forth in Resolution 10 that the Maritime Administration should be excluded from, not included in, the Department of Transportation.

Exclusion of the Maritime Administration from the Department of Transportation bill and its establishment as an independent agency is no mere whim on the part of our committee. It is the considered and honest group judgment of all but a few of our members that this is the most effective course of action to take at this time. It was a decision predicated upon voluminous testimony received over the past several months in the course of continuous hearings on "Vietnam—Shipping Policy Review," hearings before our Special Subcommittee on Maritime Education and Training, and finally as a result of comprehensive hearings on more than 20 proposals then pending before our committee to establish an independent Federal Maritime Administration.

The exclusion of the Maritime Administration from the Department of Transportation and its ultimate establishment as an independent agency may not be the panacea for all of the ills facing the American maritime industry. I know of no one who claims this utopian result. We all should recognize that the promotion of our maritime affairs is ultimately a Presidential responsibility. However, excluding the Maritime Administration from the proposed new Department of Transportation so that we may consider restoring its independence does hold forth the promise of providing a more effective vehicle for meeting our current maritime problems and overcoming what I have frequently referred to as a shocking budgetary deemphasis of maritime affairs.

Only last month when appearing before Our Committee on Merchant Marine and Fisheries, the Secretary of Commerce, the Honorable John T. Connor, who now has the responsibility for promoting the American merchant marine, expressed disenchantment with the current structure of the Maritime Administration and particularly that of the Maritime Subsidy Board. Our distinguished Secretary of Commerce went on to note that insofar as the problem of the American merchant marine is concerned, and I quote:

My personal opinion is that the basic principles of the 1936 act represent the only sensible approach to the problem that I see.

All that we, who oppose the transfer of the Maritime Administration to the Department of Transportation, seek to accomplish is to insure that those basic and proven principles of the Merchant

Marine Act of 1936 are effectively implemented through vigorous prosecution by a responsible Federal agency. We do not feel this need will be met by H.R. 15963, but at the same time, we do not oppose either the concept of a Department of Transportation or its establishment. Rather, we honestly and sincerely feel that there is ample justification for excluding the Maritime Administration from the proposed Department of Transportation, and that its transfer to that Department in the manner set forth in H.R. 15963 can only result in a further disservice to the American merchant marine. Therefore, I must strongly urge that the Maritime Administration not be transferred to the Department of Transportation as proposed by the bill, H.R. 15963, and that the amendment which will be offered to accomplish this be approved.

I assume that we will have an opportunity on tomorrow to vote on this question.

May I say I realize as well as anyone that the Committee on Government Operations was dealing with a wide variety of subjects which are the substantive responsibility of other committees, and I think to ask them to have the detailed knowledge in depth of all of these subjects and to make positive provision for the various areas encompassed in the new Department was asking almost for the impossible. The one odd-man-out in this whole transportation picture, which is unique in character, which is not responsive to the same economic requirements of domestic transportation is international shipping. It just does not operate under the same rules of the game as transportation problems within the domestic boundaries of the United States.

Mr. HOLIFIELD. Mr. Chairman, I would just say that the Committee on Government Operations, and the subcommittee of which I was acting chairman, does not claim to know everything about railroads, aviation, maritime, or highway transportation. Our job is not to know the intricate details of these different modes of transportation.

We have had extensive experience in handling reorganization plans, having handled something like 75 in the last few years. Also, we have handled the setting up of the Housing and Urban Development Cabinet-level Department.

We were given, under the rules of the House, the charge of handling this particular bill. We believe we have some skill in the organization and governmental structure field, because this has been our specialty over the years. We believe we can act intelligently, logically, and reasonably in the field of the organization of government, without having to know the details on the different modes of transportation.

Mr. Chairman, I ask unanimous consent that the gentleman from Illinois [Mr. Dawson] may extend his remarks at this point in the Record.

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

There was no objection.

Mr. DAWSON. Mr. Chairman, the bill to create a Department of Transportation—H.R. 15963—will, if enacted, prove to be one of the most important measures to come out of the 89th Congress. Our national population today is 195 million. Our best studies indicate that by the year 2000, only 34 years from today, that population will be around 300 million. In fact it is very likely that many present here today in this Chamber will live to see a population in the United States of over 400 million people.

The problems that this population explosion will bring to the country are staggering. Imagine the national and local efforts that will be required to feed, clothe, and house in 45 years a population over twice that we have today. And our Nation, one way or the other, will have to provide education, medical and hospital care, jobs and recreation for these millions of citizens.

To provide all these necessities—foods, materials, and people will have to be moved from one point to another quickly, efficiently and in amounts far, far greater than we move today. Throughout our history, today, and in the future our Nation's transportation systems have been, are, and will be the arteries through which America's life blood flows. Transportation, which constitutes 20 percent of our gross national product, has made possible our great national development and our unprecedented American standard of living. An unparalleled all-out effort must be made to develop and provide transportation systems which will meet our future needs efficiently, safely, and economically.

In reporting out H.R. 15963 the Committee on Government Operations has presented a bill which represents a real, sincere effort on the part of both the majority and minority to bring to the floor the best bill possible on the subject. As our report shows in detail, the committee has reworked the original bill in many ways. We have given stronger recognition and a stronger statutory place in the Department to each of the modes of transportation.

This includes the establishment in the new Department of a Federal Maritime Administration fully coequal with each other major method of transportation—the only solution which will give the maritime industry the Cabinet-level support it needs to regain its place in our national economy.

We have strengthened the National Transportation Safety Board and have added safeguards to insure its independence and its freedom of expression to Congress. We have provided for publicity to its actions. We have added a number of provisions to preserve the relative responsibilities and powers of the executive and legislative branches. We have provided for advance notice of proposed investment standards and criteria and we have assured the rights of individuals dealing with the Department.

Finally, we have given full recognition to the place of the Coast Guard in the Department and to its place in our national transportation and defense systems. H.R. 15963 is now a far better

bill than that upon which the committee commenced its work.

As I stated, both the majority and the minority have labored sincerely in this effort to bring out a good, workable bill. There are still some differences among us, but they are relatively minor and I am sure will be resolved on the floor as we consider the measure.

Technically, the bill as reported represents a vast improvement over the earlier versions. Both the regular committee staff and the minority staff worked many long, hard hours to make the bill technically as perfect as possible. Again, as our report indicates, numerous changes were made to clarify the language, to eliminate ambiguities, and to restructure the bill in its most logical form. In this effort we were fortunate that Mr. Edward O. Craft, the House's legislative counsel, assigned Mr. Robert R. Nordhaus to assist the committee. His assistance has been invaluable and I certainly want to compliment the House on the excellent office which we have established to provide assistance in such matters.

While there may still be some small differences on the bill and perhaps even some minor imperfections, we must recognize that the creation of a Department of Transportation will be a major event in our national history. It is an absolutely essential step in meeting our present and future needs. I, therefore, urge all Members to vote for final passage of H.R. 15963.

Mr. HOLIFIELD. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Chairman, I rise in support of H.R. 15963 to establish a Department of Transportation.

When our Government was first formed, four areas—State, Treasury, Attorney General, and War—were designated as separate departments with specified staff and leadership, responsible for assuring the smooth and efficient operation of segments of society essential to the general welfare of the infant Nation. Indeed, at that time they were essential for the continued existence of the country. Since that time seven other Cabinet-level departments—including the Department of Urban Affairs—have been added to provide leadership in other areas of national importance which are equally essential to the general welfare. Now we are asked to create an eighth additional Department.

A Department of Transportation designed to provide more effective management of the transportation functions of the executive branch would bring together the major Federal agencies and activities involving transportation promotion and safety, would incorporate some 100,000 employees and be responsible for some \$6 billion of Federal funds.

President Johnson has said that transportation is, "the web of the Union." A Cabinet-level department, which would combine the scattered Federal agencies responsible for transportation is logical to achieve unity of purpose and direction. It would increase efficiency by consolidating the work of Fed-

eral agencies whose responsibilities often overlap. This, of course, would be economically advantageous, and it would provide a single Federal voice in matters of transportation. The present fragmentation of federally controlled transportation matters is an inefficient method of dealing with a segment of the economy to which fully one-sixth of our gross national product is attributable. Coordination is necessary, and I believe that a Cabinet-level Federal department should be able to deal effectively with the large, complex, and rapidly growing transportation system.

One aspect of this bill that I find especially constructive is the emphasis placed upon concerted and strenuous efforts in the area of safety. The new department would include a National Transportation Safety Board. This Board, with its provisions for review of decisions by the Secretary, its authorization to conduct special safety studies, its responsibility to insure proper conduct of accident investigations and to initiate specific accident investigations that it deems necessary, and its power to recommend legislation, will be of great value in combating a menace which claims tens of thousands of lives each year.

Mr. Chairman, I am concerned about the problem of aircraft noise control and abatement. As a member of the Science and Astronautics Committee, I have fought for increased funds for noise abatement suppression studies by NASA. I continue to think that NASA has an enormously important role in this area, which it has so far failed fully to perform.

Our colleague from New York [Mr. ROSENTHAL] has suggested that there should be an Office of Aircraft Noise Control and Abatement within the new Department. I would support an amendment to this effect. The specific designation of an office to promote such efforts would provide the centralization and coordination that this serious problem requires.

Mr. Chairman, I support H.R. 15963 because I feel that this legislation will lay a broad foundation for dealing with the many transportation problems which face the Nation and because I believe that it will provide greater cohesion for existing programs and a coordinated approach to new research and development in all forms of transportation.

Mr. HOLIFIELD. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. TODD].

Mr. TODD. Mr. Chairman, last fall, when this Congress was considering a bill to amend the Sugar Act, I spoke out against what I called yet another push to what I fear is a developing pattern of inflationary pressure in America.

This was long before the current concern with inflation developed. Nobody paid much attention. But maybe I was not so far wrong. For the July increase in the cost-of-living index—four-tenths of 1 percent—was felt in every household in America. This increase in the cost of living this year has been the greatest since 1957, and I fear there is more to come.

The people in Michigan whom I have the honor to represent are paying a lot more for their food and for other goods and services than they were last year. They have a perfect right to know why, and they have a perfect right to know when this inflation is going to stop. Part of the reason lies in special interest legislation of which the sugar bill was a good example.

What that bill did was to legislate a hidden subsidy for the sugar interests. It resulted in the price of sugar being 3 cents per pound higher in Michigan than across the river in Canada. This hidden subsidy for the sugar interests amounts to about \$4 a year for every man, woman, and child in the United States.

I said then: "Food prices are up; this bill will insure they will stay up." They have. And they have gone even higher, without helping the farmers much, either.

Now we have another proposal before us—to remove the Maritime Administration from the Department of Transportation. This proposal is supported, as far as I can tell, by nobody but the shipping interests. It is like the sugar price hike—a special interest proposal. But why should the shipping interests be opposed to having our shipping system be considered a part of our transportation network? Do they not realize that, under the Maritime Administration, the American shipping industry has been decaying and that the American merchant marine is becoming small and obsolete? Presumably they do.

Why, then, should they object to a reorganization which may result in less administrative confusion and a more effective maritime policy? Why do they object to a reorganization which will increase the likelihood that the \$300 million a year direct subsidy will contribute to the reconstruction of our merchant fleet rather than its continued decay.

Precisely for this reason: They will lose control of how the subsidy is spent, and the money might actually be used for the public interest and not for the benefit of special shipping interests. This is the real issue at stake: Whether, as in the case of the sugar bill, we provide for the few at the expense of the many, or whether we enact legislation which will serve the many without placing an improper burden on the few.

All too often, the agency which allocates public money for public purposes to private groups becomes unduly influenced by these groups, which then try to manipulate the public agencies for their benefit. This, I feel, has happened in the case of the shipping industry.

Splitting off of the Maritime Administration from the Department of Transportation would mean being hoodwinked by a bald and blatant attempt of the shipping interests to protect their own artificially privileged positions. I hope this proposal will suffer resounding defeat.

In our present inflationary situation the general principle of special interest legislation is particularly dangerous to us all. The sugar bill contributed to the

inflationary spiral which has fully hit us now; it was a special interest bill. The proposal to split the Maritime Administration out from the Department of Transportation will result in administrative chaos, unwisely expenditures of Federal subsidies, perpetuation of noncompetitive pricing arrangements, special high prices for the Defense Department, the placing of unsubsidized ship lines at continuing disadvantage, and a merchant fleet which continues to decay. This proposal is a special interest proposal, and in the long run does not even help the interests it is designed to protect. We should support public, not private, policy.

Therefore, I support the inclusion of the Federal Maritime Administration in the new Department of Transportation. This is where it belongs—and where it can save money and build the fleet.

Mr. HOLIFIELD. Mr. Chairman, I believe your Committee on Government Operations has developed a fair and reasonable bill.

We were faced with a problem of great complexity.

We made many changes in the original administration bill to remove controversial subject matter.

Our principal objective was to bring together the four great modes of transportation into a Cabinet-level Department.

Our first guiding principle has been to create this Department without impairing by deletion or addition to the great body of statutes pertaining to the operation and regulation of railroads, highway, aviation, and merchant marine shipping.

Our second guiding principle has been to protect the jurisdictional prerogatives of every congressional committee concerned with railroads, aviation, highways, and shipping.

We believe we have been successful in authorizing the Secretary of the new Department to study the Nation's overall transportation problems for the purpose of developing a safe, efficient, and modern national transportation policy.

We know that we have safeguards built into this legislation which prevents the Secretary from implementing, on his own authority, any national transportation policy.

He must come to the Congress for implementation. He must come to each jurisdictional House committee and obtain their approval for any change in policy or program, which conflicts with existing statutes or requires new statutes.

Two previous Presidents and our present President have asked for a national transportation policy.

An exploding population which will nearly double in the next 30 years demands that we start today to plan and develop the facilities and procedures necessary to move the people and the goods of tomorrow.

I call on the Members of this House to meet this challenge with courage and with their eyes turned toward the needs of our people for efficient movement of people and goods.

Transportation is the lifeblood of our complex society.

Unless that lifeblood has movement and circulation our complex society will stagnate and die.

Mr. McDOWELL. Mr. Chairman, I fully support H.R. 15963 to establish a Department of Transportation. It recognizes an urgent need to meet and resolve the growing problems stemming from increased population, the need for a balanced transportation system, and for increased modernization and expansion of existing mass transportation systems and facilities.

Heretofore, these problems have been approached on a piecemeal basis, characterized by a duplication of efforts, or the reliance on one form of transportation to the detriment of another equally satisfactory or even better form which could move more people at less cost to the taxpayers.

New hope is provided by this bill, for under it the major forms of transportation, and the Federal agencies concerned with them, are combined for the first time in our history. As early as 1874 there was a move in Congress to establish a Bureau of Transportation and it is entirely possible that many of the problems facing us today in the field of transportation would not have reached crisis proportions if we had had such a transportation bureau. More recently, attempts to establish such a new Federal agency have been advanced by the Hoover Commission in 1949, and a special study group of the Senate Committee on Commerce in 1961. The step which has brought us to this present effort was the President's transportation message to the Congress earlier this year.

The bill we are considering here today incorporates a bill which I introduced earlier this year to establish a new Cabinet-level department. It will not interfere with the regulatory functions of the Federal agencies, but will enhance them, and it assures organizational identity of the major modes of transportation.

Delawareans are interested in this legislation because it is served by a great coastal highway, and a railroad system, but the transportation problems of our State are perhaps as acute as those of any State in our Nation.

It is my hope and expectation, in sponsoring this legislation, and voting for it, that it will provide prompt aid in developing for all our citizens an efficient, balanced, and rapid mass transit system.

Improved transportation is of vital interest to the First State. Thousands of people come into Delaware as employees, and as visitors to our beaches and resort facilities, and to see at firsthand the historic sites and buildings where so much of our Nation's history remains available for all to see. Thousands more would come to our State, to partake of its warm and friendly hospitality, with the development of rapid and efficient mass transit systems serving the teeming cities of the Eastern Seaboard.

Our highways must be made safer, and our transportation systems must be coordinated and balanced, if we are to provide high-quality, low-cost transportation service for all American families. It is certainly high time our mass transit

was made as safe, fast, and inexpensive as the mass transit systems in Europe and Japan.

This legislation looks to the future when, according to current studies, our country will have 362 million people by the year 2000. With the demands such a population growth will demand, we cannot afford the luxury of the kind of helter-skelter planning and inefficient and overly expensive systems which we have in so many areas of our country today.

Mr. RHODES of Arizona. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. RHODES of Arizona. Mr. Chairman, at a recent meeting of the House Republican policy committee a policy statement regarding the Department of Transportation was adopted. As chairman of the policy committee, I would like to include at this point in the RECORD the complete text of this statement.

REPUBLICAN POLICY COMMITTEE STATEMENT
ON DEPARTMENT OF TRANSPORTATION

Historically, the Republican Party has encouraged the development of American transportation. In the 1860s Republicans aided the opening of the West by providing land grant incentives for rail transportation. In the early 1900s, the construction of the Panama Canal under the leadership of President Theodore Roosevelt promoted our vital sea transportation. The highly successful interstate highway system was inaugurated in 1956 under a Republican administration. And in 1959 the St. Lawrence Seaway was placed in operation.

For many years it has been apparent that there was a need for better coordination among the various governmental agencies that deal with transportation. As a result, various proposals have been advanced to coordinate the vast transportation bureaucracy which uses, promotes, regulates, and operates transportation in the United States and throughout the free world. The Hoover Commission Task Force on Transportation recommended the creation of a department in 1946. And in his final budget message to Congress, President Eisenhower stated: "A Department of Transportation should be established so as to bring together at cabinet level the presently fragmented federal functions regarding transportation activities." Now, five years after the Eisenhower message, the Johnson-Humphrey Administration has endorsed this proposal. Certainly, the creation of an efficient and effective Department of Transportation has been delayed much too long.

Unfortunately, the bill that the Johnson-Humphrey Administration proposed, and that has now been reported by the Government Operations Committee, is faulty and inadequate in a number of important respects and should be improved. In this bill, important transportation activities have been excluded and those modes of transportation brought under the Department do not have adequate representation. The proposed transfer of aviation accident investigations to the new Department cannot be justified. The broad powers granted the Secretary of Transportation under Section 7 invade the policy-making authority of Congress. And the proposed transfer of the Maritime Administration to the new Department would perpetuate the present trouble-ridden mismanagement of the maritime crisis.

Therefore, while we favor and support legislation that would establish a Department of Transportation, we believe that such legislation should contain the following safeguards and improvements:

1. The aviation accident investigation function of the Civil Aeronautics Board should remain independent. In the event the CAB's Bureau of Safety is transferred to the new Department, as contemplated by the proposed legislation, this country would return to the totally unsatisfactory arrangement that existed prior to 1958. At that time, as a result of complaints and accusations from industry representatives, government personnel and outside observers, Congress enacted the Federal Aviation Act. Under this Act, an independent Federal Aviation Agency was established to regulate and control the airways and the various promotional aspects of aviation. By the same Act, the independent CAB was created. It was charged with the economic regulation of aviation and the conduct of aviation accident investigations. The CAB then created a Bureau of Safety to conduct such investigations. This Bureau has acquired an outstanding reputation for experience, thoroughness, and impartiality in the investigation of aviation accidents. Since the establishment of these twin but independent bodies, aviation has prospered and air safety has advanced. These advances would be jeopardized if these important functions are brought together again within a new Department.

2. To date, little has been done with respect to the problem created by aircraft noise, and no one in government has assumed direct responsibility for taking action. This important problem should receive immediate and continuing attention within the new Department. Adequate research and the establishment of reasonable standards to reduce aircraft noise should be given a high priority.

3. Throughout the hearings on the proposed bill, Section 7 was criticized severely. It was opposed by witness after witness, including the Transportation Association of America whose membership represents all modes of transportation plus shippers and investors. Under this section, the Secretary could adopt national transportation investment standards and criteria without seeking Congressional approval. He would have the authority to determine whether the investment of federal money should be made on behalf of one mode of transportation or another. He could impose his standards of investment on other agencies of government who administer investment programs enacted by Congress. This section should be stricken from the bill.

4. The Administration bill would leave the urban mass transportation program within the newly-established Department of Housing and Urban Development. Certainly, urban transportation is an integral part of mass transportation. The close relationship and interdependence between urban mass transportation and other forms of transportation dictate that the urban mass transportation should be transferred from the Department of HUD to the new Department. This program only recently has been assigned to HUD. Now is the time to make this transfer to the new Department.

5. As the April 20, 1966 House Republican Policy Committee statement pointed out: "America is facing a crisis of major proportions with respect to its vital Merchant Marine. At the close of World War II, this country had a Merchant Marine fleet of over 3,500 vessels. By 1951, there were 1,955 active U.S. flag ships. Today there are only 1,000, including those reactivated for the Viet Nam War. The U.S. has dropped to 14th place among the world's major shipbuilding nations while Russia has risen from 12th to

7th place as a maritime nation. . . . The Merchant Marine shipbuilding effort in this country must be increased. Unless this is done, our defense commitments throughout the world will be in jeopardy. Indeed, our national survival may depend upon the shipping that should be under construction but which the Johnson-Humphrey Administration has scuttled. We demand that steps be taken to correct this disastrous situation."

Although faced with this major crisis, the proposed bill does little more than transfer the problems to a new Department. There is nothing in the bill that reflects a sense of urgency or that calls for a redirection of effort. Moreover, there is no indication that the functions of the Maritime Administration will even be handled by one man with clear-cut authority. The present plight of the American Merchant Marine demands action. Unfortunately, the present stepchild status would continue under the proposed bill. The proposed transfer does not correct the Johnson-Humphrey Administration's known and apparent deficiencies in the maritime field. Therefore, we believe that the Maritime Administration should be established as an independent agency.

Mr. MULTER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MULTER. Mr. Chairman, for too long we have neglected our merchant marine—a neglect which I believe we can no longer tolerate. It is for this reason, Mr. Chairman, that I strongly support the establishment of an independent Federal Maritime Administration and urge that it not be included in the new Department of Transportation, which we will establish by this bill.

The future of our merchant marine is of the utmost concern to all Americans and particularly to maritime labor. This concern is reflected in the following article from the August 19, 1966, edition of Seafarers Log, the newspaper of the Seafarers International Union. The article points up the warning of impending Soviet control of world shipping issued by two of our distinguished colleagues.

The article follows:

U.S. DECLINE CITED AS DANGEROUS—CONGRESSMEN WARN OF SOVIET CONTROL OF WORLD SHIPPING IN NEAR FUTURE

WASHINGTON.—Two members of the House Merchant Marine Committee have warned that Russia will surpass the U.S. in shipping and control of the world's seafarers in the near future unless the United States does something to halt the rapid decline of the American-flag merchant fleet.

The warning came in a report issued by Representatives PAUL ROGERS (D-Fla.) and HASTINGS KEITH (R-Mass.), who recently returned from an inspection tour of maritime installation in the Soviet Union and communist-bloc nations.

The Congressmen made their prediction of the possible Soviet domination of world shipping rates in a 26-page report that touches on fishing, oceanography and the merchant marine. The ultimate aim of the Russian sea build-up, the report said, was to dominate the sea-lanes so completely that nations whose merchant fleets have dwindled away or become unable to compete with Soviet shipping will have to use Soviet-bloc ships.

When this happens Communist nations will be able to withhold ocean freight serv-

ices from any country not following the Moscow line. By 1980, the Soviets hopes to develop a merchant fleet of more than 200 million tons—the equivalent of the massive British-flag merchant fleet today.

American shipyards now have only 41 merchant ships under construction the report noted, while the Soviet Union had 464 merchant ships of over 1,000 tons on order at the end of 1965. The obsolescence of the United States-flag merchant fleet was underscored by the report. At present about 70 per cent of all American merchant ships are more than 20 years old while 80 per cent of Russia's merchant vessels are less than ten years old.

GOVERNMENT INACTION

The report detailed the gloom that has spread over the entire American maritime industry because of government inaction and the lack of support for the American-flag merchant marine on the part of the Administration.

The most alarming aspect of the report was the revelation that the Soviet Union knows full well the military advantages of their merchant fleet while the United States does not.

It states that "the Soviets recognize that the merchant marine is a major instrument of power. Over 200 ships of the Soviet merchant fleet deliver military supplies ranging from missiles and patrol boats, to hand grenades and machine guns. They deliver fuel for industry and for tanks, they deliver trucks and roadbuilding equipment to develop inland transportation networks. They deliver prefabricated factories, tractors and combines. Soviet ships carry military supplies, troops and scientific and industrial advisors to far continents. They return of times with students."

Fishing is treated as a science in the Soviet Union. Russia, the Congressmen said, is constructing large trawlers and factory ships that will move further and further South from Soviet waters until they start working all of the world's fishing grounds.

Fish farming is one aspect of this drive. The Soviets are developing artificial breeding techniques and are working on ways to forecast the exact locations of schools and discover how fish migrate by studying oceanographic and meteorological data. Because of this effort in the fishing industry the Russians have quadrupled their annual fish catch in 25 years, making it fourth among the world's fishing nations behind Peru, Japan and Red China. The United States on the other hand, with the world's best coastal fishery resources, has become the world's greatest fish importing nation.

The legislators praised a recent Congressional Measure, the Marine Resources and Engineering Development Act, which will enable a committee to coordinate and review the nation's many current oceanographic activities and coordinate them.

The report recommended that the United States:

"Give our merchant marine the support it deserves or we one day may find ourselves having to depend on Soviet shipping."

Improve the systems of distributing oceanographic research results to Government agencies and the general public as well as share such information with the Free World.

Give immediate attention to the solving of administration policy disputes so that we can proceed with a program to support our merchant marine.

Create a tax system which will encourage the construction of American-flag fishing vessels.

Conduct a complete and thorough study of the U.S. fishing industry.

For conservation purposes, adopt a 12-mile offshore limit to protect our coastal fisheries the way the Russians have.

Strive to develop greater public support for international conferences aimed at set-

ting problems of conservation of the world's ocean resources.

Mr. Chairman, the seriousness with which this matter is taken by the Seafarers International Union is reflected in the report of its president, Paul Hall, which also appeared in the August 19, 1966, issue of the Seafarers Log. That report follows:

REPORT OF INTERNATIONAL PRESIDENT (By Paul Hall)

The United States got another warning recently about the continuing Soviet push to rule the world's seafarers in the near future. The warning, contained in a report by two Congressmen who toured Russian and Soviet-bloc shipping and shipbuilding facilities last January, echoes the many previous warnings issued by the SIU and other maritime unions about the heavy emphasis the Soviet Union is placing on building a huge merchant fleet as a political and military weapon.

So far these warnings have all gone unheeded by the U.S. Government, which has done nothing even to halt the steady decline of our own merchant fleet. Judging from the report of Representatives HASTINGS KETH (R. Mass.) and PAUL G. ROGERS (D. Mass.) both members of the House Merchant Marine Committee, a visit to Soviet-bloc shipping and shipbuilding facilities might be just what many U.S. Government administrators need to finally open their eyes to the increasing danger to U.S. security inherent in our continuing neglect of maritime.

KETH and ROGERS point out, for instance, that the massive maritime buildup currently underway in Russia will soon provide her with a large enough fleet to prosecute successfully a military war, or an economic cold war.

The Congressmen found the Soviet-bloc shipyards booming in sharp contrast to U.S. shipyards, which are rapidly losing their skilled workers to other fields and are unable to replace obsolete equipment because of lack of work. At shipyards in Gdansk and Gdynia, Poland, they saw modern yards that have launched over 2.5 million tons of shipping since World War II. The Red-flag fleet now stands at 8½ million deadweight tons, with a 1980 goal of over 20 million tons—equal to Great Britain's huge present day fleet.

The purposes to which the Soviet Union could put such a huge fleet in the future are clear in terms of world trade and politics. The Congressmen point out in their report that Russia seeks to dominate the seafarers so completely that nations whose merchant fleets have vanished or who become unable to compete with Soviet freight rates will require the services of communist-bloc shipping. Communist dominance of shipping also could enable the Soviet Union and her satellites to withhold ocean freight services from any nation out of favor with Soviet policies.

Noting that this massive increase in Soviet maritime power has come about because of the strong backing and solid support of the Soviet Government, the Congressmen suggest that the U.S. Government must provide more direction if America is to meet this Soviet challenge.

This is a position which the SIU has held in the past and continues to hold. A progressive U.S. Government policy toward maritime is long overdue. The vital need for such a policy to halt the continuing decline of U.S. maritime becomes doubly obvious in view of the facts of the Soviet maritime buildup.

Mr. HOLIFIELD. Mr. Chairman, I have no further requests for time.

Mr. ERLENBORN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

H.R. 15963

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 "Department of Transportation Act".

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

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

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

Mr. ERLENBORN. I should like to ask the gentleman if it is not true that many amendments to be offered to this bill will require amending the bill in more than one section and, therefore, whether it would not be desirable for the bill to be considered as read and open to amendment at any point? Would that not facilitate the amending process?

Mr. HOLIFIELD. The gentleman has stated the situation correctly. Many amendments will have to be presented to a number of different sections at one time. It would seem it would expedite the work of the committee tomorrow, when we go into the amending process, for me to ask that the bill be considered as read and open for amendment at any point.

The CHAIRMAN. Does the gentleman make that request?

Mr. HOLIFIELD. I make that request, Mr. Chairman.

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

Mr. GROSS. Mr. Chairman, reserving the right to object, do I correctly understand it is about to be proposed that the Committee rise, and that we dispense with further consideration of this bill today?

Mr. HOLIFIELD. Mr. Chairman, if the gentleman will yield, the manager of the bill has been requested by the leadership on both sides to make that request at this time. I always try to cooperate with the leadership.

Mr. GROSS. May I ask the gentleman the reason. Is there no sense of urgency about getting legislation untracked and on the way in this session of Congress, so that we can get out of here some time before the snow flies?

Mr. HOLIFIELD. The gentleman knows that I want to expedite this legislation. I have been in the position of having the time scheduled by the leadership. I have tried, as I always do, to cooperate.

Mr. GROSS. I appreciate the gentleman's reply, but I still have no answer to the question of why the Committee is to rise now, without going to the 3-minute rule on this bill this afternoon, when there is still time for further consideration.

Mr. HOLIFIELD. I will be glad to yield to the minority leader or to the majority leader at this time.

Mr. GROSS. I believe I have the floor. I will be glad to yield, if anyone can shed any light on the parliamentary situation that exists and the change that is about to take place. I will yield to anyone who cares to contribute something.

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

Mr. GROSS. I am glad to yield to the distinguished majority leader.

Mr. ALBERT. Of course, it is late in the day. We hope to start the amending process tomorrow. A number of Members have expressed the desire not to go on late this evening.

I think we can accomplish just as much by coming in tomorrow. There are many out-of-town visitors, the American Legion, and there are other reasons why Members would like not to go late tonight.

Mr. GROSS. The Committee rising at this hour of the afternoon is not for the purpose of convenience for someone to do something about this bill from outside of the Congress. Is that correct?

Mr. ALBERT. Well, not that I know of. It would not make any difference whether we went an hour more or not, if there were any such plans as that.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the minority leader.

Mr. GERALD R. FORD. I have no objection to considering the bill as read, providing that we have the assurance from the gentleman from California that in the consideration of the various amendments, wherever they might come, he will be very liberal in his interpretation of how much time ought to be consumed in the consideration of them.

Mr. HOLIFIELD. Having used 2 or 3 weeks in trying to get this bill to the amending stage, I can say to the gentleman I am in no hurry and I will, as always, try to be fair to the membership as far as the granting of time for adequate debate is concerned. I have no desire to cut off debate.

Mr. GROSS. Mr. Chairman, further reserving the right to object, the way things are going will lead me in the near future to ask permission to contribute and install a Christmas tree in the House of Representatives so that we can begin decorating it.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the remainder of the bill, as follows:

DECLARATION OF PURPOSE

SEC. 2. The Congress hereby declares that the general welfare, the economic growth and stability of the Nation and its security require the development and implementation of national transportation policies and programs conducive to the provision of fast, safe, efficient, and convenient transportation at the lowest cost consistent therewith and with other national objectives, including the efficient utilization and conservation of the Nation's resources.

The Congress therefore finds that the establishment of a Department of Transportation is necessary in the public interest and to assure the coordinated, effective administration of the transportation programs of the Federal Government; to facilitate the development and improvement of coordinated transportation service, to be provided by private enterprise to the maximum extent feasible; to encourage cooperation of Federal,

State, and local governments, carriers, labor, and other interested parties toward the achievement of national transportation objectives; to stimulate technological advances in transportation; to provide general leadership in the identification and solution of transportation problems; and to develop and recommend national transportation policies and programs to accomplish these objectives with full and appropriate consideration of the needs of the public, users, carriers, industry, labor, and the national defense.

ESTABLISHMENT OF DEPARTMENT

SEC. 3 (a) There is hereby established at the seat of government an executive department to be known as the Department of Transportation (hereafter referred to in this Act as the "Department"). There shall be at the head of the Department a Secretary of Transportation (hereafter referred to in this Act as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) There shall be in the Department an Under Secretary, who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary (or, during the absence or disability of the Under Secretary, or in the event of a vacancy in the office of Under Secretary, an Assistant Secretary or the General Counsel, determined according to such order as the Secretary shall prescribe) shall act for, and exercise the powers of the Secretary, during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary. The Under Secretary shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time.

(c) There shall be in the Department four Assistant Secretaries and a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time.

(d) There shall be in the Department an Assistant Secretary for Administration, who shall be appointed, with the approval of the President, by the Secretary under the classified civil service who shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time.

(e) The Secretary shall establish within the Department (1) a Federal Highway Administration, (2) a Federal Railroad Administration, (3) a Federal Maritime Administration, and (4) a Federal Aviation Administration. Each of these components shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall report directly to the Secretary and shall have such duties and powers as he may prescribe.

(f) The Secretary shall establish within the Department an Office of Accident Investigation, which shall be independent of the Federal Aviation Administration. The office shall, among its duties, investigate aviation accidents in accordance with rules and regulations prescribed by the Secretary.

GENERAL PROVISIONS

SEC. 4. (a) The Secretary in carrying out the purposes of this Act shall, among his responsibilities, exercise leadership under the direction of the President in transportation matters, including those affecting the national defense and those involving national or regional emergencies; develop national transportation policies and programs, and make recommendations to the President and Congress for their implementation; promote and undertake development, collection, and dissemination of technological, statistical, economic, and other information relevant to domestic and international transportation; promote and undertake research and development relating to transportation, including

noise abatement, with particular attention to aircraft noise; and consult with the heads of other Federal departments and agencies on the transportation requirements of the Government.

(b) In exercising the functions, powers, and duties conferred on and transferred to the Secretary by this Act, the Secretary shall give full consideration to the need for operational continuity of the functions transferred, to the need for effectiveness and safety in transportation systems, and to the needs of the national defense.

(c) Orders and actions of the Secretary or the National Transportation Safety Board (established by section 5 of this Act) in the exercise of functions, powers, and duties transferred under this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the department or agency exercising such functions, powers, and duties immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such functions by the Secretary or the National Transportation Safety Board.

(d) In the exercise of the functions, powers, and duties transferred under this Act, the Secretary shall have the same authority as that vested in the department or agency exercising such functions, powers, and duties immediately preceding their transfer, and his actions in exercising such functions, powers, and duties shall have the same force and effect as when exercised by such department or agency.

(e) Nothing in this Act shall be construed to authorize, without appropriate action by Congress, the adoption or revision of a national transportation policy. Nor shall the Secretary promulgate investment standards or criteria pursuant to section 7 of this Act which are contrary to or inconsistent with Acts of Congress relating to standards or criteria for transportation investments.

NATIONAL TRANSPORTATION SAFETY BOARD

SEC. 5. (a) There is hereby established within the Department a National Transportation Safety Board (referred to hereafter in this Act as "Board").

(b) There are hereby transferred to, and it shall be the duty of the Board to exercise, the functions, powers, and duties transferred to the Secretary by sections 6 and 8 of this Act with regard to—

(1) determining the cause or probable cause of transportation accidents and reporting facts, conditions, and circumstances relating to such accidents; and

(2) the review on appeal of the suspension, amendment, modification, revocation, or denial of any certificate or license issued by the Secretary.

(c) The Board is further authorized to—

(1) make such recommendations to the Secretary as, in its opinion, will tend to prevent transportation accidents;

(2) conduct special studies on matters pertaining to safety in transportation and the prevention of accidents;

(3) insure that in cases in which it is required to determine cause or probable cause, reports of investigation adequately state the circumstances of the accident involved. Where additional information is needed, the Board may require the Secretary to conduct further investigations or to take such other measures as are required in the opinion of the Board to insure development of all facts and circumstances surrounding the accident;

(4) make recommendations to the Secretary concerning policies, programs, and procedures for transportation safety, and rules, regulations, and procedures for the conduct of accident investigations;

(5) require the Secretary to initiate specific accident investigations as the Board determines to be necessary or appropriate;

(6) arrangement for the personal participation of members or other personnel of the Board in accident investigations conducted by the Department in such cases as it deems appropriate; and

(7) require from the Secretary notification of transportation accidents and reports of such accidents as the Board deems necessary.

(d) In the exercise of any of its functions, powers, and duties, the Board shall be independent of the Secretary and the other offices and officers of the Department, and shall give full consideration to the requirements imposed on the Secretary by section 4(b) of this Act.

(e) The Board shall report to the Congress two years after the effective date of this Act on the conduct of its functions under this Act and the effectiveness of accident investigations in the Department, together with such recommendations for legislation as it may deem appropriate. An interim report shall be submitted to the Congress one year after the effective date of this Act.

(f) The Board shall consist of five members to be appointed by the President, by and with the advice and consent of the Senate. Members of the Board shall be appointed with due regard to their fitness for the efficient discharge of the functions, powers, and duties vested in and imposed upon the Board, and may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(g) Members of the Board shall be appointed for terms of five years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term, and (2) the five members first appointed shall serve for terms (designated by the President at the time of appointment) ending on the last day of the first, second, third, fourth, and fifth calendar years beginning after the year of enactment of this Act. Upon the expiration of his term of office a member shall continue to serve until his successor is appointed and shall have qualified.

(h) The President shall designate from time to time one of the members of the Board as Chairman and one of the members as Vice Chairman, who shall act as Chairman in the absence or incapacity of the Chairman, or in the event of a vacancy in the office of the Chairman. The Chairman shall be the chief executive and administrative officer of the Board and shall exercise the responsibility of the Board with respect to (1) the appointment and supervision of personnel employed by the Board; (2) the distribution of business among the Board's personnel; and (3) the use and expenditure of funds. In executing and administering the functions of the Board on its behalf, the Chairman shall be governed by the general policies of the Board and by its decisions, findings, and determinations. Three of the members shall constitute a quorum of the Board.

(i) The Chairman of the Board shall be compensated at the rate provided for level IV of the Federal Executive Salary Schedule. Members of the Board shall be compensated at the rate provided for level V of such Schedule.

(j) The Board is authorized to establish such rules, regulations, and procedures as are necessary to the exercise of its functions.

(k) In carrying out its functions, the Board (or, upon the authorization of the Board, any member thereof or any hearing examiner assigned to or employed by the Board) shall have the same powers as are vested in the Secretary to hold hearings, sign

and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate.

(l) Subject to the proviso in section 701 (g) of the Federal Aviation Act of 1958 (72 Stat. 731, 49 U.S.C. 1441(g)), the Board may delegate to any officer or official of the Board or, with the approval of the Secretary, to any officer or official of the Department such of its functions as it may deem appropriate.

(m) Subject to the civil service and classification laws, the Board is authorized to select, appoint, employ, and fix compensation of such officers and employees, including attorneys and hearing examiners, as shall be necessary to carry out its powers and duties under this Act.

(n) The Board is authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of the Department and of other civilian or military agencies and instrumentalities of the Federal Government, and to cooperate with the Department and such other agencies and instrumentalities in the establishment and use of services, equipment, and facilities of the Board. The Board is further authorized to confer with and avail itself of the cooperation, services, records, and facilities of State, territorial, municipal, or other local agencies.

TRANSFERS TO DEPARTMENT

SEC. 6. (a) There are hereby transferred to and vested in the Secretary all functions, powers, and duties of the Secretary of Commerce and other offices and officers of the Department of Commerce under—

(1) the following laws and provisions of law relating generally to highways:

(A) Title 23, United States Code.

(B) The Federal-Aid Highway Act of 1962 (76 Stat. 1145, 23 U.S.C. 307 note).

(C) The Act of July 14, 1960 (74 Stat. 526, 23 U.S.C. 313 note).

(D) The Federal-Aid Highway Act of 1954 (68 Stat. 70).

(E) The Act of September 26, 1961 (75 Stat. 670).

(F) The Highway Revenue Act of 1956 (70 Stat. 387, 23 U.S.C. 120 note).

(G) The Highway Beautification Act of 1965 (79 Stat. 1028, 23 U.S.C. 131 et seq. notes).

(H) The Alaska Omnibus Act (73 Stat. 141, 48 U.S.C. 21 note prec.).

(I) The Joint Resolution of August 28, 1965 (79 Stat. 578, 23 U.S.C. 101 et seq. notes).

(J) Section 525(c) of the General Bridge Act of 1946 (60 Stat. 847, 33 U.S.C. 525(c)).

(K) The Act of April 27, 1962 (76 Stat. 59).

(L) Reorganization Plan No. 7 of 1949 (63 Stat. 1070, 5 U.S.C. 1332-15 note).

(2) the following laws and provisions of law relating generally to ground transportation:

(A) The Act of September 30, 1965 (79 Stat. 893, 49 U.S.C. 1631 et seq.).

(B) Section 8 of the Urban Mass Transportation Act of 1964 (78 Stat. 306, 49 U.S.C. 1607).

(3) the following laws and provisions of law relating generally to aircraft:

(A) The Act of September 7, 1957 (71 Stat. 629, 49 U.S.C. 1324 note).

(B) Section 410 of the Federal Aviation Act of 1958 (72 Stat. 769, 49 U.S.C. 1380).

(C) Title XIII of the Federal Aviation Act of 1958 (72 Stat. 800, 49 U.S.C. 1531 et seq.).

(4) the following law relating generally to pilotage: The Great Lakes Pilotage Act of 1960 (74 Stat. 259, 46 U.S.C. 216 et seq.).

(5) the following laws and provisions of law relating generally to the Merchant Marine:

(A) The Merchant Marine Act, 1920 (41 Stat. 988, 46 U.S.C. 861 et seq.).

(B) The Merchant Marine Act, 1928 (45 Stat. 689, 46 U.S.C. 891 et seq.).

(C) The Merchant Marine Act, 1936 (49 Stat. 1985, 46 U.S.C. 1101 et seq.).

(D) The Shipping Act, 1916 (39 Stat. 728, 46 U.S.C. 801 et seq.).

(E) The Merchant Ship Sales Act of 1946 (60 Stat. 41, 50 U.S.C. App. 1735 et seq.).

(F) The Maritime Academy Act of 1958 (72 Stat. 622, 46 U.S.C. 1381 et seq.).

(G) The Act of June 12, 1940 (54 Stat. 346, 46 U.S.C. 1331 et seq.).

(H) The United States Fishing Fleet Improvement Act (74 Stat. 212, 46 U.S.C. 1401 et seq.).

(I) The Act of September 14, 1961 (75 Stat. 514, 46 U.S.C. 1126b-1).

