HOUSE OF REPRESENTATIVES—*Thursday, August 26, 1976*

The House met at 11 o'clock a.m.

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

The Lord is my shepherd; I shall not want.—Psalms 23: 1.

O Thou Shepherd of our souls who makes us lie down in green pastures and who leads us beside still waters, to Thee we bring our needy human spirits that we may be restored by the goodness of Thy grace and renewed by the gift of Thy love.

We look up to the hills of Thy presence and from Thee receive help for each day, strength for each task, forgiveness for each mistake, comfort for each sorrow, and love for each person.

In these disturbing days we thank Thee for the men and women of sound character, understanding sympathy, and genuine faith who are Members of this body and upon whom our Nation can depend as we seek to make our country a better country serving the needs of all our people.

Make us conscious of Thy presence as we face the tasks of this day; for Thy name's sake. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 13679. An act to provide assistance to the Government of Guam, to guarantee certain obligations of the Guam Power Authority, and for other purposes; and

H. Con. Res. 225. Concurrent resolution to recognize the Washington-Rochambeau Historic Route.

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

S. 3542. An act to authorize the Secretary of the Interior to make compensation for damages arising out of the failure of the Teton Dam a feature of the Teton Basin Federal reclamation project in Idaho, 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. 14232) entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1977, and for other purposes," and that the Senate agreed to House amendments to Senate amendments numbered 4, 8, 13, 36, and 48 to the foregoing bill.

The message also announced that the Senate further insists upon its amendment numbered 68 to the bill (H.R. 14232) entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1977, and for other purposes," requests a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. STENNIS, Mr. ROBERT C. BYRD, Mr. PROXMIRE, Mr. MONTOYA, Mr. HOLLINGS, Mr. EAGLETON, Mr. BAYH, Mr. CHILES, Mr. MCCLELLAN, Mr. BROOKE, Mr. CASE, Mr. FONG, Mr. STEVENS, Mr. SCHWEIKER, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 10339) entitled "An act to encourage the direct marketing of agricultural commodities from farmers to consumers," 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. TALMADGE, Mr. HUDDLESTON, Mr. MCGOVERN, Mr. HUMPHREY, Mr. CLARK, Mr. DOLE, Mr. YOUNG, and Mr. BELLMON to be the conferees on the part of the Senate.

The message also announced that Mr. JACKSON and Mr. THURMOND be conferees, on the part of the Senate, on the bill (H.R. 14262) entitled "An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1977, and for other purposes."

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

S. 400. An act to direct the Secretary of the Interior to conduct a 1-year feasibility/suitability study of the Frederick Law Olmsted Home and Office as a national historic site;

S. 3091. An act to amend the Forest and Rangeland Renewable Resources Planning Act of 1974, and for other purposes;

S. 3146. An act for the relief of Leo J. Conway;

S. 3394. An act to authorize the Secretary of the Interior to undertake the investigations, construction, and maintenance necessary to rehabilitate the Leadville Mine Drainage Tunnel, Colorado, and for other purposes;

S. 3419. An act to direct the Secretary of the Interior to conduct a 1-year feasibility/suitability study of a National Museum of Afro-American History and Culture at or near Wilberforce, Ohio;

S. 3669. An act to provide for adjusting the amount of interest paid on funds deposited with the Treasury of the United States as a permanent loan by the Board of Trustees of the National Gallery of Art; and

S. 3734. An act to approve the sale of certain naval vessels, and for other purposes.

APPOINTMENT OF CONFEREES ON H.R. 14232, DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION ACT, 1977

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14232) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1977, and for other purposes, with the Senate amendment remaining in disagreement, further disagree to the Senate amendment numbered 68, and agree to the conference asked by the Senate.

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

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, will the gentleman tell us briefly what the basic areas of disagreement are?

Mr. FLOOD. Mr. Speaker, if the gentleman will yield, the only response I can give the gentleman is a hindsight guess as to what it is, and I would say it is the so-called Hyde amendment.

Mr. ROUSSELOT. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. FLOOD, NATCHER, SMITH of Iowa, PATTEN, OBEY, ROYBAL, STOKES, EARLY, MAHON, MICHEL, SHRIVER, CONTE, and CEDERBERG.

CONFERENCE REPORT AND STATEMENT ON S. 3052

Conference report and statement on the Senate bill S. 3052, on orientation of dependents of USDA employees having foreign assignments, submitted August 11, 1976, for printing under the rules, reads as follows:

CONFERENCE REPORT (H. REPT. NO. 94-1424)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3052) to amend section 602 of the Agricultural Act of 1954, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That section 602 of the Agricultural Act of 1954, as amended, is amended by adding at the end thereof a new subsection as follows:

"(f) Effective October 1, 1976, the Secretary of Agriculture is authorized to provide appropriate orientation and language training to families of officers and employees of the Department of Agriculture in anticipation of an assignment abroad of such officers and employees or while abroad pursuant to

this Act or other authority: *Provided*, That the facilities of the Foreign Service Institute or other Government facilities shall be used wherever practicable, and the Secretary may utilize foreign currencies generated under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, to carry out the purposes of this subsection in the foreign nations to which such officers, employees, and families are assigned. There are hereby authorized to be appropriated such sums, not to exceed $50,000 annually, as may be necessary to carry out the purposes of this subsection: *Provided*, That for the fiscal year ending September 30, 1977, any appropriations available to the Secretary of Agriculture (not to exceed $50,000) may be used to carry out the purposes of this subsection. The Secretary of Agriculture shall submit to the House Committee on Agriculture and the Senate Committee on Agriculture and Forestry not later than ninety days after the end of each fiscal year a detailed report showing activities carried out under the authority of this subsection during such fiscal year.".

And the House agree to the same.

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

In lieu of the amendment of the House, amend the title to read as follows: "An Act to authorize orientation and language training for families of certain officers and employees of the Department of Agriculture.".

And the House agree to the same.

E DE LA GARZA,
GEORGE E. BROWN, Jr.,
FREDERICK W. RICHMOND,
TOM HARKIN,
MATTHEW F. MCHUGH,
CHARLES THONE,
Managers on the Part of the House.

HERMAN E. TALMADGE,
HUBERT H. HUMPHREY,
GEORGE MCGOVERN,
BOB DOLE,
HENRY BELLMON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3052) to amend section 602 of the Agricultural Act of 1954, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report. Except for technical, clerical, and conforming changes, the differences between the Senate bill and the House amendments and the substitute agreed to in conference are noted below:

The Senate bill authorizes the Secretary of Agriculture, effective upon enactment of the bill, to use any appropriated funds available to him for the orientation and language training of families of officers and employees of the United States Department of Agriculture who have foreign assignments. The Senate bill does not specify a monetary limit on the use of such funds.

The House amendments--

(1) limit the orientation and language training to spouses;

(2) provide a specific annual authorization, effective October 1, 1976, for appropriations not to exceed $35,000 annually, instead of making any Departmental appropriations available for the program upon enactment of the bill;

(3) authorize the use of foreign currencies generated under title I of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) to carry out the program in the foreign nations to which the officers, employees, and spouses are assigned; and

(4) require the Secretary of Agriculture to submit annually to the House Committee on Agriculture and the Senate Committee on Agriculture and Forestry a detailed report showing the activities carried out under the bill.

The House receded on the first of the above-described amendments, and the Senate receded with a conforming amendment to its disagreement to the third and fourth of the above-described amendments. The Committee of Conference agreed, in lieu of the second House amendment, to provide a specific annual authorization for appropriations to carry out the provisions of the bill at a level not to exceed $50,000 anually, except that for the fiscal year beginning October 1, 1976, the Secretary may use any funds appropriated to the Department of Agriculture in an amount not to exceed $50,000 for the purposes of the bill. Any Public Law 480 foreign currencies used for the purposes of the bill would be subject to the $50,000 annual limitation. The authorization provided by the bill would become effective October 1, 1976, as provided in the House amendment.

E DE LA GARZA,
GEORGE E. BROWN, Jr.,
FREDERICK W. RICHMOND,
TOM HARKIN,
MATTHEW F. MCHUGH,
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Managers on the Part of the House.

HERMAN E. TALMADGE,
HUBERT H. HUMPHREY,
GEORGE MCGOVERN,
BOB DOLE,
HENRY BELLMON,
Managers on the Part of the Senate.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Without objection a call of the House is ordered.

There was no objection.

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

[Roll No. 661]

Abzug	Hayes, Ind.	Rees
Ambro	Hays, Ohio	Riegle
Andrews, N.C.	Hébert	Rose
Armstrong	Heckler, Mass.	Ruppe
Badillo	Heinz	Russo
Bonker	Hinshaw	Santini
Burgener	Howe	Sarasin
Burton, Phillip	Jarman	Sarbanes
Chisholm	Johnson, Pa.	Scheuer
Clausen, Don H.	Jones, Ala.	Shuster
	Jones, N.C.	Sisk
Conlan	Jones, Tenn.	Smith, Iowa
Conyers	Lehman	Spellman
Crane	McCloskey	Stanton, James V.
D'Amours	McKinney	Steelman
de la Garza	Martin	Steiger, Ariz.
Dellums	Matsunaga	Stuckey
Diggs	Melcher	Sullivan
Early	Mills	Talcott
Esch	Moorhead, Calif	Teague
Eshleman	Mosher	Thompson
Evins, Tenn.	Murphy, Ill	Traxler
Ford, Mich.	Neal	Udall
Gilman	O'Hara	Waxman
Goodling	Peyser	Wilson, Tex.
Green	Poage	Wylie
Harkin	Rangel	Young, Alaska
Harsha		

The SPEAKER. On this rollcall 350 Members have recorded their presence by electronic device, a quorum.

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

MAKING IN ORDER ON SEPTEMBER 8, 1976 OR ANY DAY THEREAFTER CONSIDERATION OF SECOND CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1977

Mr. ADAMS. Mr. Speaker, I ask unanimous consent that it may be in order on September 8, 1976, or any day thereafter to consider the second concurrent resolution on the budget for fiscal year 1977. Pending my request I wish to advise the House that we expect to report the second budget resolution to the House not later than September 2. While we would hope to begin general debate on Wednesday, September 8, no votes on the resolution would be anticipated until Thursday, September 9. It is my expectation that the conference on the budget resolution could begin on September 10 and that we would be able to file our conference report on the 11th. This would enable us to meet the Budget Act timetable which requires adoption of the conference report by September 15.

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

Mr. LATTA. Mr. Speaker, reserving the right to object, and I shall not object, I would say that we have discussed this schedule and we are in agreement with it.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

AUTHORIZING VARIOUS FEDERAL RECLAMATION PROJECTS AND PROGRAMS

Mr. JOHNSON of California. 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. 14578) to authorize various Federal reclamation projects and programs, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. JOHNSON).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14578, with Mr. WOLFF in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from California (Mr. JOHNSON) will be recognized for 30 minutes, and the gentleman from New Mexico (Mr. LUJAN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, members of the committee, it is my pleasure to present to the House at this time H.R. 14578, to authorize various Federal reclamation projects and programs.

This bill, when enacted, will be known as the Reclamation Authorization Act of 1976.

It is an omnibus bill consisting of seven titles, each of which authorizes a complete water resource undertaking.

The Interior and Insular Affairs Committee has consolidated in this single measure all of the authorizing legislation that has been considered in the second session of the 94th Congress.

The total cost of the several programs is $332,400,000.

As you can see, this is not a minor bill nor can it be considered unusually large as major public works programs are viewed.