(J) The Act of June 13, 1957 (71 Stat. 73, 48 U.S.C. 1177a), to the extent it relates to operating-differential subsidies.

(K) The Act of June 2, 1951 (65 Stat. 59, 46 U.S.C. 1241a), to the extent it relates to the vessel operations revolving fund.

(L) The Act of July 24, 1956 (70 Stat. 605, 46 U.S.C. 249 et seq.).

(M) The Act of August 9, 1954 (68 Stat. 675, 50 U.S.C. 196 et seq.).

(N) Section 500 of the Transportation Act, 1933 (41 Stat. 499, 49 U.S.C. 142).

(O) Reorganization Plan No. 21 of 1950 (64 Stat. 1273, 46 U.S.C. 1111 note).

(P) Reorganization Plan No. 7 of 1961 (75 Stat. 840, 46 U.S.C. 1111 note).

(Q) Reorganization Plan No. 6 of 1949 (63 Stat. 1069, 46 U.S.C. 111 note).

(6) the following law to the extent it authorizes scientific and professional positions which relate primarily to functions transferred by this subsection: The Act of August 1, 1947 (61 Stat. 715, 5 U.S.C. 1161).

(b)(1) The Coast Guard is hereby transferred to the Department, and there are hereby transferred to and vested in the Secretary all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other officers and offices of the Department of the Treasury.

(2) Notwithstanding the transfer of the Coast Guard to the Department and the transfer to the Secretary of the functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other officers and offices of the Department of the Treasury, effected by the provisions of paragraph (1) of this subsection, the Coast Guard, together with the functions, powers, and duties relating thereto, shall operate as a part of the Navy, subject to the orders of the Secretary of the Navy, in time of war or when the President shall so direct, as provided in section 3 of title 14, United States Code.

(3) Notwithstanding any other provision of this Act, the functions, powers, and duties of the General Counsel of the Department of the Treasury set out in chapter 47 of title 10, United States Code (Uniform Code of Military Justice) are hereby transferred to and vested in the General Counsel of the Department.

(c)(1) There are hereby transferred to and vested in the Secretary all functions, powers, and duties of the Federal Aviation Agency, and of the Administrator and other officers and offices thereof.

(2) Nothing in this Act shall affect the power of the President under section 302(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1343(c)) to transfer, to the Department of Defense in the event of war, any functions transferred by this Act from the Federal Aviation Agency to the Secretary.

(d) There are hereby transferred to and vested in the Secretary all functions, powers, and duties of the Civil Aeronautics Board, and of the Chairman, members, officers, and offices thereof under the following provisions of law relating generally to aviation safety: Titles VI and VII of the Federal Aviation Act of 1958 (72 Stat. 776, 49 U.S.C. 1421 et seq.).

(e) There are hereby transferred to and vested in the Secretary all functions, powers, and duties of the Interstate Commerce Commission, and of the Chairman, members, officers, and offices thereof, under—

(1) the following laws relating generally to safety appliances and equipment on railroad engines and cars, and protection of employees and travelers:

(A) The Act of March 2, 1893 (27 Stat. 531, 45 U.S.C. 1 et seq.).

(B) The Act of March 2, 1903 (32 Stat. 943, 45 U.S.C. 8 et seq.).

(C) The Act of April 14, 1910 (36 Stat. 293, 45 U.S.C. 11 et seq.).

(D) The Act of May 30, 1908 (35 Stat. 473, 45 U.S.C. 17 et seq.).

(E) The Act of February 17, 1911 (36 Stat. 913, 45 U.S.C. 22 et seq.).

(F) The Act of March 4, 1915 (38 Stat. 1192, 45 U.S.C. 30).

(G) Reorganization Plan No. 3 of 1965 (79 Stat. 1320).

(H) Joint Resolution of June 30, 1906 (34 Stat. 838, 45 U.S.C. 35).

(I) The Act of May 27, 1903 (35 Stat. 325, 45 U.S.C. 36 et seq.).

(J) The Act of March 4, 1909 (35 Stat. 363, 45 U.S.C. 37).

(K) The Act of May 6, 1910 (36 Stat. 350, 45 U.S.C. 38 et seq.).

(2) the following law relating generally to hours of service of employees: The Act of March 4, 1907 (34 Stat. 1415, 45 U.S.C. 61 et seq.).

(3) the following law relating generally to medals for heroism: The Act of February 23, 1905 (33 Stat. 743, 49 U.S.C. 1201 et seq.).

(4) the following provisions of law relating generally to explosives and other dangerous articles: Sections 831-835 of title 18, United States Code.

(5) the following laws relating generally to standard time zones and daylight saving time:

(A) The Act of March 19, 1918 (40 Stat. 450, 15 U.S.C. 261 et seq.).

(B) The Act of March 4, 1921 (41 Stat. 1446, 15 U.S.C. 265).

(C) The Uniform Time Act of 1966 (80 Stat. 107).

(6) the following provisions of the Interstate Commerce Act—

(A) relating generally to car service: Sections 1(10), 1(11), 1(12), 1(13), 1(14)(a) (but not including establishment of the compensation to be paid for the use of any locomotive, car, or other vehicle not owned by any carrier using it), 1(15), 1(16), 1(17), 6(8), the final sentence of 15(4), 15(10), and 420 (49 U.S.C. 1 et seq. and 1020).

(B) relating generally to safety appliances methods and systems: Section 25 (49 U.S.C. 26).

(C) relating generally to investigation of motor vehicle sizes, weights and service of employees: Section 226 (49 U.S.C. 325).

(D) relating generally to facilities for car service: Section 1(21), except to the extent that it relates to extension of lines of common carriers (49 U.S.C. 1(21)).

(E) relating generally to qualifications and maximum hours of service of employees and safety of operation and equipment: Sections 204(a) (1) and (2), to the extent that they relate to qualifications and maximum hours of service of employees and safety of operation and equipment; and sections 204(a) (3), (3a), and (5) (49 U.S.C. 304).

(F) to the extent they relate to private carriers of property by motor vehicle and carriers of migrant workers by motor vehicle other than contract carriers: Sections 221(a), 221(c), and 224 (49 U.S.C. 321 et seq.).

(f)(1) Nothing in subsection (e) shall diminish the functions, powers, and duties of the Interstate Commerce Commission under section 1(6), 206, 207, 209, 210a, 212, and 216 of the Interstate Commerce Act (49 U.S.C. 1(6), 306 et seq.) or under any other

section of that Act not specifically referred to in the first paragraph of this subsection.

(2)(A) With respect to any function which is transferred to the Secretary by subsection (e) and which was vested in the Interstate Commerce Commission preceding such transfer, the Secretary shall have the same administrative powers under the Interstate Commerce Act as the Commission had before such transfer with respect to such transferred function. After such transfer, the Commission may exercise its administrative powers under the Interstate Commerce Act only with respect to those of its functions not transferred by subsection (e).

(B) For purposes of this paragraph—

(i) the term "function" includes power and duty, and

(ii) the term "administrative powers under the Interstate Commerce Act" means any functions under the following provisions of the Interstate Commerce Act: Sections 12, 13(1), 13(2), 14, 16(12), the last sentence of 18(1), sections 20 (except clauses (3), (4), (11), and (12) thereof), 204(a) (6) and (7), 204(c), 204(d), 205(d), 205(f), 220 (except subsection (c) and the proviso of subsection (a) thereof), 222 (except subsections (b) (2) and (b) (3) thereof), and 417(b) (1) (49 U.S.C. 12 et seq., 304 et seq., and 1017).

(g) There are hereby transferred to and vested in the Secretary all functions, powers, and duties of the Secretary of the Army and other officers and offices of the Department of the Army under—

(1) the following law and provisions of law relating generally to water vessel anchorages:

(A) Section 7 of the Act of March 4, 1915 (36 Stat. 1053; 33 U.S.C. 471).

(B) Article 11 of section 1 of the Act of June 7, 1897 (30 Stat. 98; 33 U.S.C. 180).

(C) Rule 9 of section 1 of the Act of February 8, 1895 (28 Stat. 647; 33 U.S.C. 258).

(D) Rule numbered 13 of section 4233 of the Revised Statutes (33 U.S.C. 322).

(2) the following provision of law relating generally to drawbridge operating regulations: Section 5 of the Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499).

(3) the following law relating generally to obstructive bridges: The Act of June 21, 1940 (54 Stat. 497; 33 U.S.C. 511 et seq.).

(4) the following laws and provisions of law relating generally to the reasonableness of tolls:

(A) Section 4 of the Act of March 23, 1906 (34 Stat. 85; 33 U.S.C. 494).

(B) Section 503 of the General Bridge Act of 1946 (60 Stat. 847; 33 U.S.C. 526).

(C) Section 17 of the Act of June 10, 1930 (46 Stat. 552; 33 U.S.C. 498a).

(D) The Act of June 27, 1930 (46 Stat. 821; 33 U.S.C. 498b).

(E) The Act of August 21, 1935 (49 Stat. 670; 33 U.S.C. 503 et seq.).

(5) the following law relating to prevention of pollution of the sea by oil: The Oil Pollution Act, 1961 (75 Stat. 402; 33 U.S.C. 1001 et seq.).

(6) the following laws and provision of law to the extent that they relate generally to the location and clearances of bridges and causeways in the navigable waters of the United States:

(A) Section 9 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401).

(B) The Act of March 23, 1906 (34 Stat. 84; 33 U.S.C. 491 et seq.).

(C) The General Bridge Act of 1946 (60 Stat. 847; 33 U.S.C. 525 et seq.).

(h) Notwithstanding any other provision of this Act, the transfer of functions, powers, and duties to the Secretary shall not include functions vested by the Administrative Procedure Act (60 Stat. 237; 5 U.S.C. 1001 et seq.) in hearing examiners employed by any agency or component thereof whose functions are transferred under the provisions of this Act.

TRANSPORTATION INVESTMENT STANDARDS

SEC. 7. (a) The Secretary shall develop and from time to time in the light of experience revise standards and criteria consistent with national transportation policies, for the formulation and economic evaluation of all proposals for the investment of Federal funds in transportation facilities or equipment, except such proposals as are concerned with (1) the acquisition of transportation facilities or equipment by Federal agencies in providing transportation services for their own use; (2) grant-in-aid programs authorized by law; (3) an interoceanic canal located outside the continental United States; (4) defense features included at the direction or upon official certification of the Department of Defense in the design and construction of civil air, sea, and land transportation; or (5) programs of foreign assistance. The standards and criteria developed by the Secretary shall be applicable to transportation features of water resource projects upon concurrence of the Water Resources Council and shall be compatible with the standards and criteria for economic evaluation applicable to non-transportation features of such projects. For purposes of considering such standards and criteria in relation to water resource projects, the Secretary shall be a member of the Water Resources Council. The Secretary shall, at a time selected by him, prior to the presentation of standards and criteria to the President for approval, publish a notice of proposed standards and criteria in the Federal Register and provide an opportunity for interested persons to present their views on them. The standards and criteria developed or revised pursuant to this subsection shall be promulgated by the Secretary upon their approval by the President.

(b) Every survey, plan, or report formulated by a Federal agency which includes a proposal as to which the Secretary has promulgated standards and criteria pursuant to subsection (a) shall be (1) prepared in accord with such standards and criteria and upon the basis of information furnished by the Secretary with respect to projected growth of transportation needs and traffic in the affected area, the relative efficiency of various modes of transportation, the available transportation services in the area, and the general effect of the proposed investment on the overall transportation system of the area, and on the regional and national economy; (2) coordinated by the proposing agency with the Secretary and, as appropriate, with other Federal agencies, States, and local units of government for inclusion of his and their views and comments; and (3) transmitted thereafter by the proposing agency for disposition in accord with law and procedures established by the President.

AMENDMENTS TO OTHER LAWS

SEC. 8. (a) Section 406(b) of the Federal Aviation Act of 1958 (72 Stat. 763, 49 U.S.C. 1376(b)), is amended by adding the following sentence at the end thereof: "In applying clause (3) of this subsection, the Board shall take into consideration any standards and criteria prescribed by the Secretary of Transportation, for determining the character and quality of transportation required for the commerce of the United States and the national defense."

(b) Section 201 of the Appalachian Regional Development Act of 1965 (79 Stat. 10, 40 U.S.C. App. 201) is amended as follows:

(1) The first sentence of subsection (a) of that section is amended by striking out "Commerce (hereafter in this section referred to as the 'Secretary')" and inserting in lieu thereof "Transportation".

(2) The last sentence of subsection (a) of that section is amended by inserting "of Transportation" after "Secretary".

(3) Subsection (b) of that section is amended by inserting "of Commerce" after "Secretary".

(4) Subsection (c) of that section is amended by striking out the first sentence and inserting in lieu thereof the following: "Such recommendations as are approved by the Secretary of Commerce shall be transmitted to the Secretary of Transportation for his approval."

(5) The second sentence of subsection (c) of that section is amended by inserting "of Transportation" after "Secretary".

(6) Subsection (e) of that section is amended by inserting "of Transportation" after "Secretary".

(7) Subsection (f) of that section is amended by striking out "Secretary determines", and inserting in lieu thereof "Secretary of Commerce and the Secretary of Transportation determine".

(8) Subsection (g) of that section is amended by inserting before the period at the end thereof the following: "to the Secretary of Commerce, who shall transfer funds to the Secretary of Transportation for administration of projects approved by both Secretaries".

(c) Section 206(c) of the Appalachian Regional Development Act of 1965 (79 Stat. 15, 40 U.S.C. App. 206(c)) is amended by inserting "Secretary of Transportation," after "Interior".

(d) Section 212(a) of the Interstate Commerce Act (49 Stat. 555, 49 U.S.C. 312(a)) is amended by striking out "of the Commission" the second, third, and fourth times those words occur.

(e) Section 13(b)(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1067, 29 U.S.C. 213(b)(1)) is amended by striking out "Interstate Commerce Commission" and inserting in lieu thereof "Secretary of Transportation".

(f) The second sentence of section 3 of the Federal Explosives Act (40 Stat. 385, 50 U.S.C. 123) is amended to read as follows: "This Act shall not apply to explosives or ingredients which are in transit upon vessels, railroad cars, aircraft, or other conveyances in conformity with statutory law or with the rules and regulations of the Secretary of Transportation."

ADMINISTRATIVE PROVISIONS

SEC. 9. (a) In addition to the authority contained in any other Act which is transferred to and vested in the Secretary, the Secretary is authorized, subject to the civil service and classification laws, to select, appoint, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to carry out the provisions of this Act and to prescribe their authority and duties.

(b) Notwithstanding any provision of this Act or other law—

(1) a member of the Coast Guard on active duty may be appointed, detailed, or assigned to any position in the Department other than Secretary, Under Secretary, and Assistant Secretary for Administration, and

(2) a retired member of the Coast Guard may be appointed to any position in the Department.

(c) The Secretary may obtain services as authorized by section 15 of the Administrative Expenses Act of 1946 (60 Stat. 810, 5 U.S.C. 55a), but at rates not to exceed \$100 per diem for individuals unless otherwise specified in an appropriation Act.

(d) The Secretary is authorized to provide for participation of military personnel in carrying out his functions. Members of the Army, the Navy, the Air Force, or the Marine Corps may be detailed for service in the Department by the appropriate Secretary, pursuant to cooperative agreements with the Secretary of Transportation.

(e) (1) Appointment, detail, or assignment to, acceptance of, and service in any appointive or other position in the Department under the authority of subsection (b) (1) or subsection (d) shall in no way affect status,

office, rank, or grade which officers or enlisted men may occupy or hold, or any emolument, perquisite, right, privilege, or benefit, incident to or arising out of any such status, office, rank, or grade nor shall any member so appointed, detailed, or assigned be charged against any statutory limitation on grades or strengths applicable to the armed forces. A person so appointed, detailed, or assigned shall not be subject to direction by or control by his armed force or any officer thereof directly or indirectly with respect to the responsibilities exercised in the position to which appointed, detailed, or assigned.

(2) The Secretary shall report annually in writing to the Congress on personnel appointed and agreements entered into under subsection (d) of this section, including the number, rank, and positions of members of the armed services detailed pursuant thereto.

(f) In addition to the authority to delegate and redelegate contained in any other Act, in the exercise of the functions transferred to or vested in the Secretary in this Act, the Secretary may delegate any of his functions, powers, and duties to such officers and employees of the Department as he may designate, may authorize, such successive delegations of such functions, powers, and duties as he may deem desirable, and may make such rules and regulations as may be necessary to carry out his functions, powers, and duties.

(g) The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of the Federal Aviation Agency, and of the head and other offices and offices thereof, are hereby transferred to the Secretary.

(h) So much of the positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available in connection with the functions, powers, and duties transferred by sections 6 (except section 6(c)), 8(d), and 8(e) of this Act as the Director of the Bureau of the Budget shall determine shall be transferred to the Secretary. Except as provided in subsection (i), personnel engaged in these functions, powers, and duties shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

(i) The transfer of personnel pursuant to subsections (g) and (h) of this section shall be without reduction in classification or compensation for one year after such transfer.

(j) In any case where all of the functions, powers, and duties of any office or agency, other than the Coast Guard, are transferred pursuant to this Act, such office or agency shall lapse. Any person who, on the effective date of this Act, held a position compensated in accordance with the Federal Executive Salary Schedule, and who, without a break in service, is appointed in the Department to a position having duties comparable to those performed immediately preceding his appointment shall continue to be compensated in his new position at not less than the rate provided for his previous position, for the duration of his service in his new position.

(k) The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interest of economy and efficiency in the Department, including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its agencies; central messenger, mail, telephone, and other communications

services; office space, central services for document reproduction, and for graphics and visual aids; and a central library service. The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized) and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such funds shall be reimbursed from available funds of agencies and offices in the Department, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund.

(1) The Secretary shall cause a seal of office to be made for the Department, and judicial notice shall be taken of such seal.

(m) In addition to the authority contained in any other Act which is transferred to and vested in the Secretary, and as necessary and when not otherwise available, the Secretary is authorized to provide for, construct, or maintain the following for employees and their dependents stationed at remote localities:

(1) Emergency medical services and supplies;

(2) Food and other subsistence supplies;

(3) Messing facilities;

(4) Motion picture equipment and film for recreation and training;

(5) Reimbursement for food, clothing, medicine, and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons; and

(6) Living and working quarters and facilities.

The furnishing of medical treatment under paragraph (1) and the furnishing of services and supplies under paragraphs (2) and (3) of this subsection shall be at prices reflecting reasonable value as determined by the Secretary, and the proceeds therefrom shall be credited to the appropriation from which the expenditure was made.

(n) (1) The Secretary is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Secretary of Transportation. Property accepted pursuant to this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

(2) For the purpose of Federal income, estate, and gift taxes, property accepted under paragraph (1) shall be considered as a gift or bequest to or for use of the United States.

(3) Upon the request of the Secretary, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund provided for in paragraph (1). Income accruing from such securities, and from any other property held by the Secretary pursuant to paragraph (1), shall be deposited to the credit of such fund, and shall be disbursed upon order of the Secretary of Transportation.

(o) (1) The Secretary is authorized, upon the written request of any person, or any State, territory, possession, or political subdivision thereof to make special statistical studies relating to foreign and domestic transportation, and other matters falling

within the province of the Department, to prepare from its records special statistical compilations, and to furnish transcripts of its studies, tables, and other records upon the payment of the actual cost of such work by the person or body requesting it.

(2) All moneys received by the Department in payment of the cost of work under paragraph (1) shall be deposited in a special account to be administered under the direction of the Secretary. These moneys may be used, in the discretion of the Secretary, and notwithstanding any other provisions of law, for the ordinary expenses incidental to the work and, or to secure in connection therewith the special services of persons who are neither officers nor employees of the United States.

(p) The Secretary is authorized to appoint, without regard to the civil service laws, such advisory committees as shall be appropriate for the purpose of consultation with and advice to the Department in performance of its functions. Members of such committees, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be paid compensation at rates not exceeding those authorized for individuals under subsection (c) of this section, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

CONFORMING AMENDMENTS TO OTHER LAWS

SEC. 10. (a) Section 19(d)(1) of title 3, United States Code, is hereby amended by inserting before the period at the end thereof the following: ", Secretary of Transportation".

(b) Section 159 of the Revised Statutes (5 U.S.C. 1) is amended by adding at the end thereof:

"Twelfth. The Department of Transportation."

(c) The amendment made by subsection (b) of this section shall not be construed to make applicable to the Department any provision of law inconsistent with this Act.

(d) Section 303 of the Federal Executive Salary Act of 1964 (78 Stat. 410, 5 U.S.C. 2211) is amended as follows:

(1) Subsection (a) of that section is amended by adding at the end thereof the following:

"(11) Secretary of Housing and Urban Development.

"(12) Secretary of Transportation."

(2) Subsection (c) of that section is amended by striking out "(6) Under Secretary of Commerce for Transportation" and inserting in lieu thereof "(6) Under Secretary of Transportation."

(3) Subsection (d) of that section is amended by adding at the end thereof the following:

"(70) Assistant Secretaries, Department of Transportation, (4).

"(71) General Counsel, Department of Transportation.

"(72) Chairman, National Transportation Safety Board, Department of Transportation."

(4) Subsection (e) of that section is amended by adding at the end thereof the following:

"(101) Assistant Secretary for Administration, Department of Transportation.

"(102) Members, National Transportation Safety Board, Department of Transportation (4)."

(5) Subsection (f) of that section is amended by striking out "thirty" and inserting in lieu thereof "thirty-nine".

(6) That section is further amended by adding at the end thereof the following new subsection:

"(h) The President is further authorized to place one position in level III."

(e) Subsections (b) (7), (d) (2), and (e) (12), (13), (14), (76), (82), and (89) of section 303 of the Federal Executive Salary Act of 1964 (78 Stat. 416, 5 U.S.C. 2211) are repealed.

(f) The Act of August 1, 1956 (70 Stat. 897, 46 U.S.C. 1241c), is amended by striking out the words "Secretary of Commerce" where they appear therein and inserting in lieu thereof "Secretary of Transportation".

(g) Section 1020 of title 13, United States Code, is amended by striking out "Secretary of Commerce" wherever it appears therein and inserting in lieu thereof "Secretary of Transportation".

(h) Subsection (1) of section 801 of title 10, United States Code, is amended by striking out "the General Counsel of the Department of the Treasury" and inserting in lieu thereof "the General Counsel of the Department of Transportation".

ANNUAL REPORT

SEC. 11. The Secretary shall, as soon as practicable after the end of each fiscal year, make a report in writing to the President for submission to the Congress on the activities of the Department during the preceding fiscal year.

SAVINGS PROVISIONS

SEC. 12. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective—

(A) under any provision of law amended by this Act, or

(B) in the exercise of duties, powers, or functions which are transferred under this Act,

by (i) any department or agency, any functions of which are transferred by this Act, or (ii) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect.

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary, Board, or General Counsel (in the exercise of any authority respectively vested in them by this Act), by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any department or agency (or component thereof), functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the department or agency before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary, Board, or General Counsel (in the exercise of any authority respectively vested in them by this Act), by a court of competent jurisdiction, or by operation of law.

(c) (1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered,

in the same manner and effect as if this Act had not been enacted.

No suit, action or other proceeding commenced by or against any officer in his official capacity of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions or other proceedings may be asserted by or against the United States or such official of the Department as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such department or agency is transferred to the Secretary, or

(B) any function of such department, agency, or officer is transferred to the Secretary,

then such suit shall be continued by the Secretary (except in the case of a suit not involving functions transferred to the Secretary, in which case the suit shall be continued by the department, agency, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function, power, or duty transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department or agency, officer or office so transferred or functions of which are so transferred shall be deemed to mean the officer or agency in which this Act vests such function after such transfer.

SEPARABILITY

SEC. 13. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

CODIFICATION

SEC. 14. The Secretary shall propose to the Congress within two years from the effective date of this Act, a codification of all laws that contain the powers, duties, and functions transferred to or vested in the Secretary or the Department by this Act.

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

SEC. 15. (a) This Act shall take effect ninety days after the Secretary first takes office, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Any of the officers provided for in section 3 or 5 of this Act may (notwithstanding subsection (a)) be appointed in the manner provided for in such sections, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in sections 5 and 10 of this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Department pursuant to this Act.

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

The motion was agreed to.

Accordingly, the Committee rose and the Speaker pro tempore [Mr. ALBERT] having assumed the chair, Mr. PRICE, 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. 15963) to establish a Department of Transportation, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE TO EXTEND

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD during the debate on this bill.

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

There was no objection.

H.R. 14026 WILL GIVE CONGRESS CHANCE TO FOLLOW PRESIDENT TRUMAN'S ADVICE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. PATMAN. Mr. Speaker, earlier today I commented on President Harry Truman's excellent and timely warning on high interest rates.

President Truman has spoken out clearly in the public interest. As usual, he has left no doubt about his position.

I hope that this Congress will follow the lead of President Truman and speak out as clearly against high interest rates.

Soon, the House of Representatives will take up H.R. 14026, which sets a 4½-percent ceiling on certificates of deposit of under \$100,000. This is a bill which will determine whether or not this Congress is truly interested in lower interest rates. When this legislation is voted on, I hope the Democrats on this floor will consider carefully the words of President Truman.

Mr. Speaker, I place in the RECORD the text of President Truman's remarks on interest rates as well as a front page story from the New York Times commenting on the statement.

The articles follow:

TEXT OF STATEMENT BY TRUMAN ON INCREASE IN INTEREST RATES

KANSAS CITY, Mo., August 28.—In response to the many kind and warm messages, expressing concern about my recent illness, I am glad to report that I am making satisfactory progress and expect that in the coming weeks I shall be able to resume my daily office routine.

In the meantime, I have tried to keep up with the news of the world, as best I could. There was little comfort for me in what I read.

There is a matter about which I am so deeply concerned that I feel it has become necessary for me to speak out.

A drastic increase in interest rates has been imposed on the American economy. A warning is current that higher rates are yet to come. We are told that this action was necessary in order to forestall inflation.

Of course, no one wants runaway inflation. But, I think it is fair to say that that kind of inflation is no longer possible in the United States.

What is more likely to happen is that we will bring on a precipitous deflation, if we persist in high interest practices. The result could be a serious depression.

These higher interest rates were in fact an added burden on all governments—Federal, state and local. The added interest costs end up as a further tax on the consumer.

We know from long experience that a drastic rise in interest rates works a hardship on the consuming public. It only benefits the privileged few.

We have had problems with the nation's money management through many critical periods in our history. Measures had to be taken by the Government to correct recurring abuses.

The nation's monetary structure was reorganized to be administered in the public interest through the Federal Reserve System. I am led to ask: "Is it being so administered now? Is it in the true sense a Federal system?"

During my Administration, we faced a similar threat of an arbitrary raise in the rates of interest. This was at the time of the Korean conflict.

I received notice of an impending move to confront the Government with a demand for higher interest rates of Treasury Bond issues, as well as certain other restrictive conditions, to be imposed by the Federal Reserve on the Treasury.

This would have meant an imposition of an additional nonproductive tax burden on the public—and we rejected it. The Government prevailed.

I rarely, these days, take up my pen to make comment on matters which I am confident are receiving the concern and attention of the Administration. But, I thought that this was a matter which had reached a point where it became necessary for me to speak. There is yet time to remedy the situation.

TRUMAN DISCERNES PERIL TO ECONOMY IN RISING INTEREST—DECLARES RUNAWAY INFLATION IS NO LONGER POSSIBLE—FEARS SHARP DEFLATION—WARNS OF A DEPRESSION—FORMER PRESIDENT, IN A RARE PUBLIC STATEMENT, ASSERTS HIGH RATES BENEFIT FEW

KANSAS CITY, Mo., August 28.—Former President Harry S. Truman issued a public statement today expressing alarm about rising interest rates. He warned that they could lead to "a serious depression."

"I rarely, these days, take up pen to make comment on matters which I am confident are receiving the concern and attention of the Administration," Mr. Truman said.

"But I thought that this was a matter which had reached the point where it became necessary for me to speak. There is yet time to remedy the situation."

Mr. Truman said, "A drastic increase in interest rates has been imposed on the American economy. A warning is current that higher rates are yet to come. We are told that this action was necessary in order to forestall inflation."

PRECIPITOUS DEFLATION

"Of course, no one wants runaway inflation," he went on. "But I think it is fair to say that that kind of inflation is no longer possible in the United States."

"What is more likely to happen," Mr. Truman said, "is that we will bring on a precipitous deflation if we persist in high interest practices. The result could be a serious depression."

David Noyes, a longtime friend and adviser to Mr. Truman, distributed the statement to newsmen at the Muehlebach Hotel. Mr. Noyes said Mr. Truman had worked on the statement for the last three days. Mr. Truman was not present when the statement was issued.

Higher interest rates are an added burden on all Governments—Federal, state and

local—and eventually end up as a further tax on the consumer, the statement said.

"We know from long experience that a drastic rise in interest rates works a hardship on the consuming public," Mr. Truman declared. "It only benefits the privileged few."

"The nation's monetary structure was reorganized to be administered in the public interest through the Federal Reserve System," he said. "I am led to ask: 'Is it being so administered now? Is it in the true sense a Federal system?'"

Mr. Truman said that during his Administration the nation faced "a similar threat of an arbitrary rise in the rates of interest."

"This was at the time of the Korean conflict. I received notice of an impending move to confront the Government with a demand for higher interest rates on Treasury bond issues as well as certain other restrictive conditions, to be imposed by the Federal Reserve on the Treasury. This would have meant an imposition of an additional nonproductive tax burden on the public—and we rejected it. The Government prevailed."

The former President said rising interest rates were "a matter about which I am so deeply concerned that I feel it has become necessary for me to speak out."

HIGH INTEREST RATES FAIL TO CURB INFLATION

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

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

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, we are all aware of the crisis existing in the economy today due to the increasing high rates of interest caused by the Federal Reserve Board action of last December 6.

I would like to bring to the attention of the Members an excellent article that appeared in Sunday's—August 28—Washington Post by the financial correspondent, Hobart Rowen, which outlines very clearly the reasons why the highest interest rates in 40 years have had little effect in dampening the economy. Mr. Rowen feels that economic textbooks will have to be rewritten because of the unexpected effects of Federal Reserve tight money policy. The results of the Fed's action in raising regulation Q and the discount rate have amazed everyone at the Federal Reserve Board and most economists too.

If the Fed had listened to our distinguished chairman of the House Banking and Currency Committee, the gentleman from Texas, WRIGHT PATMAN, there would have been no amazement at the Fed or by our distinguished economists. The gentleman from Texas has always believed, and stated in the hearings held by the Joint Economic Committee in December 1965, that higher interest rates help very few and create serious disturbances and difficulties within the economy. A high interest rate policy does nothing but pull our economy into recession, as was witnessed in the late 1950's by the Fed-caused recessions. To quote Mr. Rowen:

Higher interest rates have simply enhanced businessmen's appetites to borrow money to

Congressional Record

(excerpt)

July 30, 1966

**House of Representatives –
amendment debate and passage
votes on the Department of
Transportation Act, H.R. 15963
(89th Congress).**

and those who rely on its services. The bill will produce a substantial portion of the revenue contemplated by the Post Office Department in its original proposal. It will eliminate the discrimination between first-class post offices in present law based on the distance of shipment. It will guarantee to REA Express and others in the small parcel delivery business that adjustment to these changes can be affected over a 5-year period. It will permit financially realistic parcel post operations without either unreasonably subsidizing the parcel post or seriously endangering the continued operations of private express companies.

Mr. Speaker, I cannot too strongly emphasize the importance of the statements I have read from the Senate committee report. I believe these principles to be key factors in the successful operation and administration of the compromise agreement represented by the Senate amendments.

The committee of the House sincerely trusts that the Interstate Commerce Commission and the Civil Aeronautics Board will take into consideration the facts I have explained.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

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

There was no objection.

Mr. DERWINSKI. Mr. Speaker, further reserving the right to object, will the gentleman clarify one aspect of the Senate bill?

The Senate bill established a Commission to be known as the Advisory Commission on Parcel Distribution Services. It is rather vague in its membership. It merely states this will be composed of five members to be appointed by the President.

Could the gentleman advise us as to whether this would be a bipartisan Commission, and what possible background knowledge or experience the members would possess, and from what sources the President would draw his appointees?

Mr. OLSEN of Montana. I would expect that the President would draw his appointees from experienced people in the field of transporting parcel post, either from the Post Office Department or private agencies such as parcel delivery and the Railway Express Agency.

I must say that this proposal of the Commission to investigate is substantially the same proposal as made by our colleague, the gentleman from Pennsylvania [Mr. CORBETT] in our Committee on Post Office and Civil Service. Certainly on this side we very greatly welcome the adoption of this proposal.

Mr. DERWINSKI. Mr. Speaker, further reserving the right to object, I wish to point out to the Members of the House that this bill, coming from the other body, reflected a rare act of statesmanship which we often do not find on the other side of the Halls of Congress.

Am I correct in stating that this bill is accepted by the Post Office Department, by the Brotherhood of Railway Clerks, by the Railway Express Agency, and, we

hope, by all interested and concerned parties?

Mr. OLSEN of Montana. I thank the gentleman. I agree with him wholeheartedly and completely.

Mr. DERWINSKI. Mr. Speaker, further reserving the right to object—and I shall not object—I should like, for the sake of the Record, to emphasize that this is as good a compromise as was available on this subject. We hope there will be a good, hard look through this Commission at the parcel post system and its possible ill effects on all privately operated carriers.

Again I commend the Members of the other body and the Postmaster General for having a fair and scholarly attitude on this bill as it finally comes to us.

So far as I know, Mr. Speaker, there are no objections to the unanimous-consent request. I withdraw my reservation.

Mr. OLSEN of Montana. I agree with the gentleman from Illinois.

Mr. GETTYS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. DULSKI] may extend his remarks at this point in the Record.

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

There was no objection.

Mr. DULSKI. Mr. Speaker, I want to congratulate my colleagues for bringing the Senate amendments before the House for concurrence.

I consistently maintained during both the committee and the House deliberations on the parcel post legislation that we were going too far too fast. I was convinced that private business should be afforded a more reasonable time during which they could make any adjustments that may be required by this legislation.

I was convinced that the maximum size and weight limits should be spread over a period of time, suggesting a minimum period of 3 years, to be accompanied by a general increase in rates.

I offered two amendments, which were rejected during our committee deliberations, to carry out these recommendations. My amendments would have increased the size from 72 to 85 inches, the weight from 20 to 30 pounds, and a rate increase of 10 cents per package.

I feel highly elated that the Senate amendments, with the graduated increases over a period of 5 years, are substantially identical to the amendments I recommended.

I am now convinced that the bill, as amended by the Senate, will meet the needs of the postal service and obviously does not place unreasonable burdens on the private express companies or the private labor groups.

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

DEPARTMENT OF TRANSPORTATION ACT

Mr. HOLIFIELD. 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. 15963) to establish a Department of Transportation, and for other purposes.

The SPEAKER. The question is on the motion of the gentleman from California.

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. 15963, with Mr. PRICE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday it had agreed that the bill would be considered as read and open for amendment at any point.

The Clerk will report the first committee amendment as printed in the reported bill.

Mr. HOLIFIELD. Mr. Chairman, would it be in order to withhold consideration of the committee amendments for a simple statement to the Members of the House?

If so, I move to strike the last word.

Mr. Chairman, I am taking this time to say a few words as to the procedure this afternoon. First I wish to say that both the minority and the majority managers of the bill wish to conclude consideration of this bill this afternoon.

We have spent a real long time here. This matter has been rescheduled and we have been interrupted by conference reports, and so forth. The consideration of this matter has stretched out now for about 10 days, and we would like to finish it today.

In an effort to bring about a final vote I have had conferences with the managers on the minority side of the bill. Agreements have been reached on the bill. Agreements have been reached on the acceptance of certain amendments from members of the minority, Mr. ERLBORN, Mr. DWYER, and Mr. CLARENCE J. BROWN, JR. Also agreement has been reached with Mr. HENDERSON of the Committee on Post Office and Civil Service, to perfect a section of the bill pertaining to dual compensation. I may say that we accepted other amendments which are in the bill suggested by Mr. HENDERSON, but this was an amendment which came up after we had a printed bill, or a clean bill.

Also there is an agreement to accept an amendment by both the majority and minority which will be presented by Mr. KLUCZYNSKI, of the Committee on Public Works, which will confirm action already taken by the House in the last few days on the highway safety bill which we recently passed, and which passed the other body. There will be committee amendments, of course, which are mainly technical in nature, such as the renumbering of sections and paragraphs. Of course there are some

amendments that will be offered which are controversial and which will require debate.

If the Members will cooperate by maintaining a quorum and if unnecessary quorum calls are not called for, we will proceed as expeditiously as possible to finish the bill and to do everything in our power to conclude it as quickly as possible, because we know that the Members have other business to attend to. That is all I have to say at this time.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 8, insert after line 7 of the following: "(d) Except as otherwise provided by statute, the Board shall make public all reports, orders, decisions, rules, and regulations issued pursuant to sections 5(b)(1) and 5(b)(2); and the Board shall also make public—

"(1) every recommendation made to the Secretary,

"(2) every special study conducted, and

"(3) every action of the Board requiring the Secretary to take action pursuant to section 5(c)(1), (2), (3), (4), (5), or (7)."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

Page 8, line 8, strike out "(d)" and insert in lieu thereof "(e)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 8, line 13, strike out "(e)" and insert in lieu thereof "(f)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 8, beginning on line 13, strike out "two years after the effective date of this Act" and insert in lieu thereof "annually".

The committee amendment was agreed to.

Mr. HOLIFIELD. Mr. Chairman, I ask unanimous consent that the rest of the committee amendments which are technical in nature be considered en bloc.

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

There was no objection.

The Clerk read the remainder of the committee amendments, as follows:

Page 8, beginning on line 17, strike out "An interim report shall be submitted to the Congress one year after the effective date of this Act."

Page 8, line 20, strike out "(f)" and insert in lieu thereof "(g)".

Page 9, line 3, strike out "(g)" and insert in lieu thereof "(h)".

Page 9, line 14, strike out "(h)" and insert in lieu thereof "(i)".

Page 10, line 6, strike out "(i)" and insert in lieu thereof "(j)".

Page 10, line 10, strike out "(j)" and insert in lieu thereof "(k)".

Page 10, line 13, strike out "(k)" and insert in lieu thereof "(l)".

Page 10, line 20, strike out "(l)" and insert in lieu thereof "(m)".

Page 10, line 21, strike out "731" and insert in lieu thereof "782".

Page 11, line 1, strike out "(m)" and insert in lieu thereof "(n)".

Page 11, line 6, strike out "(n)" and insert in lieu thereof "(o)".

Page 16, line 9, insert before "49 U.S.C. 1343(c)" the following: "72 Stat. 746."

Page 16, line 18, strike out "776" and insert in lieu thereof "775".

Beginning on page 18, strike out line 24 and all that follows down through line 5 on page 19.

Page 19, line 6, strike out "(B)" and insert in lieu thereof "(A)".

Page 19, line 8, strike out "(C)" and insert in lieu thereof "(B)".

Page 19, strike out line 11 through 14.

Page 19, line 15, strike out "(E)" and insert in lieu thereof "(C)".

Page 19, line 22, strike out "(F)" and insert in lieu thereof "(D)".

Page 20, beginning on line 8, strike out "the first paragraph of this subsection" and insert in lieu thereof "subsection (c)".

Page 24, beginning on line 6, strike out "or (5)" and all that follows down through line 14, and insert in lieu thereof "(5) programs of foreign assistance; or (6) water resource projects. The".

Page 27, line 20, strike out "385" and insert in lieu thereof "386".

Page 34, line 19, insert after "and" the following: "special statistical studies relating to".

The committee amendments were agreed to.

AMENDMENTS OFFERED BY MR. ERLBORN

Mr. ERLBORN. Mr. Chairman, I offer two amendments and ask unanimous consent that they be considered en bloc.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. ERLBORN: On pages 23 through 25, delete section 7 and renumber the subsequent sections accordingly.

On page 6, delete the sentence that begins on line 12 and ends on line 16.

Mr. ERLBORN. Mr. Chairman, these two amendments, being considered en bloc, if adopted, would strike section 7 of the bill. Now, Mr. Chairman, section 7 of this bill is probably the most controversial part of the bill.

Mr. Chairman, I have reached agreement with the gentleman from California [Mr. HOLIFIELD] to the effect that this amendment should be adopted, striking section 7 and the reference to section 7 in prior section 4 of the bill.

Mr. Chairman, I believe, without any question, the elimination of section 7 from this bill will make it more acceptable to the Members of the Committee of the Whole House on the State of the Union.

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

Mr. ERLBORN. I shall be happy to yield to the distinguished gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, section 7 was written into the bill in order to express the principle of good govern-

ment and good administration; namely, that where large Federal investments are required, standards and criteria should be developed for prudent investment and wise, balanced allocation of resources. Section 7 is not, as some have suggested, a "power grab" on the part of the President or the administration; it is, as I said, good administration, and commonsense. The commonsense of the matter is that we want some yardsticks to measure benefits against costs, to insure that Federal funds respond to urgent needs in some ordering of priorities. Formulation of standards and criteria for Federal investment simply denote the need for careful budgeting and funding decisions which will insure that we are making the best use of the taxpayers' dollars.

Unfortunately, section 7 has become a big subject of argument which stretches way beyond issues in the case. The authority of the Secretary of Transportation to formulate standards and criteria was qualified in the original bill by four exceptions, and further qualified by two other exceptions written into the bill by the committee. These exceptions have narrowed the area in which the Secretary could formulate standards and criteria for the investment of Federal funds.

In my opinion, nothing we can write into a bill will or should limit the power of the President to consult any of his department or agency heads, and upon their advice or otherwise, to set up standards and evaluate projects, and make such recommendations to the Congress as he sees fit. Nevertheless, I understand that a large number of amendments will be proposed if section 7 remains. It seems preferable rather than take the time of the House to debate 10 or 15 amendments on a section of the bill which already has been narrowed down to eliminate the section entirely.

Accordingly, I will accept the gentleman's amendments to strike section 7 from the bill and ask unanimous consent to revise and extend my remarks at this point in the RECORD.

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

The amendments were agreed to.

AMENDMENT OFFERED BY MR. ERLBORN

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

The Clerk read as follows:

Amendment offered by Mr. ERLBORN: On page 4, after the period on line 11, add the following new section:

"The Commandant of the Coast Guard shall also report directly to the Secretary."

The CHAIRMAN. The gentleman from Illinois is recognized in support of his amendment.

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

Mr. ERLBORN. I will be happy to yield to the gentleman.

Mr. HOLIFIELD. Mr. Chairman, this is a good amendment. It is what I think would have happened anyway and I have no objection to having it spelled out in the bill. I, therefore, have no objection

to the amendment and I accept the amendment.

Mr. ERLBORN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. ERLBORN].

The amendment was agreed to.

Mr. HOLIFIELD. Mr. Chairman, upon the advice of counsel, I ask unanimous consent that the amendment just adopted be moved to section 6(b)(1) on page 15, following line 23.

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

Mr. ERLBORN. Mr. Chairman, I have no objection.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

AMENDMENT OFFERED BY MRS. DWYER

Mrs. DWYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. DWYER: On page 5, line 9, insert after the period the following: "The Secretary and the Secretary of Housing and Urban Development shall study and report within one year after the effective date of this Act to the President and the Congress on the logical and efficient organization and location of urban mass transportation functions in the executive branch."