At the present time the Federal Government is appropriating upward of $3 billion each year for water resource development construction.

When compared to this level of activity, H.R. 14578 represents less than 2 months of spending authority.

I make this point at the outset, Mr. Chairman, to officially lay to rest, once and for all, any suggestion that enactment of this bill would materially increase the backlog of authorized projects.

There is one other general aspect of this legislation that should be brought out and discussed.

Those Members who have studied the committee report filed by the Interior and Insular Affairs Committee will have noted that the administration did not endorse all of the programs contained in this bill.

Various reasons were given for the negative position.

Primarily, the committee was told that more time for study and review was required.

The facts of the matter are that several of the projects contained in this bill have been under study for upward of 15 to 20 years.

In the face of this record my colleagues on the Interior and Insular Affairs Committee evidently believed that sufficient study had been given to these programs and that they should now be approved on the basis of the data available to us.

Each of the seven titles was independently scheduled for public hearings and such hearings were indeed held by my Subcommittee on Water and Power Resources.

In addition to departmental witnesses, testimony was taken from interested Members and from several levels of State and local government.

This package of legislation may well be unique in my experience as there was not a single witness, exclusive of administration witnesses, who offered any testimony in opposition to any project.

The several individual bills were carefully considered by the subcommittee and desirable amendments were adopted before the legislation was introduced as a clean bill.

It was subsequently approved without a dissenting vote by the full committee.

Moreover, I am not aware of any opposition from any Member or any group of Members in the House and I have not been advised that any amendments will be offered.

Perhaps this lack of opposition may be accounted for by the fact that it is indeed a balanced bill which emphasizes many affirmative environmental and social pluses.

Title I of the bill will authorize the facilities for irrigating 20,000 acres of land in east-central Kansas, with water stored in an existing Corps of Engineers reservoir.

This development has been anticipated for more than 30 years and will also include substantial investments for increasing recreation and fish and wildlife values of the area.

It is the first time funds have been included for specifically preserving some areas for their environmental value.

Cost of the project at current price levels is $30,900,000.

Title II authorizes the installation of an enclosed pipe distribution system to replace an obsolete, wornout project irrigating 10,000 acres of apple orchards in the State of Washington.

Cost of the project is $39,370,000 and will have substantial fishery benefits, will reduce water use and return flows.

Title III legislation to authorize appropriations for a conditionally authorized program in the State of Utah, primarily for the benefit of the Uintah and Ouray Indian reservoirs.

This $90 million undertaking was endorsed by the administration and will be of great benefit to the Indian community.

Title IV involves a relocation and enlargement of the American Canal through the city of El Paso, Tex., at a cost of $21,714,000, for the principal purposes of salvaging water now being lost during conveyance and to eliminate safety hazards where more than 35 persons have been drowned in the last 23 years.

Title V will authorize, at a cost of $64,220,000, a multipurpose project in northeastern California for irrigation of 11,300 acres of inadequately irrigated land and the furnishing of a water supply for a major migratory waterfowl refuge.

Title VI is not, in the strict sense of the word, a water resource development project.

It will authorize emergency measures to stabilize and protect a mine drainage facility in the State of Colorado which, in its present condition, poses a substantial threat to life and property.

This program has an estimated cost of $2,750,000 which is a very minor sum when compared to the potential damage that could occur if protective measures were not taken.

Title VII authorizes a multipurpose project in southeastern Oklahoma for the primary purpose of municipal and industrial water supply for the project area and for the metropolitan area of Oklahoma City.

The legislation also contemplates the acquisition of approximately 20,000 acres of privately owned land adjacent to the reservoir for management of wildlife and for preservation of its unique wilderness characteristics.

In summary, Mr. Chairman, every project in this bill will make a contribution of some dimension to improvement of the environment, the elevation of the economic situation of our Indian citizens or the protection of our citizens from threats to their life and property.

These intangible benefits, when added to the evident economic values of the programs, certainly justify their approval and I therefore strongly urge that the House adopt this measure.

Mr. LUJAN. Mr. Chairman, I yield such time as he may consume to the distinguished minority ranking member of the Committee on Interior and Insular Affairs, the gentleman from Kansas (Mr. SKUBITZ).

Mr. SKUBITZ. Mr. Chairman, I rise in support of H.R. 14578, The Reclamation Authorization Act of 1976.

This bill is the authorization bill for reclamation projects which our committee has studied and worked upon since January of last year. Each of the seven projects has been subjected to thorough hearings by our Subcommittee on Water and Power Resources. Each of them was approved by unanimous vote in the subcommittee. Combined in a clean bill, they were then brought before the full committee where the clean bill, H.R. 14578, was ordered to be reported favorably, also by unanimous vote.

The projects are located in the States of Kansas, Washington, Utah, Texas, California, Colorado and Oklahoma. They are unanimously supported by the entire congressional delegations from those States.

During the hearings, there were no adverse witnesses to any of the projects. All minor disagreements that arose as to the content and draftsmanship of each title have been resolved through the amendment process in subcommittee.

Thus, the bill before us today is a bill to which we all can give our support and confidence. The projects are worthwhile projects that have been pending for some time. Their costs are reasonable and will be repaid to the Government in the ratio of about 75 cents on the dollar.

These much-needed multiple-use projects will provide benefits for large areas in the seven States, including water for irrigation, municipal and industrial water supply, flood control, recreational opportunities, fish and wildlife habitat enhancement, and drainage.

I am, of course, most familiar with the Kanopolis unit, which is located in Kansas.

Title I of the bill authorizes the construction, operation and maintenance of the Kanopolis unit.

This is a project whose completion is long overdue.

It has been in the works for almost 30 years.

It is time to get on with it.

Nothing is more precious to Kansas than water.

Our land is fertile and productive.

Agriculture is our most important industry, and the State is a primary supplier of the Nation's foods.

Moreover, a healthy agricultural economy has a direct beneficial effect on many other sectors of the economy: equipment and fertilizer manufacturers and suppliers, transportation, retailers, financial institutions, etc.

Unfortunately, we are too often at the mercy of the erratic rainfall.

Average rainfall varies drastically, and its seasonal distribution is unpredictable.

All too often, crop yield has been severly curtailed because there was just not enough water.

The obvious solution is to irrigate, and this is being done.

However, groundwater sources are limited and the rivers and streams, like the rainfall, are undependable.

Thus, completion of the project would provide a stable and reliable water supply for the area.

Crop production would be stabilized and yields improved.

The economy of the area, State and Nation, would benefit accordingly.

Of equal importance, is the assurance of an adequate water supply to cities in the area.

At the present time—these cities must depend upon ground supplies, or the rivers, for their domestic water supplies.

Availability of impounded water in the Kanopolis unit would eliminate these uncertainties and allow the communities to plan their futures and growth in a sensible and comprehensive way.

Mr. Chairman, the farmers and the cities of this area in Kansas need and want the water from the Kanopolis unit.

They have indicated their willingness to enter into contracts for its purchase.

The project has wide support, including that of both Congressmen, the Governor, the State water resources board, and local officials.

I urge the committee to give the bill its favorable and prompt consideration.

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

Mr. Chairman, I am pleased to join my distinguished colleague, the gentleman from California, in support of this bill and to associate myself completely with his remarks.

By way of explanation to my colleagues on this side of the aisle, I want to comment on the negative reports submitted by the administration on six of the seven projects included in this bill. To those Members who are not on the Interior Committee and who have not had the opportunity to hear the testimony through months of hearings on these projects, it could easily appear that we are trying to force the administration into projects that are not really necessary. The administration objections might appear to them to be reasonable grounds on which to vote against this bill.

Nothing could be further from the truth, for a number of reasons, which I shall enumerate.

First, let me point out that the objections heard from the administration have centered on the issue of time, not money. On each of these bills, the Department report has recognized the need for the project and has spelled out the many worthwhile benefits to be derived from each project, but then the report has gone on to say that more time is needed to study the project.

I want to assure my colleagues that many of these projects have been studied for 15 to 20 years. Many of them are simply individual units of larger irrigation projects that were authorized many years ago but which are just now getting around to being constructed. They have been studied, reported upon, studied some more and reported upon again, and they are ready to go.

Two of the projects are of an emergency nature involving the saving of human life. Title IV, the extension of the American Canal in El Paso, Tex., has two major goals: First, to remove a dangerous condition that has resulted in the death of more than 20 children, and second, to salvage 11,600 acre-feet of water that is now being wasted in a very arid area. The safety hazard is very real and the need for conserving water is very real. The situation has been known about and studied for 30 years, but no action has been taken. In committee, we heard from more than a score of witnesses who testified as to the danger and the need for the additional water. We did not hear from one single adverse witness. Further delay would undoubtedly result in further loss of life. And further delay would drive the costs of the project even higher. Congress should have acted on this situation 20 years ago. We certainly should not postpone it any further and invite more children to drown in this dangerous canal.

Title VI is another emergency measure to prevent the loss of life and untold property damage. It calls for repairs to a drainage tunnel in Colorado that was built by the Federal Government during World War II and then abandoned. Over the years it has become a menace, as portions of the tunnel have caved in and caused a large head of water to build up behind the blockages. There are communities near the tunnel entrance that would be severely damaged, with possible loss of life, if those blockages should give way and that wall of water were to rip down the valley. We would have another situation similar to the Teton Dam failure. And, even if that were not to occur for a few more years, we have right now a very dangerous situation because a heavily used State highway crosses directly over this tunnel. Cave-ins within the tunnel have already caused portions of the highway to sink several feet into the ground. If cars had been passing at the time, we would have had more deaths on our hands. We must act to correct this situation now. Further delay will cost more in both dollars and possible loss of life.

I can assure my colleagues that each of these projects is worthwhile and well worth the money that this bill authorizes. And I can assure you also that further delays will drive the costs upward.

But let us talk about the money for a moment. What will these projects cost the taxpayers? How much will be returned to the Treasury? What is the net cost to the Government?

In round numbers, the total amount authorized will be $332 million. Of this, the Federal Government will get back about 77 percent in cash repayments from irrigators, municipal water users, industrial water users and Federal power revenues. I suggest to my colleagues that a 77-percent return on a Federal program is not only unique—it is virtually unheard of except in reclamation projects.

I want to compliment the distinguished chairman of our Water and Power Subcommittee, Mr. JOHNSON of California, for his leadership and evenhandedness in the development of this bill. Every possible aspect of each project has been explored in detail. Each component title has been amended, tightened up, carefully spelled out and patiently tied down so that the work that needs done will be done at the least cost to the Government but with maximum results.

There was not a single dissenting vote in our subcommittee on any of these seven projects. There was not a single dissenting vote in full committee as we ordered it reported. I urge my colleagues to join us in passing this bill today with the unanimous vote that it deserves. Thank you.

Mr. MYERS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I am happy to yield to the gentleman from Pennsylvania.

Mr. MYERS of Pennsylvania. Mr. Chairman, I ask the gentleman, is there not one project in this bill that has a rather low payback or cost-benefit ratio, and that it seems as though perhaps there are other alternatives to that which has been proposed by the committee?

Mr. LUJAN. Mr. Chairman, I do not know which project the gentleman is referring to. The most expensive ones, from the standpoint of the payback feature, are the one at El Paso and the one in Colorado that I just talked about, but that is because these are for purposes other than the development of water. There is the safety aspect, too, to be considered.

Mr. MYERS of Pennsylvania. I believe it is the one at El Paso that we should address ourselves to. That already is an existing canal, and I believe the committee asks approval because there have been some drownings associated with it; is that correct?

Mr. LUJAN. The gentleman is correct.