The CHAIRMAN. The gentlewoman from New Jersey [Mrs. DWYER] is recognized in support of her amendment.

Mrs. DWYER. Mr. Chairman, it is obvious to everyone who lives in an urban area that a close relationship exists between urban mass transportation and other forms of transportation. Yet, we are doing nothing in this bill to assure effective coordination in this area.

Today, the great majority of the people in the United States live in metropolitan areas. This results in the need for large numbers of people to travel cheaply and efficiently within these areas in order to shop, to get to their jobs, to seek recreation, and to engage in the many other tasks of daily life. Yet, we have failed to provide them with adequate urban mass transit. This has resulted in perhaps the greatest transportation problem facing the Nation today.

In city after city, individuals, especially those of limited means, are subject to hardship and discomfort because of the absence of adequate mass transportation. This, in turn, has led to imbalance and damage to central city and suburban areas. In addition, this has produced overcrowded highways, irrational use of scarce land, high cost of transportation, and many other detrimental conditions.

Every effort must be taken to correct this glaring deficiency.

But, here we are creating a Department of Transportation without in any way taking cognizance of the urban mass transportation problem. Some believe that the existing mass transit program should remain in the Department of Housing and Urban Development. Others believe it should be transferred to this Department of Transportation. While both of these views have merit, it does

not seem overly significant whether the responsibility is located in HUD or in the new Department. What is important, however, is that adequate provision be made for the effective coordination of balanced transportation programs in urban areas.

Therefore, it is deeply troubling to note that under this legislation before us the overall responsibility is located in neither Department and there is no assurance that such responsibility will soon be established.

The President, in his transportation message, indicates that the Secretaries of the two Departments will review this matter for a year and then report their conclusions. But, there is nothing in this legislation which requires that a final decision be made within a year or that a decision, when made, will assure a logical and efficient location for urban mass transportation in the resulting organizational structure.

I, therefore, offer this amendment, Mr. Chairman, to require that the study and report be concluded within 1 year and that a logical and efficient organization and location within the executive branch be recommended for urban mass transportation.

Mr. Chairman, I urge adoption of the amendment.

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

Mrs. DWYER. I will be happy to yield to the gentleman.

Mr. HOLIFIELD. Mr. Chairman, the gentlewoman from New Jersey [Mrs. DWYER] has conferred with the majority and the minority managers on the bill and we believe that this is a constructive amendment. We also believe it will carry out the intent of the administration witnesses who appeared and testified before us. We have no objection to it being included in the bill. I, therefore, accept the amendment and thank the gentlewoman from New Jersey [Mrs. DWYER] for her cooperation.

Mrs. DWYER. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Jersey [Mrs. DWYER]. The amendment was agreed to.

AMENDMENT OFFERED BY MR. CLARENCE J. BROWN, JR.

Mr. CLARENCE J. BROWN, JR. Mr. Chairman, I have two conforming amendments to offer in view of the action of the committee in striking out section 7, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. CLARENCE J. BROWN, JR.: On page 2, insert after the word "recommend" on line 18 the following words "to the President and Congress for approval".

On page 5, line 1, after the word "their" insert the words "consideration and".

The CHAIRMAN. The gentleman from Ohio [Mr. CLARENCE J. BROWN, JR.] is recognized in support of his amendments.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman from Ohio yield?

Mr. CLARENCE J. BROWN, JR. I am happy to yield to the gentleman.

Mr. HOLIFIELD. Mr. Chairman, I want to say that the gentleman from Ohio [Mr. CLARENCE J. BROWN, JR.] has conferred with both the majority and the minority managers. These are two amendments which conform to the general purpose of the bill. I therefore, accept the amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Ohio [Mr. CLARENCE J. BROWN, JR.].

The amendments were agreed to.

Mr. CLARENCE J. BROWN, JR. Mr. Chairman, I ask unanimous consent to extend my remarks at this point.

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

There was no objection.

Mr. CLARENCE J. BROWN, JR. Mr. Chairman, the purpose of these amendments should be developed. It is to make very clear that the Secretary in his functions of recommending national transportation policies is obliged to return to the Congress for approval or consideration of the action to be taken on these recommendations.

AMENDMENT OFFERED BY MR. HARSHA

Mr. HARSHA. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. HARSHA: On page 23, following line 13, insert the following new subsection and reletter subsection "(h)" as subsection "(i)":

"(h) Notwithstanding the transfer of the functions, powers, and duties to the Secretary under subsection (g), the Secretary shall not exercise any function, power, or duty under subsections (g) (2), (3), (4) (A), and (6), relating to the operation of drawbridges, the obstruction of bridges, and the location and clearances of bridges and causeways, until he obtains the concurrence of the Secretary of the Army."

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HARSHA. Mr. Chairman, under existing law, the Secretary of the Army, acting through the Chief of Engineers, is responsible for investigations and improvements of rivers, harbors, and other waterways and for prevention of obstructions to the navigable capacity of such waters—section 540, title 33, United States Code. Also, existing law prohibits the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty, or other structures in any navigable water of the United States, or to excavate or fill, or in any manner alter a course, location, condition, or capacity of any such water, except on plans recommended by the Chief of Engineers and authorized by the Secretary of the Army—section 403, title 23, United States Code. All of these functions, powers, and duties will remain with the Secretary of the Army after enactment of H.R. 15963.

Under the provisions of this bill, however, certain functions of the Secretary of the Army relating to drawbridge operating regulations, obstructive bridges,

and the location and clearance of bridges and causeways are transferred to the Secretary of Transportation. In spite of the transfer of this authority to the Secretary of Transportation, we continue to require the Secretary of the Army to exercise the authority under section 502 of title 33, United States Code, to prosecute criminally all who impede the navigability of waterways through bridge obstructions.

This borders on the ridiculous unless the Secretary of the Army has some authority with respect to bridge clearances in the first instance. My amendment provides that the Secretary of Transportation shall not exercise any functions without first obtaining the concurrence of the Secretary of the Army.

Since the Secretary of the Army is the Federal official primarily responsible for preserving and improving the navigability of the waters of the United States, it is logical that his concurrence should be obtained before action is taken by the Secretary of Transportation relative to the operation of drawbridges, the location and clearance of new bridges and causeways to be constructed, and the elimination of obstructions created by existing bridges.

If this is not done, action taken by the Secretary of Transportation in this limited area may be inconsistent with action taken or being contemplated by the Secretary of the Army with respect to the planning and construction of projects for navigation improvement of the waterway or the issuance of permits for the construction of other facilities on the waterway.

My amendment would not deny or take away from the Secretary of Transportation those functions that the bill would transfer to him, but in the interest of the free flow of commerce on our navigable waters it would require him to coordinate with the Secretary of the Army and, in turn, to benefit from the expertise, specialized knowledge, and experience of the Corps of Engineers in this field.

Mr. Chairman, I urge adoption of my amendment.

Mr. HOLIFIELD. Mr. Chairman, I rise in opposition to the amendment. On April 7, Lt. Gen. William F. Cassidy, Chief of Engineers, Corps of Engineers, of the U.S. Army, appeared before the committee. I read from his testimony, carried on page 102—part 1—of the hearings as follows:

The regulatory functions that would be transferred to the new Department under section 6(f) include the authority to regulate the location of vessels at anchor, to prescribe drawbridge operating regulations, to require alteration of existing bridges considered to be unreasonably obstructive to navigation, to review and determine reasonableness of tolls charged for crossing bridges, to administer the act for the prevention of the pollution of the sea by oil, and to control the location and clearances of bridges over navigable waters. These are considered to be proper functions of the contemplated Department of Transportation and their transfer would be in accord with accepted tenets of good organization and administrative management.

Mr. Chairman, I recognize that the intent of the gentleman's amendment is good, but in my opinion this would create

confusion from an administrative standpoint. We have had the head of the Army Corps of Engineers, the man who has charge of these functions, testify before the committee that this is a proper function of the new Secretary of Transportation.

Therefore, I ask that the amendment be voted down.

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

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

Mr. HARSHA. Mr. Chairman, I am not trying to take these functions we are transferring to the Secretary of Transportation away from him. I go along with the statement of the gentleman that these are proper functions for the Secretary of Transportation to have within his jurisdiction. But, because of the problems involved in prosecuting the violation of these, and because the responsibility for the navigability of the waters of the country rests on the Corps of Engineers, it would seem to me it would be proper that before any changes in these regulations are made by the Secretary of Transportation, he should correlate these with the same body that is responsible for the prosecution and for insuring the navigability of these streams. That is the intent of my amendment.

Mr. HOLIFIELD. Mr. Chairman, I understand the intent of the gentleman's amendment, but it brings in another administrative body. It would cause delay in putting through programs.

There is no doubt in my mind that there will be informal conferences with the people who are involved. I cannot conceive of a responsible Secretary of a Cabinet-level department going in and upsetting the procedures of the Army. Therefore, I believe that the amendment is unnecessary and I believe that good administrative management and the tenets of good organization require us to leave this in the hands of the Secretary of this Cabinet-level department. I therefore ask that it be voted down.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Ohio [Mr. HARSHA].

The question was taken, and on a division (demanded by Mr. HARSHA) there were—ayes 16, noes 35.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. CRAMER

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

The Clerk read as follows:

Amendment offered by Mr. CRAMER: On page 5, line 6, strike out the word "and".

On page 5, line 9, strike out the period and insert in lieu thereof a semicolon, and add the following: "and consult and cooperate with State and local governments, carriers, labor, and other interested parties, including, when appropriate, holding informal public hearings."

Mr. CRAMER. Mr. Chairman, the objective of my amendment is to conform the language of this legislation to establish a Department of Transportation to the principles and congressional intent embodied in the language con-

tained in the act of last year, Public Law 89-174, which established the Department of Housing and Urban Development. The language of section 3(b) of the HUD Act states:

The Secretary shall, among his responsibilities, * * * consult and cooperate with State Governors and State agencies, including, when appropriate, holding informal public hearings * * *.

This amendment will conform the language of this legislation before us today to establish a Department of Transportation to that language of last year's act which established the Department of Housing and Urban Development.

I believe this additional language is essential for the proper exercise of responsibility by the new Secretary. In the declaration of purpose of the bill before us it is stated in section 2 thereof, on page 2, lines 12 through 14 thereon, that the Congress finds that the establishment of the Department of Transportation is necessary in the public interest and that it wishes among other things "to encourage cooperation of Federal, State, and local governments, carriers, labor, and other interested parties toward the achievement of national transportation objectives."

What my amendment does is to write into section 3, a legislative section of the bill concerning the powers and requirements of the Secretary of Transportation, the policy statement already contained in this bill in section 2 as well as a legislative statement, intent, and requirement similar to that contained in the Housing and Urban Development Act. I consider it very important that the requirement for consultation and cooperation with State and local governments and other interested parties by the Secretary of one Department be also placed upon the Secretary of another Department in the public interest.

My amendment would require the new Secretary to consult and cooperate with State and local governments, carriers, labor, and other interested parties, including, whenever appropriate, the holding of informal public hearings, meaning he must at least have a meeting with them to discuss pertinent matters before taking decisive action on such matters.

I hope this amendment will be accepted. This is important for the orderly growth of all modes of transportation covered in this act, and particularly the highway program. Historically there has been excellent cooperation with the State and local governments by the Secretary of Commerce and the Bureau of Public Roads. Federal-aid highway programs have traditionally been planned and worked out on a partnership basis. I should like to see Federal-State-local partnership preserved in the Federal-aid highway program and strongly encouraged in all other appropriate transportation systems.

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

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

Mr. HOLIFIELD. The distinguished gentleman from Florida has consulted with me on this amendment. I believe

it is in harmony with the intent and purpose of the act and the declaration of purpose, where we do ask for consultation with local people. It is the exact wording which is in the act creating the Department of Housing and Urban Development. Therefore, I accept the amendment.

Mr. CRAMER. I thank the gentleman from California.

Mr. Chairman, the effective cooperation between the Federal Government and State and local governments, particularly as they pertain to the highway program, has been long-standing. It was only recently that I received assurance from the Federal Highway Administrator that the States would be consulted, and I hope fully, in the formulation of the "After 1972 Study" of future highway needs, the report on which is to be submitted to the Congress in 1968. I hope that this same assurance will continue with the reorganization of the agencies as provided for in this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. REID of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REID of New York: On page 5, line 4, after the semicolon, insert the following: "Gather, maintain, and keep the President fully advised of information regarding the status of labor-management contracts and other labor-management problems, and assist in promoting industrial harmony and stable employment conditions in all modes of transportation;"

Mr. REID of New York. Mr. Chairman, this amendment was developed by the distinguished gentleman from New York [Mr. HORTON]. Were he present, he would offer it. By direction of the Speaker, he is representing this body at the dedication of Knesset in Israel. Therefore, I offer it.

I have consulted with the chairman. I believe it is a good amendment.

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

Mr. REID of New York. I yield to the gentleman from California.

Mr. HOLIFIELD. This amendment is satisfactory. The gentleman from Illinois [Mr. ERLÉNBOEN] and I had an agreement we would accept the amendment, before the gentleman from New York [Mr. HORTON] left the country.

I am happy to accept the amendment at this time upon the presentation by the gentleman from New York [Mr. REID].

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. REID of New York. I thank the distinguished chairman.

Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. HORTON] may extend his remarks at this point in the Record.

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

There was no objection.

Mr. HORTON. Mr. Chairman, my amendment is a simple one but it is concerned with a very important subject—labor-management relations in the transportation industry.

Happily, the nationwide airline strike has been settled, but we all know that it has had a severe impact on the air transportation industry and the national economy. Many millions of dollars in airline revenues have been lost. The union members involved have lost earnings, and other employees in trades which support air flight have been idled; some have drifted away to seek other employment. Business and vacation plans have been disrupted; hotels and commercial establishments have suffered.

We have an opportunity in this bill creating a new Department of Transportation to minimize such unfortunate labor-management strife and misunderstanding in the future. We can make a contribution to maintaining stability of employment and industrial harmony in all forms of transportation.

We can do this by writing into the bill an affirmative duty on the part of Secretary of Transportation to keep the President fully advised of the status of labor-management contracts and of problems as they arise. The Secretary can take the initiative and use the resources of his great Office to help alleviate strife and promote understanding and induce cooperation and agreement—before difficulties are sharpened to the point of work stoppages, with all their disastrous economic and personal consequences.

Let me make it clear that my amendment does not propose to interfere with or in any sense replace or duplicate the existing agencies concerned with labor-management relations, conciliation, mediation, and the like. We have of course the Department of Labor with its many responsibilities, including those of an Assistant Secretary for Labor-Management Relations; the National Labor Relations Board created by the National Labor Relations Act of 1935; the Federal Mediation and Conciliation Service created by the Labor Management Relations Act of 1947; and the National Mediation Board created by a 1934 amendment to the Railway Labor Act.

I am not proposing the creation of another labor agency but I believe it is important for the Secretary of Transportation to keep himself and the President continuously informed of labor-management affairs in the transportation industry and to assist in maintaining satisfactory relationships. This my amendment proposes to do.

I have discussed the amendment with the gentleman from California [Mr. HOLIFIELD] and he has assured me that it is worthwhile and that he has no objection to it.

AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. REID of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REID of New York: On page 5, line 6, after "particular attention to", strike out "aircraft noise" and

insert "the measurement of aircraft noise and the formulation and establishment of regulations to provide for the control and abatement of aircraft noise;"

Mr. REID of New York. Mr. Chairman, I believe this amendment is simple. It deals with the question of the measurement of aircraft noise and the formulation and establishment of regulations consistent with research and development to provide for the control and the abatement of aircraft noise.

I have consulted with the chairman of the committee on this point.

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

Mr. REID of New York. I yield to the gentleman from California.

Mr. HOLIFIELD. The chairman of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia [Mr. STAGGERS], has asked for a more thorough exploration of this particular amendment. I am going to hand him this amendment. I heretofore agreed that we would accept this amendment as written because it only refers to the responsibility of promoting and undertaking research on aircraft noise measurement and abatement, and it is limited to promoting and undertaking research. It does not go to any other problem than that. This is in harmony with the bill which advises the Secretary to do research and development in all modes of transportation. It would be necessary for the Secretary, before any action was taken, to go to the Committee on Interstate and Foreign Commerce, of which Mr. STAGGERS is the chairman, before he could promulgate any rules and regulations on this subject.

On page 5 of the bill we have, among the general provisions that the Secretary, in carrying out the purposes of this act, should develop national transportation policies and programs and make recommendations to the President and the Congress for their implementation; promote and undertake development, collection, and dissemination of technological, statistical, economic, and other information relevant to domestic and international transportation; promote and undertake research and development relating to transportation, including noise abatement, with particular attention to aircraft noise; and consult with the heads of other Federal departments and agencies on the transportation requirements of the Government.

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

Mr. REID of New York. I am happy to yield to the distinguished chairman of the Committee on Interstate and Foreign Commerce.

Mr. STAGGERS. The Federal Aviation Agency is presently involved in research now on aircraft noise. The FAA's activities are transferred over to this department. I believe here you are trying to put legislation on legislation, which is wrong. We have pending before our committee now a bill which has been submitted by the administration.

It is our intention to hold hearings on this bill just as soon as we get through with the bill called the Fair Labeling and Packaging Act, which I hope will be in

the next week or so. I hope that the gentleman from New York under these circumstances will withdraw his amendment.

Mr. REID of New York. In response to the chairman, I may say that I have introduced H.R. 17351 which is virtually identical to the bill that the chairman and the gentleman from New York [Mr. TENZER] have introduced, and the bill that Senator Magnuson in large part introduced in the Senate, and which is now before the Committee on Interstate and Foreign Commerce.

My bill empowers the Administrator of the Federal Aviation Agency, "consistent with the primacy of air safety, to prescribe and amend standards for the measurement of aircraft noise and to prescribe and amend such rules and regulations as he may find necessary for the control and abatement of aircraft noise, including the application of such standards, rules, and regulations in the issuance, amendment, modification, suspension, or revocation of any certificate authorized by this title." As Members will recall, Gen. William F. McKee, the FAA Administrator, has already indicated that this authority "is needed to assist us in alleviating a most serious problem."

I would say that I hope that this bill will be acted on promptly by the gentleman's committee.

The CHAIRMAN. The time of the gentleman from New York has expired. Mr. REID of New York. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

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

There was no objection.

Mr. REID of New York. However, Mr. Chairman, I would say to the gentleman from West Virginia [Mr. STAGGERS] that the purpose of the instant amendment is different from that which the gentleman from West Virginia has stated.

Mr. Chairman, it is concerned with the general provisions contained in this bill. It is concerned with making somewhat more explicit a provision that is presently contained in the bill and which has been accepted by the committee. It is concerned with research and development in the field of noise abatement and measurement, a provision presently in the bill, but it deals a little more explicitly and I believe is consistent with the legislation that we now have pending before us—including provisions not covered in the bill that is pending before the gentleman's committee.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. HOLIFIELD. Mr. Chairman, I move to strike the last word in order that this question may be resolved.

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

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

Mr. STAGGERS. I would like to say not only to the gentleman from Cali-

fornia [Mr. HOLIFIELD], but to the gentleman from New York [Mr. REID], that the FAA presently and for some time has been involved in research. We have quite a volume and packet of hearings on these various subjects.

Mr. Chairman, this is a continuing thing. It is something that is presently hard to get at. This question has involved our committee over a period of time. We have, as I stated to the gentleman from New York when I first rose to speak on this matter, an intention to have as one of the first orders of business, hearings on this bill and to try to resolve the question as to what can be done in regard thereto, also to give to the FAA the authority to amend their rules and regulations and, even, in fact, their certifications in order to empower them to enforce these rules and regulations.

Mr. REID of New York. Mr. Chairman, would the gentleman yield at that point?

Mr. HOLIFIELD. I am happy to yield to the gentleman from New York.

Mr. REID of New York. I would merely add that I hope the gentleman's committee does act, but there is a possibility that even though it acts and the House acts favorably, which I hope it will, it may not get through the other body.

There is some expectation, I believe, that the transportation portion of this legislation will get through the other body and through the House. I hope that will be the case.

I would say, finally, to the gentleman from West Virginia that the provision which I seek to amend is presently in the bill before us, which has been approved by the committee. What we are concerned with is having the Secretary, consistent with the language contained in the bill, concerned with the general situation involving noise abatement.

I would say to the gentleman that I am glad it is presently in the bill. What we seek to do is clarify it. I do not believe it touches upon the questions about which the gentleman is concerned. I believe it would be helpful to have the language in this legislation clarified to the point that the chairman and I have discussed.

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

Mr. HOLIFIELD. Of course I yield to the gentleman from West Virginia.

Mr. STAGGERS. As I said, I cannot tell exactly what the situation will be, but as soon as we get to that problem in the deliberations of the committee we shall certainly take it under consideration. This, of course, is dependent upon the time when we complete consideration of the "truth in packaging" legislation.

I would like to state further to the gentleman from New York and my good friend that in this instance we have worked on this question for some time. I am afraid, however, that there are provisions in the bill at this time on the subject about which the gentleman is talking and I believe this places more language into it which, in my opinion, is superfluous.

Therefore, Mr. Chairman, I would hope that the gentleman from New York would withdraw his amendment.

Mr. HOLIFIELD. Mr. Chairman, I would ask the gentleman from New York [Mr. REID] to consider withdrawing his amendment at this point.

Mr. Chairman, we have tried very earnestly not to encroach upon the prerogatives of any committee in substantive legislation by specifically going into matters which presently exist. Therefore, I would be unhappily forced to oppose the amendment of the gentleman from New York [Mr. REID] because it is designed to set up a special office in the Department of Transportation.

I know how interested the gentleman from New York [Mr. REID] and Mr. WYDLER and Mr. TENZER and all the other gentlemen on both sides of the aisle are in this aircraft noise abatement problem. But there are several programs going on at this time in different departments of the Government. I would respectfully request that the gentleman accommodate me and accommodate the chairman of the committee on Interstate and Foreign Commerce on his assurance that he will take this matter up thoroughly and very soon and explore it as the substantive committee and take action that will be considered after extensive hearings on the matter.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. REID of New York. Mr. Chairman, I understood we did have an agreement on this point, that this would not touch the powers that the gentleman from West Virginia [Mr. STAGGERS] has mentioned. This clarifies the section pertaining to research and development—according to both the committee counsel and the discussion I had with the chairman—that we presently have in the bill by explicitly directing the measurement of aircraft noise and the formulation of regulations.

Mr. HOLIFIELD. Mr. Chairman, the gentleman has me in an embarrassing position. I will admit that was the agreement, but I was under the impression that this was not substantive in nature.

Mr. REID of New York. My understanding is that it does not go beyond the language presently in the bill except to make it more explicit and does not touch the powers that the chairman of the Committee on Interstate and Foreign Commerce is concerned about.

Mr. OTTINGER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point.

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

There was no objection.

Mr. OTTINGER. Mr. Chairman, I rise in support of the amendment offered by my colleague from Westchester [Mr. REID].

There has been far too little effective attention paid by the Executive to resolving the problems of jet noise. In creating a Department of Transportation, action in jet noise abatement ought

to be one of its important delegated responsibilities.

Unfortunately, in the bill before us the only mention made of this problem is to give the new Department responsibility to "promote and undertake research and development" relating to it. The language proposed by my distinguished colleague would assure that such research and development would lead to regulations for effective control of jet noise. It is a small step, but an important one in the right direction.

I fail to see how this clarification could in any way interfere with substantive legislation on this subject which I and others have introduced and which is presently pending before the Interstate and Foreign Commerce Committee. It seems to me that the language proposed is completely compatible with that legislation.

I want to commend my colleague for the effective work he has done on this subject and urge the committee to support his amendment.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from New York [Mr. REID].

The question was taken; and on a division (demanded by Mr. REID of New York), there were—ayes 18, noes 56.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. CLARENCE J. BROWN, JR.

Mr. CLARENCE J. BROWN, JR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLARENCE J. BROWN, JR.: On page 9, following the period on line 9, add the following: "No more than three members of the Board shall be of the same political party."

The CHAIRMAN. The gentleman from Ohio [Mr. CLARENCE J. BROWN, JR.] is recognized in support of his amendment.

Mr. CLARENCE J. BROWN, JR. Mr. Chairman, this is an amendment which has the agreement of the other side of the aisle, as I understand, and is merely designed to make the Safety Board within the bill a bipartisan board.

The purpose of the amendment, as noted, is to provide that no more than three members of the Transportation Safety Board shall be of the same political party.

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

Mr. CLARENCE J. BROWN, JR. I yield to the gentleman from California, the chairman.

Mr. HOLIFIELD. The gentleman is aware that this is a Board of experts?

Mr. CLARENCE J. BROWN, JR. That is already mentioned in the legislation. These members shall be appointed with regard to their fitness to conduct with efficiency and dispatch the functions, powers, and duties that are vested in the Board.

Mr. HOLIFIELD. Mr. Chairman, I am constrained to accept the gentleman's amendment. I think this will not do violence to the bill.

Mr. CLARENCE J. BROWN, JR. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. CLARENCE J. BROWN, JR.]. The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROSENTHAL

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

The Clerk read as follows:

Amendment offered by Mr. ROSENTHAL: On page 4, after line 17, add a new subsection (g) to section 3:

"Sec. 3(g) The Secretary shall establish within the Department an Office of Aircraft Noise Control and Abatement. The Office shall supervise research and development programs in the field of aircraft noise control and abatement, and shall establish such regulations as may be necessary to require maximum utilization of practical noise control and abatement techniques."

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. ROSENTHAL. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes and to revise and extend my remarks.

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

There was no objection.

Mr. ROSENTHAL. Mr. Chairman we have just heard considerable discussion on the question of aircraft noise abatement. Many of us have been concerned about this subject for some long period of time. The President only this year, in his transportation message, said:

Aircraft noise is a growing source of annoyance and concern to the thousands of citizens who live near many of our large airports. As more of our airports begin to accommodate jets and as the volume of air travel expands the problem will take on added dimension.

Mr. Chairman, those of us who represent a constituency in our large urban areas have learned to recognize the serious social costs of the jet age. We have found that for thousands of Americans aircraft noise presents repeated daily intrusions. Thousands and hundreds of thousands have to live with the roar of engines at breakfast, dinner, in the evening, and all through the day and night. Many of us have agreed that up until the present time, notwithstanding the good intentions of those in the executive department and the good wishes of many of our colleagues, there has been really no progress made in meeting this problem.

Generally the industry has been uninterested. Those in the Air Force who developed the jet planes were more interested in thrust and speed and were not necessarily concerned about noise abatement. There has been really no organized spokesman for the airport neighbors. They have not had the benefit of Washington representation to plead their cause.

The administrative agencies, such as NASA and the FAA, have done, in my opinion, only token work in the field of aircraft noise.

On August 25 many of us engaged in a colloquy here on the floor about this subject, and we discussed it at great length. It was only after considerable pressure from the Congress for the last

5, 6, or 7 years, and after continuing pleading from airport neighbors that real action, or the first step in some action occurred this year. The President appointed a special panel, and in his message of recommendation he said the following:

Initiative for solving problems of jet aircraft noise can effectively only come from a source not compromised by economic interests in conflict with the major groups now involved of engine aircraft manufacturers, airline operators and local government, and there is only one source meeting this constraint which can be functionally effective in the Federal Government.

This was the first time that there had been any commitment in this area, and the nature of the commitment is precisely this: The Federal Aviation Agency this year established a Noise Abatement Service. The people who comprise that service are the very same people who lend staff support to the presidential group made up of the Assistant Secretaries of HUD, NASA, and the FAA. They comprise four people altogether. There are presently only four people in charge of the problem of aircraft noise in the executive branch of the Federal Government.

I must acknowledge the help and support of our distinguished colleague from California [Mr. HOLIFIELD], because it was at his request and direction that we included in this bill the words that "The Secretary should be responsible for looking into the question of aircraft noise."

I suggest to you very respectfully, my colleagues, that the executive branch will not carry through meaningful action and meaningful research, until there is a mandate from Congress telling them that we expect something to be done. Then there will be no room for bureaucratic evasions. The talented people who are presently engaged in this field in a separate office will have some political muscle. They will have the opportunity to deal directly with the Secretary.

The very reasons that the gentleman from California [Mr. HOLIFIELD] suggests it might not be useful to have this amendment—that we have already put the instruction in the bill to the Secretary—I suggest is the very reason for favorable action on the amendment. We want to have an office, an umbrella, a shield, a sense of responsibility, so those people who are going to carry out the directions to do something about this may be able to work.

Nothing will be done in this field until Congress has the opportunity to maintain scrutiny over a single office that has responsibility. For the first time, if we act favorably on this amendment, the American people will have visible proof of congressional concern, and for the first time they will have some expectation of action.

In the years I have been here, I have found that until there is a congressional mandate, until there is congressional direction, action is flabby, sometimes irresponsible, sometimes token. Once we enact an amendment such as this, where we designate responsibility by statute

for this problem, then we are going to get real action and real progress.

Mr. TENZER. Will the gentleman yield?

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

Mr. TENZER. Mr. Chairman, I commend the gentleman in the well for the amendment he has offered, which I will support. Last year, on 11 different occasions, I addressed my colleagues in the House on the subject of jet noise. I am very proud of the fact that on August 19, 1965, I wrote a letter to the President suggesting the appointment of a Presidential commission to examine into the question of jet noise.

Jet noise is a national menace. I live in the shadow of Kennedy Airport. I know what the noise problem is. I am constantly besieged by letters and telegrams and telephone calls from neighbors. This menace of jet noise is not peculiar to those who live in the shadow of Kennedy Airport.

It is a problem for everyone who lives near airports throughout the United States. As I said last year, if you do not have the problem in your districts now, you will have it in the immediate future, because shorter runways are now capable of handling jet planes.

I urge support of the amendment. I am proud of the fact the President included the subject of jet noise and recognized it as a national menace by including it in his message on transportation.

In addition that portion of the President's message which we quoted—the message also contained the following:

There are no simple or swift solutions. But it is clear that we must embark now on a concerted effort to alleviate the problems of aircraft noise. To this end I am today directing the President's Science Advisor to work with the administration of the Federal Aviation Agency and National Aeronautics and Space Administration, and the Secretaries of Commerce, and of Housing and Urban Development to frame an action program to attack this problem.

The President's message was delivered to the House on March 2, 1966. Other legislation, no doubt of great importance to the Nation, has had priority, but my constituents consider legislation dealing with the problem of jet noise to be of the utmost importance.

I urge adoption of the amendment.

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

I also want to pay particular tribute to the gentleman from New York [Mr. WYDLER], who has cosponsored this with me. He has served on the Subcommittee on Transportation, and we have spent many hours and days and weeks searching for an intelligent answer to this problem. I believe we have found one, and I urge adoption of the amendment.

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

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

Mr. OTTINGER. Mr. Chairman, I congratulate the gentleman from New York on his very good amendment, and I urge my colleagues to support it.

I believe the problem of jet noise will become a serious problem in any district

all over the country. We should have a chance to concentrate on this problem. I believe that the congressional committee would be a very constructive thing to have on this indeed.

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

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

Mr. ADDABBO. Mr. Chairman, I am fully aware of this great problem, as is the gentleman in the well. We have worked on this problem for many years and we have sat through hours of hearings on the subject, but we have never received the relief our people are entitled to.

Therefore, I join my New York colleagues in asking the support of all our colleagues so we may all in the future have the needed relief from airplane noise.

Mr. Chairman, I rise in support of the amendment of my colleague [Mr. ROSENTHAL].

Until, by law, we take official recognition of the problem of aircraft noise, the people living in the vicinity of our large airports can look for no relief from the ever-present deafening roar of the jets as they land and take off. Until you have lived under these conditions, you cannot realize what it is like. However, you can be sure that more and more congressional districts are going to be affected as the airlines turn more and more to jets. Not only that, but you will find that much larger jets will be used in the future and that future is not far off. The overseas carriers already have these planes on order. The larger the plane the more powerful will be the engines and, so far, with more power comes more noise. Also, we must not forget the work that is being done to develop a supersonic plane for passenger service—no one will be safe from the sonic boom.

Mr. Chairman, those of us representing congressional districts which have large airports in them, or near by, have been trying for years to find a solution to the noise problem, but it has not been found. Each agency involved in the air transportation field denies having authority to issue and enforce noise regulations. Until criteria are set, there will be no solution. We must give this problem the attention it deserves. Before a solution is found, we must have an office charged with the responsibility in this field—noise standards are going to have to be set. Once, we set the standards, I know that American inventiveness and ingenuity will find a way to make a quieter engine—this is where we have to work—we must lessen the noise at its source. When we tell the manufacturers that an engine may not be used, if it creates more than a certain noise level, then that manufacturer is going to work until he brings that engine within the noise guidelines.

Mr. Chairman, those of us who have had the aircraft noise problem for years now have been seeking help for our constituents, but we have been like the proverbial "babe crying in the wilderness." Those of you who have not experienced these nightmarish living conditions have failed to get behind us—we ask for your

help now and know that you are really helping yourself, because you will be insuring that your constituents do not have to go through what ours have endured for years.

I urge my colleagues to support this amendment.

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

Mr. ROSENTHAL. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, I want to commend the gentleman for his amendment. As I said on the floor the other day, I believe the amendment should be supported. The Metropolitan Airport Commission of Minneapolis and St. Paul had a resolution asking the Federal Government to take some firm action with respect to the problem of aircraft noise. This problem is common throughout the country. It is a problem upon which appropriate action should be taken by the Federal Government.

I believe only through this amendment are we likely to get the real effort and the sustained investigation in ways to combat the problems presented by this aircraft noise.

Mr. ROSENTHAL. I thank the gentleman.

Mr. Chairman, I might also suggest, with respect to the legislation before the committee of the distinguished gentleman from West Virginia, if, as, and when that legislation is reported and becomes law, this office would be a perfect agency for its implementation. There is absolutely no inconsistency between the passage of this amendment and the enactment of the legislation before the gentleman's committee.

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

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

Mr. GILBERT. I commend the gentleman for the introduction of this amendment, which I fully support. My county of Bronx is now subject to a tremendous amount of noise. The residents are up in arms.

The CHAIRMAN. The time of the gentleman from New York has expired.

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

Mr. GILBERT. I have never had so much agitation from my constituents on any one problem. I believe the creation of this Board within the Department of Transportation will certainly go a long way toward establishing the good faith of the Congress of the United States with respect to this problem.

Mr. ROSENTHAL. I thank the gentleman.

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

Mr. ROSENTHAL. I am happy to yield to the gentleman from New York.

Mr. RYAN. Mr. Chairman, I rise to support this amendment. I believe the support which the gentleman in the well is receiving for his amendment indicates the seriousness of the problem of aircraft noise, and particularly jet noise, in and around our major airports.

I commend the gentleman for having raised the issue. I believe it is essential

that there be a coordinated approach to this question. An Office of Aircraft Noise Control and Abatement within the new Department of Transportation should provide the necessary coordination.

When the NASA authorization bill was on the floor, I supported an amendment to provide more funds for NASA for research in this area. NASA is the agency which should be conducting the necessary research and development right now. I would hope that this proposed Office in the Department of Transportation, in connection with NASA, would take constructive action to solve this problem.

Mr. ROSENTHAL. I thank the gentleman.

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

Mr. ROSENTHAL. I am happy to yield to the gentleman from Missouri.

Mr. HALL. I rise simply on a point of information.

I have before me the gentleman's amendment. I am interested in the tremendous amounts of money we are spending at this time under the Department of Defense research and development program trying to introduce greater thrust and to develop a greater bypass ratio which might cause more noise but would give us greater thrust and power which is indeed essential with the C-5A to say nothing of the consortium for developing the SST and others.

In the opinion of the gentleman, would this include the research and development of the Department of Defense, in this Office of Aircraft Noise Control and Abatement, or would they still be free to function under their own research and development program?

Mr. ROSENTHAL. I do not believe it would include the research and development, and the Department of Defense would be free to act and be responsible for its own research and development in this field. This Office would centralize in one place all the accumulated data and research benefits throughout the Federal Government.

Mr. PUCINSKI. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

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

There was no objection.

Mr. PUCINSKI. Mr. Chairman, I support the efforts of my colleagues in trying to set up an agency that would deal exclusively with the mounting problem of jet noise in the vicinity of major airports.

The people of my district have endured serious hardships because of jet aircraft landing and departing at O'Hare Field, which is today the world's busiest airfield.

Much has already been done to try to ease the problem, but much more remains to be done before our neighborhoods can return to some semblance of tranquility.

I have said before that the advent of the jet age has changed the living pattern of some 20 million Americans who live in the proximity of large jet air-

fields. This is particularly true since the development of the short-runway jets which can now operate into and out of medium-sized airfields.

This Nation can no longer afford to give only perfunctory attention to the problem of jet noise. I am mindful of the leadership provided by President Johnson in ordering his science adviser to marshal the responsibility of all agencies which could contribute to the solution of this problem.

Mr. Johnson's science adviser now has a whole series of task forces studying the various aspects of the problem, and some very concrete proposals have already come from these studies which offer substantial promise of curtailing the enormity of this problem.

I am hopefully encouraged by the assurances of the chairman of the Interstate and Foreign Commerce Committee that my proposal and other proposals for the establishment of a separate agency to deal with jet noise will receive early consideration from his committee.

But all of this notwithstanding, I believe this problem is so serious that we should attack it from as many points as possible. The proposal being made here today by the gentleman from New York, and one which he has discussed with me at great length, proves to be another weapon in the arsenal to deal with this problem of jet noise. I had intended to offer this amendment myself, but since the gentleman from New York is a member of the committee, I am pleased to yield to him. I too hope the House will approve this proposal so that we can add another effort in the ceaseless struggle to alleviate this problem of jet noise, which is proving so troublesome to our people.

I hope the House will approve this proposal.

SUBSTITUTE AMENDMENT OFFERED BY MR. WYDLER

Mr. WYDLER. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows: Amendment offered by WYDLER as a substitute for the amendment offered by Mr. ROSENTHAL:

On page 4, following line 17, insert the following new subsection:

"(g) (1) There is hereby established within the Department an Office of Aircraft Noise Abatement. The Office shall be located within the Federal Aviation Administration and shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level V of the Federal Executive Salary Schedule.

(2) The Director shall prescribe (and may from time to time modify) (A) standards for the measurement of aircraft noise, and (B) such rules and regulations as he may find necessary to provide for the control and abatement of aircraft noise and for the application of such standards, rules, and regulations in the issuance, amendment, modification, suspension or revocation of any certificate authorized by title VI of the Federal Aviation Act of 1958 (72 Stat. 776, 49 U.S.C. 1421 et seq.)

(3) In any action to amend, modify, suspend or revoke a certificate wherein violation of aircraft noise standards, rules or regulations is at issue the certificate holder shall have the same notice and appeal rights as are contained in section 609 of title VI,

and in any appeal to the National Transportation Safety Board, the Board shall consider the aircraft noise violation issues in addition to the safety and public interest issues as provided in section 609."

Mr. WYDLER. Mr. Chairman, and my colleagues, I am rising once again in the well of the House to offer an amendment to a bill that will do something about this aircraft noise problem, and which is in perfect harmony with the amendment just offered by my colleague, the gentleman from New York [Mr. ROSENTHAL]. However, my amendment goes one step further, and I think an important step, and a step on which both the Democrats in the House of Representatives and the Republicans can agree. In fact, the additional part of the amendment that I am offering has the backing of the President of the United States.

Mr. ROSENTHAL and I worked in a bipartisan manner in the subcommittee to bring forth some real action in this field of jet aircraft noise abatement. We both heard a lot of words spoken and have had added a few more words in this year's bill concerning the abatement of jet aircraft noise, but we have yet to take any effective action in this area. It is time we took some action with this amendment which we have before us today. Many of you remember last spring I asked Congress to set aside funds from the NASA authorization which would do something about the development of quiet jet engines with respect to jet aircraft noise. At that time we were told, No, do not do it now; do it later and we will take action. People listened to that story and swallowed it, and were misled because the fact of the matter is that action has not been forthcoming, and action will not be forthcoming now unless we act here today.

Mr. Chairman, this problem does not only affect the urban areas. You gentlemen who represent the rural areas of this Nation are being affected too, and you had better understand just how you are being affected. The recent attempt to limit the use of National Airport in Washington and the precedent it sets affects every person who flies on a plane, whether he be a Congressman or an ordinary citizen. This was a direct outgrowth of the aircraft noise problem. Those types of restrictions on our airports around this Nation, and the cry which is going up for these restrictions, is going to get louder and stronger and the airports of this country will begin to be restricted in their use unless we do something here and now to reach a solution to this problem which is closing and restricting the use of our airports.

Those gentlemen who are from the midwest think that this is only something that happens in a 10-mile radius around landing strips on the airports. They are wrong. We are designing supersonic aircraft and supporting them with Federal funds, which will create sonic booms across this Nation from shore to shore, and from coastline to coastline. So I say to you it is time we wake up now to the fact that this is a nationwide problem and we had better do something about it.

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

Mr. WYDLER. I will be glad to yield as soon as I finish my statement.

Now, this proposed amendment I have set forth sets up an Office of Jet Aircraft Noise Abatement. What is the big objection to that? It will focus attention on and coordinate the effort toward finding a solution to jet aircraft noise. That is the very reason why we are supposedly creating this Department of Transportation. It is to do this for the transportation problems of our Nation. I say, let us apply that same logic and reasoning to our problem of jet aircraft noise. In addition it would give the Director of the Office some reasonable powers which the President of the United States wishes him to have.

To my Republican colleagues I say that our Republican policy committee stated this bill should contain action on this problem of jet aircraft noise, and I think both the Republican and Democratic sides should be willing to support it. I know that the chairman of the committee, in an attempt to help us, let us put a few words in this bill saying that this new Department should concern itself with the problem of jet aircraft noise. Fine.

But, Mr. Chairman, I appeal to the Members of this House that we have had these words said over and over again. What we need is action. Our chance and our opportunity to get that action is here on the floor of the House today. It will not come back until next year, if we do not attend to it today. I tell that to each and every Member. So I say to you, let us support this amendment and get on with the job.

I will be delighted now to yield to my colleague from New York.

Mr. TENZER. Mr. Chairman, I rise in support of the gentleman's amendment. I would like to say to my colleague that the language of his amendment is substantially the same as the administration bill which I introduced, H.R. 16172, in which I joined with my colleague, the distinguished chairman of the committee, the gentleman from West Virginia [Mr. STAGGERS]. I also believe the gentlemen from New York [Mr. WYDLER and Mr. ROSENTHAL] introduced similar legislation.

The language of the gentleman's amendment to the amendment is almost identical to the language of my bill.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. TENZER. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. WYDLER] may proceed for 2 additional minutes.

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

There was no objection.

Mr. TENZER. Mr. Chairman, I would like to say to the gentleman in the well that we should not complicate the debate on the question of attempting to find a solution to the increase of jet noise by interjecting matters relating to the supersonic boom. On that subject I already stated I shall oppose the supersonic transport until we have sufficient

information and are on the road to finding a solution or an answer to the jet noise problem.

Mr. Chairman, we do not want an additional menace to the health of the Nation by the supersonic boom. We do not want an increase in the confiscation of property, real estate values through the unauthorized taking of property and a disturbance of the peaceful and quiet enjoyment of their property. We must protect the right to sit on one's lawn without the thunder from the skies to disturb the privacy of their homes. We must protect the right to speak on the phone without disturbance from jet noise. We must protect our right to watch television without interference.

Mr. Chairman, I would also ask the gentleman not to confuse the issue by reference to the debate in the House, when the NASA appropriation bill was being considered, that agency said that it had no program to use the funds which the amendment called for. What we need is an accelerated program of research and that is precisely what my bill H.R. 7981 provides for.

Mr. Chairman, what I sought to accomplish in my bills H.R. 16172, H.R. 7981, and H.R. 7982, and to which reference has been previously made, was to establish a program under which we could determine how to find the answer to the menace of jet noise. I want to know how much money is needed, and whether it be \$20 million, or if it needs \$100 million, we should be able to appropriate it, to find the answer to a growing national menace.

I urge support of the amendment as a step in the right direction.

Mr. WYDLER. I thank the gentleman from New York for those remarks.

But, Mr. Chairman, the point is that NASA did not act and that we in Congress should have acted, because that moment when action was needed was allowed to slip away. However, I would say to the gentlemen of the Committee of the Whole House on the State of the Union that we should act now.

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

Mr. WYDLER. Of course I am happy to yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I want to commend the gentleman in the well and the other gentlemen for their interest in this very serious and truly nonpartisan problem.

Mr. Chairman, this is a matter of great concern to the citizenry around this great country of ours.

Mr. Chairman, just this last weekend a supersonic boom broke eight plate glass windows in a small town in Missouri with a population of about 8,000.

Mr. Chairman, it makes it very difficult to explain to the people of these areas just what is going on.

Mr. Chairman, we need a Federal program and we need a program designed to show the Nation's concern with reference to this problem.

Mr. WYDLER. Mr. Chairman, I thank the gentleman from Missouri for his contribution.

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

amendment and to the original amendment.

Mr. Chairman, this has been a most difficult bill to try to handle. I appreciate the interest of the gentlemen in the subject of aircraft noise, the interest of both the gentleman from New York [Mr. WYDLER] and the gentleman from New York [Mr. ROSENTHAL], both members of the committee. Both of the gentlemen have been helpful in the work of the committee. But I must in good faith oppose the substitute and also the original amendment.

Mr. Chairman, one of the principles which I have tried to follow during the consideration of this bill to organize a department—and it is, of course, a department—is to bring into it the relevant agencies and functions without creating much larger statutory functions.

Mr. Chairman, all of us have to shift functions a little bit in order to get them together. But I have tried the best I know how to leave to every committee of the Congress its statutory jurisdiction. I fought vigorously for that principle, and I had to fight with my own Members on my side of the aisle when we were in committee.

Mr. Chairman, I talked this matter over with the gentleman from West Virginia [Mr. STAGGERS], the chairman of the Committee on Interstate and Foreign Commerce, a great committee of this House of Representatives, and I talked with other Members who are deeply immersed in this subject matter.

There are two bills before his committee now, H.R. 15785, introduced by the gentleman from New York [Mr. ROSENTHAL], and H.R. 15874, introduced by the gentleman from New York [Mr. WYDLER]. I understand that there are others that I do not know about.

The problems created by aircraft noise are serious. There is no doubt about that. We recognized this problem in the clean bill by going as far as we thought we could go without infringing upon the jurisdiction of the committee of the gentleman from West Virginia.

We wrote into the language of the bill on page 5 the following, which had to do with the general provisions in putting responsibilities and duties on the Secretary—"to promote and undertake research and development relating to transportation."

Now the bill says that the Secretary shall do this in every mode of transportation. But we went further than that and we said "including noise abatement with particular attention to aircraft noise." We could have written in some language such as "with particular attention to exhaust fumes that come out of the big buses and the big trucks that come along on the highways."

We could have set up a special office for that. We could have set up special offices all over the place for every problem in transportation. But this was not our duty. It is the duty of the statutory committees to take care of these matters.

Both the committee and the witnesses for the administration have given full recognition to the seriousness of the problem. The bill places a mandate upon the Secretary to act in this field and the

report shows clearly that Congress expects vigorous action.

The committee believes, however, that an organizational straitjacket should not be placed upon this research and regulatory effort. Transportation noise and aircraft noise in particular are closer related to other features in the design and construction of the propulsion elements and of the vehicles themselves.

Aircraft and transportation noise abatement research must be carried on across the board in connection with other research and development work in the transportation field. The same is true of regulations relating to noise. There is not only aircraft noise but truck noises and other noises of transportation. Noise problems should not be considered by themselves alone without regard to the related problems of safety and performance. Chaos and confusion will result and the public and the industry will suffer if one official is given power to prescribe regulations relating to the control and abatement of aircraft noise without regard to the responsibilities of other officials with respect to such other matters as aircraft design, aircraft safety, landing and takeoff procedures and aircraft routings.

The Committee on Interstate and Foreign Commerce, the committee with the substantive interest in this area, has before it H.R. 15875 an administration backed bill to give the Administrator of the Federal Aviation Agency authority to prescribe and change standards for the measurement of aircraft noise and regulations for the control and abatement of such noise. This bill should have the consideration of the Interstate and Foreign Commerce Committee since it involves a substantive change in the law. If the bill is enacted the functions which it prescribes will become a responsibility of the Secretary of Transportation, acting through the Federal Aviation Administrator in the new Department if the Department of Transportation bill is enacted. This type of an amendment should not be adopted on the floor while it is under the consideration of another committee.

We had no hearings on this matter. We asked some questions of Mr. McKee, the Federal Aviation Administrator, but we had no extensive hearings on the subject.

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

Mr. HOLIFIELD. I yield to the gentleman.

Mr. ROSENTHAL. Mr. Chairman, I am in complete agreement with the gentleman that the committee should not infringe upon the jurisdiction of another committee, but the point of my amendment is as follows, even if legislation before the Committee on Interstate and Foreign Commerce is enacted—this office I propose to establish by my amendment would be the perfect place to house those who have responsibility in this matter.

Mr. HOLIFIELD. Mr. Chairman, I would disagree with the gentleman because we are doing that with the Kluczynski amendment, but that is a matter that has been just acted upon by the Congress and we are integrating it into

this bill at the request of the Subcommittee on Public Works.

Mr. ROSENTHAL. If I might suggest to my colleague, the one principal responsibility of our subcommittee is structuring of the executive department. My amendment has simply to do with structuring, establishing of an office. It has nothing to do with the substantive measure that is before the Committee on Interstate and Foreign Commerce. Whether they hold hearings, whether they act, or whether they do not act or whether they enact it or not is not particularly relevant to my amendment. My amendment is precisely a structuring amendment as is this whole bill. If one can suggest that we had no right to establish a new office or move an office, then we could not bring this bill to the floor of the House.

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

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

Mr. FRIEDEL. The amendment of the gentleman from New York states as follows:

The Office shall supervise research and development programs in the field of aircraft noise control and abatement, and shall establish such regulations as may be necessary to require maximum utilization of practical noise control and abatement techniques.

The gentleman speaks about not interfering with the jurisdiction of the Interstate and Foreign Commerce Committee but that is what his amendment will do. From the gentleman's statement one might think that the industry had not tried to cut down the aircraft noise. The industry has tried; the FAA has tried. But there will always be some noise. The planes have to have the proper amount of propulsion to take off, and the airlines have done everything under the sun to find a solution to the noise problem. They have not been able to come up with a complete solution but they have made progress and studies are still being made. They are doing everything that can be done, and we intend to keep on urging them to do more.

The committee has been having meetings on the problem of aircraft noise since 1959. We promised you that we would have hearings on your bill. We have been very busy, but as soon as we are able, we will schedule hearings. But when you try to establish regulations to correct the aircraft noise problem within the new Department of Transportation, I think you are going too far. I hope the amendment and the substitute will be defeated.

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

Mr. Chairman, I rise in support of the amendment and I commend the distinguished gentleman from New York [Mr. ROSENTHAL] for offering it in committee and for pursuing it on the floor. I also fully endorse the substitute offered by that other capable and distinguished gentleman from New York [Mr. WYDLER] and compliment him for proposing it.

This amendment and the substitute accomplishes an objective which I and many Members of this body have advo-

cated for a number of years—it creates a separate Office of Aircraft Noise Control and Abatement, which will centralize and coordinate Federal efforts to alleviate a problem which has become acute in many areas of our country.

We in Queens, N.Y., living in the jitter alley of two of the Nation's great airports, La Guardia and John F. Kennedy, are only too aware of the health and safety hazards and the deafening, nerve-racking clamor which accompany each low altitude flight over our immediate and surrounding environs.

It has been a great encouragement for those of us who have been fighting through the years for abatement of aircraft noise to see that this ever-growing hazard has won highest governmental recognition. I refer to the administration's recommendations for legislation to authorize aircraft noise abatement regulations.

I have joined with the distinguished gentlemen and able colleagues from my own county of Queens [Mr. ROSENTHAL and Mr. ADDABBO] in introducing this bill, my bill being H.R. 16087. It concurs with the objectives of continuing efforts on the part of many of us for top-level action to resolve this problem.

I see the gentleman's amendment as a complement to this legislation. The office to be created by his amendment would be the appropriate body to design and enforce such regulations. I believe that the new office proposed by this amendment should spare no effort in utilizing the most modern scientific means to conquer this problem of aircraft noise.

Many solutions have been suggested to alleviate the problem of aircraft noise, including proposals about engine silencers, rerouting of flight patterns, and changing of plane schedules. These ideas, as well as many others have been put forward, deserve the intensive study and consideration that a coordinating office like the one established in this legislation can provide.

The U.S. Air Force until 1957 had a well-coordinated research effort on all aspects of aircraft noise-community disturbance, but dropped this phase in order to concentrate more heavily on Air Force needs. As reported by the President's Jet Aircraft Noise Panel, many engine corporations maintain research and development facilities but have never been pressed to their fullest extent to develop a quieter engine.

If we are able to make the progress we have in the exploration of space and in the development of the most advanced scientific goals, it seems to me we can develop the means to attack plane noise.

There is some noise research being conducted in the Government but there is a lack of orientation except in the armed services. According to the Committee on Science and Astronautics, House Report No. 2229:

More research and development effort is necessary and additional research tools are needed, before a set of noise criteria can be drafted, around which industry can design aeronautical vehicles.

Only with the establishment of the Office of Aircraft Noise Control and

Abatement will such intensive effort and development be effectively promoted.

I was delighted with the President's transportation message, recognizing the need for aircraft noise abatement, pointing out that it has become a grave national problem. In his message the President announced the appointment of a task force, and charged it with the responsibility "to frame an action program to attack this problem."

If I may quote from a recent and particularly significant news feature:

Concern over the increase of noise and moves to retard its increase date back to the period of the comfort-sensitive Greeks of Sybaris. Indications are that the noise problem, in general, has been recognized from the beginning of the Industrial Revolution, as one that would ultimately require solutions.

Studies show that excessive noise not only affects sleep, but severely strains the nervous system, can cause deafness and coronary thrombosis and has been shown to destroy efficiency in work. And there is a serious economic factor incurred by this effect on working capacity as well as an evident depletion in values of real property because of this hazard.

I must point out that quiet is a natural resource that we should protect it as we do our other resources. The Office of Aircraft Noise Control would be able to develop a measuring system for correlating the intensity and quality of aircraft noise. It would study the physiological, sociological, and psychological effects that noise has on us and put into motion the proper methods to do away with noise disturbances.

Modern man should not be left to accept aircraft noise as a necessary evil which accompanies progress. We have an opportunity now to get a meaningful start in the abatement of aircraft noise. And I trust this amendment will prevail overwhelmingly.

Mr. MOSS. Mr. Chairman, I rise to oppose the amendment.

Mr. Chairman, I recognize the very onerous burden imposed on those who live near airports and under the landing patterns of airplanes. During the time I spend in Washington, I happen to reside near the river on the Virginia side, under the landing pattern of jets using National Airport, so I am not lacking in understanding of the nuisance created or the scope of the problem facing those who share a similar fate.

But this is not the place nor the time to impose substantive legislation in this field. There is a committee, a very competent committee, which has had under active study, working cooperatively with the appropriate Federal agencies for a number of years, the question of aircraft noise. The Federal Aviation Agency has entered into contracts seeking to gain more understanding and to have the basic knowledge necessary for the formulation of appropriate regulations prescribing measurement standards.

At the very least, if we are doing a responsible job, we need to know what has been accomplished under the contracts entered into by that Agency under

the direction of the appropriate legislative committee of this House, the Committee on Interstate and Foreign Commerce.

I served in the 88th Congress on a subcommittee which made extensive inquiries into this problem. It was determined then that we had to have additional research, and much of that is underway. Yet the action proposed in the two amendments now pending would totally ignore and discount completely the value of whatever might have been developed as a result of these contracts and the expenditure of these public funds.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I am happy to yield to my friend from Florida.

Mr. ROGERS of Florida. Mr. Chairman, I too was a member of the committee which considered this problem very thoroughly. I must say that I agree with the gentleman. Simply formulating a new board or setting up a new organization does not mean we are going to bring about a solution to the noise problem.

What we are pursuing—and it is a proper pursuit, I believe—is research into the problem. That is where the solution is going to come from. This is being done. The legislative committee is handling this jet aircraft noise problem and it is continuing to put emphasis on the problem. Setting up a new board is not going to bring the research or the knowledge. All we are saying is, let us handle this in a reasonable and appropriate manner, under the legislative committee, as we are now doing.

Mr. MOSS. Would not the gentleman agree with me that the creation of yet another new agency could well impede the progress which we are hopeful is being made at the present time?

Mr. ROGERS of Florida. Exactly, because we will have someone without knowledge in a new agency and a new start will be begun all over again. We are already pursuing this problem vigorously.

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

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

Mr. ROSENTHAL. Mr. Chairman, is it the position of the gentleman that if there is a proliferation of agencies and bureaus who have responsibility in this field, it is more efficient than one office that has responsibility?

Mr. MOSS. The gentleman's amendment would not create one office with responsibility. It would create one office in one department with responsibility. It does not deal with the proliferation which already exists in the Department of Defense and in other agencies.

That trap, however well intended it might have been, does not work as the gentleman anticipated.

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

Mr. MOSS. I am pleased to yield to my friend from Michigan.

Mr. DINGELL. Would not the gentleman agree with me that what is actually being sought by the amendment is being

well carried out under existing authority by existing agencies, and what the sponsors of this amendment actually will accomplish is to require the setting up of a new bureaucracy, with all the time to be lost and with all the additional expenditures of money, without any additional accomplishments in the field in which progress is sought?

Mr. MOSS. I believe the gentleman states the position of the Member in the well precisely.

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

Mr. Chairman, I rise in support of the substitute amendment offered by the gentleman from New York [Mr. WYDLER].

Anyone who has followed the changing patterns of American transportation over the years knows that air travel is becoming more and more important. But while the speed of the big jets is a boon to cross-country travel, their noise is an ear-shattering burden to many people who live near this Nation's airports.

Let me say that you don't have to live too close to an airport to be irritated by jet noise. Take La Guardia Field in New York, which is just across Long Island Sound from my own district. Some of the jets arriving at La Guardia have recently been landing by flying first over eastern Westchester, then over the northeast Bronx, finally coming in over Queens. The gentleman from New York, Congressman RAB, will tell you that people in his district who live 10 or 12 miles from the airport have been plagued by the noise. That is the problem with jets. Their landing patterns bring them in low for a number of miles.

The more jets that go up in the air, the more people are going to be affected by the problems of jet noise. The time to deal with this problem is now—before every city in the country is plagued with unbearable jet noise.

I listened to the gentleman from California, who talked about his committee studying this problem for 3 years. I believe the time has come to act, because the problem is current and the people of this country are disturbed, and particularly those in the area of the jets.

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

Mr. FINO. Not at this moment. I will yield later.

Mr. MOSS. I just want to correct the gentleman. We have not studied for 3 years, but rather for 7 years.

Mr. FINO. And for 7 years the committee has been engaged in doing something that has not brought relief to the people of this country.

I am one of those Members who has introduced a bill to establish noise abatement standards. I think that an Office of Aircraft Noise Control and Abatement would be a good place to lodge these supervisory powers.

Earlier this year the gentleman from New York [Mr. WYDLER] offered an amendment to the NASA authorization to earmark \$20 million for an aircraft noise control research program. I am sorry that it did not receive sufficient support from the Democrats. This sort of thing is badly needed. I would expect

that the Office of Aircraft Noise Control and Abatement would pursue such a program. I urge support of the substitute amendment as a definite step in the right direction.

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

Mr. FINO. I am happy to yield to the gentleman from New York.

Mr. WYDLER. I just want to say that in offering my substitute amendment I mean no disrespect whatsoever to the chairman of the Committee on Interstate and Foreign Commerce. He is a man I respect as much as any other Member of the House. I have deep affection for him as well.

The fact of the matter is that we are now about to start the month of September. I assume this Congress will adjourn sometime in October. We are not going to have time, as a practical matter, to start hearings, if we want to take action on my amendment and the President's proposal in this session.

I honestly and with all due respect to the chairman, say that I think this problem is important enough with the President's backing and the approval on the Republican side and on the Democratic side to go ahead and get this legislation now, or we will probably not have it at all. We had just better face up to that today. That is the point I am trying to make to the Members of the House assembled here.

Mr. FINO. I agree with the gentleman from New York.

Now I yield to the gentleman from New York [Mr. ROSENTHAL].

Mr. ROSENTHAL. Mr. Chairman, I thank the gentleman from New York for yielding to me.

Much has been said about what has been accomplished in this area. The FAA in fiscal year 1966 spent \$780,000 for research in this field. In fiscal year 1967 they have asked for \$565,000 for research and development in aircraft noise. This does not seem to me to be much progress forward.

Mr. FINO. Mr. Chairman, I want to conclude by saying that this is a problem of great importance to the people of this country. I think this amendment is a step in the right direction, and I hope that the Members of this body will adopt it.

Mr. DINGELL. Mr. Chairman, I rise in opposition to the two amendments.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. DINGELL. I yield.

Mr. HOLIFIELD. Mr. Chairman, I would like to request that all debate on this amendment and all amendments to this amendment stop in 15 minutes.

Mr. WYDLER. Mr. Chairman, a parliamentary inquiry.

Mr. DINGELL. Mr. Chairman, I have to make a parliamentary inquiry on that, or I will decline to yield any further.

Is this coming out of my time?

The CHAIRMAN. Yes.

Mr. DINGELL. Then I decline to yield further.

Mr. Chairman, I rise in opposition to both the amendment and to the substitute thereto. I can understand the

problems that the gentlemen from New York face with regard to aircraft noise. There is not any portion of this country which does not face the enormous noise problems created by modern aircraft. Each of these aircraft makes a great deal more sound than did the obsolete aircraft of a few years ago and their number is multiplied greatly. But what the sponsors of this legislation seek to do is not to solve the problem but rather to set up another office and to set up more expensive bureaucracy.

Insofar as the accomplishment that is going to come from this is concerned, there will be very little.

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

Mr. DINGELL. I cannot yield to my friend, but I will later.

The chairman of the Committee on Interstate and Foreign Commerce has already pointed out that legislation is already before this body which will make a significant and meaningful contribution to the handling of this problem. I refer to H.R. 16171. I would point out that hearings are already promised and consideration of this matter is already promised on this legislation. This authorizes some meaningful progress because—

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

Mr. DINGELL. I told my good friend that I cannot yield to him now, but I will at an appropriate time. I cannot do it now.

That legislation affords to the Federal Aviation Administrator the power to establish standards to issue rules and regulations for the abatement of noise in the field of aircraft. My friends from New York would have us believe there has been nothing but an expenditure of funds going on here. The fact of the matter is that \$500,000 a year or \$700,000 a year is an awful lot of expenditure. The effects of that research have been meaningful. From this research have come concrete results.

First of all, the height at which aircraft must fly is now controlled. Second, devices such as baffles and mufflers on jet aircraft are now required and used. Paths for entrance and exit from airports are now fixed by FAA regulation. These are fairly faithfully adhered to.

When the FAA receives a complaint about a violation by aircraft flying too low or coming in too fast, or failing to observe the rules and regulations now prescribed, it acts vigorously to handle the matter. And, I am satisfied that if anyone here knows of any instances to the contrary, if they will bring them to the attention of the Committee on Interstate and Foreign Commerce, we will see to it that they are very vigorously gone into by the FAA.

Mr. Chairman, the point I want to leave with the gentlemen who have spoken on this subject is simply this: The establishment of a new agency is going to entail additional organization, additional hiring, additional people and, of course, at additional cost. It means more time lost in organization and more

expenditures of the taxpayers' money before the problem is solved.

Mr. Chairman, if this body wants to have the matter considered properly, I believe the way in which it can be done is to have the Committee proceed to do what it has announced it fully intends to do, and that is to go into the problem of aircraft noise abatement. The legislation concerned would afford the Administrator of the FAA the authority to carry out his responsibilities and to give to him the statutory authority to abate the noise and to study the problem about which the gentlemen from New York are rightfully concerned. But, Mr. Chairman, to simply set up another bureaucracy in the Federal Government at additional cost to the taxpayers, does not represent a proper approach to the solution of the problem.

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

Mr. DINGELL. Of course I yield to the gentleman from New York.

Mr. WYDLER. Mr. Chairman, how does the gentleman from Michigan assure us with reference to these hearings which we have been promised?

Mr. DINGELL. The chairman of the Committee on Interstate and Foreign Commerce who is presently on the floor has just told me that hearings will be forthcoming at an early date on H.R. 16171. I happen to be the ranking member of the subcommittee on transportation of the Committee on Interstate and Foreign Commerce on the Democratic side and I give to the gentleman from New York my assurance that the subcommittee will go into this matter at a very early date.

But, Mr. Chairman, I say to the gentleman that the way or the manner in which the gentleman from New York seeks to accomplish this purposes, although it is well intentioned, is poorly designed to accomplish the purpose that the gentleman rightfully wants to accomplish. I say this, even though I commend the gentleman for his effort and share his concern with reference to the problem.

Mr. WYDLER. Mr. Chairman, if the gentleman will yield further, could the gentleman from Michigan assure me that between now and the time the Congress adjourns the hearings that will be held by this committee and the hearings that will have to be held in the other body will take place and that the time is available for this at this session of Congress?

Mr. DINGELL. Mr. Chairman, I can only assure the gentleman from New York that the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia [Mr. STAGGERS], has assured me that hearings will be held at an early date.

Mr. REID of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall be brief and I shall not use the full 5 minutes.

But, Mr. Chairman, I will say to the Members of the Committee of the Whole House on the State of the Union that I have been disappointed in what is happening to the Department of Transportation bill which is now pending on the

floor of the House. The bill is a shadow of its former self.

Mr. Chairman, it is increasingly clear to me that there will be amendments to the original bill and that it has been largely cut in serious places.

Mr. Chairman, I believe we have an opportunity to do something here today that will be useful with regard to the abatement of aircraft noise in this country consistent with the primacy of air safety.

Mr. Chairman, in general, I would support both the amendment and the amendment to the amendment offered by the two gentlemen from New York [Mr. ROSENTHAL and Mr. WYDLER]. However, it is possible that the committee, in its wisdom, may not act, and I would like to direct my attention a little bit further, if I may, to the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia [Mr. STAGGERS], who is on the floor.

The gentleman and I recently had a colloquy on the floor and the point that I tried to make at that time was that there was a danger, if not the probability, that the bill which I offered, H.R. 17351—virtually identical to a bill introduced by other Members—may not be acted upon by this body and may not be acted upon by the other body. Therefore, Mr. Chairman, we have an opportunity to do something in a bill which I hope will be acted upon at this time.

Mr. Chairman, I would ask the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia [Mr. STAGGERS], to state once again what his time schedule is and the efforts which the gentleman will make to secure action on H.R. 16171, H.R. 17351 and related bills which I believe are necessary and which the chairman of the committee has stated are needed in order to assist us in alleviating a most serious problem?

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

Mr. REID of New York. Of course I yield to the distinguished chairman.

Mr. STAGGERS. All I can say again to the gentleman is what I have said previously, that we have under consideration a bill which I believe is of equal importance, if not greater.

Once we complete that bill, we will assign this bill with many others to the subcommittee and this will be one of the first bills that will be considered. That is about all I can say to the gentleman from New York.

Mr. REID of New York. Might I just ask the distinguished chairman, and I thank him for his comments, whether this bill, subject to the piece of legislation that precedes it, will have priority attention by his committee? In addition to that, would he give us some information about the appropriate efforts he might take to encourage action by the other body as well?

Mr. STAGGERS. May I say that I think this is probably just as important to the other body as it is to this body. It is not my purpose to go over to the other body and tell them what to do any more than they should tell me.

Mr. REID of New York. Am I correct, Mr. Chairman, in saying that the bill will have priority attention by the committee once the one additional bill, the Fair Labeling and Packaging Act, has been acted upon?

Mr. STAGGERS. All I can say again to the gentleman is this—and I have said it before and this is the third time—that we are having hearings now that have been going on for a month and a half. We intend to complete the hearings and when we do we will go into subcommittees to hear this bill and other bills. There are many bills that have to be heard.

Mr. REID of New York. I thank the gentleman for his assurances on this.

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

Mr. REID of New York. I yield to the gentleman.

Mr. WYDLER. Mr. Chairman, I just want to say this one thing about the point on bureaucracy. I too share the concern of my associates over bureaucracy on the matter of the creation of a bureaucracy. But let us make it clear that there currently exists within the department people who are working on this problem. So what is going to be done by this amendment is to give them the responsibility and to keep the responsibility on those people to accomplish something. So you are not adding jobs. You are not adding people. What you are doing here is adding results to the money that is already being spent. There is no new bureaucracy being created by this amendment.

Mr. REID of New York. Mr. Chairman, I urge the adoption of the amendment pending before this body. It is, as I again say, in support of doing something in this area consistent with the primacy of air safety.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from New York [Mr. WYDLER].

The question was taken; and on a division (demanded by Mr. WYDLER), there were—ayes 23, noes 51.

So the substitute amendment was rejected.

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

The CHAIRMAN. The Chair will count. [After counting.] One hundred and thirty-nine Members are present, a quorum.

The question is on the amendment offered by the gentleman from New York [Mr. ROSENTHAL].

The question was taken; and on a division (demanded by Mr. ROSENTHAL) there were—ayes 36, noes 82.

So the amendment was rejected.

AMENDMENTS OFFERED BY MR. GARMATZ

Mr. GARMATZ. Mr. Chairman, I offer amendments with a single purpose, and I ask unanimous consent that they be considered en bloc.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. GARMATZ: On page 4, beginning on line 5, strike out "(3) a Federal Maritime Administration, and (4)" and insert in lieu thereof "and (3)".

On page 14, strike out line 1 and all that follows down through line 14 on page 15.

On page 15, line 15, strike out "(6)" and insert in lieu thereof "(5)".

On page 37, line 25, strike out "(82), and (89)" and insert in lieu thereof "and (82)".

On page 38, strike out lines 3 through 6. Redesignate subsections (g) and (h) of section 10 as (f) and (g), respectively.

The CHAIRMAN. The gentleman from Maryland is recognized for 5 minutes.

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

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

Mr. HOLIFIELD. Mr. Chairman, I ask unanimous consent that the gentleman from Maryland may have 5 additional minutes. This is the most important amendment in the bill, and I want it thoroughly debated.

The CHAIRMAN. Is there objection to the request of the gentleman from California? The Chair hears none, and it is so ordered.

There was no objection.

The CHAIRMAN. The gentleman from Maryland is recognized for 5 additional minutes.

Mr. GARMATZ. Mr. Chairman, as a member of the Government Operations Committee I voted for this bill. There is a great deal of merit in most of it. And I want to commend the distinguished gentleman from California [Mr. HOLIFIELD] for his patient and diligent handling of the bill in committee.

I want to make it clear at the outset that my following remarks are not in opposition to the establishment of a Department of Transportation.

However, as chairman of the Committee on Merchant Marine and Fisheries, I am speaking in opposition to those parts of this bill which would place the maritime functions of the present Department of Commerce and Maritime Administration into the new Department of Transportation.

My statements reflect not only my own views, but the views of an overwhelming majority of the members of the Committee on Merchant Marine and Fisheries.

To this end, on June 21, 1966, the Merchant Marine Committee adopted a resolution. Committee resolution No. 10 expressed the sense of the committee that "there be established a new independent agency, to be known as the Federal Maritime Administration," not under the authority of any other department or agency of the Government.

The resolution directed that I advised the chairman of the Government Operations Committee of our position and urge that the Department of Transportation bill be amended so as to delete therefrom all provisions pertaining to maritime matters.

There is some history to all of this—quite a lot of it. I will not belabor the background because I believe some of my colleagues are prepared to expand on this point.

But putting it in the simplest terms: Maritime affairs and the administration of our national maritime policy have been neglected during the several periods that they have been under executive department jurisdiction.

An editorial appearing in the New York Journal of Commerce about a week ago had this to say:

The only real case for absorbing the MA (Maritime Administration) in the larger grouping of transport agencies was of the type that appeals most of all to people who draw large numbers of big and small boxes on Government organizational charts, illustrating who must report to whom and how the chains of command dribble down from one layer of boxes to another.

As far as maritime affairs are concerned, this bill does nothing more than satisfy someone's urge for bureaucratic tidiness.

It does not taken into account the fact that there is little that the Maritime Administration does or can do that bears much relationship to what the overall department and its segments concerned with various aspects of domestic transportation would be doing.

Nor does it calm the fears of those who believe that by transferring maritime functions to this vast new melting pot of transportation the agency charged with promoting American shipping would be overwhelmed by far larger interests.

On March 3 of this year—1 day after the President's transportation message was delivered—I expressed my disappointment that our existing maritime laws have not been implemented effectively in the past few years, while a variety of inconclusive studies have been underway. Specifically, I stated that Reorganization Plan No. 7 of 1961 had not accomplished what we hoped it would. I expressed misgivings about whether the transfer of the Maritime Administration as a minor component of one executive department to another one would improve things. I pointed also to the fact that the references to the American merchant marine in the transportation message were disappointingly meager. In other words, the merchant marine was virtually buried in the message, even before the bill was drafted.

Thus, since Reorganization Plan No. 7 of 1961—except for a few generalizations—there has been little indication that those responsible for administering maritime policy have really had the welfare of the American merchant marine at heart, or even understood its significance as an instrument of national policy. Sound programs have been withheld under the excuse of waiting for the completion of various studies looking toward the development of new policies.

Now it appears that under this bill there would be further periods of study before programs get underway, and existing policy will continue to be neglected.

The drift and inaction of recent years goes far to explain the attitude of many of us concerned with the welfare of the American merchant marine. This attitude was expressed in the following way by Mr. Paul Hall, president of the AFL-

CIO Maritime Trades Department, in speaking for virtually all of American maritime labor. He said:

If we are to be buried, we might as well be buried as we are. We might as well be buried in one place as another, and it is not important where that burial ground is to be if, in fact, it is to be that.

In conclusion, Mr. Chairman, I want to repeat that I am not here opposing the creation of a Department of Transportation.

I want to stress, however, that our committee has approached this subject sincerely, soberly, and thoughtfully.

We think we know something about the specialized problems of the American shipping industry.

We have dealt with matters in the oceanic environment since the creation of the committee in 1937.

Indeed, the kinship between the merchant marine and the Coast Guard, the Coast and Geodetic Survey, the fisheries, and oceanography, is far closer than the relationship between the merchant marine and the other forms of transportation—domestic in fact or domestic in treatment under law—proposed to be coordinated under this bill. As a matter of fact, the kinship between the President's export expansion program and a strong American-flag merchant marine makes a somewhat logical argument for leaving maritime functions where they are.

Overall, however, we believe an independent agency would be the most effective instrument.

We do not feel that we are taking a go-it-alone position. On the contrary, we feel that there are logical reasons for not including Maritime matters in the Department of Transportation.

We believe that if Maritime is excluded from this bill, and soon receives independent status, the Executive will give it the attention it deserves, just as it does on such other matters as atomic energy, space, and mass transit. These things, especially atomic energy and space, have special features and warrant special treatment. It is to be expected that the President will realize these facts and treat them accordingly.

I hope you will support me in those efforts, and I urge you to do so. It will be in our best interests, believe me.

We have a bill of our own, H.R. 11696, which would create an independent Maritime Administration.

A rule has been granted on that bill.

After this bill has been acted upon we hope to call up our bill—and again look for your support—so that a vital industry upon which our Nation's existence depends will again flourish in behalf of our economy and national security.

Mr. Chairman, in closing I wish to say that I have a number of telegrams I have received from all segments of the maritime labor organizations and from all the shipping interests.

I have one from Mr. Casey, representing the American Merchant Marine Institute and all segments of the maritime industry as a whole, supporting in particular the amendments we are offering today.

Mr. Chairman, I believe these telegrams will be of interest to the committee, and I include them at this point:

NEW YORK, N.Y.,
August 23, 1966.

HON. EDWARD A. GARMATZ,
Chairman, House Merchant Marine and Fisheries Committee, Washington, D.C.:

The institute extends congratulations to you and your associates on the committee for the gallant fight being waged to obtain an independent maritime agency. Although uphill all the way, conditions are now extremely favorable and AMMI wishes to assure committee of its continued wholehearted support. We stand ready to assist in any way possible.

RALPH E. CASEY,
President, American Merchant Marine Institute, Inc.

WASHINGTON, D.C.,
August 23, 1966.

HON. EDWARD A. GARMATZ,
Chairman, House Merchant Marine and Fisheries Committee, House Office Building, Washington, D.C.:

The SOS committee comprised of all maritime labor unions affiliated with the AFL-CIO again advise you that our position with respect to an independent maritime agency has not changed. That we favor unwaveringly such an agency, and that we believe the welfare of the maritime industry depends upon the establishment and maintenance of such an independent agency.

RUSSELL K. BERG,
President, International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, & Helpers.

THOMAS GLEASON,
President, International Longshoremen's Association, AFL-CIO.

JOSEPH CURRAN,
President, National Maritime Union of America.

PAUL HALL,
President, Seafarers International Union or North America.

CHICAGO, ILL.,
August 24, 1966.

HON. EDWARD A. GARMATZ,
House Office Building,
Washington, D.C.:

The AFL-CIO executive council today unanimously adopted the following statement:

"Today the American merchant marine is being called upon to meet a war situation for the third time in 25 years, owing to the neglect of this industry by the Government since the end of World War II, and the failure of the Defense Department to foresee and admit the need for merchant ships to transport troops and supplies across the seas, the condition of the merchant fleet, its supporting shipyards and available skilled manpower, have reached the point of crisis.

"Shipping has played a vital part in American history. Today, as the result of shortsighted policies on the part of Government officials with no understanding or sympathy with the significance of commercial seapower, we have fallen to third-rate status among the maritime nations.

"This neglect, which gravely threatens the security of the nation and the maintenance of our overseas commitments, would continue if the Maritime Administration is permitted to be buried in another Government department, with conflicting and competing interests, whether Transportation or Commerce. To prevent the essential needs of this vital industry from being continually ignored and submerged, and to make possible the steps necessary to its revival, the responsibility must be placed in an agency which has the status and authority necessary for the performance of its duties. We therefore

strongly support the effort to establish an independent maritime agency."

GEORGE MEANY,
President, AFL-CIO.

WASHINGTON, D.C.,
August 30, 1966.

HON. EDWARD A. GARMATZ,
Chairman, Committee on Merchant Marine
and Fisheries, House of Representatives,
Washington, D.C.:

Our members in all sections of country wholeheartedly endorse legislation approved by Committee on Merchant Marine and Fisheries, under your able leadership, to create independent Federal Maritime Administration. Justification for separate agency has, in our judgment, been persuasively presented to you and your colleagues in House Report 1820. I am authorized by our membership to convey this statement to you.

EDWIN M. HOOD,
President, Shipbuilders Council of America.

Mr. Chairman, I also have a copy of a telegram in reference to some statements which were supposed to have been made with reference to the meeting between Mr. Curran and the White House and some people here in Washington on the Hill.

We support the Bonner bill, H.R. 11696. Any statements that we have agreed to amending the transportation bill which do not carry out fully the Bonner bill are false. To date we have agreed with no one on any amendments whatsoever. No amendment to the Department of Transportation bill would be satisfactory to us that did not establish an independent Maritime Administration, clothed with the responsibility and authority to carry out our maritime laws and programs, and an independent Maritime Board. The Bonner bill continues to have our complete support.

JOSEPH CURRAN,
President, National Maritime Union and
Vice President, AFL-CIO, and Chair-
man, AFL-CIO Maritime Committee.

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman from Maryland, the chairman of the great House Committee on Merchant Marine and Fisheries, yield to me at this point?

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

Mr. ROONEY of New York. As the chairman of the Subcommittee on Appropriations which has appropriated funds for the maritime activities of this Government over many years, I should like to commend the distinguished gentleman upon his statement and say that he is correct in every respect when he finds fault with the management of our merchant marine, which has been permitted to deteriorate to the extent that it has. I shall wholeheartedly support the amendment which the gentleman has offered.

Mr. GARMATZ. I thank the gentleman from New York.

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

Mr. GARMATZ. I yield to the gentleman from Ohio [Mr. Bow].

Mr. BOW. As the ranking minority member of the subcommittee of the Committee on Appropriations which handles the merchant marine activities, I should like to join my distinguished chairman, the gentleman from New York [Mr. ROONEY], in complimenting

the gentleman for bringing these amendments to the floor. I shall support them.

Mr. GARMATZ. I thank the gentleman very much.

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

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

Mr. FRIEDEL. Mr. Chairman, I rise to join my colleague, the chairman of Merchant Marine and Fisheries Committee, in support of the amendment which would remove the Federal Maritime Administration from the proposed Department of Transportation and establish it as an independent agency. Our merchant marine industry is currently bedeviled by many complex problems. There is no reason to add to their complexity by submerging the Maritime Administration in another huge department.

During the years that the Maritime Administration has been in the Department of Commerce, the status of the American merchant marine has continued to sink. The world's greatest industrial power has, by no means, the world's greatest merchant fleet. We, in fact, have a fleet that is rapidly becoming obsolete. New ships are not being built fast enough to replace aging vessels, and we are not adequately meeting either our commercial or our defense needs. More than 120 World War II cargo ships have been pressed back in service to supply our troops in Vietnam. These ships are obviously far from the most efficient vessels afloat. We should be able to do much better than this.

We would be able to do better than this if congressional intent had been effectively implemented through the creation of a strong merchant fleet. This has not been done, and I fear that it will not be done in the proposed Department of Transportation. This new department will be basically oriented toward domestic transportation. The American merchant marine, on the other hand, operates internationally. Very different considerations apply to our national flag fleet. Our balance-of-payments position is adversely affected, for example, by shipping in foreign bottoms.

President Roosevelt said in a message preceding the enactment of the Merchant Marine Act of 1936:

An American merchant marine is one of our most firmly established traditions. It was, during the first half of our national existence, a great and growing asset. Since then, it has declined in importance and value. The time has come to square this traditional ideal with effective performance.

President Roosevelt's statement is as true today as it was 30 years ago. It is a measure of our failure to come to grips with the problems of our merchant marine industry. This unfortunate situation must be corrected through strong Government leadership, and I am convinced that such leadership can best be provided in an independent Federal Maritime Administration.

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

Mr. Chairman, and ladies and gentlemen of the committee, I do not want

to use an excessive amount of the time of the committee, and I will try to finish in less than the 5 minutes allocated to me, but for those interested in the reasons and arguments of the vast majority of the members of the Committee on Merchant Marine and Fisheries, if you will look at yesterday's Record and read the statements made there yesterday during the general debate by a number of the members of our committee, I think you will see the logic behind our position that maritime affairs are really not so intimately related to other transportation matters as to warrant their being included in this new Department of Transportation.

I have said yesterday that I do not for a moment question the sincerity of my distinguished friend from California [Mr. HOLIFIELD]. He has been a very good friend of the merchant marine over many, many years, but he probably has not known so intimately the problems of this industry as those of us who are on the Merchant Marine and Fisheries Committee, and as is the distinguished gentleman from New York [Mr. ROONEY] who has been handling appropriations for marine affairs for many years, and my friend, the gentleman from Ohio [Mr. BOW], who has been the ranking minority member on that appropriations subcommittee. They and I, since I have been here for 14 years, have wrestled with these problems on the Merchant Marine and Fisheries Committee. The arguments in favor of putting this in a department where it will have a man of Cabinet rank to speak for maritime affairs is just like a broken record. These are precisely the same arguments made in favor of Reorganization Plan No. 7 in 1961. Since then the merchant marine has been in even worse shape than it was before then, and it was not in too good shape in the years preceding that.

I think we have every reason to feel that maritime affairs when placed in competition with the multibillion-dollar programs in domestic transportation can only be, as they have been in the Department of Commerce, a poor country cousin to which little or no attention will be given. So with all of the sincerity that I can command I urge those of you who do not perhaps have the degree of familiarity with maritime problems that we on the legislative committee and on the Committee on Appropriations have, that you accept our judgment and our feeling that this is not a solution, and it is not the way to give the United States the strong, competitive merchant marine that the national interest requires.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

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

Mr. MURPHY of New York. I want to associate myself with the remarks of the gentleman from California, and point out to the House that I joined with him many months ago in submitting legislation before this House to make the Maritime Administration and the Maritime Board responsible, and to take away from the Maritime Administrator the powers of one-man rule in that body, and to broaden it out to a panel of either three

or five men. This legislation was submitted because of the problems which the merchant marine faced that were carefully outlined by both the gentleman from California and the gentleman from New York [Mr. ROONEY].

The problem with our merchant marine stems from one of neglect, since the end of World War II. The United States at that time controlled 90 percent of the world shipping. It was only logical that this very high figure would adjust downward as peace returned to the world. We placed many of our excess ships in the reserve fleets and sold others to foreign nations. As of this fiscal year we are down to the point where only 13 ships have been authorized by the Bureau of the Budget. And in this shipping construction area lies the problem of our merchant marine. At the present time about 17 American flagships disappear from the shipping lanes of the world each year. Thirteen does not replace them, but lets us fall further behind world powers. At present Russia, for example, is constructing 100 ships. We must have a maritime policy and I am certain that by an independent Maritime Administration, the problems of the Merchant Marine and attention to these problems will be concentrated to a greater degree.

Mr. Chairman, I would like to associate myself with the remarks made by the gentleman from California [Mr. MAILLIARD].

Mr. MAILLIARD. Mr. Chairman, in closing, may I say that this is not something—this is not an idea that we have brought forth since the President's transportation message.

Mr. Chairman, I introduced a bill, the first one that was introduced in this Congress, almost a year ago, designed to make the Maritime Administration an independent agency. I also believe that some 20 or more Members of the House of Representatives have introduced similar bills, many of which were introduced long before the date on which the transportation proposal was submitted.

So, Mr. Chairman, I urge my friends on both sides of the aisle to join with the committee and strike Maritime out of this Department and see if we cannot come up with something that is acceptable as a proper structure in order to guarantee to us a strong merchant marine.

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

Mr. Chairman, I regret extremely that I find myself in disagreement with my good friend the able chairman of the Committee on Merchant Marine and Fisheries, and the gentleman from Maryland [Mr. GARMATZ], and my good friend and neighbor who lives in an adjoining district to me in Virginia. But we are not in any disagreement about objectives. On these we are together but we are in disagreement as to the methods needed to achieve our objectives.