Mr. MYERS of Pennsylvania. Is it not true that perhaps the new project, although it is located in a different area, could pose the same hazard, and that the more economic solution would be to fence it off along its present water path?

Mr. LUJAN. Mr. Chairman, I do not know what other project the gentleman is referring to.

Mr. MYERS of Pennsylvania. No, I am referring to the El Paso project. What I am saying is that there is a pathway of water through the town right now, and that there is not a problem from any standpoint other than safety; is that correct?

Mr. LUJAN. No, it is not just a safety problem, because there will be a savings of 11,600 feet of water. The main point

about this is that this canal runs through the middle of El Paso, through a very populous area, and what we are trying to do in this case is to change the course of the water to a less populous area and cover it up in certain areas so there will not be any drownings. That is the reason for it.

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

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

Mr. WHITE. Mr. Chairman, I wish to point out to the gentleman from Pennsylvania (Mr. MYERS) that indeed this is a project that will save lives. There is a fence at the present site, and all we intend to do is to make it safer and more resistant to the activities of children who tunnel under and try to find their way into the water because they find it attractive for the purpose of swimming.

Beyond that, too, I might point out that one of the problems is that the water now in the present Franklin Canal empties back into the river at a point where the Mexican people on the Mexican side have been taking away water for the purpose of irrigation. Also we have lost a considerable amount of water through percolation and in other ways. That can be preserved in the canal. It is life preserving and preservative of water and we should consider the preservation of the allotments that we have set up for the farm areas that we have in the El Paso valley.

So, Mr. Chairman, this is a local project that indeed will prove beneficial for all the people of this country.

Mr. MYERS of Pennsylvania. Mr. Chairman, if the gentleman will yield further, I would like to say that although I agree that we should make every effort to save lives, it would certainly seem the committee report fails to present a convincing case. Perhaps a number of people who have become victims of this particular body of water enter it voluntarily and most projects, even this replacement project, cannot prevent these accidents totally. It seems to me there are a number of watersheds and reservoirs that pose the same hazard.

It would appear that if there are not other associated problems, from the standpoint of the cost-benefit ratio, or water delivery, the effective way to deal with it is to fence it off where the hazard is most extreme. To proceed in that way would save a considerable amount of money.

Mr. WHITE. Mr. Chairman, if the gentleman from New Mexico will yield further, I hope later that I will have an opportunity to address myself more particularly to these projects.

This is not a new project. I have sought this project for 12 years during the past 6 Congresses, and it is a vitally needed project in an area that will, as I say, provide some multiple benefit to this country and certainly a great benefit to the people of that valley.

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

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

Mr. KAZEN. As I understand the situation, this project is presently fenced. What is proposed to be done is to change the location of this stream as it now courses through the inhabited parts of El Paso. It is, as a matter of fact, a health hazard, and what price do we place on health?

Mr. MYERS of Pennsylvania. Mr. Chairman, if the gentleman will yield further, I would like to ask the gentleman from Texas (Mr. KAZEN) a question in response to his statement: Is it not true that there is a considerable advantage in having a canal through the city of San Antonio which perhaps creates an even more immediate hazard? I, for one, have walked along there. There is no protection there, no guard rail or anything for a considerable length. It seems to me that San Antonio has turned that around into an advantage.

Mr. KAZEN. Mr. Chairman, if the gentleman will yield further, it is an entirely different situation where we have the stream coming through the business district and only attracting tourists than to have it come through the residential districts and all the way through town, where the little children are running around in the neighborhood. It is actually an open situation that does become a health hazard.

Mr. LUJAN. Mr. Chairman, we have some other speakers. If I may, I would reserve the balance of my time.

This project will be dealt with more extensively by the gentleman from Texas.

Mr. JOHNSON of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. HALEY), the chairman of the full Committee on Interior and Insular Affairs.

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

Mr. Chairman, I rise in support of the bill, H.R. 14578. I think it is a good bill. I think it is a bill that is deserving of consideration of the House here, and I want to compliment the gentleman from California (Mr. JOHNSON), who is the chairman of the Subcommittee on Water and Power Resources. He has done his usual homework and has presented, I think, a fine bill and one that deserves the support of all of the Members of Congress.

Mr. JOHNSON of California. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma (Mr. ALBERT). It gives me great pleasure to recognize the Speaker of the House of Representatives.

Mr. ALBERT. Mr. Chairman, this bill embodies very important projects in various parts of the country; and one of the projects in this bill is very important to a considerable part of Oklahoma, at least three congressional districts.

Mr. Chairman, McGee Creek Reservoir is situated in the southeastern part of Oklahoma in my district, where most of the best water in the State is located. It will supply water, not only to the McGee Creek area, but to the growing metropolitan area of Oklahoma City, some 90 miles away, where it is sorely needed.

Mr. Chairman, the immediate need for this high-quality water and the immediate market for the water assures the success of this project. I do not know of a more dollar-sound project anywhere which is better than this one. Because of the high demand, it is assured that the Bureau of Reclamation will be repaid.

Mr. Chairman, one of the attractive features of the project is that a substantial part of the money invested by the Bureau will be repaid with interest by users of the water. A special trust has already been established by prospective users of the reservoir to begin repayment of the money.

Another salient feature of the McGee Creek project is that, for the first time in the history of the Bureau, conjunctive planning has accompanied the reservoir development to preserve the natural environment. In other words, Mr. Chairman, the environment is going to be preserved when this project is finished.

An additional 20,000 acres of land are being acquired at project expense on behalf of preserving these environmental values.

Along with the reservoir, a wildlife refuge will be established. Further, one of the wildest sections in the State of Oklahoma—Bugaboo Canyon—will become a national wilderness area and will remain forever in its natural state. Thus, major investment is being made to assure that little environmental damage, if any, is done.

Finally, Mr. Chairman, I would like to point out the tremendous support this project has received not only from the water users of Oklahoma City, but from the citizens of Atoka County, Oklahoma, where the project will be constructed. Since this project began 10 years ago, we have not had one single word of opposition from one single constituent; which is unusual in the development of water projects, as all of the Members, I am sure, know. In the hearings held by the distinguished Subcommittee on Water and Power Resources, not a single resident of Atoka County was heard in opposition. In all my years I have never seen a project with such overwhelming support both within and without my congressional district.

Mr. Chairman, I would like to commend the chairman of the subcommittee, the gentleman from California (Mr. JOHNSON), and the distinguished members of his subcommittee for the fine job they have done on this bill. I am in total support of the bill. I urge every one of my colleagues to support this measure.

Mr. LUJAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. SEBELIUS), a member of the committee.

Mr. SEBELIUS. Mr. Chairman, I wish to thank the gentleman from New Mexico (Mr. LUJAN) for yielding me this time and to compliment the chairman of the subcommittee, the gentleman from California (Mr. JOHNSON), as well as the ranking member, the gentleman from New Mexico (Mr. LUJAN), for the fine job they have done, as well as the capable staff that has worked with them.

Mr. Chairman, I rise in support of H.R. 14578, the Reclamation Authorization Act of 1976, containing appropriation authority for the Kanopolis Unit

in Kansas. A project, I might point out, that has been in the works since 1949.

The Kanopolis Dam and Reservoir was completed in 1948. Initial authorization for construction of the Kanopolis Unit in 1949 was met by an unfortunate series of delays in which legal formation of the irrigation district was not completed until 1956. Progress was then again slowed by the enactment of Public Law 88-442 under which all units of the Pick-Sloan Missouri Basin program not then under construction were required to be authorized by the Congress. Since that time, extensive environmental and feasibility investigations have been conducted and it has been generally agreed that a real need exists to complete this project as soon as possible.

This need is represented in the dependence central Kansas citizens have on water for their livelihood. Agriculture and its allied industries form the economic backbone of this three-county area. The chief industry is understandably the processing of agricultural products. Retail trade in the area is dependent upon the economic stability of those engaged in farming and related industries. The Kanopolis unit plan promises to enhance agricultural stability and the overall economic stability of the area by reducing crop production fluctuations that occur as a result of widely varying annual rainfall. The drought conditions the area experienced in the early spring and are once again threatened with as the fall crops reach maturity is ample proof of the value and necessity of authorizing this project.

Another aspect of considerable importance is the plan's impact on the Salina municipal water supply. Salina, a city of 38,000 and the largest city in my district, presently obtains 70 percent of their municipal water supply from the Smokey Hill River on which the Kanopolis Reservoir is constructed. The Kanopolis Unit is crucial in assuring the city of Salina a safe and guaranteed supply of water to meet their growing municipal and industrial water needs.

Mr. Chairman, I am not unaware of the administration's opposition to authorization of this project, as well as, the other six projects included in the bill. As my colleagues know, I would be one of the first to vote against any bill which meant the excessive expenditure of our tax dollars. However, the administration in none of their reports have attacked these bills on their cost but only on the grounds that they need more study. These projects have been studied and restudied. And, at least in the case of the Kanopolis unit, 10 years of extensive feasibility and environmental study has been made to the point where little could be accomplished by studying it any further.

As regards the need to hold down spending, this is uppermost in my mind as it is in most of yours. But, how many other projects that we have authorized in the last several years can we expect the return that we can expect on this and the other projects in the bill. For example, in the total cost of 30.9 million for the Kanopolis unit, 27.8 million of those dollars will be repayed by the irrigators, municipal and industrial users and power revenues.

Mr. Chairman, the need for completion of the Kanopolis unit is acute. Surely after 27 years, we can ill-afford to delay any longer in going forth with a project that has been proposed and needed as far back as 1949. I urge my colleagues to support this bill containing not only a project of vital interest to my district but six other very important projects in various parts of the country.

Mr. JOHNSON of California. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma (Mr. STEED).

Mr. STEED. Mr. Chairman, I rise in support of this bill, and I want to congratulate the committee for bringing up what I think is a very worthwhile and necessary piece of legislation. As an accommodation to the Speaker, I was the author of a bill to authorize the McGee Creek project which has been a part of this omnibus bill. In addition to what the Speaker has said in support of it, I would like to add and stress the two points that I think are of great interest. This project, among other things, not only brings into reality one of the most valuable sources of new water for our section of the country, but it also renders itself, because of its natural situation, to a very fine wildlife and recreation capability. The time for the preservation of this opportunity is running out, and so the sooner we can nail it down and get this made a reality, the better.

The other point is that timewise we are faced with a growing need for water in central Oklahoma, and by the time this faciilty could be brought into being, we are going to be in urgent need of the resources of this water. We are told by our experts that by the year 1980 we will be facing a water crisis in our part of the country if we do not get this additional facility.

So for all these reasons, and because it is an investment rather than an expenditure, I urge my colleagues in the House to support this authorization bill.

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

Mr. STEED. I am happy to yield to my colleague, the gentleman from Oklahoma.

Mr. JARMAN. Mr. Chairman, I join my colleagues in support of the McGee Creek Dam and Reservoir of Oklahoma. It is a practicable surface-water development that would satisfy the short-term needs of Oklahoma City and the long-term needs of Atoka County, Okla. As already indicated by our distinguished Speaker and by my colleague, the gentleman from Oklahoma (Mr. STEED), it would also satisfy the need to preserve and manage the wilderness-type area surrounding McGee Creek Reservoir site.

The primary purpose of the project would be to provide dependable municipal and industrial water supplies to Oklahoma City, the city of Atoka, and to the Southern Oklahoma Development Association. Other purposes of the project include recreation, flood control, and fish and wildlife enhancement. The central part of Oklahoma, containing the Oklahoma City standard metropolitan area is the most heavily populated part of the State. It is relatively dry compared to the eastern part of the State. The towns and cities clustered in the Oklahoma City metropolitan area are slowly outstripping their current water supplies and are being forced to look outside their immediate area for a dependable source of good quality water.