Mr. Chairman, I yield to no one in my desire to see a strong merchant marine. I am sure that few if any districts have more maritime activity than that which is carried on in the congressional district which it is my honor to represent.

Mr. Chairman, I am concerned, and my purpose in speaking in opposition to

the amendment is to accomplish for this Nation the best merchant marine that we can possibly achieve.

Mr. Chairman, I believe we are all in agreement as to what we want. But, perhaps, we ought to take a further look at what we need and what the real problem is.

Mr. Chairman, what do we really seek in an American merchant marine?

First of all, we seek supremacy, supremacy of the U.S. flag on the shipping lanes of all the oceans. In order to have this, we have to have more ships. We have to have modern ships. We have to have more ships employing more American merchant seamen. We have to have more ships carrying more commerce. We have got to have more and better ships to back up our defense by providing the sealift that we need, and we need it now—we do need it now.

Mr. Chairman, I do not disagree for a moment with the observations that have already been made about the plight of our merchant marine.

We need to correct this situation, but how do we accomplish what these gentlemen have in mind? Where is the problem?

Mr. Chairman, the problem is not in statutory authority. We have the Merchant Marine Act of 1936 and the stated policy of the Congress is there. The provision for providing the ships that we need is there. The provision for operating subsidies is there.

Therefore, Mr. Chairman, what is our problem? Is it money? Perhaps in part.

But, Mr. Chairman, all of the members of the Committee of the Whole House on the State of the Union heard the comments of the distinguished chairman of the subcommittee which provides funds for the merchant marine. My good friend, Mr. ROONEY, made clear his support of our merchant marine and his desire to see that it is adequately financed.

I doubt that that is our problem. Maybe we have not pressed the Committee on Appropriations sufficiently for funds.

But, supposing we had received increased appropriations—with the top level administration policy we would not have had ships built. We would not have had additional subsidized trade routes.

So basically the problem rests right in the top administrative circles of our Government. That is where the problem has rested during these years when our merchant marine has gone into a decline.

If we had had top administration policy calling for a merchant marine second to none, a merchant marine occupying its proper place in the sea lanes, we would have had that kind of a merchant marine.

I think what we need to do is to try to find some way to get that. I say to you, we will not get it by making Maritime an independent agency. The best way the Maritime Administration can have access to the top policymakers of the country, to the White House, is through a Cabinet officer. Make no mistake about that.

The best way is through an officer who sits in the President's Cabinet.

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

Mr. HARDY. I yield to the gentleman.

Mr. GILBERT. I would like to ask the gentleman if it is not a fact that at the present time the merchant marine is represented by a Cabinet member in the Department of Commerce?

Mr. HARDY. The gentleman's point is well taken. The merchant marine at the present time is under the Maritime Administration which is in the Department of Commerce.

Mr. GILBERT. That is correct. They are represented at the top level.

Mr. HARDY. It is a small wheel in a big machine, and it is lost in that agency. There are some other things wrong with it also. There were some mistakes made, in my judgment, in the Reorganization Plan No. 21 in 1961—I believe it was. There were some mistakes made. Frankly, I think now and I thought at the time when that reorganization plan was under consideration that we should not have the Secretary of Commerce controlling subsidy awards, or vetoing them.

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

Mr. HARDY. I yield to the gentleman.

Mr. GILBERT. Does not the gentleman think the Maritime being lumped in with all this other transportation is equally going to be lost?

Mr. HARDY. I cannot think of any more important element in the transportation of the United States than its commerce on the seas. I cannot think of anything that is any more important, and requiring top level administration attention than transportation.

If you consider the fact that one-fifth of the cost of everything we buy is transportation costs, then we need to place all of these things together and we need to have somebody in the top administration circles who can coordinate all of these things—all of them. If Maritime is not a part of transportation, then I would not know where it belongs.

Mr. GILBERT. I completely agree with the gentleman in his statement except as to his conclusions.

Mr. HARDY. Of course, the gentleman and I would be in disagreement on that. I understand the gentleman and I am sorry that we are in disagreement on it. But my convictions are very, very strong.

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

Mr. HARDY. I yield to the gentleman.

Mr. HOLIFIELD. Mr. Chairman, on the question of the Maritime Administration being in the Department of Commerce, let me read to you some of the activities of the Department.

The activities of the Department include: Population, agriculture, and other censuses; collection analysis and decimation of commercial statistics; promotion of foreign and domestic commerce; coastal and geodetic surveys; compilation and publication of nautical and

aeronautical charts; the establishment of commodity weights, measures, and standards; the issuance of patents and registration of trademarks; the supervision of the issuance of weather forecasts and warnings; the administering of a program of Federal aid for areas designated as "redevelopment areas."

I can go on and there are 25 more functions of the Department of Commerce.

I agree with the gentleman that there is a great deal of difference between the present situation and putting the Maritime Administration in a department whose sole and only object is the promotion and development of all modes of transportation. There is no doubt in anyone's mind that this is a step forward—a long step forward—to give it the attention that it needs of a Cabinet Secretary who is concerned only with the improvement of transportation.

Mr. HARDY. The gentleman is eminently correct in his reasoning on this matter.

There are one or two other points that I want to make.

Undoubtedly, there is need for change in the existing legislation and perhaps the House Committee on Merchant Marine and Fisheries will address itself to that. If the pending amendment is defeated, I do hope that somebody will offer—and I believe there is a plan to offer an amendment which will take out the subsidy board from under the jurisdiction of the Secretary. If so, I shall certainly support it because in my view it ought never to have been put in there. There may be some needed changes with respect to the commission itself and if so the Committee on Merchant Marine and Fisheries is amply able to cope with those requirements.

Let us now return for a moment to the question of trying to get some support in the top administrative circles. That is what we need. We need the support of the President. I think it is up to us from the maritime communities, the maritime industry, and others interested in the merchant marine to try to see if we can get the White House to take a proper view of the needs of our American merchant marine. It is up to the industry; it is up to the shipping people; it is up to the leaders in organized labor to try to get the President to put more emphasis on our merchant marine.

But let me say this to you: Let us not overdo the present situation. Let us not take Maritime out of the bill, because if we do, the chances are that it will stay exactly where it is now.

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

Mr. HARDY. I yield gladly to our majority leader, the gentleman from Oklahoma.

Mr. ALBERT. The gentleman has made a very pertinent observation. In my opinion, if this agency goes into the Department of Transportation we will see a revival of interest at the top levels of the Government in building up an American merchant marine second to none in the world.

Mr. HARDY. And I am sure we can count on our majority leader to help us

stimulate that interest at the White House.

Mr. ALBERT. You certainly can, and may I say that although I come from the internal part of the country, I do not think there is anything more important to American manufacture, American agriculture, or American defense than a great American merchant marine.

Mr. HARDY. Defense first and foremost. I say to you, let us not make the mistake of taking maritime out of the bill. If we knock it out, you can bet your bottom dollar that it will stay in the Department of Commerce, and its prospects of attaining there the importance that we want for it are very remote.

Mr. EDWARDS of Alabama. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am interested in the colloquy that has just taken place here, because everyone seems to agree that the big problem with the merchant marine is that over the past years the administration has not taken sufficient interest in the merchant marine. I do not know what there is about the Department of Transportation that will change that. We have a Cabinet-level officer over the merchant marine now and the administration has not taken any interest, and I do not know by what magic changing Cabinet officers will all of a sudden trigger the administration's desire to do something about the merchant marine.

Now, Mr. Chairman, I wish to join my distinguished colleague from Maryland, the chairman of the House Merchant Marine and Fisheries Committee, in urging the House not to transfer the Maritime Administration to the Department of Transportation as provided for in the bill, H.R. 15963.

I have had the unique opportunity of serving on our Committee on Government Operations which considered the Department of Transportation bill, H.R. 15963, as well as our Committee on Merchant Marine and Fisheries which has concluded comprehensive hearings on a bill which would establish an independent Federal Maritime Administration. Although my recent assignment to our Committee on Government Operations did not permit me to participate in all the discussions on H.R. 15963, I was involved in the final deliberations by the committee on H.R. 15963, and I have been active on our Committee on Merchant Marine and Fisheries in its consideration of its independent agency bill, H.R. 11696. It was because of this somewhat unique dual capacity that I filed separate views in the report of our Committee on Government Operations on the Department of Transportation bill, expressing my considered opinion that the best interests of the country would be served by the removal of the Maritime Administration, both from the Department of Commerce where it presently is lodged, and from the Department of Transportation where it is now proposed to be transferred by H.R. 15963.

The problem in a nutshell is that today there exists a clear and blatant action gap between our national maritime policy as enunciated in the Mer-

chant Marine Act of 1936 and administrative programs designed to implement that policy. The American merchant marine today is in a state of perilous decline requiring more, not less, remedial attention by the Federal Government. It is a sick industry. Our ships are both physically and economically obsolete. Approximately 85 percent of our ships are of World War II vintage, making them at least 20 years old. Within 5 years this large bloc of ships will reach the end of their economic lives. The time is now, if not long overdue, for this Nation to take prompt, effective, and constructive action to arrest and overcome this perilous decline. Yet, the prospects of such a warning ever being heeded are exceedingly doubtful while the industry's voice continues to be muted in the bureaucratic caverns of either the Department of Commerce or the Department of Transportation as now proposed by H.R. 15963.

Sixteen years ago, the responsibility for the promotion of the American merchant marine was vested in an independent agency, the U.S. Maritime Commission. Through successive reorganization plans in 1950 and 1961, the independence of that agency was progressively diminished to a point where today it is in a subservient position within the Department of Commerce. This has served to effectively stifle the voice of our vital maritime industry. The toll it has taken is reflected in the participation in our foreign trade by vessels of American registry. While our total foreign trade has been showing a marked growth, participation in the carriage of that trade by U.S.-flag ships has become alarmingly smaller and smaller. From 1950 to 1954 our vessels' share of our national trade declined from about 42 percent to less than 28 percent. In the 5-year period between 1960 and 1964, our foreign trade increased about 25 percent, yet participation in that trade by vessels of American registry actually decreased. Today our ships carry about 8 percent of our trade.

I am, therefore, genuinely concerned over the bleak future of the American merchant marine if the Maritime Administration is allowed to be swallowed up in the Department of Transportation as proposed by the bill, H.R. 15963. For me, there is not the slightest glimmer of any hope of revitalizing this ailing industry if this is permitted to come to pass, since we would only be perpetuating the same mistakes of earlier years by denying the industry a voice and much-needed Federal leadership.

Certainly, an industry such as the American merchant marine which responded so well to the demands of this Nation in World War II, in Korea, and now in Vietnam, is deserving of far greater consideration than that which is exemplified by the proposal embodied in H.R. 15963. This industry has been appropriately characterized as a "hero in war—stepchild in peace." I therefore urge that we in the House do not err in adding our support to this characterization by making it a stepchild in the Great Society in both peace and war.

I most sincerely urge that the House strike the Maritime Administration from the Department of Transportation bill, H.R. 15963. I therefore vigorously support the Garmatz amendment, and I ask you today, to stand with the Merchant Marine Committee, the maritime industry—both labor and management, the shipbuilding industry—both labor and management, and vote for this amendment.

Mrs. SULLIVAN. Mr. Chairman, I rise in support of the amendment and move to strike the requisite number of words.

As ranking member of the Committee on Merchant Marine and Fisheries, which has considered this matter carefully and honestly in an effort to provide guidance to the House in a matter in which our committee has competence, I strongly support an amendment to the Department of Transportation bill to permit the establishment of a separate and independent maritime agency.

There are overriding considerations of national interest and national security, as well as economic justification for such an agency—one separate and distinct from those dealing with other aspects of transportation.

Every form of transportation is important to our economy and to our country, and healthy competition between them is good for the economy and for the country as well as for the individual firms involved in these industries.

But our merchant marine industry is in a unique and serious situation.

DEEPWATER SHIPPING IN DEEP TROUBLE

Our merchant marine is in trouble—in deep trouble—or, rather, we as a nation are in deep trouble because of the decline in our deepwater shipping. The national maritime policy of the United States, set forth 30 years ago in the Merchant Marine Act of 1936, laid the groundwork and the guidelines for overcoming the depression-days neglect of ocean commerce and for providing for long-range programs for the future. It is a matter of history that this remarkable measure, conceived during peacetime, in an era when we were still pulling ourselves up off the economic floor, served as a most timely and fortunate preparation for World War II.

THIRTY YEARS AGO WE CARRIED "ONLY" 35 PERCENT OF OUR CARGOES; TODAY WE CARRY 8 PERCENT

In those early days of the New Deal our domestic shipping and tanker fleets were reviving, but our liners were sick. Complaints were made at the time that we were then carrying, and I quote, "only about 35 to 40 percent of our waterborne commerce." Today, in contrast, we carry less than 8 percent. Yet at a time when our gross national product was less than \$90 billion, we embarked in 1936 on a program of building 50 modern cargo, passenger, and combination liners each year for a period of 10 years—interrupted, of course, by World War II and the crash program that by 1945 had produced the miracle of an average construction of about 1,000 large merchant ships per year over a period of 6 years.

ONLY 17 NEW SHIPS LAST YEAR, 13 THIS YEAR

However, compared to the 1936 objective of 50 subsidized ships a year, we constructed only 17 new American-flag vessels last year, and the target for the present fiscal year is only 13, and none of them are bulk carriers.

Meanwhile, the Soviet Union has been building ships at a fast pace and now has a fleet of 7 million tons, which is already in excess of our active fleet, with the expectation that by 1971 Russia's superiority over the American merchant marine will be 2 to 1. Furthermore, two-thirds of their ships are less than 10 years old, with 58 percent of their tankers being less than 5 years old.

AMERICAN FLAG AT SEA NOT A NATIONAL "LUXURY"

Mr. Chairman, we are now at a critical point of decision in our ocean shipping policies for the future, as we were in 1936, and there is no certainty which way we will go this time. In 1936 we made the right turn. But for some years now, we have been drifting in a calm in ship construction and in American-flag operation. Foreign ships have taken over not only most of our commercial cargo, but our passenger business too.

Those who may think that the American flag should—or has to—gradually disappear from the shipping lanes of the world, because it is perhaps an expensive luxury we cannot afford, have either forgotten, or are much too young to know about the recurring crises in recent history when defense needs suddenly made us dependent upon our own ships. I do not feel we should place the main reliance for so much of our vital commerce—vital to our survival—on foreign ships which owe us nothing whatsoever, and whose owners are glad to have our business when it is convenient or profitable, but not when it entails any sacrifice.

The American people must decide and decide quickly that if we want an adequate merchant marine we must pay for it in subsidies. Otherwise our ocean strength will disappear, to be taken over by foreign countries.

FOREIGN-FLAG SHIPS REJECT OUR CARGOES TO SAIGON

When we increase our dependence upon foreign shipping for Government cargoes in peacetime, we later find ourselves confronted with the unhappy fact that we do not have the ships we need, and some of our fair-weather, foreign-flag carrier friends who were so glad to get Government cargoes, suddenly pull the rug out from under us by saying, "Thank you very much, but we are not interested in taking any of your cargoes to Saigon right now"—as recently happened.

As a result, we have a lot of our best shipping tied up off Saigon, waiting to unload, and undergoing the most exasperating and maddening delays. There are good, fast ships as well as the "old rustbuckets" tied up for many weeks over there, and I wonder—and we want to know—what is happening on the commercial routes they were taken away from. Are we losing that business by de-

fault, possibly for good; and, if so, what do we do about it?

The CHAIRMAN. The time of the gentlewoman from Missouri has expired.

(By unanimous consent, Mrs. SULLIVAN was allowed to proceed for 3 additional minutes.)

Mrs. SULLIVAN. We need ships. We need far more ships than we now have or that we are presently planning to build. We need them under the American flag—for our defense commitments throughout the world, as well as for the needs of our commerce.

MERCHANT MARINE AGENCY NOW A SUBORDINATE PART OF COMMERCE DEPARTMENT

It would be an oversimplification to say that the only reason, or the main reason, our merchant marine is sick, is because it is under the jurisdiction of a subordinate agency of one of our major departments of Government, which has many diverse interests. There are a great many reasons for this state of affairs—including, of course, a lack of awareness on the part of the public generally of the importance of the merchant marine to national strength and purpose.

But the fact that the maritime agency of the Federal Government is a subordinate agency of the Department of Commerce, with little status and no prestige in the bureaucratic "social register," certainly has been a major factor in its inability to make the problems of the industry visible to the American public.

If you ask the average American what he knows about—or thinks about—the American merchant marine, I think his answer would be that he thinks about it not at all and knows little about it other than the "fact" that it is a heavily subsidized industry eating out of the Federal tax trough and representing an expensive luxury maintained primarily for the jingoistic pride of having our flag on a lot of ships.

If that description were accurate, then certainly the House Committee on Merchant Marine and Fisheries would be deserving of censure by the House for our support of this supposedly unimportant and expensive national luxury. Actually, as I have tried to point out, the facts are much different from the common misconceptions about the merchant marine.

My point is, however, that since shortly after World War II, when the merchant marine was recognized for its valor, and its importance was understood, the Government agency now having jurisdiction over the merchant marine has been a rather obscure part of a large Government department. The bill to create a Department of Transportation would continue that status, but this time under a Department where it would be a pygmy among transportation giants—the pipelines, the railroads, the inland waterways, and the trucks—a very small voice which would be lost in the noisy demands of our major domestic transportation interests.

STRONG SEPARATE INDEPENDENT AGENCY NEEDED

Our committee is convinced that the salvation for the American merchant marine lies in the establishment of a

separate and independent entity to further our needs for adequate ocean transportation.

While there is considerable logic in combining domestic transportation agencies so that one man can balance their conflicting needs and interests for the benefit of everyone, there is neither logic nor necessity for including ocean transportation, which neither competes with nor affects in any way the interests of our internal transport.

We need a merchant marine and we need a clear voice to express its requirements, and this we cannot obtain under this bill. It is for that reason that I believe that the interests of the United States demand the establishment of a separate and independent marine agency.

Mr. FINO. Mr. Chairman, I rise in support of the amendments.

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

Mr. FINO. I am glad to yield to the gentleman from Oregon.

Mr. WYATT. Mr. Chairman, I rise in strong support of eliminating the Maritime Administration from the proposed Department of Transportation. The American merchant marine needs strengthening. It should be given strong, independent status. To add it as a part of a new Cabinet department would weaken the Maritime Administration. The confusion in getting the new department in full operation when added to the present lowly status of this organization means plainly that this operation will be hurt even further.

We should pass this amendment, create the new department without the Maritime Administration, and then we should face up to the task of giving real strength and muscle to the Maritime Administration as an independent agency.

Mr. FINO. Mr. Chairman, I rise in support of the amendment to take the Maritime Administration out of the proposed Transportation Department and set it up as a separate agency, as it was before the 1950 reorganization.

Now I am mindful of the need to pull transportation together under one roof in order to coordinate it, but I am also mindful of one exception that has already been made—mass transportation. As you know, mass transit—which relates largely to urban America—is under the jurisdiction of the Department of Housing and Urban Development. Since most of our population lives in the Nation's great metropolitan areas, and since most of our passenger miles are traveled in these areas, this removes one very crucial part of American transportation from the proposed department. Yet I agree with this. I think it is wise. Mass transit is more linked to urban development than it is to the freight cars of wheat that roll across the Dakotas or to the barges that ply the Ohio or Mississippi Rivers. So I think it is a good thing that mass transit is part of the subject matter of the Department of Housing and Urban Development.

Since this is the case, then it is a phony sacred cow to say that the Maritime Administration must be kept in the Department of Transportation so that all transportation will be regulated by

one agency. This is simply not true. There is already a big jurisdictional gap. That gap makes sense. So does the change involved in the proposed amendment.

Mr. Chairman, this administration has starved mass transit and it has starved our merchant marine. The two have that in common. Neither one merits administration concern because neither one is a vehicle for the social planners to plan something, and that is the only thing the Great Society spends its money on. Like mass transit, our merchant marine is vital to this Nation, and like mass transit, it has been a neglected stepchild of the administration.

I have read a number of magazine and newspaper articles on our merchant marine in recent months. What I have read shocks me. First, the Russians are building a huge merchant marine that threatens to outstrip ours. Secondly, we are killing our shipbuilding industry—the backbone of our merchant marine—by awarding too many contracts overseas. I recently read of a \$14 million contract to an English shipyard that was about to fold up. Thirdly—and most important—this administration does nothing to stop all this. It is too preoccupied with the Great Society's social planning.

I believe that an independent Maritime Administration will fight for our merchant marine in the way a subjugated maritime section of a transportation department never will.

My district includes City Island, a marine and shipbuilding center, and I know the people of City Island—they care about the sea and ships in a way the typical bureaucrat whose specialty might happen to be transportation never can. I want America's merchant marine under the jurisdiction of an agency which is preoccupied with the sea and ships, and cares about America's merchant marine as something more than statistics and colored lines on a sea-route map.

I urge support of this amendment to exclude the Maritime Administration from this bill which establishes a Department of Transportation.

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

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

Mr. CAHILL. Mr. Chairman, I would like to commend the gentleman from New York on his remarks and join with him in support of this amendment.

Having introduced legislation to establish a separate Federal Maritime Administration, I support wholeheartedly and enthusiastically the amendment of the gentleman from Maryland.

The Maritime Administration, in my judgment, lost its effectiveness 16 years ago when it was transferred to the Department of Commerce and relegated to subordinate status. Everyone is in agreement that our merchant marine fleet has deteriorated rapidly in these 16 years and now has gone from 1st to 6th place in international ratings and has gone from 6th to 14th place in ship construction since the date of that transfer.

I have repeatedly called to the attention of the House in a score of speeches the deterioration of our Navy ships and our merchant fleet and have pointed out repeatedly the danger to our national welfare in failing to recognize the great need for continued ship construction. At the very time when we should be building more and more ships, this administration is permitting well-established shipyards to fall into disuse and to close their doors because of lack of contracts. At the very same time that domestic shipyards are laying off skilled shipbuilders, the U.S. Navy is contracting to build ships in foreign yards.

Each World War has demonstrated dramatically the need for adequate shipping to provide our fighting forces with the material of war. Today at a time when America again faces grave danger and American boys are fighting in foreign lands, the national administration has completely neglected the shipbuilding industry of our country. One of the Nation's great shipbuilders, the New York Shipyard, of Camden, N.J., is about to close its doors because of lack of work. This shipyard has built some of the great fighting ships of American naval history and the merchant ships, including the SS *Savannah*, the first nuclear-powered ship, have been the product of the quality workmanship of the men of New York Shipyard.

The closing of several shipyards along the Delaware River, including the John Mathis Shipyard more than 100 years old, has been the result of the failure of the policy of the national administration. Repeated warnings by this speaker, and many others who have joined me in bringing the plight of shipbuilding in the United States to the attention of the White House and the executive departments of the Federal Government have had no effect whatsoever. Even today as we debate this bill, sufficient attention is lacking as far as shipbuilding is concerned.

Mr. Chairman, the establishment of the Federal Maritime Administration as a separate agency may not solve all of the problems of shipbuilding in the United States but there should be an improvement in conditions as they now exist.

I hope the House will overwhelmingly support the amendment offered by the gentleman from Maryland.

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

Mr. FINO. I am glad to yield to the gentleman from New York [Mr. HALPERN].

Mr. HALPERN. Mr. Chairman, I wish to commend the gentleman from New York [Mr. FINO] for his most constructive and enlightening remarks.

Mr. Chairman, I want to associate myself with those remarks and with the excellent arguments put forth today on this floor in behalf of this amendment.

The amendment before us, Mr. Chairman, is an excellent one, and I hope it will pass this House overwhelmingly.

Mr. FINO. I thank the gentleman from New York.

Mr. CASEY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, for the past few days during the general debate, of course, in anticipation of this amendment there have been many arguments offered in advance in opposition to the amendment which has been offered by the distinguished gentleman from Maryland, the chairman of the Committee on Merchant Marine and Fisheries.

And, Mr. Chairman, mind you, I am very anxious to try to be of help to the administration in any of its plans for streamlining and making more efficient our Government.

But, Mr. Chairman, I have sat on the Committee on Merchant Marine and Fisheries and have worked with the distinguished members of the Merchant Marine and Fisheries Committee, on both sides of the aisle, for almost 8 years, before I recently changed committees.

Mr. Chairman, I have shared with them the problem that we have been going over.

Mr. Chairman, I listened to the very eloquent and very persuasive argument of the gentleman from Virginia [Mr. HARDY]. And, you know, Mr. Chairman, if one had not lived with this to some extent, the gentleman from Virginia would persuade one, because he is a very persuasive man.

It is true, Mr. Chairman, that the gentleman has a lot of water activity around Norfolk. But, primarily, that is military, as one must admit. I believe that the "little" Port Houston kind of outranks the Port of Norfolk a little bit in this matter.

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

Mr. CASEY. Of course, I yield to the gentleman from Virginia.

Mr. HARDY. Mr. Chairman, I do not have the statistics with me, but if the Port of Houston exceeds the total commercial shipping of the Port of Norfolk, I would be happy to know it. It would be surprising to me.

Mr. CASEY. That it exceeds your total shipping?

Mr. HARDY. Yes, commercial.

Mr. CASEY. Yes, the commercial shipping of the Port of Houston exceeds the shipping out of the Port of Norfolk which the gentleman from Virginia represents. I would remind the gentleman from Virginia that the Port of Houston is battling with the Port of Baltimore for second place right now. That statement illustrates the fact that the gentleman is not as well versed in this subject as the gentleman thought he was.

I am glad that the gentleman stuck his foot right in his mouth, because this just shows that the gentleman's argument is not as well founded as he thought it was.

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

Mr. CASEY. If I have the time.

Mr. HARDY. Well, you go ahead and get through with what you have to say.

Mr. CASEY. Now, Mr. Chairman, the gentleman from Virginia said "if this is not transportation and belongs under transportation, I do not know what it is," or something similar to that. Now if merchant marine is not commerce, I will eat your hat.

Mr. Chairman, what have they done with our commerce under the merchant marine operations and under the Maritime Commission? They have let it dwindle down into a situation where it is ineffective as has been shown in statement after statement over the last few days.

Then, Mr. Chairman, they try and frighten you with statements to the effect that "If you cut the merchant marine out, you will leave it like it is now."

Mr. Chairman, we are trying to cut them out so that we can bring the gentleman from Maryland's bill up in a few days and make it an independent agency.

Mr. Chairman, we are never going to have a decent merchant marine until we rise up just like we are trying to do right now and support the distinguished gentleman from Maryland's amendment to create a separate agency.

Now, Mr. Chairman, I yield to the gentleman from Virginia [Mr. HARDY], if the gentleman has something else to say. The gentleman asked me to yield to him a few moments ago.

Mr. HARDY. Mr. Chairman, I can make another speech, if the gentleman from Texas has the time during which to do so.

Mr. CASEY. No, I am not yielding to the gentleman from Virginia for the purpose of making a speech. I thought the gentleman had a question. I thought perhaps the gentleman wanted to apologize for criticizing my great Port of Houston and for berating it.

Mr. HARDY. If the gentleman will yield further, I do not criticize the gentleman's port, and I applaud him for advertising it.

The point I wanted to make awhile ago, and I believe the gentleman from Texas will agree, that regardless of the outcome of this amendment that is now pending, I believe the controversy that has generated over the location of the Maritime Administration has been eminently good for the American merchant marine.

Mr. CASEY. Yes; the gentleman is right. I know the gentleman from Virginia [Mr. HARDY] is sincere in everything he has done and I know that the gentleman does have a great interest in the merchant marine and I further believe that the gentleman is doing what he thinks is best.

Mr. HARDY. If I might say so, regardless of what happens to this amendment or this bill, I think that there has been strong public consciousness developed about the problems of the American merchant marine and the need for strengthening it.

Mr. CASEY. That is right.

Mr. HARDY. Due to this discussion.

Mr. CASEY. I agree with you. So let us nail down the lid and adopt this gentleman's amendment.

Mr. HARDY. I would disagree with that.

Mr. CASEY. I thought you would. Let us adopt this gentleman's amendment now that we have stirred up interest. Let us not let it be buried in this new great agency. Let us make it a

separate agency and give it the attention that it deserves.

Mr. BOW. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Maryland.

Most of the Members who have spoken on this matter speak from the communities of the maritime areas. I speak from inland America.

I think it is necessary that we develop a strong merchant marine. I think a strong merchant marine can be developed under the amendment offered by the gentleman from Maryland [Mr. GARMATZ].

I think it is necessary for all of us to realize that the flag must remain on the seas and we must have a proud merchant marine.

I might say to my colleagues from the midlands that in my own area there are many industries who supply the merchant marine. I was much distressed not long ago when I found they were talking about building ships abroad. This would be wrong. It would affect industry all over the United States.

I have also been delighted to have been able to serve with my distinguished chairman on the Subcommittee for State, Justice, and Commerce that makes the appropriations for the merchant marine, and to support him in holding up his good right arm in his efforts to strengthen our merchant marine. I would like to continue to do so.

I do not know of any place I could go that I could find a greater statement on what we should do in this matter than in looking in the inaugural addresses of one of our Presidents with reference to the merchant marine. I think there has only been one President who has ever spoken on the merchant marine. I should like to read what he had to say in an inaugural address, and I quote him:

Congress should give prompt attention to the restoration of our American merchant marine, once the pride of the seas in all the great ocean highways of commerce. To my mind, few more important subjects so imperatively demand its intelligent consideration. The United States has progressed with marvelous rapidity in every field of enterprise and endeavor until we have become foremost in nearly all the great lines of inland trade, commerce, and industry. Yet, while this is true, our American merchant marine has been steadily declining until it is now lower, both in the percentage of tonnage and the number of vessels employed, than it was prior to the War. Commendable progress has been made of late years in the upbuilding of the American Navy, but we must supplement these efforts by providing as a proper consort for it a merchant marine amply sufficient for our own carrying trade to foreign countries. The question is one that appeals both to our business necessities and the patriotic aspirations of a great people.

This is from an inaugural address not by Franklin Delano Roosevelt, not by Harry Truman, not by John F. Kennedy, not by Lyndon Johnson but by a predecessor of mine in this House, William McKinley. I think it will surprise some of you to know that we had this kind of

foresight even back in those Republican days.

I suggest to you that I think this is a fine statement that can be made just as firmly and significantly today as it was made in his inaugural address. I would urge my Republican friends as well as my friends on the other side of the aisle to support this amendment offered by the gentleman to make this an independent agency. Then we should support that independent agency. We should support the merchant marine of the United States so we may have pride in our flag on the seas.

It has dwindled and dwindled and dwindled to where we no longer have the great pride we once had.

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

Mr. BOW. I yield to the gentleman.

Mr. HOLIFIELD. I thank the gentleman for yielding. The gentleman is the ranking minority member I believe of the subcommittee that handles the maritime appropriations.

Mr. BOW. That is correct.

Mr. HOLIFIELD. Will the gentleman explain to the Members what the process of authorization and appropriation is for the merchant marine assistance?

Mr. BOW. They have come to us from the Department of Commerce, I might say, and I think the gentleman from New York [Mr. ROONEY] who is on the floor, will agree with me that we have always supplied all funds necessary for the merchant marine. We have seen to it that they have received what they wanted. But that is all done through the department that they are presently in and we have taken care of them. It seems to me if we have an independent agency, we might have a more realistic evaluation of the needs of the merchant marine.

Mr. DOWNING. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, and my colleagues, I favor this Department of Transportation bill, provide it does not include a Maritime Administration in it.

The debate on this subject has been full and it has been fair and it has been healthy, because for the first time within my memory, it has focused national attention on one of the problems facing our great country, and that is the lack of merchant marine. The fourth arm of our national defense is really the soft underbelly of our defense. So for that reason it has been healthy, and if the Members have listened, they have come up with two conclusions: One is that a strong merchant marine is a necessity for this country; the other is that our merchant marine is dangerously ill now.

Something has got to be done, and something has got to be done soon. In my opinion, if we permit the Maritime Administration to be retained in this Department of Transportation bill, we will be unwittingly contributing further to the decline of the maritime industry. The needs of our industry have to be emphasized by an individual Federal agency which is set up for that specific purpose. The maritime needs cannot be met when the agency administering it is diffused

with other agencies handling other modes of transportation and mostly domestic modes at that. We followed that trail once before, time and again before, and always with disastrous results.

In 1950, when Reorganization Plan No. 21 was put into effect, it transferred the maritime from an independent status and placed it in the Department of Commerce. At that time they said, "This is what your industry needs," and many people agreed. But look at what has happened. At that time we were carrying 40 percent of our own cargo. Two years later, after being under that Department, we were carrying only 22 percent. And what are we carrying now? Less than 9 percent.

In 1951, we had 3,500 merchant vessels on the seas. Now under the Department which was to do us so much good, we have only 900 vessels and 70 percent of these ships are overage and obsolete.

In the same period of time the United States has dropped from 1st to 14th in the shipbuilding family of nations.

We cannot continue this deplorable and dangerous situation. The Merchant Marine and Fisheries Committee—and these are the people who spend their lives devoted to this very subject and should be in a position to know something about it—has reported out a bill that would make the Maritime Administration an independent agency of the Government.

Within the shipping industry, management and labor alike have enthusiastically supported this bill.

Let me say something else about this bill. This is the Bonner bill that has been reported out by the Rules Committee, and it is basically the same bill introduced by the late beloved Herbert C. Bonner on October 16, 1965. With just 3 weeks to live, he stood at that stand right there and he said:

Gentlemen, I made a mistake in supporting Reorganization Plan No. 7. I offer you a bill which would set up the maritime agency in an independent Federal agency. That is the only way it can survive and grow.

Herbert C. Bonner, in 1965, made that statement, and this is his bill which we want to present to you next week or as soon as possible, provided you take this maritime section out of the Department of Transportation bill.

I do hope that you will vote with us to delete this section from the bill, and then I promise you we will bring you a real bill, a bill that will do what is necessary to give this country the merchant marine she so badly needs and deserves.

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

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

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

GENERAL LEAVE TO EXTEND

Mr. HOLIFIELD. Mr. Chairman, I ask unanimous consent that all Members may extend their remarks at this point in the Record.

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

There was no objection.

Mr. BINGHAM. Mr. Chairman, I rise in support of H.R. 15963, to establish a Department of Transportation.

I believe that it makes sense to transfer to a new Cabinet-level department major transportation functions such as those of the Federal Aviation Agency, the Bureau of Public Roads, the Coast Guard, and the Office of the Under Secretary of Commerce for Transportation.

However, I believe the public should recognize that the mere creation of such a new department is not going to produce in and of itself the solution to our many transportation problems.

We must also recognize that the new agency will not include some of the most important aspects of our national transportation system. I refer, in particular, to the gigantic problem of providing decent, reasonably priced, and modern public transportation facilities within our great cities.

I recognize that there are those who feel that the problem of mass transit properly belongs within the jurisdiction of the Department of Housing and Urban Development. Those who hold to this point of view argue that urban transit is so closely related to city and metropolitan area planning, to problems of housing, slum clearance and urban renewal, and to other big city problems that it ought to be administered by HUD.

In my judgment, however, these arguments are outweighed by other considerations: the problem of public transportation within the cities should be administered by the same agency that administers the interstate highway program with its drastic impact on city planning, urban renewal, and so forth; the urban mass transportation systems of our cities probably carry more people more miles per year than all other forms of transportation put together, and should not be omitted from a new Department of Transportation. Most important of all, the same Department should have responsibility for the mass transit program and the Federal aid to highways program so that the amount of Federal funds going into these two programs can be brought into some kind of balance. For more than a year I have been urging that local governments should be given the option to have a portion of highway aid funds transferred to the improvement and development of mass transit facilities, and I believe this objective would be furthered by giving the responsibility for both types of programs to the same agency.

I recognize that the sponsors of the bill before us intend that this question of where responsibility for mass transit should be located should be studied by the two Department heads concerned for a year before a final decision is made. They argue that to transfer responsibility for this program to the new Department of Transportation from HUD, shortly after HUD was given the responsibility, would slow down the program.

I feel, however, that the transfer to the new Department should be made and that, the sooner it is made, the easier it will be for all concerned.

After another year, HUD will be even more reluctant to part with the responsibility than it is today. Accordingly, I regret that the bill does not provide for an immediate transfer of responsibility for mass transportation to the new Department.

Mr. McCARTHY. Mr. Chairman, I would like to address my remarks in support of the amendment offered by the gentleman from New York [Mr. ROSENTHAL] which would create within the Department of Transportation an Office of Aircraft Noise Control and Abatement. The problems of aircraft noise, in my judgment, have become a most acute social problem in the areas surrounding our cities. Something must be done to alleviate this problem.

The extent of the aircraft noise problem is documented by an enormous amount of evidence. It affects upwards of 15 million American citizens. The deafening drone of jet aircraft has added a new and blighting influence to our modern world: Noise pollution.

Little has been done to date by the Government to meet its responsibility in this very difficult area. For several years Congress has noted the increased need for aircraft noise abatement. In 1962 and 1963 extensive hearings were held by the House Committee on Interstate and Foreign Commerce. Only this year, however, did we receive a clear Presidential statement stressing the need for "a concerted effort to alleviate the problems of aircraft noise."

In fact, airport neighbors have been told that they had to learn to live with the problem and had to accommodate themselves to it in the interest of national defense.

At the present time, the Department of Commerce, the Federal Aviation Agency and the National Aeronautics and Space Administration have all made some efforts, albeit token efforts. But token efforts are not enough. While budgets have been incredibly low, past efforts have only really been in the areas of flight pattern planning. Yet, in light of a dire need for funds, and often lack of appropriation of any, when NASA submitted their budget request for 1966, they requested nothing for research and development in the field of aircraft noise abatement. And far worse, they refused to spend whatever funds Congress forced upon them.

Several months ago, after congressional prodding, the FAA established a noise abatement service. This same group also serves as the interagency committee, made up of the Assistant Secretary of HUD, Commerce and NASA—only four people—assigned by FAA, to supervise the alleviation of aircraft noise abatement. Regardless of their qualifications of their positions, which are impressive indeed, they have neither the influence nor the resources to do the job of abating aircraft noise.

In short, there has been no effective spokesmen for the airport neighbors. The proposed amendment to establish an Office of Aircraft Noise Control and Abatement would provide a voice for these residents.

I strongly support the efforts of the gentlemen from New York [Messrs. ROSENTHAL, ADDABBO, TENZER, and WYDLER] and I think it is time Congress acts to protect the millions of residents affected by aircraft noise by establishing an office to speak for these people. We need a centralized office that will devote all of its efforts to the progressive silencing of aircraft over populated areas like Cheektowaga, Amherst, Clarence, and Lancaster.

Mr. SICKLES. Mr. Chairman, I rise in support of the amendment offered by our distinguished colleague, the gentleman from Maryland [Mr. GARMATZ]. He is doing an excellent job as chairman of the House Committee on Merchant Marine and Fisheries and an excellent job in trying to reestablish the U.S. merchant marine to its preeminent position in world commerce.

Except for the provision regarding the Maritime Administration, I strongly support the establishment of a Department of Transportation in all respects as proposed in the pending legislation. But it is obvious to me, and apparently to a good number of our colleagues, that the new Department should not have the responsibility of administering our merchant marine policy. The primary job of the new Department will necessarily be the coordination of all aspects of our domestic transportation. International shipping is a totally different matter and therefore should not be part of the same administrative unit. It would be neither practical nor wise to charge the new Department with responsibility for promoting our merchant marine.

We made a serious mistake in 1950 when we abolished the independent U.S. Maritime Commission and reestablished it as the Federal Maritime Administration within the Department of Commerce. Events since that time have proven that decision to be a poor one. In the past 17 years the merchant marine industry has been on a steady downhill course. The number of American merchant vessels has dropped from 3,500 to 1,000. The United States as a shipbuilding nation has dropped in rank from 1st place to 14th place. U.S. share of ocean transit has fallen from 42.6 percent to 8.8 percent.

The reason for the decline is that our merchant marine policy was being established and carried out within a department whose primary responsibilities had little relation to the problems of the merchant marine industry. The result has been stagnation, policy failures, and confusion. We should not make the same mistake again. Instead, we should seize the opportunity to correct the mistake of 1950 and set forth on a positive, forward thinking policy that will restore our merchant marine to first rank. The adoption of the Garmatz amendment, which would remove the Maritime Administration from the proposed Department, is the first step in taking advantage of this opportunity.

Therefore, Mr. Chairman, I strongly urge our colleagues to support this amendment.

Mrs. KELLY. Mr. Chairman, all my life I have been interested in the sea. I was born in a town on the ocean. I helped achieve interest in oceanography because I know the importance of the sea. I lived near where the Germans brought a submarine on the shore and successfully landed spies.

As a Member of Congress and a Member of the Committee on Foreign Affairs of the House of Representatives I have seen the need for a strong merchant fleet. Our merchant fleet has been neglected. This cannot continue. We are a nation with two ocean boundaries. We have a State in the middle of the ocean—cut off recently by the airline strike. For all these reasons, I believe a separate agency for a strong merchant fleet rests in the Garmatz amendment which I rise to support.

The problems of our domestic transportation are not confined to any one means. A change in rates or routing of goods moving by rail has an immediate affect upon trucks and waterways and any attempt to bring all of these problems into a single focus has a great deal of merit.

Not so, however, in the case of ocean transportation. Its problems are completely separate from those of domestic transportation and those who view them merely as an element in moving goods from inland points in the United States to points abroad are overlooking some of the major problems that exist.

At the outset it should be noted that because of the high standard of living maintained in the United States, our merchant marine cannot compete with that of any other country and that by reason of this fact various forms of subsidy have been resorted to to enable its continuance for our benefit.

Support of our merchant marine inures not only to the benefit of its employees and those who use its facilities, but extends to all of us in the country. Not only does it contribute materially to a less unfavorable balance-of-payments, but it also is a most important element in our defense posture.

Most of us are familiar with the fact that an attempt to use foreign-flag vessels to transport goods to southeast Asia was unsuccessful when the crews of the chartered vessels refused to sail them. No such situation has or can arise in the American merchant marine, thus insuring that our commitments throughout the world can be met successfully.

In addition, an appreciable portion of our exports are carried in our own vessels and the very existence of these vessels assure that rates for such transportation will be consistent with the services rendered.

The United States is dependent to a surprising extent upon its exports not only to supply aid to less fortunate countries throughout the world, but to assure the continued success of many of our manufacturers. If there were no American merchant marine, both of these aspects of our life would be jeopardized.

I do not for a minute mean to say that I anticipate total neglect of the needs of the merchant marine in the proposed

new Department, but I do mean to say that our merchant marine casts a very small shadow among the giants of the air, rail, and road engaged in moving goods and passengers throughout our country. I feel that its interests would be neglected not through any intent but through the very volume of activity required to protect our domestic transportation systems.

We who have been overseeing its activities over the years realize that while relatively small, its importance to the welfare of our Nation is all out of proportion to its size, and therefore, I feel greatly concerned lest its needs be lost among those of the other transportation agencies in the new Department and for this reason I urge my colleagues to support the amendment of the gentleman from Maryland, the Honorable EDWARD GARMATZ, which removes the Maritime Agency from the control of the Transportation Act.

Mr. CLEVELAND. Mr. Chairman, to those of us who have been concerned over the condition of our American merchant marine for a number of years, the attempt to place it in a catch-all department—on the theory that it must be like all other forms of transportation since it is designed to move goods and passengers—constitutes an extreme oversimplification of its situation.

Merely because a container of goods may move from Chicago to London by means of truck, rail, and ship does not indicate in any way that the problems of such transportation are the same in each case.

There appears to be a considerable degree of logic in placing domestic transportation—which essentially is interrelated and competitive—in a single agency where its problems can be considered as a whole. But to attempt to combine with it a totally unrelated industry does not have the merit of any logic. The American merchant marine is an instrument of national policy in its relation to our perennial balance-of-payments problems.

It is an instrument of national defense in that it is essential for the movement of troops and supplies to areas of our involvement throughout the world and it is an instrument of commerce in the carriage of our goods and in its function as a means of assuring reasonable rates to our exporters.

Our merchant marine is involved not only in continuous competition with other maritime nations but it is required to evolve a relationship with them and their governments for the orderly arrangements to maintain rates and terms of carriage for the protection of our overseas trade.

In none of these fields does its activities impinge in any respect upon our domestic transportation situation and knowledge of and promotion of its activities requires a degree of specialized knowledge not likely to be found among experts in domestic ratemaking or control over routing.

Further evidence of its unique position is found in the fact that it is one of the few activities that are afforded

immunity from our antitrust laws, which immunity is required because of the international aspects of its activities.

I greatly fear that if the attempt persists to combine this unique field with that of our domestic transportation, that it will suffer greatly in the process and that its decline will adversely affect not only the industry with its thousands of employees, but our defense and foreign aid activities, as well as our general relationship with foreign nations.

Mr. CLARK. Mr. Chairman, although I introduced a bill making the merchant marine a separate agency I feel at this time that the administration is well aware of the problems of our depleting fleet and will definitely take care of the situation under this transportation bill. I feel they should be given this opportunity. I will, therefore, support the transportation bill as it is today. If this bill does not do the job I will reintroduce my bill next session. I feel very strongly that the transportation bill will do the job.

We Americans have been trying to solve the question of what to do about our merchant fleet since the days of the Spanish-American War when we got caught short and had to buy or charter foreign ships to meet our needs.

About the only time we have faced up to this question has been in time of war. And miraculously, each time—World War I and II, the Korean conflict, and now Vietnam—our merchant sailors and their vessels have seen us through.

Once peace has been achieved, however, we have lost our sense of urgency, have permitted the fleet to dwindle, to become slow and obsolete.

The story is being rewritten once more and that is why the subject of a separate and independent agency looking after the interest of the merchant marine is before us once again.

It is small wonder that this has become such a burning issue when you look at a few of the hard facts.

At the end of World War II, the United States was far and away the foremost shipping power in the world. Today, we have lost that position.

We have had a ship subsidy program in operation for some years designed to update and modernize our fleet. We have been spending something like \$100 million a year on this program, and have been getting maybe 13 new ships a year out of it.

While we have been building ships at this slow pace to replace old ones, the fleet keeps getting older and older. About half the subsidized fleet is modern and up to date today, the other half fast becoming obsolete. In short, we are not keeping up. We are not doing the job. We are lacking in bulk carriers and we do not have any program at all for replacing the all-important tramp fleet.

In spite of all this, I note the subsidy program this year is down to around \$85 million instead of \$100 million, but even if it were up to what it has been, we probably would not get as many ships as in the past—because today's ships have to be bigger, more powerful, and speedier, and that makes them cost more.

I could go on at great length, reciting the sad performance of this and past administrations in this field. But suffice it to say that the Russians, our chief adversary in the current cold economic war, plan to have a merchant fleet which can carry 75 percent of their export trade by the end of this year. Our merchant fleet today carries about 9 percent of our total export cargo. Twenty years ago, it carried 65 percent.

Because I am so concerned with this problem, I am for anything that looks like a new approach. But making the Maritime Administration an independent agency, I have concluded, does not seem to offer anything new at all.

The administration of maritime problems and policies has already undergone rather extensive shuffling in our Government in the past 50 years.

Created first as the Shipping Board, it later became part of the Department of Commerce. Then it became an independent agency. Then it got split in two and came back into the Department of Commerce once again, this time as the Maritime Administration.

It had, in fact, about a 14-year trial as an independent agency—from 1936 to 1950 when it came back into Commerce—and we are hardly any better off than we were before.

Independence, I suggest, is not the answer to our maritime riddle. Cooperation, or coordination, or teamwork, I suggest, is. Let us not overlook the lesson we have been learning in Vietnam. We have vastly increased the volume of cargo moving to our troops there in the past year—but not alone by increasing the number of ships. The real key has been the construction of new port facilities and an improvement in the land transport system.

This has reduced port congestion—has enabled our ships to do a better job in carrying cargo—and at a lower cost.

This is a classic example of all modes of transport performing their task more effectively because the supply system is more balanced and the planning is better coordinated.

I submit that our maritime problems in the world marketplaces require a similar approach.

At present, the United States is attempting to compete for cargo with essentially the same equipment and methods of operation as its competitors. As our wage costs are much higher, our merchant marine requires government aid to remain viable and profitable to the earners under these conditions.

The advances in general cargo handling, ship size and speed, and containerization offer a way to increase the competitive stance of U.S. merchant ships. The lessons of the Vietnam experience say that these improvements at sea can reach their full potential only in coordination with related changes in the ports and in land transportation.

And this, it seems to me, is what the idea behind a Department of Transportation is all about.

When you stop and look at the whole problem, it just does not make any sense to cut the Maritime Administration off

all by itself and at the same time create a Department of Transportation in the hope of achieving a systems approach to all transportation problems.

To do so, is like cutting off your foot to get rid of a sore toe.

The inclusion of the Maritime Administration in a Department of Transportation, on the other hand, may give us the kind of new approach to this problem that all of us are seeking.

It would immediately place the issue in a new atmosphere—and that might well be the most important facet in the whole picture.

The idea behind the Department of Transportation proposal is a systems approach to the problem of moving people and goods. We all know the challenge we face here—demand for transportation facilities will double every 20 years at our current rate of economic growth.

To meet this challenge, everyone agrees we have to do a better job of coordinating and integrating present transportation modes—a systems approach, in other words.

The most important development in the transportation world today is containerization. There have been some real important breakthroughs in this field in recent years and months—agreement has been reached internationally on size and shape and fittings of containers; private rail and truck lines have worked out arrangements to make this service available on a coast-to-coast basis in the United States for the first time. And our Government has been engaged in a pilot operation with Great Britain, moving containerized cargo from inland ports here to inland ports in England, ironing out the kinks in this modern, through system of transport that we will have to have to remain competitive in the future.

It is difficult for me to see how an independent maritime agency could do a better job of developing containerization than could be done under a departmental approach with all the modes represented. For these containers will be moving by rail, by truck, and by barge to our ocean-going ports. This would seem to call for an all-encompassing approach rather than a parochial one.

The same is true when any agency like maritime tries to get its teeth into any problem that cuts across established jurisdictional or administrative lines. The first thing they do is set up an inter-agency task force or working party in order to get organized to try to get things done. A Department of Transportation would provide a built-in solution to this dilemma.

Likewise, maritime's potential for effective support in matters before our regulatory agencies would be considerably enhanced by the development of an intermodal approach which would be possible through a Department of Transportation.

In the international field, where maritime affairs are of extreme importance, the merchant fleet would have a voice at the highest levels of government through a Secretary of Transportation. And this would put us on a par with the Ministers of Transportation who represent most foreign governments around the world.

Another, and perhaps the most important advantage that would accrue from having maritime in a departmental setup is in the realm of research and development.

Today, we are spending something like the munificent sum of \$6 or \$7 million a year on maritime research, and I do not think you will get an argument anywhere if you contend that this is not enough.

It is in the field of research and development, however, that I see a Department of Transportation making its greatest contribution. For these rapidly developing technologies of today cut across all lines.

Take the idea of the air bearing, for example. When these are used on land, they are called ground effects machines. To the seagoing fraternity, they are known as surface effects ships.

These vessels, when perfected, will skim over the water on bubbles of air at speeds of around 100 knots. At times, they actually will lift out of the water and fly at low altitudes.

They will be, in fact, half ship and half plane.

Where would we fit them administratively? In maritime? Or in the Federal Aviation Agency? Or maybe the Navy?

They belong in an overall Department of Transportation, and so does the whole Maritime Administration.

Mr. HENDERSON. Mr. Chairman, section 9 of the bill would authorize retired officers of the Coast Guard to be appointed to any position in the new Department of Transportation.

My amendment would insure that such appointments would be subject to all applicable civil service laws; especially the Classification Act of 1949 and the Dual Compensation Act of 1964.

The language of the committee report indicated this to be the intent of the committee which reported the bill, and while my amendment is admittedly technical in nature, it removes any doubt or question as to the applicability of the above provisions to this legislation.

I wish to thank the chairman and the ranking minority member of the committee for their acceptance and support of my amendment.

Mr. ADDABBO. Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from Maryland [Mr. GARMATZ].

It seems that everyone agrees that the American merchant marine is inadequate, but what are we doing about it? I have recently read the article by Robert Angus entitled "The U.S. Wartime Shipping Sickness" which appeared in the American Legion magazine July 1966, and, if you have not read it, I commend it to your attention. It seems that "experience is the best teacher" has not applied in the case of our merchant marine. The lessons which we should have learned from the crises which faced us as the onset of World War I and II were quickly forgotten. Today the United States ranks sixth as a maritime power—this is a disgrace.

I believe that the low to which we have sunk is due in large part to the burying of maritime problems in an

agency which is more involved in what it considers more important matters. The importance of the merchant marine is such that the responsibility for it must be placed in an independent agency charged with the authority to bring it up to what should be expected of a nation as strong as ours is in most other fields. We certainly must not make the mistake of taking it from one department and burying it in another where it will continue to compete with conflicting and competing interests.

All of us deplore the situation when we read of supplies for Vietnam waiting on docks and in warehouses to be loaded for shipment or ships waiting to be unloaded off the coast of South Vietnam. We must take positive action and quickly to correct this situation and keep us in a position where this cannot happen again. In my opinion, we cannot accomplish the necessary upgrading of the American merchant marine by burying it in the Department of Transportation.

We have the ability to rank No. 1 as a maritime power, the position we should hold, but we will not reach that position unless we give proper attention to our merchant marine. I am convinced that the only way that this will come about is through an independent Maritime Administration. I urge my colleagues to support this amendment to delete the Federal Maritime Administration from the bill before us. Then let us move on to consideration of H.R. 11696, now pending on the Union Calendar.

Mr. GROVER. Mr. Chairman, I have been privileged to serve on the Merchant Marine and Fisheries Committee these past 4 years.

Week after week and month after month we have heard the distress signal of the maritime industry. Intensive and extensive hearings were held over these years by our committee, and constantly we prodded the administration to come up with a viable, new, aggressive maritime program.

Our awareness of the problem—our awareness of the crash program of the Russian maritime—our deep concern that time was, and still is, running out, was transmitted to the Maritime Administrator and the President.

But nothing was done, except the promise in the state of the Union message that we would indeed have a new and forward looking maritime policy.

Promises however, do not save a sinking ship nor rehabilitate a fleet of "rust buckets."

I am happy to support the position of the gentleman from Maryland [Mr. GARMATZ] and to compliment him for his great work in bringing home to the American public the seriousness of the situation and the need for an independent merchant marine.

Mr. GILBERT. Mr. Chairman, the legislation which would include the Maritime Administration in a Department of Transportation contains a serious flaw, in that it would keep the maritime concerns of this Nation at least as far in the background as they are at present.

The fact is that all of us, as Americans, must now be vitally concerned by the

state to which we have allowed our merchant marine to fall.

While the Soviet Union and other of our foreign rivals have been building up their merchant fleets with speed, we have allowed our merchant marine to decline to a point where we can no longer call ourselves a maritime power in any sense of the word.

Congress must act, and act promptly, to reverse the trend of the past years. But it is not enough for the Congress to be aware of this need. All of the American people must be aware of it, too, and must support the rebuilding of our merchant fleet.

Creating a separate and independent Maritime Administration to deal only with the maritime industry would serve to focus greater public attention on our maritime needs, and on the ultimate objective of revitalizing the industry and enabling the United States to meet its foreign commerce and defense requirements in line with the policy set forth in the Merchant Marine Act of 1936.

Submerging the maritime industry in the Department of Transportation would have the opposite effect.

We must keep the Maritime Administration out of the Department of Transportation and reestablish it as a separate and independent body.

Mr. CLARENCE J. BROWN, JR. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts [Mr. BATES] may extend his remarks at this point in the Record and include extraneous matter.

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

There was no objection.

Mr. BATES. Mr. Chairman, as we consider the Department of Transportation Act, the neglect of the U.S. merchant marine comes into focus ever more startlingly.

The war in Vietnam is heavily taxing both our privately owned and Government-owned sea transport vessels, and we find that less than 9 percent of American trade is now being carried on American-flag ships compared to 40 percent 17 years ago. Whereas we were bucking Great Britain for first place as a maritime nation in 1950, we see the United States now fourth among the maritime powers.

Something must be done, and done as expeditiously as possible. Our Government either must materially step up its financial help for new ships to be operated by private companies, or it must drastically expand the Navy's transport fleet. Maybe there must be some of each, but I think it is vitally in the national interest to build up and strengthen our merchant marine—fourth-rate is not good enough for the United States if we hope to hold our own in the world.

In this regard, I was greatly impressed by a feature article in the New York News this past Sunday. It further brings home the need for strengthening the hand of the Federal Maritime Administration and not allowing the merchant arm of our maritime power to slide farther down the list.

This article is as follows:

[From the New York (N.Y.) News, Aug. 28, 1966]

OUR SINKING MERCHANT MARINE: SINCE WORLD WAR II WE HAVE SLUMPED FROM SECOND PLACE TO FOURTH AS THE RUNAWAY FLAGS TAKE A MOUNTING TOLL OF OUR TONNAGE

(By William Rice)

Back in the 1950s, the United States was a real threat to the supremacy of Britain's merchant marine. Today, we aren't even the second-rate maritime power we were then. Or third. We're fourth.

From the port of New York, this decline has exacted a painful toll of business and jobs.

To the U.S., it poses a serious national security risk. If there should be much more of an escalation in the Viet Nam conflict—or if we should undertake another far-off brush war—we would have to turn to the trading fleets of our allies to move our troops and supplies.

And if you ask what allies, this grim picture grows even darker.

England, our comrade-in-arms for two world wars, has troubles of her own. During this summer, Britain slipped from its traditional top spot to No. 2 among the ocean-commerce nations of the world. And she suffered a long, hard seamen's strike which—along with general economic infirmities—could drag her down still further.

Third-ranking Norway was coldly neutral at the start of World War II, although it wound up diverting almost all of its merchant marine to the Allies. The Nazi invasion of their homeland prompted that gesture by the Norwegians. What they could be counted on for in a new world upheaval remains problematical.

Japan is No. 5 and still coming on strong. That country could be a powerful wartime ally. Right now, it's a powerful peacetime competitor.

And who's No. 1? A country which 20 years ago had almost no merchant marine: Liberia.

By running ships with underpaid crews and tax-pampered operators, that small nation on the west coast of Africa now counts 28 million tons of shipping capacity under its flag, compared with 26 million tons for Britain and 14 million for the U.S.

"Under its flag" is the key phrase to that comparison. These ships need not be owned or operated by Liberians. They are merely registered in Liberia under that nation's easy-on-the-owners regulations. They are the runaway flags; many of them formerly ours.

The plight of the American merchant marine emerged only too clearly at the recent Washington emergency meeting of the American Committee to Save Our Shipping. The session marked the 30th anniversary of Congress' passage of the Merchant Marine Act, a land-mark law which theoretically insured that Columbia would, indeed, remain the gem of the ocean.

That bit of irony was not wasted on representatives of both the maritime industry and leaders of its labor forces, two groups which normally don't see eye to eye. They were in complete agreement that there was nothing to celebrate, that the federal government must take immediate action to save the merchant fleet.

These statistics bear out their fears:

While the world fleet has increased by 61% in number during the last 15 years, America's privately owned fleet has decreased by 24.5%.

While the world fleet has increased by 141% in deadweight in that time, the U.S. fleet has decreased by 4.4%.

In 1950, more than 40% of America's foreign trade was carried on American ships.

Last year, the U.S. fleet handled less than 9% of that trade.

The Seafarers International Union asserted that coastwise and intercoastal shipping has virtually disappeared, tramp ships face extinction, independent tankers must struggle for survival, and the bulk cargo fleet is outrageously inadequate for the carrying of vital U.S. supplies.

What's being done about it?

For one thing, we built and now sail the Savannah, first and only atomic-powered merchantman in the world. But this vessel was intended more for science and prestige than for profits.

And during the past half dozen years we have done a lot on the automation of freighters. The "but" in this case is that Japan has done a lot more and that nation is by far the leading shipbuilder of the world.

One bright spot is containerization, an efficiency process in which containers the size of a truck load are packed by the manufacturer, shipped as a unit by land and sea, and not opened until they reach the customer. The U.S. is tops in this.

Another encouraging development is an accelerated training program undertaken by the unions and the shippers to upgrade crewmen. This has resulted in the promotion of hundreds of seamen in the past few months.

Still, we're just holding our own—if that. And there are calls for decisive action, the most drastic and current one coming just last week from Rep. WILLIAM T. CAGLE (R-N.J.), who numbers the Maritime Administration's woes from the day it was transferred to the Commerce Department 61 years ago. He believes the Maritime Administration should be an independent agency.

There is also an "independence" bill pending in the Senate.

No matter how these measures wind up, what our merchant marine really wants is more government money, a source of supply which it has relied on since the subsidies were first authorized by the Merchant Marine Act of 1936.

Since the subsidies began, more than \$2 billion has been given to shipping lines servicing regular trade routes and carrying essential cargoes. About one-quarter of the money was used to underwrite construction to replace obsolete ships. The remainder was used for operating subsidies, mostly for wages.

The Maritime Administration's request for the 1967 fiscal year totals \$239,395,000—and is the lowest submitted in seven years.

This year's request calls for only \$85 million for ship construction, compared with the more than \$132 million for the 1965-66 fiscal year. Augmented by \$15 million more to be made available through juggling of book-keeping, it will pay for 13 cargo ships under the fleet replacement program.

Ralph E. Casey, president of the American Merchant Marine Institute, which has a membership of 45 shipping lines operating about two-thirds of the nation's merchant marine, points out that as far back as three years ago Russia was building two merchant ships a week. The Soviets' construction is at least as formidable now, he said, adding:

"Our leaders in Washington, in spite of a great maritime past and a bitter lesson in two world wars, seem unable to grasp the true value and the proper use of a strong merchant fleet."

If the situation is as bleak as the AMMI paints it, how are we able to supply our Viet Nam forces at all? Principally by dipping into our mothball fleet. This reserve fleet—as the government prefers to call it—consists of 1,400 old merchant vessels, almost all of them World War II jobs. A tenth of them have been placed back in service to support the Viet effort, and it would seem, at first glance, that we still have a comfortable margin of reserve safety.

Not so, warns the AMMI. Over 700 of those mothballed freighters are Liberty ships. "It is significant to note," says the industry group, "that the military no longer consider the Liberty ship suitable for present day military operations. This wipes out over half of our reserve fleet capability. Within the next several years, the entire reserve fleet can be considered only for its scrap value, due to age and obsolescence."

UNIONS HIT FEDERAL PLAN

Joseph Curran, president of the National Maritime Union which represents 35,000 men on 550 of the nation's deep sea ships, views the future similarly.

"We are engaged in a tough military situation across the Pacific," he declared, "and even though Viet Nam is not a full-scale emergency action, we are suffering from a critical shortage of ships, shortages of skilled seamen and shipyard workers and the authorities have no plans for meeting the needs of the situation."

"The Defense Department and Maritime Administration are frantically digging old slow ships out of the laid-up fleet and reconditioning them at great cost to meet the urgent need in what is actually only a brush fire war at this time."

The NMU has joined other maritime unions to head off what they declared is a government-authorized attempt to use foreign-flag ships by U.S. companies for servicing essential trade routes.

A spokesman declared that the Commerce Department, under which the Maritime Administration functions, is ready "to give the green light to subsidized companies to charter foreign vessels for their regular runs, replacing ships the companies have diverted to the Viet Nam run."

"The law prohibits this except in 'extreme circumstances,'" he said. "The main 'extreme circumstance' involved at this time seems to be the Defense Department's decision not to take any more U.S. vessels out of mothballs—to save the cost of reconditioning them."

Casey and his institute agree, to a point. He said the government is reluctant to pull the World War II Victory ships from the mothball fleet. Originally, he explained, it was thought that reconditioning of each vessel would cost about \$200,000. It proved to be about twice that.

REJUVENATION PROGRAM

The institute, to rejuvenate the merchant fleet, has proposed a program which includes that "American ship owners should have the right to construct, reconstruct and repair vessels at home or abroad, and thereafter to operate them under the American flag (without payment of duty) for all purposes, in all trades, and with all the rights and privileges accorded vessels built in this country."

Under the subsidy and preferential cargo rules, this is not allowed, and the unions say this is the way it should be. Casey sees no other way out.

"The military," he declared, "is constantly demanding more vessels, and all of our ships are working on the commercial trade routes. We've got to get ships somewhere."

"We want the ships built here. American craftsmanship can't be topped. We'll fight for enough subsidy money for sufficient ships. But if the government won't spend the money, it leaves us no alternative."

The same seems to be the case for the use of foreign-flag ships, which fall under two categories: Those operated and owned by foreign investment and governments and those which operate under "flags of convenience"—American owned but sailing under other flags, primarily Panamanian and Liberian, to escape U.S. costs and to be manned by low-priced foreign crews.

Unions charge that these ships also escape the stringent U.S. safety rules and point to

the recent disaster aboard the cruise ship *Yarmouth Castle*, in which 90 died. She was owned by a Canadian, used U.S. ports, carried American passengers and sailed under the Panamanian flag. Shipping representatives say this shoestring type of operation is the exception.

The Defense Department, in efforts to play down the crisis facing the U.S. merchant marine, lists the American-owned vessels under flags of convenience as within U.S. "effective control." More than 400 vessels are so viewed.

Additionally, the government has attempted to use foreign-owned and operated ships to carry essential cargoes to the war zone. This, at time, has run into serious snags.

Curran said his union has "warned that our country could not place reliance on the merchant ships of our allies because allies will consider their own interests first."

BALKED AT VIETNAM RUN

"With few exceptions," he said, "they are still allowing their ships to trade with North Viet Nam as they have done with Red China, Cuba and the Iron Curtain countries, regardless of how this might conflict with American interests and objectives. The owners of those ships have been making money out of both sides of the cold and hot war."

"But when the Defense Department tried to use foreign ships to carry military supplies to Viet Nam for our fighting forces they encountered all kinds of difficulties."

"In some cases the 'friendly' foreign governments would not let their ships make the voyage, claiming they wanted to remain 'neutral.' In others the crews of foreign ships refused to sail, refusing to 'aid imperialist aggression.'"

"We certainly cannot rely on the exploited crews who man the American-owned run-away flag, so-called 'effective control' ships, who are picked up anywhere in the world, including Hong Kong, without any security precautions that mean anything."

"The Viet Nam situation has proven the fallacy of the 'effective control' theory."

As for the AMMI's proposal to build American ships overseas to beat the high labor costs here, an NMU spokesman said this is just allowing them to put "the foot in the door."

"American lines would just be building up yards that would also be available to our enemies," he said. "The next step would be, 'Why sail them under the American flag? Why not run them under a foreign flag?'"

"Our need is for a strong merchant marine, for peacetime and in war. We not only need to build our own ships here, but in times of emergency we must be capable of building ships for our allies."

What is the answer? It already may lie on President Johnson's desk. Before him are two reports: the Interagency Maritime Task Force study and the President's Maritime Advisory Committee report.

The advisory committee was established with industry, labor and public representation to cope with the officer union's strike last summer and has continued in existence to deal with over-all maritime problems. The task force was appointed later by President Johnson and consists of government executives.

According to the task force's proposals, the merchant marine would consist of slightly more than 800 ships by 1985. They would only carry about 8% of the nation's waterborne foreign trade.

The maritime committee plans for a merchant marine numbering more than 1,100 ships which, by 1985, would carry about 30% of the nation's foreign cargoes. The task force's fleet would employ about 15,000 seamen; the maritime group's ships would be manned by about 27,000.

FATE OF THE SUBSIDIES

Under the group's plans, federal spending for shipping of government sponsored cargoes would end as early as 1975. They would still amount to \$12 million a year at that time under the force's study but would probably end by 1985.

According to an analysis sponsored by a management-labor research group, total U.S. fleet production would increase sixfold over this year's tonnage levels under the maritime group, but this is only 80% under the task force plan.

Many in the industry, both labor and management, believe that the task force report, if adopted, will mean the death of the merchant fleet. They declare, on the other hand, that the advisory group's recommendations may breathe new life into the fleet.

This is the way Curran sums up the two reports:

"The task force recommends greater reliance on foreign flag ships, including continuation of the 'effective control' policy. It also calls for further weakening of the protection now given in the law—but not adequately enforced—for American flag ships and shipyards. The task force report means acceptance by this country of a position of sixth or seventh rate maritime power . . ."

PROGRAM CALLED POSITIVE

"The advisory committee program is positive. It points to our country's merchant marine regaining the strength which it must have to serve the needs of our country. It outlines how this can be done effectively and efficiently, with the country's needs always the first consideration, and it leaves no questions about our country's ability to achieve these goals."

Labor representatives and ship owners have made their recommendations. The entire problem has been studied and restudied on Presidential, Congressional and independent agency levels. But recommendations and studies do not build ships.

All concerned agree that something must be done, and quickly, to save the merchant fleet.

What?

The choice is the President's.

Mr. ASHLEY. Mr. Chairman, it is not often that I take the floor to oppose a proposition that is supported by maritime labor and maritime management, and I can assure the Members that I do so on this occasion only because I am honestly convinced that the best interests of our American merchant marine are better served by having our Maritime Administration included in the Department of Transportation as proposed by President Johnson.

Mr. Chairman, because I have taken this position, which is an honest position—perhaps wrong, perhaps right, but at least honest—I have been singled out with two other Members of this body, for political extinction by one of the most influential leaders of organized labor. If this were not so patently arrogant, I would be constrained to laugh, Mr. Chairman, because it was only 2 years ago that my Republican opponent made the point, day in and day out during the campaign, that Congressman ASHLEY was one of the few Members of Congress to have a 100 percent right-for-labor voting record. But, because I have taken this position—the same position as the gentleman from Virginia [Mr. HARDY] and others—I find myself first on the list, and I would say to the gentleman from California that I am sure the reason I

am first, and not he, is only because my name begins with "A" and his name begins with "H".

Mr. Chairman, this is a proposition on which honest minds can disagree. I can understand the view of those who say there is something unique about our maritime activity and that it should not be considered with our domestic forms of transportation. I can understand it. I do not believe it. I do not agree with it. If we are going to have a coordinated system of transportation, there must be included in this Department of Transportation the maritime industry as well as railroads, aviation and the others.

I would predict this, Mr. Chairman: If, as is likely will happen, the merchant marine is stricken from the bill, I seriously question whether we will see enacted into law a separate Maritime Administration. This will mean that the merchant marine will stay where it is, an admitted stepchild in the Department of Commerce.

I would predict this further, Mr. Chairman: That it will be just a short time, as time is counted, before the very proponents, who now insist on a separate Maritime Administration, will be getting in touch with each and every Member of this body urging that the merchant marine be included in the Department of Transportation.

It will be just a matter of time, and it will not be long.

Mr. BARRETT. Mr. Chairman, I rise in support of the amendment. While doing so, I wish to commend the members of the Committee on Government Operations for bringing this vital piece of legislation, to create a Department of Transportation, before the House for its consideration.

Mr. Chairman, H.R. 15963 would bring together in one department the major Federal agencies and programs relating to transportation promotion and safety, but not economic regulation which remains with the regulatory agencies. The need for such a Federal agency at the departmental level to deal with this vital section of our national economy is clearly indicated and recognized.

A Department of Transportation to develop and recommend national transportation policies and programs is most necessary for the public interest and welfare of our Nation. However, the inclusion of the Maritime Administration and its Subsidy Board within this new Department, in my opinion, is not warranted. I do not believe that by moving this Board from one department to another will serve the best interest of the maritime industry or this Nation.

The legislative proposal before us today is organizational in nature and while part of the problems of the maritime industry may stem from the present organizational position of the Maritime Administration, no significant change will take place by merely moving it to another department. The problems of the industry are substantive.

The Merchant Marine and Fisheries Committee is presently conducting an intensive and extensive inquiry into our maritime policy. Until this has been completed and proposals presented for a

solution to the plight of the maritime industry, I do not believe we can propose organizational changes related thereto. I believe only after such a study can we clearly determine the organizational aspect of this problem. It is for this reason, therefore, that I will support the amendment to remove from inclusion within the proposed Department of Transportation the Maritime Administration.

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

Mr. Chairman, I favor a separate and independent agency for the merchant marine because in my district in lower Manhattan along the waterfront reside those men who go down to the sea in ships.

The National Maritime Union has its office in my district. So does the International Longshoremen's Union have its office in my district.

I am not alone interested in ships. I am interested in men. I am interested in jobs.

The only way the people who live in my district—who, as I said a moment ago, go down to the sea in ships—can get those jobs is by having an effective merchant marine.

When something goes wrong one seeks to correct it. I do not contend that the Department of Transportation would be, any more than the Department of Commerce was, a mere facade for the merchant marine.

The Department of Commerce has been unsuccessful in maintaining a healthy merchant marine, so we have to try something else.

I fear that the new Department of Transportation, in all likelihood, would react the same way the Department of Commerce did. There is no reason why it should do any differently. I believe that the head of the Department of Commerce sincerely sought to assist the merchant marine, but he was unsuccessful. Why should we believe that a new department which incorporates this agency would do any differently.

We have an antipoverty program. Why do we insist upon making our people lose their jobs and go on relief and welfare, when they can have jobs? Why do we insist upon developing foreign shipping when we should develop our own?

I say that in my opinion, at least, the only way the people in my district who work the ships of the merchant marine who are today on relief can go back to work is to have an independent agency on the merchant marine, because a successful merchant marine will be the sole and individual interest of that agency.

New York at one time was first in shipping, both passenger and merchant marine. Where it is today I do not know. All I know is that my constituents are regularly losing their jobs.

I believe sincerely the only way these people can be made whole is by an independent agency.

There is not much more I can say. I plead with you ladies and gentlemen on both sides of the aisle.

Mr. BYRNE of Pennsylvania. Mr. Chairman, will the gentleman yield?

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

Mr. BYRNE of Pennsylvania. I rise in support of the amendments, and I urge all the Members to support the amendments.

The port of Philadelphia, which I represent in Philadelphia, contrary to the statements of the two gentlemen—one from Texas and one from Virginia—is first in tonnage and second in receipts.

I urge support of the amendments, because I am a firm believer in having more ships built in American shipyards by Americans.

Since the end of World War II the American merchant marine has been steadily shrinking in size, strength, and prestige.

At the end of World War II we had nearly 5,000 ships in our merchant fleet, and during the early postwar years we were carrying 40 percent of our foreign waterborne commerce.

Today we have only 900 active ships, mostly obsolete, and are carrying only 8 percent of our foreign commerce.

There is no doubt but what this decline of our merchant fleet has been largely due to the subordinate position we have assigned to it by burying it within the Department of Commerce, where the interests of the maritime industry have been overshadowed by the many other interests of the Department.

This situation would continue if the merchant marine were placed within the again its interests would be overshadowed by the Department of Transportation, where owed by the many other interests which this Department would have.

The only hope for our maritime industry lies in a strong and independent Federal agency which would have the merchant marine as its sole concern.

I urge that all provisions now relating to the Maritime Administration be stricken from the legislation now pertaining to the Department of Transportation, and that we lend our efforts to the reestablishment of the Maritime Administration as a completely independent and autonomous Federal agency.

Mr. FARBSTEIN. I repeat, ladies and gentlemen on both sides of the aisle, let us see whether or not an independent agency can do that for merchant shipping which the Department of Commerce has been unable to do.

Mr. HOLIFIELD. Mr. Chairman, I would like to have an idea of how many want to speak on this amendment. We have had over an hour to debate it. I am hoping that we can get to a vote very soon. I promised not to limit the debate.

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

Mr. Chairman, I shall not belabor the point because, as the gentleman from Virginia said, the debate has been full and fair. However, I just want to take a minute of time to remind this distinguished committee of a signal fact in history.

I wonder if our colleagues can remember how many times the phrase has been used: "Don't give up the ship." In 1776 James Mugford, in Boston harbor, commanded the *Franklin*, and he said it while mortally wounded by the British.

In 1813 James Lawrence, commander of the *Chesapeake*, which was sinking under fire of the British brig *Shannon*, again said "Don't give up the ship." Oliver Hazard Perry finally said it during the battle of Lake Erie in 1813. Today, at this juncture of the debate, I say to my colleagues, Mr. Chairman, let them have the highways and the railways; let them have the planes and the trains; let them have all of the carriers that soar above or roar below; let them have everything from model trains to whooping cranes, but for the love of Columbia, if you want her to remain the gem of the ocean, and if you want this country to retain its prestige around the world as queen of the seas, then, as Mugford said, as Lawrence said, and as Perry said, I say to my colleagues today, "Don't give up the ships." Vote to strike the Maritime Agency from this bill.

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

Mr. Chairman, we have had a very fine debate in good spirit and I am hoping that we can conclude the debate and vote on this very important amendment at the conclusion of my speech, because as I said there have been about 45 minutes on behalf of the amendment and 15 minutes against the amendment.

Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

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

There was no objection.

Mr. HOLIFIELD. Mr. Chairman, the Committee on Government Operations in my opinion has done a good job in drafting this bill. We have tried to solve a very complex problem burdened with a great many conflicting and a great many legitimate interests. We do not claim that our bill is perfect. Under the open rule we requested, the House can work its will. This is as it should be. Whatever may be, I hope the Committee will accept the verdict and do its best to protect the House position in conference with the other body.

Now, Mr. Chairman, I will address my remarks to the issue presented by the Garmatz amendment. As the esteemed gentleman from Virginia [Mr. SMITH], once said on the floor of the House, "I have been here long enough to count the vote." As manager of the bill I am aware of the policy statement of the minority party, and the deep fears and concerns of my good friends on the Democratic side, and particularly on the Committee on Merchant Marine and Fisheries, who have come to me on numerous occasions and said, "Chet, I am for the transportation bill", and then they put their arms around me lovingly and say "but I am going to vote to strike out the merchant marine amendment."

Now, this has not happened once, but it has happened a number of times so, as I said, I am aware of this situation. There is only one thing that will cure the present condition of the maritime industry. I want my Republican friends to listen to this. That is a program of huge expenditures by the Federal Government.

Mr. Chairman, the Committee on Merchant Marine and Fisheries does not have the power to make annual authorizations. Those are made under the general law setting up the act.

Mr. Chairman, the Maritime Administrator, whether he is located in the Department of Commerce, the Department of Transportation, or in a separate body, prepares the annual budget. It is then scrutinized by the Director of the Bureau of the Budget. It is then approved by the President. The budget ceiling is set by the Director of the Bureau of the Budget and the President. The Committee on Appropriations of the House of Representatives sets the appropriation figure on that approved budget of the Director of the Bureau of the Budget, because that is the way it is set up.

Mr. Chairman, I urge the members of the Committee to keep these things in mind: Regardless of where the Maritime Administration is placed in the governmental structure, the budget process remains the same; you have to go through the same budget process.

Mr. Chairman, putting the Maritime Administration in the Department of Transportation is not going to solve our problem. I am the first to admit it. Leaving it where it is, certainly is not going to solve the problem. And I say to you, in all seriousness, that if it ever goes into an independent agency, that will not solve its problem, because you will have an administrator on a lower level going to the Bureau of the Budget, and you will have the Bureau of the Budget still making the decision. You will not have the Secretary of a department concerned only with improvement of transportation fighting your battles before the committees on the Hill and before the Bureau of the Budget.

Mr. Chairman, I want all of the friends of a dynamic program to listen to this. The administration wants the Maritime Administration transferred from the Department of Commerce to the Department of Transportation. The President in his transportation message said:

I am recommending the consolidation into the Department of those Federal agencies whose primary functions are transportation promotion and safety * * *

Mr. Chairman, I talked to the President no later than last Friday. I asked him his opinion on this. He said:

I think it ought to go into the Department of Transportation.

And, he said:

I will charge the Secretary of that department to evaluate the studies that have been made and to come to me with a reasonable program in the light of the peacetime necessities and in the light of wartime needs.

Of course, Mr. Chairman, the President is not going to let a man like Paul Hall blackjack him. If he did, he would not deserve to be President of the United States.

So, Mr. Chairman, the friends of the merchant marine—and I am a friend; I have voted for 24 years for every merchant marine bill that has come to this floor, including the last bill that raised the subsidy on construction from 50 percent to 55 percent—and therefore, I am

talking to you as a friend of the merchant marine.

Mr. Chairman, when a Member votes for the Garmatz amendment, he is voting against the plan of the administration to improve all methods or modes of transportation. He is voting against the people who have the responsibility of setting the ceiling on the budget.

Now, Mr. Chairman, I am going to ask the Members of the House to vote against the Garmatz amendment to strike from this bill our proposal to transfer the Maritime Administration from the Department of Commerce to the Department of Transportation.

Remember this bill does not create an independent agency. The so-called Garmatz-Bonner bill does. The Garmatz-Bonner bill does two things: It removes the maritime administration from the Department of Commerce or wherever else it might be. It places the maritime administration functions in an independent agency. Both actions are related, actions for a single purpose.

The Merchant Marine Committee bill has a rule for consideration by the House, and 7 legislative days having passed since that rule was granted, it is entitled to recognition under high privilege. But I have been assured by the leadership that it will not need to exercise its high privilege. There will be consideration of the Garmatz-Bonner bill. The House will have an opportunity to vote on a clear-cut issue which will be complete and which will be germane.

The Merchant Marine Committee bill transfers and creates an independent agency—that is where you get the real vote on the matter. Whether you put it in the Department of Transportation, or the other body puts it in, or whether it is in the Department of Commerce, having been stricken from this bill, you will get the chance then to do what you want to do, to get the objective you want, which is to move it from where it may be and create an independent agency.

Let us consider the best method for the friends of a dynamic merchant marine program to follow. I want you to listen carefully to this. There is no doubt in anyone's mind that this bill rescues the Maritime Administration from a department that has many interests other than transportation.

I am sure that transfer of the Maritime Administration to a department whose only interest is transportation will be a long step forward. It will be placed in a much more advantageous place than it is now.

If it is stricken from my bill and remains in the Department of Commerce, and if the Garmatz bill does not pass, or if it passes the House and fails in the other body or if it passes in the House and in the other body and is vetoed by the President, it will still be in the Department of Commerce. If this occurs, no progress will have been made.

Now let us consider a constructive procedure.

Do not strike the Maritime Administration from the bill and let it be transferred to the Department of Transportation. Send it to the other body for its acceptance or rejection.

Within a short time the House must consider the Garmatz bill.

Let the House, if it wills, pass the Garmatz bill to transfer the Maritime Administration, regardless of where it may be, either in the Department of Commerce or in legislative transition phase, to an independent agency.

We are correcting today's bill by taking note of what happened in the House the other day under the highway safety bill, and we are conforming that action by accepting the amendment by the gentleman from Illinois [Mr. KLUCZYNSKI]. So we can handle these things legislatively, do not worry about that.

If misfortune occurs anywhere along the legislative path for the Garmatz bill—and in my opinion it is on a dangerous path—then the friends of the merchant marine have a hedge on their bets.

There is nothing tricky about this procedure I have recommended. The art of politics—the art of legislation—is to attain the possible, not the impossible, not breaking your neck on the impossible, but to obtain as much as is possible.

I am appealing to you to use good legislative judgment. I am saying to the friends of a dynamic merchant marine program, act with prudence and judgment. Vote against the Garmatz amendment to strike, then vote for the Garmatz bill when it comes to the floor in a few days if you favor it.

Place your bets on both horses and I will guarantee you will have a winner.

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

Mr. Chairman, we in the House heard a rather interesting discussion a few moments ago between the gentleman from Texas [Mr. CASEY], who represents Houston, and the gentleman from Virginia [Mr. HARDY], who represents Norfolk, when they became embroiled in an argument about whose port was No. 2. I asked the gentleman from Texas to yield, and I am glad his time did not permit and he did not at the time because since then I have had an opportunity to get the official Government figures from the Department of Commerce and they make both of those gentlemen's claims look rather bad because as I thought New Orleans is the No. 2 port. I would like to correct the Record.

The official Government figures for the latest year available show the total all-cargo tonnage figures for the Port of New Orleans to be 83,496,000 tons. The up-and-coming port at Houston on the bayou or "ditch" as some say had only 59,153,000 tons, but they are making progress. It would be well for these gentlemen to broaden their reading to something other than Texas or Virginia papers.

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

Mr. WAGGONER. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Where is the No. 2 port?

Mr. WAGGONER. In Louisiana. Where else?

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

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

Mr. CASEY. Did you include Baton Rouge in your figures with New Orleans?

Mr. WAGGONER. No; Baton Rouge stands on its own and is aiming at No. 3.

Mr. CASEY. How does Baton Rouge stand?

Mr. WAGGONER. Baton Rouge is doing real well. They are coming along. You had better watch them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. GARMATZ].

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

Mr. HOLIFIELD. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. HOLIFIELD and Mr. GARMATZ.

The Committee divided, and the tellers reported that there were—ayes 190, noes 63.

So the amendment was agreed to.

AMENDMENTS OFFERED BY MR. KLUCZYNSKI

Mr. KLUCZYNSKI. Mr. Chairman, I offer a series of amendments dealing with the same subject. I ask unanimous consent that they be considered en bloc.

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

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

Mr. HOLIFIELD. Mr. Chairman, I just wish to concede defeat on the Garmatz amendments.

Mr. KLUCZYNSKI. Accepted.

The CHAIRMAN. Is there objection to considering en bloc the amendments offered by the gentleman from Illinois?

Mr. CRAMER. Mr. Chairman, reserving the right to object—and I shall not object—will the gentleman from Illinois [Mr. KLUCZYNSKI] explain? As I understand it, these are the series of some four amendments, are they not, that were drafted by the membership on the Public Works Committee and the staff?

Mr. KLUCZYNSKI. The gentleman is correct.

Mr. CRAMER. The objective is to attempt to conform this bill to legislation presently in existence relating to Federal aid to highways?

Mr. KLUCZYNSKI. That is correct.

Mr. CRAMER. Mr. Chairman, I withdraw my reservation.

The CHAIRMAN. Without objection, the amendments offered by the gentleman from Illinois [Mr. KLUCZYNSKI] will be considered en bloc.

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. KLUCZYNSKI: On page 4, insert after line 17 the following:

"(g) (1) The Secretary shall establish within the Department a National Highway Safety Agency which shall exercise the functions, powers, and duties (transferred to the Secretary by section 6(a) of this Act) which the Highway Safety Act of 1966 provides shall be carried out through the National Highway Safety Agency. The National Highway Safety Agency established under this

subsection shall be headed by an Administrator who shall be appointed by the President by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level V of the Federal Executive Salary Schedule. The Administrator shall have the qualifications and shall be subject to the limitations prescribed by the Highway Safety Act of 1966.