Mr. Chairman, the population of the Oklahoma City metropolitan area is projected to double within the next 50 years. Water requirements will show a similar increase. The citizens of Oklahoma fully support this project as being vitally important to the future water supply of our State. I urge its approval by the Members of the House.

Mr. LUJAN. Mr. Chairman, I yield as much time as he may consume to the gentleman from Kansas (Mr. SHRIVER).

Mr. SHRIVER. Mr. Chairman, I rise in support of H.R. 14578 which includes seven projects. I was cosponsor, along with my colleague from Kansas (Mr. SEBELIUS) of H.R. 7044 which authorizes construction and operation of the Kanopolis Irrigation Unit. This project now is a part of the omnibus authorizing legislation before us.

The Kanopolis unit would be located along the Smoky Hill River in central Kansas in Ellsworth, McPherson, and Saline Counties. It is a multipurpose project that would furnish water for municipal and industrial use for the city of Saline and the State of Kansas; water for the irrigation of valley land, and meet the recommended fishery flows in the Smoky Hill River.

This legislation authorizes $30.9 million for the Kanopolis unit with a benefit-to-cost ratio estimated to be 3.54. Irrigators would repay $19,850,000 during a period of 50 years following the end of a development period provided by law. This sum represents more than 75 percent of the allocated costs.

Environmental preservation and enhancement are an integral part of the recommended plan.

We all recognize the heavy demands upon our Federal treasury, and the fight against inflation must remain high in our priority list. It is reassuring, therefore, to note the findings by the Committee that the potential impact of this legislation on the national economy will produce little or no inflationary pressures.

Mr. Chairman, the Kanopolis project has enjoyed growing public support, but has endured numerous bureaucratic roadblocks and delays. It almost has been studied to death.

Today the House has an opportunity to breathe life into the Kanopolis Irrigation project which can mean so much to the economy of Kansas and to the agricultural health of our Nation.

Those of us from States where agriculture is predominant in our economy, fully recognize the importance of getting the most out of the land. The Kansas farmer has demonstrated time and again his genius for producing food not only for American families but for people around the world. But water and weather often are deterrents to good crops.

If we are to sustain the farmer's abil-

ity to produce for future generations, irrigation projects such as Kanopolis must be built to enable him to develop greater production on the acreage available.

In closing, Mr. Chairman, I wish to express appreciation to the chairman of the Subcommittee on Water and Power Resources, the distinguished gentleman from California (Mr. JOHNSON) who took the leadership in bringing this bill to the floor today. He fully understands the importance of developing our water resources.

Mr. JOHNSON of California. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. RISENHOOVER), a coauthor of this legislation.

Mr. RISENHOOVER. Mr. Chairman, I rise in support of H.R. 14578. This is in my opinion one of the most fiscally sound bills I have seen in the short time I have been in the Congress. I think the McGee Creek project in Oklahoma is typical of the projects we have in the bill. It means immediate jobs for workers in our economy who are now unemployed, it means preservation of our wildlife, our wilderness areas and our recreation areas for future generations, and it means increased agricultural and industrial production which will result in the long run in lower prices to the people who are in our consuming areas.

I extend my appreciation to the chairman of the committee for bringing this bill forth and for the extensive hearings he held to show the country and especially the Members of the House what the bill means to all of America.

I am very proud to support the legislation.

Mr. LUJAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. MCCLORY).

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

I have been very impressed by the statements made here today in behalf of the projects in the areas represented by the Members who have spoken. I am sure they are very conscientious and very sincere in their recommendations for favorable action on this legislation. I have high regard for the gentleman from California (Mr. JOHNSON) and the gentleman from New Mexico (Mr. LUJAN) who are handling this legislation.

In looking at the committee report it seems to me it is a mistake for us to lump seven projects together in this way. Some of the projects seem to have been sufficiently studied for us to be taking final action here today. Others seem not to be supported by a feasibility report and seem not to have been studied completely and are opposed by either the Corps of Engineers or the Department of the Interior. I question the wisdom of legislating in this sort of omnibus fashion. I think is poses extremely difficult problems on other Members who are not as thoroughly familiar with the specific projects as those Members are who have spoken in support of this legislation. I question the wisdom of our taking favorable action on all seven of these projects in this way at this time.

Mr. JOHNSON of California. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Chairman, for the past six Congresses, I have submitted a bill similar to title IV of the legislation we are considering today. The purpose of this bill is to allow extension of the American Canal in El Paso which is an integral part of the Rio Grande Federal irrigation project.

In each instance in the past, my bill has called for a totally nonreimbursable construction project because I felt, as did the water users of the irrigation project, that completion of the canal was a much needed natural consequence of an international treaty with Mexico, and was therefore the responsibility of the Federal Government. Because of this nonreimbursable feature, the bill has consistently failed to be reported out of committee. That is why I should like to stress to Members that the American Canal project, as represented in title IV of this water project omnibus bill, has a cost reimbursable feature. This is spelled out in section 2 which dictates that the canal extension shall not be undertaken until the Secretary of the Interior has entered into a repayment contract with the users to pay the Federal Government a sum equal to the value of the water salvaged by the project for a 50-year period. Mr. Speaker, I should like briefly to background this subject in order to establish a complete justification for the American Canal project. In 1907, the United States and Mexico entered into a treaty dividing the waters of the Rio Grande at that point where the river becomes the international boundary between the two countries. At this point, the Rio Grande flows through a pass in the mountains with the city of El Paso located on the U.S. side and Cuidad Juarez located on the Mexican side. The treaty limited Mexico to diverting 60,000 acre-feet of water a year from the river in the El Paso/Juarez Valley.

Mr. Chairman, if I might interject at this point, in an arid area when we have short rainfall, this becomes somewhat trying to the farmers, but we have always lived with that situation.

Mr. Chairman, in order to assure compliance, a diversion dam, called the American Dam, was constructed above the city of El Paso with the idea that all of the river's waters, except Mexico's 60,000 acre feet, would be diverted through a canal and irrigation system solely for the use of reclamation and irrigation participants on the U.S. side. At the time the American Dam was constructed—in the mid-1930's—the accompanying canal was extended only for several miles to join with an existing canal, called the Franklin Canal, which flows virtually through the heart of the city of El Paso. The Franklin Canal empties back into the Rio Grande bed far short of the Riverside heading which is the final diversion point in the irrigation project. In recent years, evidence has steadily accumulated that Mexico, in violation of the treaty of 1906, is rather openly pumping and otherwise diverting water from this stretch of the Rio Grande bed between the terminus of the Franklin Canal and the Riverside heading. Additionally, estimates on seepage loss range upward from 10,000 acre feet per year. Extension of the American Canal would eliminate both of these problems. There is another compelling consideration involved in the conclusive need for this project. As I indicated, the present Franklin Canal flows through a heavily populated section of El Paso. This pronounced urban environment results in an unavoidable extensive pollution of the canal which in turn produces a distinct health hazard. Additionally, hardly a year goes by that at least one drowning occurs in the Franklin Canal even though it is fenced. Construction of the American Canal would eliminate this hazard to health and life.

Filling in the Franklin Canal is part of this project. City planning calls for the development of a median park along the present route of the Franklin Canal once it is filled in, and I would like to stress that this park would accommodate thousands of citizens from one of the more disadvantaged areas of the city. In summation, Mr. Chairman, the extension of the American Canal in El Paso rightfully should have been accomplished many years ago as a natural compliance feature of an international treaty; it will eliminate a public health and safety hazard and replace it with open park and recreation areas in a disadvantaged section of the city; and the desired partial reimbursable feature is included in the legislation as proposed today. One final observation relates to the ever-increasing problem of illegal entry by Mexican nationals into the United States in the El Paso/Juarez vicinity. The extension of the American Canal would provide a natural, fenced, barrier to illegal entry paralleling the Rio Grande international boundary for a distance of some 15 miles between the two cities. This would be a welcome assist to hard-pressed Immigration and Naturalization officers. Mr. Chairman, and fellow Members, I urge your favorable consideration of this legislation. Thank you.

Mr. LUJAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MYERS).

Mr. MYERS of Pennsylvania. Mr. Chairman, I also would like to support the concern of the gentleman from Illinois (Mr. MCCLORY) in that this bill includes a number of projects. Essentially we are precluded from evaluating each one of them individually.

I think too often in authorizing committees we have projects authorized simply as a hunting license and then we find out in an appropriation bill such as this one that the hunting license delivers some very undesirable funding folded into and with legitimate proposals.

There is a project for El Paso, Tex., included in this bill, about which I do have serious concern because of that payback ratio. All of us in our districts have projects for flood control which are being rejected at the Federal level because of the payback ratio, and we have to be concerned about voting for those in another district which lack the

same favorable ratio. It seems to me that we are trying to escape urban sprawl, in this project, and perhaps the location of that new canal may face the same challenge in the near future.

There are very few streams that do not claim lives each year of people who venture into them on a voluntary basis and do not realize the danger. Certainly, since it is a fenced area it would indicate that persons have gone beyond the normal involuntary act of falling into this particular body of water.

I have a stream in my district which claims probably more lives each year than this particular canal does. It seems to me that this alone is not enough to counter the poor pay-back feature.

We do have limited resources for our Federal dollars, and I think we have to be wise in how we commit them.

Mr. DON H. CLAUSEN. Mr. Chairman, this is the only major bill that will come before us during this session that provides any new initiatives bearing on the use and conservation of our national water resources. As such, its passage is both desirable and necessary.

The current drought in many sections of the country demonstrates vividly that our fresh water supplies constitute one of our most critical natural resources.

H.R. 14578 contains five projects that will assist the States of California, Washington, Utah, Oklahoma, and Kansas to make more efficient use of their water and to irrigate thousands of acres of new land for food production.

The authorizations contained in this bill amount to about $332 million. That is not an exorbitant amount when considered in the light of the national water and food problems that those dollars will help to solve. It is a real bargain when we take into account that 75 cents of every dollar spent will come back to the Treasury in the form of repayments from the water users.

This is a good bill and the price is right. I urge my colleagues to give it their full support.

Mr. LUJAN. Mr. Chairman, I have no further requests for time.

Mr. JOHNSON of California. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the bill by titles.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the Reclamation Authorizations Act of 1977.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 4, strike out "1977." and insert in lieu thereof "1976."

Mr. JOHNSON of California. Mr. Chairman, that is just a change of date there, from 1977 to 1976.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I

KANOPOLIS UNIT, KANSAS

SEC. 101. The Kanopolis unit, heretofore authorized as an integral part of the Pick-Sloan Missouri Basin program by the Act of December 22, 1944 (58 Stat. 887, 891), is hereby reauthorized as part of that project. The construction, operation, and maintenance of the Kanopolis unit for the purposes of providing irrigation water for approximately twenty thousand acres of land, municipal and industrial water supply, fish and wildlife conservation and development, environmental preservation, and other purposes shall be prosecuted by the Secretary of the Interior in collaboration with the Secretary of the Army acting through the Chief of Engineers, in accordance with the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal features of the Kanopolis unit shall include the modification of the existing Kanopolis Dam and Lake, an irrigation diversion structure, the Kanopolis north and south canals, laterals, drains, and necessary facilities to effect the aforesaid purposes of the unit.

SEC. 102. Upon expiration of existing leases for agricultural use of publicly owned lands, in the Kanopolis Reservoir area, the Secretary of the Army is authorized to enter into a management agreement covering said lands with the Kansas Forestry, Fish and Game Commission. The Secretary of the Army is further authorized to include provisions in such operating agreements whereby revenues deriving from future use of said reservoir lands for agricultural purposes may be retained by the game commission to the extent that they are utilized for wildlife management purposes at Kanopolis Reservoir.

SEC. 103. The Kanopolis unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 887, 891), as amended and supplemented. Repayment contracts for the return of construction costs allocated to irrigation will be based on the irrigator's ability to repay as determined by the Secretary of the Interior, and the terms of such contracts shall not exceed fifty years following the permissible development period. Repayment contracts for the return of costs allocated to municipal and industrial water supply shall be under the jurisdiction of the Secretary of the Army, and such contracts shall be prerequisite to the initiation of construction of facilities authorized by this title. Costs allocated to environmental preservation and fish and wildlife shall be nonreimbursable and nonreturnable under Federal reclamation law.

SEC. 104. For a period of ten years from the date of enactment of this title, no water from the unit authorized by this title shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949 (63 Stat. 1051; 7 U.S.C. 1421), or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938 (52 Stat. 1251), as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 105. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the Kanopolis unit shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction of the unit is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from date of issue.

SEC. 106. The provisions of the third sentence of section 46 of the Act of May 25, 1926 (44 Stat. 649, 650), and any other similar provisions of Federal reclamation laws as applied to the Kanopolis unit, Pick-Sloan Missouri Basin program, are hereby modified to provide that lands held in a single ownership which may be eligible to receive water from, through, or by means of, unit works shall be limited to one hundred and sixty acres of class I land or the equivalent thereof in other land classes, as determined by the Secretary of the Interior.

SEC. 107. There is hereby authorized to be appropriated for fiscal year 1978 and thereafter, for construction of the Kanopolis unit, the sum of $30,000,000 (January 1976 price levels) plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering cost indexes applicable to the types of construction involved. Of the funds authorized to be appropriated by this section, the Secretary of the Interior shall transfer to the Secretary of the Army all except those required for postauthorization planning, design, and construction of the single use irrigation facilities of the unit, and the Secretary of the Army shall utilize such transferred funds for implementation of all other aspects of the authorized unit. There are also authorized to be appropriated such sums as may be required for operation and maintenance of the works of said unit.

Mr. JOHNSON of California (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there amendments to title I?

If not, the Clerk will read title II.

The Clerk read as follows:

TITLE II

OROVILLE-TONASKET UNIT, WASHINGTON

SEC. 201. For purposes of supplying water to approximately ten thousand acres of land and for enhancement of the fish resource of the Similkameen, Okanogan, and Columbia Rivers and the Pacific Ocean, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to construct, operate, and maintain the Oroville-Tonasket unit extension, Okanogan-Similkameen division, Chief Joseph Dam project, Washington, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal works of the Oroville-Tonasket unit extension (hereinafter referred to as the project) shall consist of pumping plants, distribution systems; necessary works incidental to the rehabilitation or enlargement of portions of the existing irrigation system to be incorporated in the project; drainage works; and measures necessary to provide fish passage and propagation in the Similkameen River. Irrigation works constructed and rehabilitated by the United States under the Act of October 9, 1962 (76 Stat. 761) and which are not required as a part of the project shall be dismantled and removed with funds appropriated hereunder and title to the lands and

right-of-way thereto which were conveyed to the United States shall be reconveyed to the Oroville-Tonasket Irrigation District. All other irrigation works which are a part of the Oroville-Tonasket Irrigation District's existing system and which are not required as a part of the project or that do not have potential as rearing areas for fish shall be dismantled and removed with funds appropriated hereunder.

SEC. 202. The Secretary is authorized to terminate the contract of December 26, 1964, between the United States and the Oroville-Tonasket Irrigation District and to execute new contracts for the payment of project costs, including the then unpaid obligation under the December 26, 1964, contract. Such contracts shall be entered into pursuant to section 9 of the Act of August 4, 1939 (53 Stat. 1187). The term of such contract shall be fifty years, exclusive of any development period authorized by law. The contracts for irrigation water may provide for the assessment of an account charge for each identifiable ownership receiving water from the project. Such charge, together with the acreage or acre-foot charge, shall not exceed the repayment capacity of commercial family-size farm enterprises as determined on the basis of studies by the Secretary. Project construction costs covered by contracts entered into pursuant to section 9(d) of the Act of August 4, 1939, as determined by the Secretary, and which are beyond the ability of the irrigators to repay shall be charged to and returned to the reclamation fund in accordance with the provisions of section 2 of the Act of June 14, 1966 (80 Stat. 200), as amended by section 6 of the Act of September 7, 1966 (80 Stat. 707). The aforesaid contract shall provide that irrigation costs properly assignable to privately owned recreational lands shall be repaid in full within fifty years with interest.

SEC. 203. Power and energy required for irrigation water pumping for the project, including existing irrigation works retained as a part of the project, shall be made available by the Secretary from the Federal Columbia River power system at charges determined by him.

SEC. 204. The provision of lands, facilities, and any project modifications which furnish fish and wildlife benefits in connection with the project shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213), as amended. All costs allocated to the anadromous fish species shall be nonreimbursable.

SEC. 205. For a period of ten years from the date of enactment of this title, no water from the project authorized by this title shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949 (63 Stat. 1051; 7 U.S.C. 1421), or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301 (b) (10) of the Agricultural Adjustment Act of 1938 (62 Stat. 1251; 7 U.S.C. 1301), as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 206. The interest rate used for purposes of computing interest during construction and, where appropriate, interest on the unpaid balance of the reimbursable obligations assumed by non-Federal entities shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption from fifteen years from the date of issue.

SEC. 207. The provisions of the third sentence of section 46 of the Act of May 25, 1926 (44 Stat. 649, 650), and any other similar provisions of Federal reclamation laws as applied to the Oroville-Tonasket unit, are hereby modified to provide that lands held in a single ownership which may be eligible to receive water from, through, or by means of unit works shall be limited to one hundred and sixty acres of class I land or the equivalent thereof in other land classes as determined by the Secretary of the Interior.

SEC. 208. There is hereby authorized to be appropriated for construction of the works and measures authorized by this title for the fiscal year 1978 and thereafter the sum of $30,370,000 (January 1976 prices), plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of the project.

Mr. JOHNSON of California (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to title II?

If not, the Clerk will read title III.

The Clerk read as follows:

TITLE III

UINTAH UNIT, UTAH

SEC. 301. Pursuant to the authorization for construction, operation, and maintenance of the Uintah unit, central Utah project, Utah, as provided in section 1 of the Act of April 11, 1956 (70 Stat. 105), as amended by section 501(a) of the Colorado River Basin Project Act (82 Stat. 897), there is authorized to be appropriated for fiscal year 1978 and thereafter, for the construction of said Uintah unit, the sum of $90,247,000 (based on January 1976 price levels) plus or minus such amounts, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indexes applicable to the type of construction involved.

SEC. 302. Notwithstanding any other provision of law, lands held in a single ownership which may be eligible to receive water from, through, or by means of the Uintah works shall be limited to one hundred and sixty acres of class I land or the equivalent thereof in other land classese, as determined by the Secretary of the Interior.

Mr. JOHNSON of California (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to title III?

If not, the Clerk will read title IV.

The Clerk read as follows:

TITLE IV

AMERICAN CANAL EXTENSION, EL PASO, TEXAS

SEC. 401. The Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof and supplementary thereto), in order to salvage water losses, eliminate hazards to public safety, and to facilitate compliance with the convention between the United States and Mexico concluded May 21, 1906, providing for the equitable division of the waters of the Rio Grande, is authorized as a part of the Rio Grande project, New Mexico-Texas, to construct, operate, and maintain, wholly within the United States, extensions of the American Canal approximately thirteen miles in total length, commencing in the vicinity of International Dam, El Paso, Texas, and extending to Riverside Heading; together with laterals, pumping plants, wasteways, and appurtenant facilities as required to assure continuing irrigation service to the project. Existing facilities no longer required for project service shall be removed or obliterated as a part of the program herein authorized.

SEC. 402. Construction of the American Canal extension shall not be undertaken until the Secretary of the Interior has entered into a repayment contract with the El Paso County Water Improvement District Number 1, in which said irrigation district contracts to repay to the United States, for fifty years, an annual sum representing the value of eleven thousand six hundred acre-feet of salvaged water at a price per acre-food established by the Secretary on the basis of an up-to-date payment capacity determination. Costs of the American Canal in excess of those repaid by the El Paso County Water Improvement District Number 1 shall be nonreimbursable and nonreturnable in recognition of benefits accruing to public safety and international considerations.

SEC. 403. There is hereby authorized to be appropriated for fiscal year 1978 and thereafter for construction of the American Canal extension the sum of $21,714,000 (January 1976 price levels), plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of the project.

Mr. JOHNSON of California (during the reading). Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to title IV?

If not, the Clerk will read title V.

The Clerk read as follows:

TITLE V

ALLEN CAMP UNIT, CALIFORNIA

SEC. 501. For the purposes of providing irrigation water supplies, controlling floods, conserving and developing fish and wildlife resources, enhancing outdoor recreation opportunities, and for other related purposes, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388 and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain the Allen Camp unit, Pit River division, as an addition to, and an integral part of, the Central Valley project, California. The principal works of the unit shall consist of Allen Camp Dam and Reservoir and necessary water diversion, conveyance, distribution, and drainage facilities, and other appurtenant works for the delivery of water to the unit, a wildlife refuge, channel rectification works and levees, and recreation facilities.

SEC. 502. Subject to the provisions of this title, the operation of the Allen Camp unit shall be integrated and coordinated, from

both a financial and an operational standpoint, with the operation of other features of the Central Valley project in such manner as will effectuate the fullest, most beneficial, and most economic utilization of the water resources hereby made available.

SEC. 503. Notwithstanding any other provision of law, lands held in a single ownership which may be eligible to receive water from, through, or by means of the Allen Camp unit works shall be limited to one hundred and sixty acres of class I land or the equivalent thereof in other land classes, as determined by the Secretary of the Interior.

SEC. 504. The costs of the Allen Camp unit allocated to flood control, conservation and development of fish and wildlife resources, and the enhancement of recreation opportunities shall be nonreimbursable.

SEC. 505. The Secretary is hereby authorized to replace those roads and bridges now under the jurisdiction of the Secretary of Agriculture which will be inundated or otherwise rendered unusable by construction and operation of the unit. Said replacements are to be the standards (including provisions for the future) which would be used by the Secretary of Agriculture in constructing similar roads to provide similar services.

SEC. 506. For a period of ten years from the date of enactment of this title, no water from the unit authorized by this title shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949 (63 Stat. 1051; 7 U.S.C. 1421), or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301 (b)(10) of the Agriculture Adjustment Act of 1938 (52 Stat. 1251), as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 507. There is hereby authorized to be appropriated for fiscal year 1978 and thereafter the sum of $64,220,000 (January 1976 price levels) for the construction of the Allen Camp unit, plus or minus such amounts as are justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the construction of works related to the Allen Camp unit. There are also authorized to be appropriated such sums as may be required to operate and maintain said unit and associated facilities.

Mr. JOHNSON of California (during the reading). Mr. Chairman, I ask unanimous consent that title V be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to title V?

If not, the Clerk will read title VI.