"(2) The Secretary shall establish within the Department a National Highway Safety Advisory Committee composed of the Secretary, the Federal Highway Administrator, and twenty-nine members appointed by the President in the manner prescribed by section 404 of title 23, United States Code, who shall serve for the terms specified in, and shall be subject to the limitations in, section 404(b) of such title. Such Committee shall exercise the same functions, powers, and duties as the Highway Safety Act of 1966 provides for the National Highway Safety Advisory Committee."

On page 13, insert after line 7 the following:

"(M) The Federal-Aid Highway Act of 1966."

On page 15, insert after line 14 the following:

"(6) the following law relating to highway safety: The Highway Safety Act of 1966."

On page 15, line 15, strike out "(5)" and insert in lieu thereof "(6)".

On page 31, line 12, insert "(1)" after "(j)".

On page 31, insert after line 23 the following:

"(2) The office of Federal Highway Administrator, created by section 303 of title 23, United States Code, is hereby transferred to and continued within the Department under the title Director of Public Roads. The Director shall be the operating head of the Bureau of Public Roads, or any other agency created within the Department to carry out the primary functions carried out on the effective date of this Act by the Bureau of Public Roads, and he shall be compensated at the rate prescribed for level IV of the Federal Executive Salary Schedule."

Mr. KLUCZYNSKI. Mr. Chairman, the four amendments to H.R. 15963 are all technical amendments designed to insure carry-over to the Department of Transportation functions and positions contained in both the Highway Safety Act and the 1966 Highway Act which the House passed last week. These amendments add to, rather than detract from, the powers transferred to the new Department. They are specifically drawn to conform to the organizational plan for the Department that is contemplated by the administration; that is, a Federal Highway Administrator who shall have jurisdiction over the Bureau of Public Roads and the Highway Safety Agency, each having its own head.

The amendment on page 4 would insure that there be a National Highway Safety Agency, with a Director as its head, and that the Highway Safety Advisory Committee created by the Safety Act would also survive.

The amendment on page 31 would preserve the present position of Federal Highway Administrator but under the title Director of Public Roads, and at the salary level IV specified in the safety act.

The amendment on page 15 transfers over to the new Department the safety act in its entirety.

The amendment on page 13 is necessary to protect those sections of the 1966 Highway Act which do not become

a permanent part of title 23: Section 3, which is the authority to make apportionments under the 1965 cost estimate for the Interstate System, and sections 10, 12, and 13 which are, respectively, the sections calling for studies on advanced acquisition of rights-of-way, relocation assistance, and highway needs in Guam, the Virgin Islands, and American Samoa.

Title 23 is transferred to the Department intact as the bill is now written, but these sections by their nature do not become part of the permanent title 23 and would not, therefore, be transferred. It is necessary, as a technical matter, that they be protected.

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

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

Mr. HOLIFIELD. Mr. Chairman, the gentleman from Illinois conferred with the minority and majority managers of the bill. We carefully worked together to get the right kind of language to do this. This confirms an action of the House, and makes it possible for the integration of what the House did on the highway safety bill into the new Department of Transportation. I think it is a good amendment, and is in harmony with the purpose of the bill. I gladly accept it, and thank the gentleman for bringing it to our attention.

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

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

Mr. ERLBORN. Mr. Chairman, I want to echo what the gentleman from California [Mr. HOLIFIELD], said. The gentleman from Illinois [Mr. KLUCZYNSKI] has submitted these amendments to us. They are perfecting amendments necessary to coordinate the recently passed transportation safety bills with this new Department of Transportation bill. We are very happy to accept it.

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

Mr. KLUCZYNSKI. I yield to the gentleman from Florida.

Mr. CRAMER. I join in the gentleman from Illinois' remarks in support of the amendment. I trust they will be adopted. They conform to what I think are necessary amendments relating to this new Department preserving the Bureau of Public Roads and its function as it presently exists to the extent possible.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois [Mr. KLUCZYNSKI].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. DOLE

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

The Clerk read as follows:

Amendment offered by Mr. DOLE: On page 5, line 9, after the period, insert the following:

"The Secretary is hereby directed to commence immediately a complete study of the operations and adequacy of the labor laws as they relate to transportation. The Secretary is further instructed to report to the Congress by July 15, 1967, the findings of such study together with appropriate recommendations for such amendments to the labor laws as will provide improved perma-

nent procedures for the settlement of labor disputes in the field of transportation."

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

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

Mr. HOLIFIELD. Mr. Chairman, I make the point of order that the gentleman's amendment violates rule 16, paragraph 7 of the House in that it is on a subject different from that under consideration and, consequently, is not germane.

Mr. Chairman, the subject under consideration, H.R. 15963 is the creation of a new Department of Transportation, which would bring together in one department various transportation functions now being performed throughout the Federal Government.

Mr. Chairman, the amendment now proposed by the gentleman from Kansas [Mr. DOLE] would direct a study of labor laws relating to transportation and a report, with recommendations, to the Congress.

Mr. Chairman, this is a matter for separate legislation and is not appropriate as an amendment to the bill now under consideration.

The CHAIRMAN. Does the gentleman from Kansas [Mr. DOLE] desire to be heard on the point of order?

Mr. DOLE. Mr. Chairman, I simply state that we are talking about amending section 4 of the act, page 5, line 9. We are talking about the powers and the duties of the Secretary.

Also, Mr. Chairman, I would point out that just not too long ago this afternoon we adopted an amendment to that section which would authorize and direct the Secretary to gather and maintain certain information for the benefit of the President.

Mr. Chairman, we are dealing with national transportation policy and the question as to how to accomplish this objective in section 2 of the bill.

Mr. Chairman, I feel that the amendment is germane.

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

This amendment brings into consideration a matter pertaining to labor law and a matter in this case within the jurisdiction of the Committee on Interstate and Foreign Commerce. It goes beyond the substance matter of this particular bill under consideration.

Therefore, the Chair sustains the point of order.

AMENDMENT OFFERED BY MR. DOLE

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

The Clerk read as follows:

Amendment offered by Mr. DOLE: Insert after the word "articles" on line 20, page 18, and before the semicolon following that word, the phrase "except as those provisions of law relate to transportation by pipeline".

Mr. DOLE. Mr. Chairman, I am offering this amendment to H.R. 15963, which would have the effect of retaining in the Interstate Commerce Commission the safety jurisdiction now exercised by that agency over oil pipelines. Without

this amendment this function would be transferred to the proposed Department of Transportation.

I am convinced that the transfer of safety jurisdiction over oil pipelines from the ICC to the proposed Department of Transportation would not in any way promote highway safety or the safety of the traveling public on any form of transportation, the purpose for which safety jurisdiction over various modes of transportation is proposed to be transferred to the Department of Transportation. In fact, the transfer of safety jurisdiction over oil pipelines from the ICC to the new Department might adversely affect the splendid safety record of the oil pipelines.

The oil pipelines, of course, do not carry passengers. They perform their transportation function buried in private rights-of-way, out of contact with the traveling public or the public at large. They are unique in that they are the only carrier whose transportation facility remains stationary while the cargo alone moves.

Not surprisingly, the oil pipeline safety record is unique among the carriers forming our transportation system. A study conducted by the American Petroleum Institute in March of this year indicated that there were only 6 deaths to the public and only 13 injuries to the public from pipeline operations during 1955-64, the 10-year period covered by the study.

It is inconceivable to me that the transfer of safety jurisdiction over oil pipelines from the ICC to the proposed new Department would improve this outstanding safety record. The oil pipeline industry and the ICC are to be congratulated for the wonderful record they have achieved. Transfer of the safety function to a new agency, however, could adversely affect this unique safety record.

I feel strongly that we should leave well enough alone, and for that reason I am offering an amendment which would retain in the ICC safety jurisdiction over oil pipelines.

I feel very strongly that we should leave well enough alone. For that reason I have offered the amendment which would retain in the ICC the safety restriction over oil pipelines.

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

Mr. Chairman, pipeline safety is administered by the ICC under the law relating to explosives and other dangerous articles. The ICC has the same responsibilities and jurisdiction with regard to pipelines as it has for other modes of transportation.

The same staff within the ICC who handle safety problems relating to explosives and other dangerous articles handle pipeline safety matters. This staff, which is not separable by mode, will be transferred to DOT. If pipeline safety were excluded, there would be no staff left at ICC to do the work on pipeline safety.

Essentially, the same types of safety factors are involved in pipeline safety as are involved in problems related to the other modes of transportation. The people who develop standards for tank

cars, for example, also are available to work on pipelines and such things as the stresses and strains on the materials involved which are common to the various modes.

The staff which currently works on explosives and other dangerous articles has the responsibility for motor carrier, rail, and pipeline safety. Indirectly, they also develop standards which are used for aviation and marine safety. Under the system as it presently works, there is coordination, uniformity, and an exchange of necessary information. There is no logical reason for separating any one mode, and an exclusion of pipeline safety could only operate to the detriment of pipelines as well as the other modes.

I might point out, Mr. Chairman, that there is a potential danger in pipelines carrying oil and highly abrasive chemicals and other explosive materials. I think it would be completely unrealistic to eliminate from the consideration of the total safety problem this one small segment. I do not know they should be excluded from the safety factors which protect our people.

Many of these pipelines have been in the ground for 15, 20, or 25 years and there is a possibility that they have deteriorated. I believe that this would be a very bad amendment and I would ask for its defeat.

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

Mr. HOLIFIELD. I yield to the gentleman.

Mr. DOLE. I noted very briefly the excellent safety record they have compiled under the Interstate Commerce Commission. I think in a 10-year period there were only 6 deaths and a total of 13 injuries. I do not think we can better that record regardless of a transfer.

Mr. HOLIFIELD. The safety record is good, I will say to the gentleman, but on the other hand the deterioration of pipelines, which even now is occurring, may bring about hazardous conditions. If it is of such small import, why does the gentleman want to strike it out and give it a privileged position where the public interest is involved?

Mr. DOLE. We are talking about such things that move as airplanes, railroad cars, automobiles—pipelines, of course, do not move as I said before. They are placed in private rights-of-way. They do not interfere with the public. We do not think they properly belong in this bill.

Mr. HOLIFIELD. In many instances, as the gentleman knows, the pipelines do cross public highways and they are not all completely privately owned rights-of-way. I think the public has an interest in the safety matter. I ask that the amendment be voted down.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, apparently the House is about to authorize the creation of a brand new Cabinet-level department of Government.

I have been reading the report, especially pages 26, 27, and 28, with respect to the cost of this new Department. I would like, if there are any members

of the Committee on Appropriations on the floor of the House, to call their attention to these three pages for their future reference.

In reading the committee report you get the impression that in a very short time this brandnew Department of the Government, although there will be 100,000 employees on the payroll, will not cost much of anything.

I have never read more claims to economy in the creation of a new Department of Government than there are here set forth on these three pages. On page 26 the following statement appears:

Establishing a new Department of Transportation will result in some additional dollar costs. However, these costs will be rapidly offset and eventually outweighed by sizable Government economies.

Again, on page 26:

The new Department will be one of the largest. It will have approximately 100,000 civilian and military employees.

Again, on page 26:

Budgetary economies will be realized quite rapidly after formation of the new Department through consolidating administrative operations and improving cooperation among the various transportation elements within the Department.

On page 27:

The Bureau of the Budget now believes that budgetary savings directly attributable to the establishment of the Department should offset the net costs of establishing the Secretary-level organization within 2 to 3 years after the Department is created.

I am sure the committee does not really expect us to believe that all these economies will take place. You only have to look at the Department of Defense in order to get a real view of what happens when you create a new department of Government. The costs of the Department of Defense with that layer of fat imposed on top of the Departments of Army, Navy, Air Force, have skyrocketed, and you know it. If memory serves me correctly, there are some 37 Secretaries, Assistant Secretaries, and Deputy Assistant Secretaries in the Department of Defense, and this was a setup that was supposed to effect economies and efficiency.

I hope that the members of the Appropriations Committee will read carefully the language to be found in this report. Incidentally, I might ask the question of just how soon it is contemplated this new Department of Transportation is going to require its own building here in the District of Columbia at a cost of probably \$30 to \$50 million? How soon will the new Secretary be here asking for a plush new building?

Mr. Chairman, I am opposed to the creation of another brandnew Cabinet-level department of Government. I do not think it will provide any commonality, any economy, or any efficiency. I am opposed to loading this additional financial burden upon the taxpayers, especially at a time when no one seems to know with any certainty whether fiscal chaos is close at hand.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The amendment was rejected.

AMENDMENT OFFERED BY MR. DOLE

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

The Clerk read as follows:

Amendment offered by Mr. DOLE: On page 17, delete lines 1 through 7, and redesignate the subsequent subsections and references thereto accordingly.

The CHAIRMAN. The gentleman from Kansas is recognized for 5 minutes.

Mr. DOLE. Mr. Chairman, I am seriously alarmed by the dangers of allowing the transfer of the aviation safety investigation functions of the Civil Aeronautics Board to the new Transportation Department. The implications of this transfer have not been thoroughly thought through. In the inevitable confusion surrounding the setting up of the new safety board in the Transportation Department, aviation safety may suffer a serious setback.

I urge the responsible course. Let us defer the reorganization of aviation safety for at least a year and review the situation after the proposed safety board has had time to get itself established. I am offering an amendment to that effect.

The reasons are simple.

First. Improvement of highway safety will have top priority with the new priority with the new safety board. Let it get organized in this field before it takes on the specialized highly technical problem of aviation safety.

Second. Under the proposed organization, the Department of Transportation will both investigate air accidents and operate the airways system. Since malfunctions of the airways system may at times be a contributory cause to air accidents, under the proposed organization, the Transportation Department would have the responsibility for investigating itself. No satisfactory solution for this difficult problem has so far been advanced by the proponents of the bill. Let us leave matters as they are until this problem is solved.

Third. The international implications of the proposed change have not been considered. Foreign countries, after many years of experience, have developed confidence in the CAB safety bureau. When a U.S. airplane has an accident abroad or a foreign-built airplane has an accident in the United States, world attention is focused at once on the airworthiness of the airplane. It is essential that all have confidence in the investigating procedures. Lack of professionalism in these procedures, lack of confidence in an untried unit, could result in incidents highly damaging to public confidence in world aviation.

The present organization is working well. It has the confidence of the public, foreign governments, the airlines, the manufacturers, the pilots and the FAA. No showing has been made that the drastic reorganization proposed will in any way be an improvement.

Thus aviation safety has nothing to gain and everything to lose by the change. Those who remember the debates on the creation of the Federal Aviation Agency will remember also the tragedies which led to that reorganization. When the administration of air

safety regulation and accident investigation falter, a burning national issue is created. We faced such an issue in 1958. The action we took then turned out to be wise and the results have been excellent. Let us not today take on ourselves the responsibility of destroying an organization that has worked so well. The proposed Safety Board is an unknown quantity. Let us see how it will operate before we entrust to it so delicate and complicated a matter as aviation safety. I urge the cautious approach. Let us leave well enough alone for the time being.

CIVIL AERONAUTICS BOARD—AVIATION ACCIDENT RESPONSIBILITY

A major factor in the progress in aviation safety has been the outstanding work of the Civil Aeronautics Board in investigating and determining the probable cause of aviation accidents. For 26 years, the Bureau of Safety of the CAB has been investigating accidents under the guidance of the Board itself. It has attained worldwide recognition for objectivity, expertise, and unusual success in determining the causal factors involved in aviation accidents.

The CAB has built this expert organization to its high level of repute through careful and painstaking attention to the minutest detail and to the need to bring out all the facts and let the chips fall where they may.

Under the pending legislation to establish a Department of Transportation, it is proposed to abandon this successful machinery, take away from the CAB its powers in the field of aviation accidents and transfer the function of determining probable cause of aviation accidents to a new five-man National Transportation Safety Board, and transfer the accident investigation responsibility to the Secretary of Transportation.

In certain respects, this takes aviation back 28 years. When the Civil Aeronautics Act was passed in 1938, a three-man Aviation Safety Board was established to investigate accidents and determine the probable cause thereof. The Board had so little to do, and functioned so ineffectively, and with so much conflict with members of the Civil Aeronautics Administration that President Roosevelt abolished it 18 months later, transferring its powers and responsibilities to the CAB. The CAB has successfully carried on accident investigation work ever since. Today, the Government organization for regulating aviation safety is clear and distinct. There is no confusion of responsibility in the field. The Federal Aviation Administrator makes the rules, sets the standards and operates the airways. The CAB investigates accidents and determines the probable cause thereof. The functions are distinct and well separated from each other. The investigation of accidents is carried on by an organization which is familiar with aviation but has complete independence from the operating and technical phases of it. Therefore, there is little doubt about the objectivity of the Board's investigation and the conclusion as to the probable cause of accidents.

Under the proposed bill, the Board's responsibility to investigate accidents would

be separated from the responsibility to determine probable cause—investigation being transferred to the Secretary of Transportation who would set up a new and separate Office of Accident Investigation, and the "probable cause" function would be transferred to the new National Transportation Safety Board via the Secretary.

The accident investigation function would be carried on under the rules prescribed by the Secretary. In virtually every major accident today, the Federal Aviation Agency is a party at interest either because of the functioning of the air traffic rules, the adequacies or violation of safety standards, the operation of the air traffic control facilities, or the performance of the air traffic control personnel. Can we expect true objectivity in accident investigation when the Secretary has the statutory responsibility for making the safety rules and operating the airways, either directly or through delegation to the new Federal Aviation Administrator, and, at the same time, has the responsibility for conducting the investigation of accidents?¹

No clear case has been made for the need to take accident investigation away from the CAB. On the other hand, it seems quite clear that the bill will inject confusion into aviation safety regulation. We will have uncertainty as to the division of responsibility for the technical phases of aviation safety regulation between the Secretary, the Federal Aviation Administrator, and the Assistant Secretary for Safety. We will also have a Director of the Office of Accident Investigation, who undoubtedly will also have some opinions about the causes of accidents and what to do about safety. We will also have the National Transportation Safety Board, a group of five political appointees, with responsibility for determining the cause of accidents in transportation without the power to conduct or control the investigation of the accidents. They also are to make recommendations for improving safety.

The picture does not hold promise of making any improvement in aviation safety. On the other hand, it holds great prospects of injecting confusion into our regulation of aviation safety. In fact, it promises to be confusion compounded.

The accident trend in air transportation has been downward. Undoubtedly, one reason for that has been the interest and desire which all phases of aviation have in ascertaining the facts in any accident and identifying fault. A good organization which is working well should not be destroyed unless there is clear promise of improvement. There is no reason to believe that improvement will result from the proposed transfer of accident responsibilities away from the CAB.

Mr. CLARENCE J. BROWN, JR. Mr. Chairman, will the gentleman yield?

¹ While the CAB has the statutory responsibility for determining the probable cause of all aviation accidents, it has for some time, delegated to the FAA the responsibility for investigating small-plane accidents. This has been necessary because of the lack of adequate funds and staff at the CAB to conduct small aircraft accidents. Quite possibly, the safety record in general aviation could be improved if the Board had adequate funds and staff for investigating these accidents also.

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

Mr. CLARENCE J. BROWN, JR. As I understand it, the sense of the gentleman's amendment would be to maintain the situation as it is now, where the CAB—as a separate and independent investigative body—has accident investigation functions whereby it investigates the activities that would be set up in the Department of Transportation in the safety area. Is that correct?

Mr. DOLE. Yes. That is precisely correct.

Mr. CLARENCE J. BROWN, JR. But, if the CAB is moved into the Department of Transportation, with reference to these investigative functions and accident investigations, we will wind up with the CAB investigating in effect the same department in which it is located. So the Secretary of Transportation would be in a position to say, "In your report do not be quite so critical of one of the other agencies I have"; is that correct?

Mr. DOLE. That is correct.

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

The gentleman's amendment practically would destroy the safety board function in this bill. One of the primary problems which we face in this Nation is the increasing number of deaths which come about as a result of traffic accidents, both in the air and on the highways.

Transportation safety is a primary concern of the Department of Transportation. A primary purpose for creating the Department of Transportation is to improve safety in the Nation's transportation system. While each mode of transportation has its own peculiar safety problems, there is also a large area of commonality. For example, human factors research, metallurgy, fuels, safety of propulsion systems, communications, and other materials research are involved in all methods of transportation. These elements are also involved in the investigation of transportation accidents. The safety effort with respect to all modes of transportation will be strengthened by the Cabinet-level emphasis which will be given to transportation safety in the new Department. Greater effectiveness will be given to this safety drive through broader based research, pooling of facilities, and cross fertilization of ideas and investigative techniques.

There are common characteristics of transportation accidents. While each mode of transportation has unique characteristics, accidents in various forms of transportation have common elements. Transportation involves motion and the movement of people and property in vehicles of different types; accidents vary in accordance with the degree of impact and other deceleration forces involved. Similarly, the construction of vehicles, the types of materials used, as well as structural techniques and the nature of effective restraining devices for the vehicles, for passengers, and for property relate directly to the nature and extent of injuries and damages and to the possibility of preventing them. A

sustained effort to identify the common elements among modes of transportation and their bearing on safety in all modes will spread the benefits of improved safety programs much more rapidly than would otherwise be possible. It should be possible in a single department to integrate research with respect to the common facets of accidents, not only involving structures and materials but particularly those involving human factors.

Mr. Chairman, this National Transportation Safety Board is an independent board, and will have the right to require special efforts on the part of the Office of Investigation in accident investigation. The Bureau of Safety is to be moved over from the CAB into this new Department because it pertains to the matters under study here.

I ask that the amendment be voted down. It is a mischievous amendment and will cause confusion.

SUBSTITUTE AMENDMENTS OFFERED BY MR. ERLBORN

Mr. ERLBORN. Mr. Chairman, I offer a substitute. I have 3 amendments, and I ask unanimous consent that they be considered en bloc as a substitute for the amendment offered by the gentleman from Kansas [Mr. DOLE].

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. ERLBORN as a substitute for the amendment offered by Mr. DOLE:

On page 4, lines 12 through 17, delete subsection "(f)".

On page 6, following line 20, insert the following new subsection, and reletter the subsequent subsections accordingly:

"(b) There are hereby transferred to and vested in the Board all functions, powers, and duties of the Civil Aeronautics Board, and of the Chairman, members, officers, and offices thereof under titles VI and VII of the Federal Aviation Act of 1958 (72 Stat. 776, 49 U.S.C. 1421 et seq.)."

On page 17, lines 1 through 7, delete subsection "(d)" and reletter the subsequent subsections accordingly, and references thereto.

The CHAIRMAN. Is there objection to the consideration of the amendments en bloc?

There was no objection.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. ERLBORN. Mr. Chairman, I am offering the substitute to the Dole amendment to accomplish the same purpose that Mr. DOLE seeks to accomplish, but in a different way.

The gentleman from California has taken the floor in opposition to the Dole amendment and explained that in a way this would destroy the effectiveness of the National Transportation Safety Board and destroy the effectiveness of the Secretary in the field of safety. I was impressed by this argument by the gentleman in committee when I earlier offered an amendment or considered offering an amendment to leave the safety function, the accident-investigating function, in the Civil Aeronautics Board. So my amendment takes a different tack. It transfers the accident-investigating function from the CAB, but it puts it in

the National Transportation Safety Board rather than in a separate Office of Accident Investigation under the Secretary.

Mr. Chairman, I would like to reiterate the very grave importance of separating the power to investigate accidents from the power to conduct traffic in the airways.

In 1958 this Congress in its wisdom separated these two functions as a result of a very bad airline accident. At that time we had only one agency, the Civil Aeronautics Agency. We separated them and formed two agencies, the Federal Aviation Agency, with authority to conduct airline traffic, and authority to establish navigational aids and set rules and regulations, and a separate Civil Aeronautics Board which had the power to investigate accidents. Since that time we have had an excellent record in the field of airline safety. Without exception the airline industry and the airline pilots and all concerned with the airline industry are in favor of maintaining this separation. Without exception these representatives of the industry testified before the committee that they did not think it was healthy to combine these two functions. They did not think that the one who has the responsibility for airline safety should also be investigating himself. If we do not amend the bill accordingly, we will have the situation where the Secretary will have the authority to conduct the traffic in the airways, and also the authority to investigate the accidents that occur. In other words, he will be investigating himself, in many instances.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. ERLBORN. I am happy to yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, as one of the professional pilots in the Congress, I want to endorse everything that the gentleman from Illinois has said. I can recall back a number of years ago when I carried on a similar discussion with the late Senator Clair Engle, who was also a pilot. I believe it is most important that we do separate the accident investigation function from the so-called rulemaking body. I would submit further when it comes down to budgetary consideration it is absolutely essential to see these people have an independent opportunity to express themselves without concern over budgetary factors.

I would like further to express the opinion that the independent CAB approach, which was introduced by Congressman DOLE, would be preferable. However, I believe the Erlborn amendment is generally a middle-of-the-road approach that everyone in the Congress could live with, in arriving at the common safety and power separation objectives as presented by the gentleman from Illinois.

Mr. ERLBORN. Mr. Chairman, I thank the gentleman for his contribution. He is right. This is a middle-of-the-road approach. I do not think anyone can say that the substitute amendment I am offering is an attempt to gut or to hamper this bill. It is a genuine ef-

fort on my part to see that we have a meaningful bill, and one that I am very happy to support.

I have, as the gentleman from California will tell you, supported this legislation from the beginning. I think since this body worked its will it is even a better bill today, and some of the amendments that the gentleman from California accepted have made this a still better bill. So in no way am I trying to gut this bill. I am trying to make it a good bill and a meaningful bill which we can all support.

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

Mr. ERLBORN. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

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

There was no objection.

Mr. ERLBORN. Mr. Chairman, I feel that there is no subject contained within the provisions of this bill which should have any more interest for us than the field of airline safety, not only because of our many constituents who use the airlines, but we, I believe as a group, use air travel more than anyone else and airline safety is extremely important to us.

Mr. Chairman, if we cannot take the judgment of those who know airline safety, those who run the airlines—the pilots and those who are intimately familiar with the problems of aircraft safety, then I do not know how we are going to render any judgment. And as I stated before, everyone involved in the airline industry believes in this separation and would support this move.

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

Mr. ERLBORN. I am delighted to yield to the gentleman from Kansas.

Mr. DOLE. Mr. Chairman, in an effort to clarify the issue under the bill as presently drafted, the responsibility for accident investigator would be under the Office of Accident Investigation.

As I understand the gentleman's substitute, this responsibility would go under the Safety Board which in the gentleman's opinion is a more independent board; is that correct?

Mr. ERLBORN. That is correct.

Mr. Chairman, in conclusion I would solicit the support of anyone who is interested in maintaining the excellent record of the Civil Aeronautics Board in the field of airline safety.

Mr. Chairman, if the members of the Committee do not believe in that record or if they feel it can be done better in some other way, just look to the past and see the failures which we have experienced and I believe this will convince the members of the Committee that they should support this amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

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

Mr. DON H. CLAUSEN. I might add one further comment, and that is the fact that we are involved in international trade insofar as trying to sell aircraft throughout the world is concerned.

Therefore, it is equally important to keep the same team together in the field of accident investigations because the people throughout the world are familiar with existing procedures and are looking to the United States and this team for leadership in providing some of the answers.

Mr. ERLÉNBOEN. I believe that is definitely correct.

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

Mr. Chairman, I rise in opposition to the substitute amendment and the amendment itself.

Mr. Chairman, I feel that the substitute amendment is bad and I believe the original amendment is bad.

Now, Mr. Chairman, the air safety record of the United States is not yet a matter of which to be wholly proud. Passengers in privately owned aircraft used in general aviation had 10 times more chance of being killed than passengers in a private automobile or in a taxi.

Mr. Chairman, with reference to the total fatalities, our U.S. airline accidents in 1957 had total fatalities of 83 and in 1965 that figure was 253. So, the picture is not as rosy as it has been pictured in its present situation.

Mr. Chairman, we are proposing in substance to transfer the CAB Bureau of Safety over into the Office of Accident Investigation. Of course, its major duties will involve aviation accidents because it will acquire the CAB's Bureau of Safety as it is now constituted. But, gradually, there will be other accidents investigated and other duties which will be added to that Office of Accident Investigation—specialists in railroad accidents, highway accidents, and shipping accidents.

Mr. Chairman, this is an integral part of the Department of Transportation and, in my opinion, it is not a step forward but a step backward.

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

Mr. HOLIFIELD. Yes; I yield to the gentleman from California.

Mr. YOUNGER. There has been, of course, talk about the division of the investigating body and the group that is going to determine the cause of the accidents. Now that is all handled by one body now. What is the intention in connection with the new group?

Mr. HOLIFIELD. The Office of Accident Investigation will investigate major accidents involving civil aircraft occurring in the United States and its territories and such other major transportation activities as will be added to it from time to time as we get into these other modes. Now those are the functions that are now in the Bureau of Safety but we leave in the CAB where it is now the regulatory function.

However, we do transfer over to the National Transportation Safety Board—and that is an independent board set up by statute to be independent—certain functions in determination of cause or probable cause of transportation accidents and involving reporting of facts, conditions, and circumstances relating to such accidents. Certain functions from the CAB, Coast Guard, and ICC are

transferred into this National Safety Board.

They also have a quasi-judicial job to do which is to review on appeal the amendment, suspension, modification, revocation, or denial of certificates or licenses issued by the Secretary.

So we have provided in my opinion an Office of Accident Investigation in this department but we have safeguarded its function by providing that the National Transportation Safety Board shall be an independent board and can require—and the word is “require,” not “request”—can require any type of additional accident investigation which they think is necessary in order to give to the National Transportation Safety Board the material it needs to make a determination of the cause or probable cause of an accident.

Mr. YOUNGER. You have two organizations, one organization that makes the investigation and another organization that makes the determination?

Mr. HOLIFIELD. I think that is proper. I think the operating accident investigating group makes a report of the type of accident and then it is up to the separate independent body, the National Transportation Safety Board, to determine cause or probable cause. I think that is a good arrangement, myself.

I ask for the defeat of the amendment.

Mr. CLARENCE J. BROWN, JR. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to take this time to read into the Record for the benefit of those Members who are on the floor and attentive, the testimony of William K. Lawton, executive director of the National Business Aircraft Association, before the subcommittee holding hearings on this legislation on Monday, April 25, 1966.

In his testimony, Mr. Lawton had this to say:

The proposals contained in section 6(d) therefore contravene the presently established and long-held congressional philosophy that the agency which establishes aviation policy, makes aviation rules and regulations, which operate an air traffic control system, which sets the standards for airworthiness of aircraft; which examines the proficiencies and qualifications of airmen, which acts as the enforcer of its own rules and regulations and which also assumes the role of judge—should not be permitted to be its own investigator when accidents occur.

When this division of powers was considered in 1958—at the time the present Federal Aviation Agency Act was being discussed—it was clearly established in both Houses of Congress that the FAA could not and should not be allowed to investigate aviation accidents. This role was then and is today delegated to the Civil Aeronautics Board.

Yet, under section 6(d) the Secretary of Transportation—under whom the entire FAA and the CAB's safety functions are to be combined—would be permitted to make and control the investigation of aviation accidents which could be the product of his own Department's negligence.

Further, the bill's claim that the Safety Board would be “independent” of the operating units of the Department does not eliminate control by the Secretary of the Board's reports, activities, scope of investigation (which is hinted at in section 5), its personnel, and its finances.

An independent safety board is not “independent” when it is established “within” a Department and subject to its domination or control.

If that is true of the situation that we had in the original legislation on which he was making his testimony, it is even more true under the circumstance where the Federal Aviation Agency is under the direct control of the Secretary and the Office of Accident Investigation is also under the direct control of the Secretary, wherein it would thus be investigating itself.

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

Mr. CLARENCE J. BROWN, JR. I yield to the gentleman from Kansas.

Mr. DOLE. If the chart I hold was made available to every Member, they would clearly see the point you are making and the reason we should accept my amendment or the substitute. Otherwise the FAA will make regulations and the CAB investigating accidents all under the jurisdiction of the same Secretary.

The National Transportation Safety Board is more of an independent body. So if we cannot accept deletion of the CAB language, then we should accept the Erlenborn substitute.

Mr. CLARENCE J. BROWN, JR. Exactly. In the bill under discussion the Safety Board would have independent status within the Department. The amendment would improve the situation upon which Mr. Lawton was testifying.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. CLARENCE J. BROWN, JR. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. If the Erlenborn substitute amendment is accepted, it would in no way deter the overall reorganizational efforts that are recommended in the bill. Certainly it is recognized in the legislation that the Safety Board should be independent, and it would simply place the Accident Investigation function as a part of this independent agency.

Mr. CLARENCE J. BROWN, JR. That is correct. It attempts to provide some independent separation between the setting of regulations and the investigation and the proper application of those same regulations.

Mr. DON H. CLAUSEN. I want to join the gentleman, if he will yield further, in suggesting that we ought to give careful consideration to the experts in this particular field who testified. They want to have a separate evaluation of accidents, and I join with the gentleman in the well in asking support of the Erlenborn substitute amendment.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Illinois [Mr. ERLÉNBOEN].

The question was taken; and the Chairman announced that the “ayes” appeared to have it.

Mr. ERLÉNBOEN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. ERLÉNBOEN and Mr. ROSENTHAL.

The Committee divided, and the tellers reported that there were—ayes 62, noes 100.

So the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Kansas [Mr. Dole].

The amendment was rejected.

AMENDMENTS OFFERED BY MR. LENNON

Mr. LENNON. Mr. Chairman, I offer a series of amendments for a single purpose, and I ask unanimous consent that they be considered en bloc.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. LENNON: Beginning on page 15, strike out line 19 and all that follows down through line 15 on page 16.

Redesignate subsections (c) through (h) of section 6 as subsections (b) through (g), respectively.

On page 20, lines 11, 17, and 19, and on page 21, line 2, strike out "subsection (e)" and insert in lieu thereof "subsection (d)".

On page 28, strike out lines 17 through 24. Redesignate subsections (c) through (p) of section 9 as subsections (b) through (o) respectively.

On page 29, line 13, strike out "subsection (b) (1) or".

On page 29, line 14, and on page 30, line 3, strike out "(d)" and insert in lieu thereof "(c)".

On page 31, line 4, strike out "(i)" and insert in lieu thereof "(h)".

On page 31, line 9, strike out "(g) and (h)" and insert in lieu thereof "(f) and (g)".

On page 31, line 13, strike out ", other than the Coast Guard,".

On page 35, line 25, strike out "(c)" and insert in lieu thereof "(b)".

On page 38, strike out lines 11 through 15.

On page 39, line 14, and on page 40, line 7, strike out ", Board, or General Counsel" and insert in lieu thereof "or Board".

Mr. LENNON. Mr. Chairman and Members of the Committee, approximately a half hour ago the House exercised its will and in its judgment removed from the proposed Department of Transportation the Maritime Administration.

This group of amendments would strike from the proposed Department of Transportation the Coast Guard.

I do not believe, Mr. Chairman and Members of the Committee, there is a knowledgeable and reasonably informed person who would say that the principal objective in putting the Coast Guard, with its ocean missions and roles related to the maritime industry, into this bill was other than that the Maritime Administration was put in the bill.

So we will simply be following in sequence the thinking of the preponderant majority of the members of the Committee on Merchant Marine and Fisheries, which has legislative jurisdiction over the Coast Guard.

It has been my pleasure to serve on that committee.

I know the hour is late. If Members will give me their attention, we will get home that much earlier, or wherever Members might care to go.

Let me make it crystal clear that I am not one whose intention or objective is to kill the bill. I attempted to make

clear in my appearance before the Rules Committee, in connection with bringing this particular legislation to the floor and again when we were before the Rules Committee to get a rule on a bill which would provide for an independent maritime agency, that during the 10 years I had served as a member of the Committee on Merchant Marine and Fisheries I had come to the inescapable and unalterable conclusion that there was a necessity for a single independent maritime agency.

I said that by reason of the appearances I have made before the Interstate Commerce Commission in behalf of various and sundry modes of transportation in my State and in my district I believed there was a necessity for a central organization to house those domestic modes of transportation.

I say again, in the lateness of this hour, that the Coast Guard, the oldest semimilitary organization in this Nation, with its ramifications involving its ocean missions and purposes as related to the maritime industry and to the Bureau of Customs, ought to remain where it has been historically.

I challenge my good friends—and I say this with affection—on the fine Committee on Government Operations to show me in the hearing record or in the report, and particularly in the report, the justification for putting the Coast Guard in the Department of Transportation, other than its relationship to the maritime industry, which this Committee in its judgment saw fit to take out some 45 minutes ago.

If Members have copies of the committee report before them and will turn to page 56, they can hurriedly read the justifications for putting it in this Department. I call attention particularly to the rather unusual language we find in concluding the statement on the Coast Guard.

It is expected that in most cases the determination of cause or probable cause will continue to be made by the Commandant.

Then it says again:

It is expected most cases reviewed on appeal will be decided by the Commandant under delegated authority after it has been given to the Secretary.

Mr. Chairman, I know the other Members may want to comment on this amendment, so for that reason I yield back the balance of my time and ask your support of this amendment.

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

Mr. Chairman, I do not doubt for one moment the sincerity of the distinguished gentleman from North Carolina who proposes this amendment. I will say usually in most cases, as in this one, there are three sides to every proposition. Fundamentally, though, I think we have to examine a basic principle which is that you either believe you can have an overall national transportation policy, or you do not. Obviously there is a difference of opinion in this Chamber on that question.

I still adhere to the idea, and it does make good sense with a growing nation, and with the problems which we have

in transportation, to try to evolve an overall transportation policy. I still think it makes good sense if you possibly can to give the managers of the various transportation agencies the opportunity to coordinate their efforts at an executive level, particularly when the Chief Executive has demonstrated that this would be a useful tool, and also when, in the words of the managers of this particular agency, the Coast Guard, they detect no problem and, as a matter of fact, support wholeheartedly this setup.

I know I raised this question myself when the first thought came of the Department of Transportation, because of the background and the tradition of the Coast Guard and the Treasury Department. I personally discussed this very issue with some of my very good friends in the Coast Guard, to detect whether or not it would, from a management and administration standpoint, really make a difference.

I was assured, after talking informally and privately, that there was some understandable and natural reluctance to move from Treasury, but the move was supported from the standpoint of administration, from the view of management, and in view of the desire to provide the people of this country the benefit of an overall national transportation policy.

The Coast Guard witnesses so testified in the hearings that they were in favor of putting the Coast Guard in the Department of Transportation.

I know you can raise all kinds of arguments and discussions, and the able gentleman from North Carolina has done that, as to why it should not be in the Department of Transportation. I would simply add this: You can make the same kind of argument for any agency which is included or sought to be included in this bill. Then you would not have any bill at all.

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

Mr. FASCELL. Certainly, I will yield to our distinguished and able majority leader.

Mr. ALBERT. I want to associate myself with the gentleman and commend him on his statement. The statement was made that since the Committee in its wisdom did strike out the Maritime Agency, that the relation between this agency and that is such that this should also go out, but historically, if I understand it correctly, these two agencies have not been together. The Maritime Agency has been separate and has been in the Commerce Department, while this agency has been in the Treasury Department. So I do not think there is any merit to that argument.

Mr. FASCELL. I thank the gentleman for his observation. Of course, I quite agree it is simply a question as to whether or not there is an effort to achieve an overall national transportation policy, and have it coordinated at a high enough level to meet and to solve the problems that we must meet, and we must solve, for this Nation. It is a question as to whether or not you want to put one of the largest and one of the

most important agencies under this new executive department.

The Coast Guard says they can operate, and they have testified they can operate efficiently. There is no sound reason why they could not continue their outstanding operations.

Therefore, I say we ought to give them that opportunity. After all, the action we have taken previously here today with respect to the Maritime Administration may be reviewed at another time, and we may have a different feeling about it.

I respectfully submit the amendment ought to be defeated.

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

Mr. FASCELL. I yield to the gentleman from North Carolina.

Mr. LENNON. Mr. Chairman, will the gentleman from Florida tell me to what degree the Coast Guard is a mode of transportation, domestic or otherwise?

Mr. FASCELL. The Coast Guard's principal civilian missions—search and rescue, aid to navigation, oceanography icebreaking, and maritime safety—are all directly oriented to the field of transportation safety, both on the sea and in the air. The Coast Guard has many day-to-day contacts with other safety oriented agencies of the Government which will become members of the Department of Transportation.

So when we talk about transportation safety, we have here under consideration one of the largest agencies engaged in transportation safety.

Mr. Chairman, I know that the gentleman from North Carolina means well and meant well when he said that he did not want to gut the bill. However, that is what the amendment does; and the gentleman knows that. Even I know that.

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

Mr. FASCELL. I yield further to the gentleman from North Carolina.

Mr. LENNON. Is the able gentleman from Florida [Mr. FASCELL] a member of the committee which pointed out the fact that the Coast Guard should not be fragmented? One never knows when it is going to be called into the national defense picture, upon order of the President of the United States. However, the gentleman says to transfer it, lock, stock, and barrel, from the Treasury Department to the Secretary of this agency.

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

Mr. LENNON. Mr. Chairman, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may proceed for 1 additional minute.

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

There was no objection.

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

Mr. FASCELL. I yield further to the gentleman from North Carolina.

Mr. LENNON. And, then, in the same language the Secretary transfers all of this authority back to the Commandant. That is just a question of housekeeping, is it not?

Mr. FASCELL. It may be a question of housekeeping but it makes good administrative sense from a management standpoint when you are trying to evolve an overall picture. The Coast Guard is not being fragmented. Of course, you can leave Coast Guard in Treasury or you can move them some place else. But that is not the issue. The issue is, can the Coast Guard keep doing the excellent work it has been doing if moved; they say yes, the President says yes, and this committee says they can.

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

Mr. FASCELL. I yield further to the gentleman from North Carolina.

Mr. LENNON. This amendment would not have been offered if the House had not taken the action it did on the Maritime Administration. It would not have been relevant.

Mr. FASCELL. I do not know about that.

Mr. LENNON. I know it would not, because I had the responsibility in the committee of offering the amendment.

Mr. FASCELL. I know the gentleman is very sincere, but I do not see the relevancy of this.

Mr. LENNON. For how many years has the gentleman served on the legislative committee authorizing for the Coast Guard?

Mr. FASCELL. The gentleman from North Carolina has served on that committee since he has been in the Congress but I do not bow to anyone, however, for my support of, and my interest in the proper and efficient operation of the Coast Guard.

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

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

Mr. BOGGS. I would be very happy to yield to the distinguished Speaker.

Mr. McCORMACK. Mr. Chairman, I think one of the most effective arguments against this amendment was offered by my friend, the gentleman from North Carolina [Mr. LENNON], who offered the amendment when he said that if the Maritime Administration had not been stricken out of the bill, he would not have offered his amendment. There is certainly no relationship between both agencies.

Mr. BOGGS. I thank the distinguished Speaker. The distinguished Speaker has made in one sentence the main point I want to make in my remarks.

Mr. Chairman, the committee in its wisdom has seen fit to strike the maritime section from this bill.

The arguments in connection with the maritime section of this bill have absolutely no relevance insofar as the Coast Guard is concerned.