The Clerk read as follows:

TITLE VI

LEADVILLE MINE DRAINAGE TUNNEL, COLORADO

SEC. 601. The Secretary of the Interior is authorized to rehabilitate the federally owned Leadville Mine drainage tunnel, Lake County, Colorado, by installing a concrete-lined, structural steel-supported, eight-foot-diameter, horseshoe-shaped tunnel section extending for an approximate distance of one thousand feet inward, from the portal of said tunnel or for the distance required to enter structurally competent geologic formations. The Secretary is further authorized to maintain the rehabilitated tunnel in a safe condition and to monitor the quality of the tunnel discharge.

SEC. 602. There is authorized to be appropriated for fiscal year 1978 and thereafter $2,750,000 (January 1976 price levels) for the rehabilitation of the tunnel. There is also authorized to be appropriated such sums as are necessary for maintenance of the rehabilitated tunnel, water quality monitoring and investigations leading to recommendations for treatment measures if necessary to bring the quality of the tunnel discharge into compliance with applicable water quality statutes. All funds authorized to be appropriated by this title, together with such sums as have been expended for emergency work on the Leadville Mine drainage tunnel by the Bureau of Recalmation, shall be non-reimbursable.

Mr. JOHNSON of California (during the reading). Mr. Chairman, I ask unanimous consent that title VI be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to title VI? If not, the Clerk will read title VII.

The Clerk read as follows:

TITLE VII

M'GEE CREEK PROJECT, OKLAHOMA

SEC. 701. The Secretary of the Interior is authorized to construct, operate, and maintain the McGee Creek project, Oklahoma, in accordance with the Federal Reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and the provisions of this title for the purposes of storing, regulating, and conveying water for municipal and industrial use, conserving and developing fish and wildlife resources, providing outdoor recreation opportunities, developing a scenic recreation area, developing a wildlife management area and controlling floods. The principal physical works of the project shall consist of a dam and reservoir on McGee Creek, appurtenant conveyance facilities and public outdoor recreation facilities.

SEC. 702. To provide for the protection, preservation, use, and enjoyment by the general public of the scenic and esthetic values of the canyon area adjacent to the upper portion of the McGee Creek Reservoir, the Secretary of the Interior is hereby authorized to purchase privately owned lands, not to exceed twenty thousand acres, for the aforesaid scenic recreation and wildlife management areas. The Secretary of the Interior is also authorized to construct such facilities as he determines to be appropriate for utilization of the scenic and wildlife management areas for the safety, health, protection, and compatible use by the visiting public.

SEC. 703. The Secretary of the Interior shall make such rules and regulations as are necessary to carry out the provisions and intent of section 702 of this title and may enter into an agreement or agreements with a non-Federal public body or bodies for operation and maintenance of the scenic recreational and wildlife management areas.

SEC. 704. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction of the project is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 705. (a) The Secretary of the Interior is authorized to enter into a contract with a qualified entity or entities, for delivery of water and for repayment of all the reimbursable construction costs. All costs of acquiring, developing, operating, and maintaining the scenic recreation and wildlife management areas authorized by section 702 of this title shall be nonreimbursable.

(b) Construction of the project shall not be commenced until the contracts and agreements required by this title have been entered into.

(c) Upon execution of the contract referred to in section 705(a) of this title, and upon completion of construction of the project, the Secretary of the Interior shall transfer to a qualified contracting entity or entities the care, operation, and maintenance of the project works; and, after such transfer is made, will reimburse the contractor annually for that portion of the year's operation and maintenance costs, which, if the United States had continued to operate the project, would have been nonreimbursable. Prior to assuming care, operation, and maintenance of the project works the contracting entity or entities shall agree to operate them in accordance with regulations prescribed by the Secretary of the Army with respect to flood control, and by the Secretary of the Interior with respect to fish, wildlife, and recreation.

(d) Upon execution of the contract referred to in section 705(a) of this title, and upon completion of construction of the project, the contracting entity or entities, their designee or designees, shall have a permanent right to use the reservoir and related facilities of the McGee Creek project in accordance with said contract.

SEC. 706. The conservation and development of the fish and wildlife resources, and the enhancement of recreation opportunities in connection with the McGee Creek project, except the scenic recreation and wildlife management areas authorized by section 702 of this title, shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213), as amended.

SEC. 707. There is hereby authorized to be appropriated for fiscal year 1978 and thereafter, for construction of the McGee Creek project the sum of $83,239,000 (January 1976 price levels), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuattions in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for the operation and maintenance of the project.

Mr. JOHNSON of California (during the reading). Mr. Chairman, I ask unanimous consent that title VII be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to title VII?

AMENDMENT OFFERED BY MR. JOHNSON OF CALIFORNIA

Mr. JOHNSON of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of California: Page 16, line 12, after "'reimburse" insert a comma and add "subject to such amounts as may be provided in the appropriation acts,".

Mr. JOHNSON of California. Mr. Chairman, this technical amendment, recommended by the Budget Commitee, merely clarifies the intent that the amounts involved for contract reimbursement are to be subject to the appropriation process. It does not change the meaning of the bill as reported by the committee and in fact reinforces the last sentence in the bill which contains the general appropriation authorization.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. JOHNSON).

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WOLFF, 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. 14578) to authorize various Federal reclamation projects and programs, and for other purposes, pursuant to House Resolution 1489, 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? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 346, nays 35, not voting 50, as follows:

[Roll No. 662]

YEAS—346

Abdnor	Beard, R.I.	Brooks
Adams	Beard, Tenn.	Broomfield
Addabbo	Bedell	Brown, Calif.
Alexander	Bell	Brown, Ohio
Allen	Bennett	Broyhill
Ambro	Bergland	Buchanan
Anderson, Calif.	Bevill	Burke, Calif.
	Biaggi	Burke, Fla.
Anderson, Ill.	Biester	Burke, Mass.
Andrews, N. Dak.	Bingham	Burleson, Tex.
	Blanchard	Burlison, Mo.
Annunzio	Blouin	Burton, John
Archer	Boggs	Butler
Armstrong	Boland	Byron
Ashley	Bolling	Carney
Aspin	Bonker	Carr
AuCoin	Bowen	Carter
Bafalis	Brademas	Cederberg
Baldus	Breaux	Chappell
Baucus	Breckinridge	Clancy
Bauman	Brinkley	Clawson, Del
Clay	Horton	Pressler
Cochran	Howard	Preyer
Cohen	Hubbard	Price
Collins, Ill.	Hughes	Pritchard
Collins, Tex.	Hungate	Quie
Conte	Hyde	Quillen
Conyers	Ichord	Railsback
Corman	Jarman	Randall
Cornell	Jenrette	Rangel
Cotter	Johnson, Calif.	Rees
Coughlin	Johnson, Colo.	Reuss
Crane	Jones, Ala.	Rhodes
D'Amours	Jones, Okla.	Richmond
Daniel, Dan	Jordan	Rinaldo
Daniel, R. W.	Karth	Risenhoover
Daniels, N.J.	Kazen	Roberts
Danielson	Kemp	Robinson
Davis	Ketchum	Rodino
Delaney	Keys	Roe
Dellums	Koch	Rogers
Dent	Krebs	Roncalio
Derrick	Krueger	Rooney
Derwinski	LaFalce	Rostenkowski
Devine	Lagomarsino	Roush
Dickinson	Latta	Rousselot
Diggs	Leggett	Roybal
Dingell	Lent	Runnels
Dodd	Levitas	Ruppe
Downey, N.Y.	Lloyd, Calif.	Ryan
Downing, Va.	Lloyd, Tenn.	St Germain
Drinan	Long, La.	Santini
Duncan, Oreg.	Long, Md.	Sarbanes
Duncan, Tenn.	Lott	Satterfield
du Pont	Lujan	Scheuer
Eckhardt	Lundine	Schroeder
Edgar	McCollister	Sebelius
Edwards, Ala.	McCormack	Seiberling
Edwards, Calif.	McDade	Sharp
Eilberg	McEwen	Shipley
Emery	McFall	Shriver
English	McHugh	Shuster
Erlenborn	McKay	Sikes
Eshleman	Madden	Skubitz
Evans, Colo.	Mahon	Slack
Fary	Mann	Smith, Nebr.
Fascell	Mathis	Snyder
Fenwick	Mazzoli	Solarz
Findley	Meeds	Spellman
Fish	Melcher	Spence
Fisher	Metcalfe	Staggers
Fithian	Meyner	Stanton, J. William
Flood	Mezvinsky	
Florio	Michel	Stark
Flowers	Mikva	Steed
Flynt	Milford	Stephens
Foley	Miller, Calif.	Stokes
Ford, Mich.	Mills	Stratton
Ford, Tenn.	Mineta	Stuckey
Forsythe	Minish	Studds
Fraser	Mink	Sullivan
Frey	Mitchell, Md.	Symington
Fuqua	Mitchell, N.Y.	Symms
Gaydos	Moakley	Taylor, Mo.
Giaimo	Moffett	Taylor, N.C.
Gibbons	Mollohan	Thompson
Gilman	Montgomery	Thone
Ginn	Moore	Thornton
Goldwater	Moorhead, Pa.	Treen
Gonzalez	Morgan	Tsongas
Grassley	Moss	Udall
Gude	Murphy, Ill.	Ullman
Guyer	Murphy, N.Y.	Van Deerlin
Hagedorn	Murtha	Vander Jagt
Haley	Myers, Ind.	Vander Veen
Hall, Ill.	Natcher	Vanik
Hall, Tex.	Nedzi	Waggonner
Hamilton	Nichols	Walsh
Hammer-schmidt	Nix	Wampler
	Nolan	Weaver
Hanley	Nowak	Whalen
Hannaford	Oberstar	White
Hanson	Obey	Whitehurst
Harkin	O'Brien	Whitten
Harris	O'Hara	Wiggins
Harsha	O'Neill	Wilson, Bob
Hawkins	Ottinger	Wilson, C. H.
Hayes, Ind.	Passman	Winn
Hefner	Patten, N.J.	Wirth
Helstoski	Patterson, Calif.	Wolff
Henderson		Wright
Hicks	Pattison, N.Y.	Yates
Hightower	Pepper	Yatron
Hillis	Perkins	Young, Fla.
Holland	Pettis	Young, Tex.
Holt	Pickle	Zablocki
Holtzman	Pike	Zeferetti

NAYS—35

Andrews, N.C.	Evans, Ind.	Hechler, W. Va.
Ashbrook	Fountain	Hutchinson
Brodhead	Frenzel	Jacobs
Brown, Mich.	Goodling	Jeffords
Cleveland	Gradison	Kasten
Conable	Harrington	Kastenmeier
Kelly	Miller, Ohio	Schulze
Kindness	Mottl	Simon
McClory	Myers, Pa.	Steiger, Wis.
McDonald	Paul	Vigorito
Madigan	Regula	Wydler
Maguire	Schneebeli	

NOT VOTING—50

Abzug	Howe	Rosenthal
Badillo	Johnson, Pa.	Russo
Burgener	Jones, N.C.	Sarasin
Burton, Phillip	Jones, Tenn.	Sisk
Chisholm	Landrum	Smith, Iowa
Clausen, Don H.	Lehman	Stanton, James V.
	McCloskey	
Conlan	McKinney	Steelman
de la Garza	Martin	Steiger, Ariz.
Early	Matsunaga	Talcott
Esch	Moorhead, Calif.	Teague
Evins, Tenn.		Traxler
Green	Mosher	Waxman
Hays, Ohio	Neal	Wilson, Tex.
Hébert	Peyser	Wylie
Heckler, Mass.	Poage	Young, Alaska
Heinz	Riegle	Young, Ga.
Hinshaw	Rose	

The Clerk announced the following pairs:

Mr. Teague with Mr. Johnson of Pennsylvania.

Mr. Jones of Tennessee with Mr. Burgener.

Mr. Early with Mr. Don H. Clausen.

Mr. Hébert with Mr. Landrum.

Mr. Russo with Mr. Martin.

Mr. Rosenthal with Mr. Talcott.

Mr. Waxman with Mr. Steiger of Arizona.

Mr. Young of Georgia with Mr. Young of Alaska.

Mrs. Chisholm with Mr. Wylie.

Mr. Phillip Burton with Mr. Sarasin.

Ms. Abzug with Mr. McCloskey.

Mr. Badillo with Mr. Moorhead of California.

Mr. Lehman with Mr. Esch.

Mr. Sisk with Mr. McKinney.

Mr. Smith of Iowa with Mr. Hays of Ohio.

Mr. Rose with Mrs. Heckler of Massachusetts.

Mr. de la Garza with Mr. Mosher.

Mr. Green with Mr. Heinz.

Mr. Jones of North Carolina with Mr. Riegle.

Mr. Matsunaga with Mr. James V. Stanton.

Mr. Neal with Mr. Steelman.

Mr. Charles Wilson of Texas with Mr. Traxler.

Mr. Howe with Mr. Conlan.

Mr. Evins of Tennessee with Mr. Peyser.

Messrs. FRENZEL, ANDREWS of North Carolina, and MADIGAN changed their vote from "yea" to "nay."

Mr. RUPPE changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. JOHNSON of California. Mr. Speaker, pursuant to the provisions of House Resolution 1489, I call up from the Speaker's table the Senate bill (S. 3283) to authorize the Secretary of the Interior to construct, operate, and maintain the Oroville-Tonasket unit extension, Okanogan-Similkameen division, Chief Joseph Dam project, Washington, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. JOHNSON

Mr. JOHNSON of California. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. JOHNSON of California moves to strike out all after the enacting clause of the Senate bill S. 3283 and to insert in lieu

thereof the provisions of H.R. 14578, as passed, as follows:

That this Act shall be known as the Reclamation Authorizations Act of 1976.

TITLE I

KANOPOLIS UNIT, KANSAS

SEC. 101. The Kanopolis unit, heretofore authorized as an integral part of the Pick-Sloan Missouri Basin program by the Act of December 22, 1944 (58 Stat. 887, 891), is hereby reauthorized as part of that project. The construction, operation, and maintenance of the Kanopolis unit for the purposes of providing irrigation water for approximately twenty thousand acres of land, municipal and industrial water supply, fish and wildlife conservation and development, environmental preservation, and other purposes shall be prosecuted by the Secretary of the Interior in collaboration with the Secretary of the Army acting through the Chief of Engineers, in accordance with the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal features of the Kanopolis unit shall include the modification of the existing Kanopolis Dam and Lake, an irrigation diversion structure, the Kanopolis north and south canals, laterals, drains, and necessary facilities to effect the aforesaid purposes of the unit.

SEC. 102. Upon expiration of existing leases for agricultural use of publicly owned lands, in the Kanopolis Reservoir area, the Secretary of the Army is authorized to enter into a management agreement covering said lands with the Kansas Forestry, Fish and Game Commission. The Secretary of the Army is further authorized to include provisions in such operating agreements whereby revenues deriving from future use of said reservoir lands for agricultural purposes may be retained by the game commission to the extent that they are utilized for wildlife management purposes at Kanopolis Reservoir.

SEC. 103. The Kanopolis unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 837, 891), as amended and supplemented. Repayment contracts for the return of construction costs allocated to irrigation will be based on the irrigator's ability to repay as determined by the Secretary of the Interior, and the terms of such contracts shall not exceed fifty years following the permissible development period. Repayment contracts for the return of costs allocated to municipal and industrial water supply shall be under the jurisdiction of the Secretary of the Army, and such contracts shall be prerequisite to the initiation of constructioin of facilities authorized by this title. Costs allocated to environmental preservation and fish and wildlife shall be nonreimbursable and nonreturnable under Federal reclamation law.

SEC. 104. For a period of ten years from the date of enactment of this title, no water from the unit authorized by this title shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949 (63 Stat. 1051; 7 U.S.C. 1421), or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938 (52 Stat. 1251), as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 105. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the Kanopolis unit shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction of the unit is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from date of issue.

SEC. 106. The provisions of the third sentence of section 46 of the Act of May 25, 1926 (44 Stat. 649, 650), and any other similar provisions of Federal reclamation laws as applied to the Kanopolis unit. Pick-Sloan Missouri Basin program, are hereby modified to provide that lands held in a single ownership which may be eligible to receive water from, through, or by means of, unit works shall be limited to one hundred and sixty acres of class I land or the equivalent thereof in other land classes, as determined by the Secretary of the Interior.

SEC. 107. There is hereby authorized to be appropriated for fiscal year 1978 and thereafter, for construction of the Kanopolis unit, the sum of $30,000,000 (January 1976 price levels) plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering cost indexes applicable to the types of construction involved. Of the funds authorized to be appropriated by this section, the Secretary of the Interior shall transfer to the Secretary of the Army all except those required for postauthorization planning, design, and construction of the single use irrigation facilities of the unit, and the Secretary of the Army shall utilize such transferred funds for implementation of all other aspects of the authorized unit. There are also authorized to be appropriated such sums as may be required for operation and maintenance of the works of said unit.

TITLE II

ORVILLE-TONASKET UNIT, WASHINGTON

SEC. 201. For purposes of supplying water to approximately ten thousand acres of land and for enhancement of the fish resource of the Similkameen, Okanogan, and Columbia Rivers and the Pacific Ocean, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to construct, operate, and maintain the Oroville-Tonasket unit extension, Okanogan-Similkameen division, Chief Joseph Dam project, Washington, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal works of the Oroville-Tonasket unit extension (hereinafter referred to as the project) shall consist of pumping plants, distribution systems; necessary works incidental to the rehabilitation or enlargement of portions of the existing irrigation system to be incorporated in the project; drainage works; and measures necessary to provide fish passage and propagation in the Similkameen River. Irrigation works constructed and rehabilitated by the United States under the Act of October 9, 1962 (76 Stat. 761) and which are not required as a part of the project shall be dismantled and removed with funds appropriated hereunder and title to the lands and right-of-way thereto which were conveyed to the United States shall be reconveyed to the Oroville-Tonasket Irrigation District. All other irrigation works which are a part of the Oroville-Tonasket Irrigation District's existing system and which are not required as a part of the project or that do not have potential as rearing areas for fish shall be dismantled and removed with funds appropriated hereunder.

SEC. 202. The Secretary is authorized to terminate the contract of December 26, 1964, between the United States and the Oroville-Tonasket Irrigation District and to execute new contracts for the payment of project costs, including the then unpaid obligation under the December 26, 1964, contract. Such contracts shall be entered into pursuant to section 9 of the Act of August 4, 1939 (53 Stat. 1187). The term of such contract shall be fifty years, exclusive of any development period authorized by law. The contracts for irrigation water may provide for the assessment of an account charge for each identifiable ownership receiving water from the project. Such charge, together with the acreage or acre-foot charge, shall not exceed the repayment capacity of commercial family-size farm enterprises as determined on the basis of studies by the Secretary. Project construction costs covered by contracts entered into pursuant to section 9(d) of the Act of August 4, 1939, as determined by the Secretary, and which are beyond the ability of the irrigators to repay shall be charged to and returned to the reclamation fund in accordance with the provisions of section 2 of the Act of June 14, 1966 (80 Stat. 200), as amended by section 6 of the Act of September 7, 1966 (80 Stat. 707). The aforesaid contract shall provide that irrigation costs properly assignable to privately owned recreational lands shall be repaid in full within fifty years with interest.

SEC. 203. Power and energy required for irrigation water pumping for the project, including existing irrigation works retained as a part of the project, shall be made available by the Secretary from the Federal Columbia River power system at charges determined by him.

SEC. 204. The provision of lands, facilities, and any project modifications which furnish fish and wildlife benefits in connection with the project shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213), as amended. All costs allocated to the anadromous fish species shall be nonreimbursable.

SEC. 205. For a period of ten years from the date of enactment of this title, no water from the project authorized by this title shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949 (63 Stat. 1051; 7 U.S.C. 1421), or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938 (52 Stat. 1251; 7 U.S.C. 1301), as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 206. The interest rate used for purposes of computing interest during construction and, where appropriate, interest on the unpaid balance of the reimbursable obligations assumed by non-Federal entities shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption from fifteen years from the date of issue.

SEC. 207. The provisions of the third sentence of section 46 of the Act of May 25, 1926 (44 Stat. 649, 650), and any other similar provisions of Federal reclamation laws as applied to the Oroville-Tonasket unit, are hereby modified to provide that lands held in a single ownership which may be eligible to receive water from, through, or by means of unit works shall be limited to one hundred and sixty acres of class I land or the equivalent thereof in other land classes as determined by the Secretary of the Interior.

SEC. 208. There is hereby authorized to be appropriated for construction of the works

and measures authorized by this title for the fiscal year 1978 and thereafter the sum of $39,370,000 (January 1976 prices), plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of the project.

TITLE III

UINTAH UNIT, UTAH

SEC. 301. Pursuant to the authorization for construction, operation, and maintenance of the Uintah unit, central Utah project, Utah, as provided in section 1 of the Act of April 11, 1956 (70 Stat. 105), as amended by section 501(a) of the Colorado River Basin Project Act (82 Stat. 897), there is authorized to be appropriated for fiscal year 1978 and thereafter, for the construction of said Uintah unit, the sum of $90,247,000 (based on January 1976 price levels) plus or minus such amounts, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indexes applicable to the type of construction involved.

SEC. 302. Notwithstanding any other provision of law, lands held in a single ownership which may be eligible to receive water from, through, or by means of the Uintah works shall be limited to one hundred and sixty acres of class I land or the equivalent thereof in other land classes, as determined by the Secretary of the Interior.

TITLE IV

AMERICAN CANAL EXTENSION, EL PASO, TEXAS

SEC. 401. The Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof and supplementary thereto), in order to salvage water losses, eliminate hazards to public safety, and to facilitate compliance with the convention between the United States and Mexico concluded May 21, 1906, providing for the equitable division of the waters of the Rio Grande, is authorized as a part of the Rio Grande project, New Mexico-Texas, to construct, operate, and maintain, wholly within the United States, extensions of the American Canal approximately thirteen miles in total length, commencing in the vicinity of International Dam, El Paso, Texas, and extending to Riverside Heading; together with laterals, pumping plants, wasteways, and appurtenant facilities as required to assure continuing irrigation service to the project. Existing facilities no longer required for project service shall be removed or obliterated as a part of the program herein authorized.

SEC. 402. Construction of the American Canal extension shall not be undertaken until the Secretary of the Interior has entered into a repayment contract with the El Paso County Water Improvement District Number 1, in which said irrigation district contracts to repay to the United States, for fifty years, an annual sum representing the value of eleven thousand six hundred acre-feet of salvaged water at a price per acre-foot established by the Secretary on the basis of an up-to-date payment capacity determination. Costs of the American Canal in excess of those repaid by the El Paso County Water Improvement District Number 1 shall be nonreimbursable and nonreturnable in recognition of benefits accruing to public safety and international considerations.