Let us take a look at it. The maritime industry of this country divides itself into many segments. In the first place, it is private in operation, 100 percent; granted that some segments of the American maritime industry are subsidized by the Government, but those segments of the American maritime industry that are subsidized are private in their operations.

That is only a part of the American maritime industry. Much of it is not subsidized in any manner whatsoever.

In addition to that, the American shipbuilding industry, which is a part of the American maritime industry, is partly subsidized and partly not.

More than that, much of the commerce of our country—and this was one of the main arguments for striking the maritime section—is carried in foreign bottoms.

The whole issue involved in the maritime section was whether or not this vital industry, so important to the security of our country, which I support fully, so necessary both in peace and in war, should be receiving more attention at the national level.

And the argument is that if you have a separate agency, ultimately it may receive that attention. I hope that it does. I will continue to devote my best effort to a strong American merchant marine.

But let us take a look at the Coast Guard. The Coast Guard is part and parcel of the Government of the United States. It is a fine and honorable service but it is entirely a Government operation. The Coast Guard in peacetime traditionally has been under the supervision of the Treasury Department, not under the supervision of the Department of Commerce or an independent agency or some unrelated agency. It has been part of the Treasury Department. In time of war it has been part of the Military Establishment of the Government of the United States, and has normally been moved from the Treasury Department and militarized and put in the Defense Establishment.

Now to make any kind of alliance between this quasi-military operation with one which is entirely private in its functions is just not logical nor sensible.

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

Mr. BOGGS. I yield to the distinguished chairman of the committee.

Mr. HOLIFIELD. Mr. Chairman, I want to thank the gentleman for his remarks.

When Vice Adm. William D. Shields, speaking for the Commandant of the U.S. Coast Guard, came before the committee, he said this:

Inclusion in the Department of Transportation would be advantageous to us because:

(1) The Coast Guard will be a part of an executive department whose sole objective is in an area in which we operate continually, that is, transportation and transportation safety.

(2) The Coast Guard will be in the mainstream of development of national transportation policy.

(3) Coast Guard prestige at international conferences dealing with transportation will be enhanced by our being an integral part of the Department of Transportation.

(4) The resulting closer relationships with other elements in the Department of Transportation will improve our capabilities.

(5) Coast Guard personnel would serve in positions in the Department of Transportation at high levels of policymaking and administration.

If this legislation is enacted, the Coast Guard will be a dynamic, productive element in the new Department and will further the President's program to achieve safe, efficient,

fast, and convenient transportation. The traditional high quality performance of the Coast Guard developed in 176 years of service to country and humanity will be continued in the new Department. I urge you give favorable consideration to this bill.

Mr. BOGGS. Just to emphasize the point, the gentleman from California was quoting the Commandant of the Coast Guard, was he not?

Mr. HOLIFIELD. He was quoting the Vice Commandant.

Mr. BOGGS. In other words, the man directly concerned with this legislation.

Mr. HOLIFIELD. And may I say in the statute itself we said:

The Coast Guard is hereby transferred to the Department, and there are hereby transferred to and vested in the Secretary all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other officers and offices of the Department of the Treasury.

And then we adopted an amendment offered by one of the gentlemen who is here, that the Commandant of the Coast Guard shall report directly to the Secretary.

Then in section (2):

(2) Notwithstanding the transfer of the Coast Guard to the Department and the transfer to the Secretary of the functions, powers, and duties, relating to the Coast Guard to the Department and the transfer to the Secretary of the functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other officers and offices of the Department of the Treasury, effected by the provisions of paragraph (1) of this subsection, the Coast Guard, together with the functions, powers, and duties relating thereto, shall operate as a part of the Navy, subject to the orders of the Secretary of the Navy, in time of war or when the President shall so direct, as provided in section 3 of title 14, United States Code.

Mr. BOGGS. Mr. Chairman, I might say to the gentleman that I have the great privilege and responsibility of serving on the Committee on Ways and Means which has jurisdiction over the Treasury Department of our country. But the idea that you would keep the Coast Guard in the tax-collecting division of the Government of the United States, whose main function is to provide for the revenues; this just does not make any sense at all.

The eighth regional headquarters of the Coast Guard are located in my city. I know these people personally. I admire them. I respect them. I think the Coast Guard does a magnificent job, but it does not belong in the Treasury Department.

It got in the Treasury Department back in the early days of pirates at the inception of our country, to protect our country and its revenue. During prohibition it was used as a device to keep them from moving illicit spirits into the country. Over the years it has served with distinction in life savings, in defense, in the active military. It is a great and honorable service.

Mr. DOWNING. Mr. Chairman, I move to strike out the last word and I rise in support of the amendment.

Mr. Chairman, I am not going to take all my time, but I ask Members to think

about this question: How in the world can you classify the Coast Guard as transportation? This is not transportation. Who are they transporting? Members of the Coast Guard. It makes as much sense to include space because the astronauts are being transported. Let us get back to the reason why the Coast Guard should not be in the bill. Who does the Coast Guard serve? The Coast Guard serves the maritime. The maritime is now out of this bill, and the Coast Guard should be out of it. It falls in line as a matter of logic.

As for the Coast Guard, its inclusion in such a department would lend undue emphasis to what is essentially a secondary aspect of its operations. True it is that the agency is responsible for aids to navigation on domestic waters. It also has the responsibility for the safety of our expanding boating population, but sight must not be lost of its manifold international responsibilities. It is the chief seagoing law enforcement agency of our Government. Its activities in this field embrace the policing of treaties covering fisheries, enforcement of Customs regulations, maintenance of loran and other navigation aids in a worldwide network, ice-breaking from the Arctic to the Antarctic, operation of international ice patrol vessels, and inspection of seagoing vessels, both domestic and foreign.

Only last month, it very capably represented the United States in a session of the Maritime Safety Committee of the Intergovernmental Maritime Consultative Organization in a meeting which substantially upgraded fire safety regulations with respect to passenger vessels. As a result of its efforts, future ocean cruise passengers can expect that the chances of another *Yarmouth Castle* tragedy will be greatly minimized. While, of course, this is a safety function, and thus one which might fit into the pattern of the new Department, it is a function on an international level, and one which seems to have little or no relation in fact to what are the essentially domestic functions of the new agency.

There is one other function of the Coast Guard which is inconsistent with the aims of this bill. In time of war it is integrated with the Navy and its men and ships serve side by side with vessels of the Navy throughout the world. At this moment, 26 Coast Guard vessels with their crews are rendering valiant service in Vietnam on coastal patrol. Its vessels are designed with their wartime function in mind and they carry communications and other equipment compatible with Navy equipment and their crews are trained for speedy amalgamation into appropriate Navy services in wartime. The manifold nature of the services and missions of the Coast Guard in which domestic safety functions are but a minor part, constitute a strong argument against inclusion of this service in what is essentially a domestic transportation organization.

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

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

Mr. HOLIFIELD. Does not the Coast Guard serve all shipping and aviation, naval aviation, perform rescue service, and all of that? That is with reference not only to maritime cargo ships but also passenger ships of all kinds?

Mr. DOWNING. There is no question about it. It serves the maritime. You put your finger on it. It serves the maritime interests of the Nation, domestic and international. But maritime is out of the bill now. Therefore, there is no reason for the Coast Guard to be in it.

Mr. HOLIFIELD. But they are completely separate and independent agencies, and they do an independent job. As the gentleman knows, there are Coast Guard ships in Vietnam. In time of war they have certain other duties.

Mr. DOWNING. This is not a transportation service they are performing in Vietnam. This is actually Coast Guard work, patrol work they are doing. Indeed, it is excellent work. But this is a wartime activity of the Coast Guard. In no way can we think of it as a transportation field.

Mr. HOLIFIELD. Does the gentleman believe the FAA is a form of transportation?

Mr. DOWNING. Yes; the FAA is a form of transportation.

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

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

Mr. ADDABBO. The Coast Guard works under the Treasury Department as a law-enforcing body, and that is why it is in the Treasury?

Mr. DOWNING. That is the reason it is in the Treasury. We are not providing for law-enforcement officers here. The Coast Guard is a law-enforcement arm of the Treasury, where it has done its work since 1789.

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

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

Mr. MAILLIARD. I thank the gentleman for yielding. I think in fairness it must be said that the Coast Guard is a self-contained entity. From an administrative point of view, you can put it in the Department of Commerce, the Department of Defense, or anywhere you want to, but they are self-contained.

In all the discussions, those of the distinguished majority whip and my friend from California, I have not heard a single argument as to why it belongs in the Department of Transportation. There was some sense to it because it is closely allied to the maritime, but it also performs functions for the Department of the Treasury. It is a self-contained outfit that performs functions that cut across many departmental lines. The main reason for putting it in the Department of Transportation was gone when we elected to take out the maritime.

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

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

Mr. HOLIFIELD. The reason is that it has a very important safety function, and the safety function in this bill is a very important function. We believe

that because of its excellence as a safety organization, inspecting ships and all that sort of thing, including rescue operations, that it can teach some of those principles to some of the other safety groups that are in the bill. The Commandant testified that it would be of help to him in international conferences to be part of this national transportation department.

Mr. DOWNING. I daresay he was saying that that would be so if the maritime were included, because that is the field he serves, the maritime. I think if you think about it, you will come to the conclusion that the Coast Guard should not be in the Department; it should remain in the Department of the Treasury where it has performed so well.

Mr. CHAMBERLAIN. Mr. Chairman, I move to strike the requisite number of words. I advise my colleagues that I do not intend to take the full 5 minutes.

First, I certainly do not challenge the motives of my colleague from North Carolina, for I have worked with him for many years on Coast Guard matters. I have served on the Coast Guard Board of Visitors with him, and I have nothing but the greatest admiration for his devotion to the Coast Guard.

However, as a Reserve Coast Guard officer myself, one who has served 4 years with this service during World War II, and currently a Reserve officer, I could not help but anticipate that this question might arise, and I have tried with diligence to determine precisely what the Coast Guard felt was in their own best interests.

The official position that the Coast Guard has taken is that they prefer to be transferred to the Department of Transportation.

I have made efforts to try to get behind the official position and see if somewhere there were other reasons why the Coast Guard should not be transferred. My only concern has been to determine what is in the best interests of the Coast Guard. I must advise my colleagues that from my diligent inquiries over a period of weeks and months, I have not been able to determine that the Coast Guard finds any advantage in not being transferred to the Department of Transportation. So it is for that purpose that I must oppose the amendment offered by my colleague from North Carolina.

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

Mr. CHAMBERLAIN. I yield to the gentleman from North Carolina.

Mr. LENNON. Mr. Chairman, let me say in deference to all the people who feel that they must go along with this, I happen to know the feeling of the Coast Guard officials before this bill came up. The official and unofficial position of the Coast Guard was, as long as they believed the Maritime Administration was going to stay in the Department of Transportation, that they would go along. They cannot say now they want to come out, but I do know, and I believe in my honest judgment, they do want to come out now that the Maritime Administration is out.

Mr. CHAMBERLAIN. I must differ with my colleague. I do not believe that is the case.

Mr. ERLÉNBOEN. Mr. Chairman, I rise in opposition to the amendment and I move to strike the requisite number of words.

Mr. Chairman, I will not take the full 5 minutes, but I will take only a minute to say that there was absolutely no testimony before our committee from anyone that this was not a desirable move to transfer the Coast Guard to the Department of Transportation. In fact, the Coast Guard took the position that it was to its own best interests, and it would be an advantage for it to be in the Department of Transportation.

I see no substance to the argument that the Maritime Administration is not to be in the Department of Transportation, so the Coast Guard should not be. They are not together now. Presently the Maritime Administration is in the Department of Commerce, so I believe, if there was logic to the position of those who are advancing this motion, they would say the Coast Guard should be transferred to the Department of Commerce.

Of course, the ultimate attempt will be to have the Maritime Administration be independent. So I believe really their ultimate goal should be to make the Coast Guard independent and not have it in the Department of the Treasury or Department of Transportation or Department of Commerce. But I believe, to carry this to its logical and extreme position, this shows how silly the argument is in the first place. There is no real reason to oppose the transfer of the Coast Guard to the Department of Transportation where certainly they have a lot more relevance than they ever had in the Department of the Treasury.

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

Mr. ERLÉNBOEN. I yield to the gentleman from North Carolina.

Mr. LENNON. Mr. Chairman, the gentleman stated that no one testified before the committee on behalf of taking it out. Who were the witnesses before your committee who urged taking out the Maritime Administration?

Mr. ERLÉNBOEN. The gentleman raises a point, which I would really not care to go into in great depth.

Mr. LENNON. I believe we are entitled to know, since the gentleman is drawing that comparison.

Mr. ERLÉNBOEN. The argument was made but not very forcibly.

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

Mr. Chairman, I rise in support of the amendment. I want to say that the Coast Guard has compiled a splendid record under the Treasury Department. I can see no reason now for transferring this organization to a Department of Transportation. Let the Coast Guard remain where it is and where it can continue the splendid record of service it has given this Nation for so many years.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. LENNON].

The question was taken; and on a division (demanded by Mr. LENNON) there were—ayes 73, noes 107.

So the amendments were rejected.

AMENDMENT OFFERED BY MR. HENDERSON

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

The Clerk read as follows:

Amendment offered by Mr. HENDERSON: On page 28, strike out lines 17 through 24, and insert in lieu thereof the following:

"(b)(1) Notwithstanding any provision of this Act or other law, a member of the Coast Guard on active duty may be appointed, detailed, or assigned to any position in the Department other than Secretary, Under Secretary, and Assistant Secretary for Administration.

"(2) Subject to the civil service laws, the Classification Act of 1949, and the Dual Compensation Act of 1964, a retired member of the Coast Guard may be appointed to any position in the Department."

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

Mr. HENDERSON. I am happy to yield to the distinguished gentleman from California.

Mr. HOLIFIELD. I wish to say that this is a perfecting amendment. We have worked very closely with the gentleman from North Carolina [Mr. HENDERSON] and his staff.

We have accepted several amendments that are in the bill. This is an amendment which came up later. It has to do with clearing up some ambiguity on dual compensation.

We are very happy to accept the gentleman's amendment, and we thank him for his cooperation.

Mr. HENDERSON. I thank the gentleman.

I have discussed this with the minority, and I understand it will be acceptable to that side.

Mr. JONES of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I am happy to yield to my colleague from North Carolina.

Mr. JONES of North Carolina. Mr. Chairman, I rise in support of the amendment to remove the Coast Guard from this bill. For 2 weeks I have observed the charts in the Speaker's lobby showing the different agencies and Departments to be placed under the Department of Transportation.

After serious consideration, I cannot by any stretch of the imagination, find it appropriate that any branch of our Armed Services, which admittedly the Coast Guard is, should be under control or administration of a Department that is supervising freight trains, the trucking industry, commercial airlines and natural gas lines.

To me, Mr. Chairman, if the Coast Guard is to be placed under this Department, then I respectfully submit that the Navy should also be under the Department of Transportation, for one is as justified as the other.

The Coast Guard has a glorious history both in time of peace and war. It is definitely, beyond a question, a part of our Armed Services. I could understand if an effort were made to place the Coast Guard under the Department of Defense, but I cannot concur in placing this vital part of our national defense, both in time of peace and war, under this new Cabinet post.

I, therefore, enthusiastically support the amendment to delete the Coast Guard from the provisions of this bill. The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

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

I take this time and interject myself into this debate—a little bit surprising to me—because I will be offering a motion to recommit. It will contain the Erlenborn amendment, which has to do with aircraft safety.

This is an issue with which I have been concerned for many, many years. I remember, in World War II, when I was a member of the aircraft safety board of the Atlantic Fleet Naval Air Force, the bitter fight conducted then to keep aircraft safety apart from administration.

There was quite a bit of fight in trying to establish first of all the necessity of separating aircraft safety from administration, and then, after having accomplished this, keeping the two functions separate. This is a very important point because as you tie in safety with ordinary administration we found that those involved in aircraft accidents were not so free in explaining what had happened. However, if you separate the discipline, as it were, from the responsibility of investigating accidents, we found that we could get to the bottom of these matters with a great deal more accurate results. So I have followed this legislation with this in mind. This happens to be an instance where if this motion to recommit with instructions carries I will vote for the bill. On the other hand, I think the issue of aircraft safety is so important that if this does not carry I would vote against the bill.

Finally let me say this: Everyone involved in aircraft safety, all of the aviation people, have supported this kind of an amendment for preserving the independence of safety investigation. I think it behooves the House to follow the recommendations of those who are engaged in this area, and are knowledgeable. Certainly with the great interest that this Nation, that all of us, have in aircraft safety, this should be done.

Mr. CLARENCE J. BROWN, JR. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman.

Mr. CLARENCE J. BROWN, JR. The problem is that aircraft travel in our country is increasing at a rapid pace, and the FAA, which will move into the new Department of Transportation under the Federal Aviation Agency, is going to have to meet this problem head on in the months and years ahead by making regulations for safety that are going to be

so important in maintaining the excellent air safety record which we have enjoyed since 1958. The accident investigation body, if I understand your motion correctly, will be located in a separate safety board. Is that not correct?

Mr. CURTIS. That is correct.

Mr. CLARENCE J. BROWN, JR. So it can in effect, when it speaks to accidents in the airfield, be critical of the Federal Aviation Agency with a free hand.

Mr. CURTIS. That is exactly the point. You do not want to have the goat watching the cabbage patch.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly, the Committee rose, and the Speaker having resumed the chair, Mr. PRICE, 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. 15963) to establish a Department of Transportation, and for other purposes, pursuant to House Resolution 935, he reported the bill back to the House with sundry amendments 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?

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that further proceedings on this bill may be put over until tomorrow.

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

Mr. CURTIS. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Is a separate vote demanded on any amendment?

Mr. ERLBORN. Mr. Speaker, I demand a separate vote on the Garmatz amendment.

The SPEAKER. Is a separate vote demanded on any other amendment?

If not, the Chair will put them en gros.

The amendments were agreed to.

The CHAIRMAN. The Clerk will report the so-called Garmatz amendment.

The Clerk read as follows:

On page 4, beginning on line 5, strike out "(3) a Federal Maritime Administration, and (4)" and insert in lieu thereof "and (3)".

On page 14, strike out line 1 and all that follows down through line 14 on page 15. On page 15, line 15, strike out "(6)" and insert in lieu thereof "(5)".

On page 37, line 25, strike out "(82)", and "(89)" and insert in lieu thereof "and (82)".

On page 38, strike out lines 3 through 6. Redesignate subsections (g) and (h) of section 10 as (f) and (g), respectively.

Mr. ERLBORN (interrupting the reading of the amendment). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with, and that the amendment be considered as read, and printed in the RECORD at this point.

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

There was no objection.

The SPEAKER. The question is on the amendments.

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

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The question was taken, and there were—yeas 261, nays 117, answered "present" 3, not voting 51, as follows:

[Roll No. 251]

YEAS—261

Abbott	Farnsley	Mathias
Abernethy	Feighan	Matsunaga
Adams	Findley	May
Addabbo	Fino	Meeds
Anderson, Ill.	Flynt	Miller
Anderson, Tenn.	Fogarty	Minish
Andrews, George W.	Foley	Minshall
Andrews, Glenn	Ford, Gerald R.	Mize
Andrews, N. Dak.	Ford, William D.	Moeller
Arends	Fountain	Moore
Ashbrook	Frelinghuysen	Moorhead
Aspinall	Friedel	Morgan
Ayres	Fulton, Pa.	Morse
Barrett	Garmatz	Morton
Bates	Gettys	Mosher
Becher	Giammo	Multer
Beil	Gibbons	Murphy, N.Y.
Bennett	Gilbert	Natcher
Berry	Gilligan	Nix
Betts	Gonzalez	O'Brien
Boggs	Goodell	O'Hara, Mich.
Boiland	Grabowski	Olsen, Mont.
Bolton	Gray	Passman
Bow	Green, Oreg.	Patten
Broomfield	Green, Pa.	Pelly
Brown, Clarence J., Jr.	Grider	Pepper
Bryhill, Va.	Griffiths	Perkins
Buchanan	Gross	Philbin
Burke	Gubser	Pike
Burton, Calif.	Gurney	Pinie
Byrne, Pa.	Hagen, Calif.	Post
Byrnes, Wis.	Haley	Pool
Cahill	Hall	Powell
Carey	Halpern	Quie
Carter	Hanley	Quillen
Casey	Hansen, Idaho	Randall
Cederberg	Harsha	Reid, Ill.
Celler	Harvey, Ind.	Reifel
Chamberlain	Harvey, Mich.	Rhodes, Ariz.
Chelf	Hathaway	Robison
Ciancy	Hawkins	Rodino
Clausen, Don H.	Helstoski	Rogers, Fla.
Clawson, Del.	Henderson	Roncalio
Clevenger	Herlong	Rooney, N.Y.
Colmer	Hicks	Rooney, Pa.
Conable	Howard	Rosenthal
Conte	Hull	Rostenkowski
Corley	Hungate	Roudebush
Corbett	Huot	Rumsfeld
Cramer	Hutchinson	Ryan
Curtin	Irwin	Satterfield
Curtis	Jennings	St. Germain
Daddario	Joelson	St. Onge
Dague	Saylor	Schlesinger
Daniels	Schisler	Schneebeli
Davis, Ga.	Schweiker	Secrest
Davis, Wis.	Karsten	Selden
de la Garza	Karth	Shipley
Delaney	Keith	Shriver
Dent	Kelly	Sickles
Derwinski	King, Utah	Skubitz
Derine	Kornegay	Slack
Dickinson	Kunkel	Smith, Calif.
Dingell	Kupferman	Smith, N.Y.
Dole	Laird	Smith, Va.
Donohue	Langen	Stafford
Dorn	Latta	Stanton
Downing	Leggett	Stubblefield
Dulski	Lennon	Sullivan
Duncan, Oreg.	Lipscomb	Sweeney
Duncan, Tenn.	Long, Md.	Talcott
Dwyer	Love	Taylor
Edmondson	McCarthy	Tenzer
Edwards, Ala.	McCulloch	Thompson, N.J.
Edwards, La.	McDade	Thompson, Tex.
Ellsworth	McGrath	Thomson, Wis.
Erlenborn	Macdonald	Tuck
Fallon	MacGregor	Tunney
Farbstein	Machen	Tupper
	Mackie	Ullman
	Madden	Waggonner
	Mailliard	Waldie
	Marsh	Watkins
	Martin, Mass.	
	Martin, Nebr.	

Watson
Whalley
White, Idaho
Whitener
Whitten

Widnall
Williams
Wilson, Bob
Wilson,
Charles H.

Wolff
Wyatt
Wylder
Younger

NAYS—117

Albert
Ashley
Bandstra
Beckworth
Bingham
Bolling
Brademas
Bray
Brook
Brooks
Brown, Calif.
Broyhill, N.C.
Burleson
Cabell
Callan
Cameron
Clark
Cleveland
Collier
Conyers
Craley
Culver
Dawson
Denton
Diggs
Dow
Dowdy
Dyal
Everett
Farnum
Fascell
Fraser
Fuqua
Gathings
Greigg
Hamilton
Hanna
Hansen, Iowa
Hardy

ANSWERED "PRESENT"—3

Annunzio
Ottinger
Resnick

NOT VOTING—51

Adair
Ashmore
Baring
Battin
Blatnik
Burton, Utah
Callaway
Cohelan
Corman
Cunningham
Edwards, Calif.
Erans, Colo.
Evins, Tenn.
Fisher
Flood
Fulton, Tenn.
Gallagher

Grover
Hagan, Ga.
Halleck
Hansen, Wash.
Hébert
Horton
Hosmer
Keogh
King, N.Y.
Krebs
Landrum
McEwen
McMillan
Martin, Ala.
Mink
Morrison
Murphy, Ill.

Murray
O'Konski
O'Neill, Mass.
Reinecke
Rivers, S.C.
Rogers, Colo.
Scott
Sennner
Teague, Calif.
Thomas
Toll
Tuten
Utt
Van Deerlin
Walker, Miss.
Weltner
Zablocki

So the amendments were agreed to.
The Clerk announced the following pairs.

On this vote:

Mr. Keogh for, with Mr. Resnick against.
Mr. O'Neill of Massachusetts for, with Mr. Annunzio against.

Mr. Hébert for, with Mr. Ottinger against.
Mr. Reinecke for, with Mr. Cunningham against.

Mr. Horton for, with Mr. Burton of Utah against.

Mrs. Mink for, with Mr. Scott against.
Mr. Murphy of Illinois for, with Mr. Weltner against.

Mr. Morrison for, with Mr. Murray against.

Until further notice:

Mr. Hagan of Georgia with Mr. Martin of Alabama.

Mr. Van Deerlin with Mr. Utt.

Mrs. Hansen of Washington with Mr. Whalley.

Mr. Rivers of South Carolina with Mr. Adair.

Mr. Corman with Mr. Teague of California.

Mr. Zablocki with Mr. McEwen.

Mr. Rogers of Colorado with Mr. Halleck.

Mr. Cohelan with Mr. Hosmer.

Mr. Baring with Mr. Grover.
Mr. Blatnik with Mr. O'Konski.
Mr. Ashmore with Mr. Walker of Mississippi.

Mr. Edwards of Louisiana with Mr. Callaway.

Mr. Flood with Mr. King of New York.

Mr. McMillan with Mr. Landrum.

Mr. Dent with Mrs. Thomas.

Mr. Fulton of Tennessee with Mr. Gallagher.

Mr. Edwards of California with Mr. Sennner.

Mr. Krebs with Mr. Tuten.

Mr. TRIMBLE and Mr. HANSEN of Iowa changed their votes from "yea" to "nay."

Mr. OTTINGER. Mr. Speaker, I have a live pair with the gentleman from Louisiana [Mr. HÉBERT]. If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. ANNUNZIO. Mr. Speaker, I have a live pair with the gentleman from Massachusetts [Mr. O'NEILL]. If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. RESNICK. Mr. Speaker, I have a live pair with the gentleman from New York [Mr. KROGH]. If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

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.

MOTION TO RECOMMIT

Mr. CURTIS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CURTIS. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CURTIS moves to recommit the bill, H.R. 15963, to the Committee on Government Operations, with instructions to report the same back to the House forthwith, with the following amendment:

On page 4, lines 12 through 17, delete subsection "(f)";

On page 6, following line 20, insert the following new subsection, and reletter the subsequent subsections accordingly:

"(b) There are hereby transferred to and vested in the Board all functions, powers, and duties of the Civil Aeronautics Board, and of the Chairman, members, officers, and offices thereof under titles VI and VII of the Federal Aviation Act of 1958 (72 Stat. 776, 49 U.S.C. 1421 et seq.); and

On page 17, lines 1 through 7, delete subsection "(d)" and reletter the subsequent subsections accordingly.

Mr. HOLIFIELD. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 143, nays 238, not voting 51, as follows:

[Roll No. 252]
YEAS—143

Abernethy
Anderson,
Tenn.
Andrews,
George W.
Andrews,
Glenn
Andrews,
N. Dak.
Arends
Ashbrook
Ayres
Bates
Belcher
Bell
Berry
Betts
Bolton
Bow
Bray
Brock
Broomfield
Brown, Clar-
ence J., Jr.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Byrnes, Wis.
Cahill
Carter
Cederberg
Chamberlain
Clancy
Clausen,
Don H.
Clawson, Del.
Cleveland
Collier
Colmer
Conable
Conte
Corbett
Cramer
Curtin
Curtis
Dague
Davis, Wis.
Derwinski
Devine
Dickinson

NAYS—238

Diggs
Dingell
Donohue
Dorn
Dow
Dowdy
Downing
Duncan, Oreg.
Dyal
Edmondson
Everett
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Fino
Flynt
Fogarty
Foley
Ford,
William D.
Fountain
Fraser
Friedel
Fuqua
Garmatz
Gettys
Gialmo
Gibbons
Gilbert
Gilligan
Gonzalez
Grabowski
Gray
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffiths
Hagen, Calif.
Halpern

Moeller
Moore
Morse
Morton
Mosher
Nelsen
Passman
Pelly
Pickle
Pirnie
Poff
Pool
Quile
Quillen
Reid, Ill.
Reifel
Rhodes, Ariz.
Robison
Rogers, Tex.
Roncallo
Roudebush
Rumsfeld
Satterfield
Saylor
Schneebell
Schweiker
Selden
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Springer
Stafford
Stanton
Talcott
Thomson, Wis.
Todd
Tuck
Waggonner
Watkins
Watson
Whalley
Whitten
Widnall
Williams
Wilson, Bob
Wyatt
Wylder
Younger

McFall
McGrath
McVicker
Mackay
Mackie
Madden
Mahon
Matsunaga
Matthews
Meeds
Miller
Mills
Minish
Monagan
Moorhead
Morgan
Morris
Moss
Multer
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olson, Mont.
Olson, Minn.
O'Neal, Ga.
Ottinger
Patman
Patten
Pepper
Perkins
Philbin
Pike

Poage
Powell
Price
Pucinski
Purcell
Race
Randall
Redlin
Rees
Reid, N.Y.
Resnick
Reuss
Rhodes, Pa.
Rivers, Alaska
Roberts
Rodino
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Roush
Ryan
St Germain
St. Onge
Scheuer
Schisler
Schmidhauser
Secrest
Shipley
Sickles
Sikes
Slack
Slack

Smith, Iowa
Smith, Va.
Staggers
Stalbaum
Steed
Stephens
Stratton
Stubblefield
Sullivan
Sweeney
Taylor
Teague, Tex.
Tenzer
Thompson, N.J.
Thompson, Tex.
Trimble
Tunney
Tupper
Udall
Ullman
Vanik
Vigorito
Vivian
Waldie
Walker, N. Mex.
Watts
White, Idaho
White, Tex.
Whitener
Willis
Wilson, Charles H.
Wolff
Wright
Yates
Young

NOT VOTING—51

Adair
Ashmore
Baring
Battin
Blatnik
Burton, Utah
Callaway
Cohelan
Corman
Cunningham
Edwards, Calif.
Evans, Colo.
Fisher
Flood
Fulton, Tenn.
Gallagher
Grover

Hagan, Ga.
Halleck
Hansen, Wash.
Hebert
Horton
Hosmer
Keogh
King, N.Y.
Krebs
Landrum
McEwen
McMillan
Machen
Martin, Ala.
Mink
Morrison
Murphy, Ill.

Murray
O'Konski
O'Neill, Mass.
Reinecke
Rivers, S.C.
Rogers, Colo.
Scott
Sennner
Teague, Calif.
Thomas
Toll
Tuten
Utt
Van Deerlin
Walker, Miss.
Weltner
Zablocki

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Weltner against.
Mr. Baring for, with Mr. Blatnik against.
Mr. Scott for, with Mr. Morrison against.
Mr. Ashmore for, with Mr. Fulton of Tennessee against.
Mr. Battin for, with Mr. Horton against.
Mr. Teague of California for, with Mr. Grover against.
Mr. King of New York for, with Mr. Keogh against.
Mr. Burton of Utah for, with Mr. O'Neill of Massachusetts against.
Mr. Utt for, with Mr. Machen against.
Mr. McEwen for, with Mr. Gallagher against.
Mr. Murray for, with Mr. Murphy of Illinois against.

Until further notice:

Mr. Zablocki with Mr. O'Konski.
Mr. Corman with Mr. Reinecke.
Mr. Rivers of South Carolina with Mr. Adair.
Mr. Van Deerlin with Mr. Hosmer.
Mrs. Hansen of Washington with Mr. Cunningham.
Mr. Flood with Mr. Halleck.
Mr. Tuten with Mr. Callaway.
Mr. Hagan of Georgia with Mr. Martin of Alabama.
Mrs. Thomas with Mr. Walker of Mississippi.
Mr. Edwards of California with Mr. Krebs.
Mr. Landrum with Mr. Sennner.

Mr. Rogers of Colorado with Mr. Evans of Colorado.
Mrs. Mink with Mr. Cohelan.
Mr. McMillan with Mr. Fisher.

Mr. ANDERSON of Tennessee changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 336, nays 42, not voting 54, as follows:

[Roll No. 253]

YEAS—336

Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Bandstra
Barrett
Bates
Beckworth
Belcher
Bell
Bennett
Betts
Bingham
Boggs
Boland
Boiling
Bolton
Bow
Brademas
Brook
Brooks
Broomfield
Brown, Calif.
Brown, Clarence J., Jr.
Broyhill, N.C.
Broyhill, Va.
Burke
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Callan
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del.
Cleveland
Clevenger
Collier
Colmer
Conable
Conte
Conyers
Cooley
Corbett
Craley
Cramer
Culver
Curtin
Daddario
Dague
Daniels
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dent
Denton

Devine
Dickinson
Diggs
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan, Oreg.
Duncan, Tenn.
Dwyer
Dyal
Edmondson
Edwards, La.
Ellsworth
Erlenborn
Everett
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Felghan
Findley
Fino
Fogarty
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fuqua
Garmatz
Gathings
Gettys
Gialmo
Gibbons
Gilbert
Gilligan
Gonzalez
Goodell
Grabowski
Gray
Green, Oreg.
Green, Pa.
Greigg
Gubser
Hagen, Calif.
Haley
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Iowa
Hardy
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hechler
Helstoski
Henderson
Herlong
Hicks
Holifield
Holland
Howard
Hull
Hungate

Huot
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
King, Calif.
Kirwan
Kluczynski
Kornegay
Kunkel
Kupferman
Latia
Leggett
Lennon
Lipscomb
Long, Md.
Love
McCarthy
McClary
McCulloch
McDade
McDowell
McFall
McGrath
McVicker
Macdonald
MacGregor
Mackay
Mackie
Madden
Mahon
Mailliard
Martin, Nebr.
Mathias
Matsunaga
Matthews
May
Meeds
Michel
Miller
Mills
Minish
Mize
Moeller
Monagan
Moore
Moorhead
Morgan
Morris
Morse
Morton
Mosher
Moss
Multer
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olson, Mont.
Olson, Minn.
Ottinger

Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pool
Powell
Price
Pucinski
Purcell
Quie
Quillen
Race
Redlin
Rees
Reid, Ill.
Reid, N.Y.
Resnick
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, Alaska
Roberts
Robison
Rodino
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.

Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ryan
St Germain
St. Onge
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Secrest
Selden
Shipley
Shriver
Sickles
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Va.
Springer
Stafford
Staggers
Stalbaum
Stanton
Stratton
Stubblefield
Sullivan

Sweeney
Talcott
Taylor
Tenzer
Thompson, N.J.
Thompson, Tex.
Todd
Trimble
Tunney
Tupper
Udall
Ullman
Vanik
Vigorito
Vivian
Waldie
Walker, N. Mex.
Watkins
Watts
Whalley
White, Idaho
White, Tex.
Whitener
Widnall
Williams
Willis
Wilson, Charles H.
Wolf
Wright
Wyatt
Wydler
Yates
Young
Younger

NAYS—42

Abbott
Abernethy
Andrews, George W.
Andrews, Glenn
Berry
Bray
Buchanan
Burleson
Cameron
Curtis
Derwinski
Edwards, Ala.
Flynt

Grider
Griffiths
Gross
Gurney
Hall
Hutchinson
King, Utah
Laird
Langen
Long, La.
Marsh
Minshall
Nelsen
O'Neal, Ga.
Passman

NOT VOTING—54

Adair
Ashmore
Baring
Battin
Blatnik
Burton, Utah
Callaway
Cohelan
Corman
Cunningham
Edwards, Calif.
Evans, Colo.
Fisher
Flood
Fulton, Tenn.
Gallagher
Grover
Hagan, Ga.

Halleck
Hansen, Wash.
Hays
Hebert
Horton
Hosmer
Keogh
King, N.Y.
Krebs
Landrum
McEwen
McMillan
Machen
Martin, Ala.
Martin, Mass.
Mink
Morrison
Murphy, Ill.

Murray
O'Konski
O'Neill, Mass.
Reinecke
Rivers, S.C.
Rogers, Colo.
Scott
Sennner
Teague, Calif.
Thomas
Toll
Tuten
Utt
Van Deerlin
Walker, Miss.
Weltner
Wilson, Bob
Zablocki

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Keogh for, with Mr. Baring against.
Mr. O'Neill of Massachusetts for, with Mr. Scott against.
Mr. Horton for, with Mr. Teague of California against.
Mr. McEwen for, with Mr. Utt against.
Mr. Morrison for, with Mr. Burton of Utah against.
Mr. Cunningham for, with Mr. Battin against.
Mr. King of New York for, with Mr. Hébert against.
Mr. Weltner for, with Mr. Ashmore against.

Until further notice:

Mr. McMillan with Mr. Martin of Massachusetts.
Mr. Flood with Mr. Grover.
Mr. Corman with Mr. Bob Wilson.
Mr. Rogers of Colorado with Mr. Halleck.
Mr. Blatnik with Mr. Adair.

Mr. Van Deerlin with Mr. Reinecke.
 Mrs. Hansen of Washington with Mr. Martin of Alabama.
 Mr. Gallagher with Mr. Hosmer.
 Mr. Zablocki with Mr. O'Konski.
 Mr. Rivers of South Carolina with Mr. Walker of Mississippi.
 Mr. Hagan of Georgia with Mr. Callaway.
 Mr. Fulton of Tennessee with Mr. Tuten.
 Mr. Toll with Mrs. Mink.
 Mr. Murphy of Illinois with Mr. Edwards of California.
 Mr. Cohelan with Mr. Fisher.
 Mr. Evans of Colorado with Mr. Krebs.
 Mr. Landrum with Mr. Machen.
 Mr. Hays with Mrs. Thomas.
 Mr. Murray with Mr. Senner.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMITTEE ON EDUCATION AND LABOR

Mr. POWELL. Mr. Speaker, I ask unanimous consent to have until midnight tonight to file a conference report on H.R. 8989, a bill to promote health and safety in metal and nonmetallic mineral industries, and for other purposes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. HOLFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

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

There was no objection.

COORDINATED NATIONAL SAFETY PROGRAM

Mr. STAGGERS submitted a conference report and statement on the bill (S. 3005) to provide for a coordinated national safety program and establishment of safety standards for motor vehicles in interstate commerce to reduce accidents involving motor vehicles and to reduce deaths and injuries occurring in such accidents.

NATIONAL HIGHWAY SAFETY PROGRAM

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the House conferees on the bill S. 3052 may have until midnight tonight to file a report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, on August 26, it was necessary for me to be in my district and I was unable to attend the session.

Had I been present on rollcalls No. 244 and No. 245, the conference reports on S. 3688, to expand the purchasing authority of the Federal National Mortgage

Association, and S. 3700, the Urban Mass Transportation Act of 1964 Amendments, I would have voted "yea" on both.

PERSONAL ANNOUNCEMENT

Mr. BOB WILSON. Mr. Speaker, on the rollcall just past, rollcall No. 253, I was called off the floor and missed the vote. Had I been present, I would have voted "nay."

The SPEAKER. The gentleman's statement will be carried in the Record.

ANDREW JACKSON WAS BORN IN SOUTH CAROLINA

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. DORN. Mr. Speaker, Andrew Jackson was born in South Carolina. There was no question in Andrew Jackson's mind about his birthplace. He always referred to South Carolina as his native State. And under the portrait of Jackson in the Hall of the South Carolina House of Representatives is the quote:

I was born in South Carolina.

I am today submitting additional evidence for the Record and for my distinguished, beloved, and able friend from North Carolina, the Honorable SAM ERVIN and my friend, the gentleman from North Carolina [Mr. JONAS].

I was disturbed to see a UPI story quoting my warm personal friend, Senator SAM ERVIN, as saying that the letter Andrew Jackson wrote to James Hervey Witherspoon of Lancaster County, S.C., in which Jackson referred to South Carolina as his native State, was only campaign propaganda for Jackson's presidential campaign.

Also, Mr. Speaker, I was disturbed that my friend and colleague, the gentleman from North Carolina [Mr. JONAS], would refer in this same story to the South Carolina congressional delegation as perpetuating the "myth of Jackson's birth in South Carolina."

It is strange, Mr. Speaker, that my able friend, the gentleman from North Carolina [Mr. JONAS] a Republican, would be such an authority on that great Democratic President, Andrew Jackson, who was from South Carolina. The gentleman from North Carolina [Mr. JONAS] further referring to that illustrious Democratic President of the United States, Andrew Jackson, said it would be a mistake for the Postmaster General to give Jackson's birth in South Carolina "official sanction."

Mr. Speaker, as the 200th anniversary of President Jackson's birth will be celebrated on March 15 of next year, I am now submitting additional evidence to set the record straight concerning Andrew Jackson's birth in South Carolina.

Dr. Don Herd, president of Lander College, our former distinguished and able

colleague, Judge Robert W. Hemphill, and my warm friend, the Honorable John May, author, noted historian and a statesman and others have heretofore provided irrefutable evidence of Jackson's birth in South Carolina.

The Georgetown, S.C., newspaper, Winyaw Intelligencer, on April 24, 1819, carried an account of President Monroe's visit to South Carolina where he was a guest at a banquet given by the Honorable Benjamin Huger, of South Carolina, who served in the 6th, 7th, and 14th Congresses as a Representative from South Carolina. President Monroe's official party included John C. Calhoun, Secretary of War, and Maj. Gen. Thomas Pinckney of South Carolina. At the banquet, held at Huger's plantation, Prospect Hill, a total of 22 toasts were proposed, and "doubtless drunk." The 13th toast was proposed to Major General Jackson:

A son of South Carolina, and worthy of her.

Mr. Speaker, this was 10 years before Andrew Jackson was sworn in as President of the United States and 5 years before he ran for President the first time.

For the Record, Mr. Speaker, a portion of the article from the Georgetown, S.C., Winyaw Intelligencer, on April 24, 1819 follows:

GEORGETOWN, S.C.

The President of the United States, the Secretary of War, Lady and family, Mr. Governor, the President's Private Secretary; Lieut. Monroe, Col. Condy, the Governor's aid (who had been sent to meet the President at the boundary of South Carolina), accompanied by a Committee of the citizens of All-Saints, reached Prospect Hill, the residence of Benjamin Huger, esq., on Waccamaw on the morning of Wednesday the 21st inst. Having been there received and entertained with the attention and respect due to his high office and amiable private character, and with the usual South Carolina hospitality, the President and suite left Waccamaw about 11 o'clock on the following day, Thursday, in Col. Alston's elegant New York barge, which was rowed and steered by a competent number of respectable masters of vessels (who had volunteered their service) and over which proudly waved the star-spangled banner. As soon as the barge and boats accompanying it, made their appearance at the entrance of Sampit river, a federal salute was fired from field pieces, manned by volunteer citizens.

The President landed at the market wharf where he was received by the intendant, Robert Heriot, esq., the Town Council, the Committee appointed by the citizens, and a large concourse of the citizens of the town and of the adjacent country. A procession was then formed, and the whole proceeded on foot to the house prepared for the President and suite. On their arrival at which, an appropriate address was delivered by Benjamin Huger, esq., Chairman of the Committee, and a suitable answer returned by the President.

The President and suite afterwards partook of a dinner at which the intendant presided and which was attended by a highly respectable as well as a very large party of citizens.

After the cloth had been removed, the following toasts were drunk:

1. *The Federal Constitution*—The Americans' richest inheritance.
2. *The Union*—In it there is political health, strength and immortality.
3. *The National Legislature*—Like the Roman Senate, firm; like the Areopagus, incorruptible.