SEC. 403. There is hereby authorized to be appropriated for fiscal year 1978 and thereafter for construction of the American Canal extension the sum of $21,714,000 (January 1976 price levels), plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of the project.

TITLE V

ALLEN CAMP UNIT, CALIFORNIA

SEC. 501. For the purposes of providing irrigation water supplies, controlling floods, conserving and developing fish and wildlife resources, enhancing outdoor recreation opportunities, and for other related purposes, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388 and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain the Allen Camp unit, Pit River division, as an addition to, and an integral part of, the Central Valley project, California. The principal works of the unit shall consist of Allen Camp Dam and Reservoir and necessary water diversion, conveyance, distribution, and drainage facilities, and other appurtenant works for the delivery of water to the unit, a wildlife refuge, channel rectification works and levees, and recreation facilities.

SEC. 502. Subject to the provisions of this title, the operation of the Allen Camp unit shall be integrated and coordinated, from both a financial and an operational standpoint, with the operation of other features of the Central Valley project in such manner as will effectuate the fullest, most beneficial, and most economic utilization of the water resources hereby made available.

SEC. 503. Notwithstanding any other provision of law, lands held in a single ownership which may be eligible to receive water from, through, or by means of the Allen Camp unit works shall be limited to one hundred and sixty acres of class I land or the equivalent thereof in other land classes, as determined by the Secretary of the Interior.

SEC. 504. The costs of the Allen Camp unit allocated to flood control, conservation and development of fish and wildlife resources, and the enhancement of recreation opportunities shall be nonreimbursable.

SEC. 505. The Secretary is hereby authorized to replace those roads and bridges now under the jurisdiction of the Secretary of Agriculture which will be inundated or otherwise rendered unusable by construction and operation of the unit. Said replacements are to be the standards (including provisions for the future) which would be used by the Secretary of Agriculture in constructing similar roads to provide similar services.

SEC. 506. For a period of ten years from the date of enactment of this title, no water from the unit authorized by this title shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949 (63 Stat. 1051; 7 U.S.C. 1421), or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301 (b)(10) of the Agricultural Adjustment Act of 1938 (52 Stat. 1251), as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 507. There is hereby authorized to be appropriated for fiscal year 1978 and thereafter the sum of $64,220,000 (January 1976 price levels) for the construction of the Allen Camp unit, plus or minus such amounts as are justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the construction of works related to the Allen Camp unit. There are also authorized to be appropriated such sums as may be required to operate and maintain said unit and associated facilities.

TITLE VI

LEADVILLE MINE DRAINAGE TUNNEL, COLORADO

SEC. 601. The Secretary of the Interior is authorized to rehabilitate the federally owned Leadville Mine drainage tunnel, Lake County, Colorado, by installing a concrete-lined, structural steel-supported, eight-foot-diameter, horseshoe-shaped tunnel section extending for an approximate distance of one thousand feet inward, from the portal of said tunnel or for the distance required to enter structurally competent geologic formations. The Secretary is further authorized to maintain the rehabilitated tunnel in a safe condition and to monitor the quality of the tunnel discharge.

SEC. 602. There is authorized to be appropriated for fiscal year 1978 and thereafter $2,750,000 (January 1976 price levels) for the rehabilitation of the tunnel. There is also authorized to be appropriated such sums as are necessary for maintenance of the rehabilitated tunnel, water quality monitoring and investigations leading to recommendations for treatment measures if necessary to bring the quality of the tunnel discharge into compliance with applicable water quality statutes. All funds authorized to be appropriated by this title, together with such sums as have been expended for emergency work on the Leadville Mine drainage tunnel by the Bureau of Reclamation, shall be nonreimbursable.

TITLE VII

M'GEE CREEK PROJECT, OKLAHOMA

SEC. 701. The Secretary of the Interior is authorized to construct, operate, and maintain the McGee Creek project, Oklahoma, in accordance with the Federal Reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and the provisions of this title for the purposes of storing, regulating, and conveying water for municipal and industrial use, conserving and developing fish and wildlife resources, providing outdoor recreation opportunities, developing a scenic recreation area, developing a wildlife management area and controlling floods. The principal physical works of the project shall consist of a dam and reservoir on McGee Creek, appurtenant conveyance facilities and public outdoor recreation facilities.

SEC. 702. To provide for the protection, preservation, use, and enjoyment by the general public of the scenic and esthetic values of the canyon area adjacent to the upper portion of the McGee Creek Reservoir, the Secretary of the Interior is hereby authorized to purchase privately owned lands, not to exceed twenty thousand acres, for the aforesaid scenic recreation and wildlife management areas. The Secretary of the Interior is also authorized to construct such facilities as he determines to be appropriate for utilization of the scenic and wildlife management areas for the safety, health, protection, and compatible use by the visiting public.

SEC. 703. The Secretary of the Interior shall make such rules and regulations as are necessary to carry out the provisions and intent of section 702 of this title and may enter into an agreement or agreements with a non-Federal public body or bodies for operation and maintenance of the scenic recreational and wildlife management areas.

SEC. 704. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction of the project is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 705. (a) The Secretary of the Interior

is authorized to enter into a contract with a qualified entity or entities, for delivery of water and for repayment of all the reimbursable construction costs. All costs of acquiring developing, operating, and maintaining the scenic recreation and wildlife management areas authorized by section 702 of this title shall be nonreimbursable.

(b) Construction of the project shall not be commenced until the contracts and agreements required by this title have been entered into.

(c) Upon execution of the contract referred to in section 705(a) of this title, and upon completion of construction of the project, the Secretary of the Interior shall transfer to a qualified contracting entity or entities the care, operation, and maintenance of the project works; and, after such transfer is made, will reimburse, subject to such amounts as may be provided in the appropriation acts, the contractor annually for that portion of the year's operation and maintenance costs, which, if the United States had continued to operate the project, would have been nonreimbursable. Prior to assuming care, operation, and maintenance of the project works the contracting entity or entities shall agree to operate them in accordance with regulations prescribed by the Secretary of the Army with respect to flood control, and by the Secretary of the Interior with respect to fish, wildlife, and recreation.

(d) Upon execution of the contract referred to in section 705(a) of this title, and upon completion of construction of the project, the contracting entity or entities, their designee or designees, shall have a permanent right to use the reservoir and related facilities of the McGee Creek project in accordance with said contract.

SEC. 706. The conservation and development of the fish and wildlife resources, and the enhancement of recreation opportunities in connection with the McGee Creek project, except the scenic recreation and wildlife management areas authorized by section 702 of this title, shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213), as amended.

SEC. 707. There is hereby authorized to be appropriated for fiscal year 1978 and thereafter, for construction of the McGee Creek project the sum of $83,239,000 (January 1976 price levels), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for the operation and maintenance of the project.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To authorize various Federal reclamation projects and programs, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 14578) was laid on the table.

GENERAL LEAVE

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3603, POSTAL REORGANIZATION ACT AMENDMENTS OF 1975

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 3603) to amend title 39, United States Code, with respect to the organizational and financial matters of the U.S. Postal Service and the Postal Rate Commission, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

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

Mr. ALEXANDER. Reserving the right to object, Mr. Speaker, it is my intention to offer a motion to instruct the conferees before their appointment to adhere to the House position as adopted by the House on the postal reform bill last October on two specific amendments that were adopted; namely, my amendment which requires the Postal Service to come to Congress for an annual authorization and an annual appropriation and; two, the Buchanan amendment which requires Presidential appointment and Senate confirmation of the Postmaster General and his Chief Deputy.

On Tuesday, the Senate passed a postal bill that passes the postal buck to the next Congress.

This is not a do-nothing Congress, but it may be a pass-the-buck Congress.

The Senate bill fails to include the House-passed amendments:

First. To require annual authorization and appropriation for the Postal Service;

Second. Fails to require Presidential appointment and Senate confirmation of the Postmaster General and Chief Deputy;

No matter who you are: "Butcher, baker, candlestick maker, rich man, poor man, beggar man, thief," everyone needs an efficient mail service and unless the Congress exercises its responsibility the Postal Service will collapse because the American taxpayer will not continue to tolerate the wastes, favoritism, inefficiency and excesses of the Washington postal establishment that has characterized its 6 years of operation.

The Washington postal establishment has doubled its own bureaucracy while cutting back the work force and service.

The mismanagement of the Postal Service has produced a loss of revenues, an increase in postal rates, and a reduction in service.

Despite the fact that investigations conducted by the Postal Facilities, Mail and Labor Management Subcommittee and other congressional committees have consistently revealed glaring evidence of misjudgments by top-level postal management, and despite ever-rising public dissatisfaction with deteriorating service, the so-called McGee compromise version of H.R. 8603 currently being debated by the Senate has removed all accountability requirements.

POSTAL SERVICE FAVORITISM

First. Forty-four percent of dollar value of USPS procurement contracts in fiscal year 1974 were noncompetitive, resulting in cost overruns of $30.6 million.

Second. Over $6 million in cost overruns are on four contracts awarded to a former Postmaster General; $330,000 in cost overruns are on contracts awarded to a crony of a former Postmaster General; and

Third. The amount of $23,000 was paid by a large postal customer to a member of the sitting Board of Governors for consultative services.

POSTAL SERVICE WASTE

First. USPS has spent as much as $732 per day for consultative services; another consultant is receiving $600 per day; two others receive $500 per day;

Second. USPS spent almost $1 million to produce a coloring book to teach children to address and stamp an envelope; and

Third. USPS, as part of a $5 million advertising campaign, engaged in an extensive media push to encourage people to use air mail in 1972, only to tell us in 1975 that they are doing away with the air mail designation since the mail does not arrive any faster.

POSTAL SERVICE INEFFICIENCY

First. USPS has committed $43.4 million in contracting costs on equipment that is not suitable for production; will cost to 2 to 30 times more than existing systems; and will result in no substantial manpower savings.

Second. Without consideration of recruitment in-house or through civil service, USPS instituted an executive recruitment program totaling $660,000 in contractual costs to fill 78 positions, or an average cost of more than $8,400 per individual hired; and

Third. Mechanization in USPS has actually increased the quantity of missent mail. GAO reports show that operators of letter sorting machines keyed 9.1 percent of the mail incorrectly. Even after screening, 3.6 percent of the mail between States was missent due to incorrect keying and machine error. An additional 3.1 percent of the mail sent between States was missent because correctly keyed mail was mishandled after sorting. Missent mail was delayed an average of 3 days beyond delivery standards because no effort was made to remove it from the normal processing system.

In August of 1970, President Nixon signed into law the new Postal Service. At the time, the Congress provided:

A $10 billion capital improvement fund to update the physical plant;

A sum of $920 million annually as a public service subsidy to keep the small post offices open; and

An annual subsidy for the magazines, newspapers, et cetera which amounts to $307 million.

In spite of this financial assistance, the Postal Service has gone from assets of $3.4 billion in 1970 to an estimated deficit

of $4.5 billion by the end of fiscal 1977. The U.S. Postal Service is flat broke, and on the verge of collapse.

The problem is not really financial, it is managerial. We have watched the dismantling of the Postal Service over the objection of the people, and the Congress so far is unwilling to do anything about it. On October 1975, the House by a vote of 289 to 124 recognized the crisis by stating categorically that it would not approve any further moneys for the Postal Service without an accounting and annual authorization. After this vote, the House leadership succeeded in getting the bill back into committee, but when reported out with provisions similar to the Senate bill, the House again insisted on the appointment of the Postmaster General and annual authorization.

I believe the proper course of action is for the House to insist on its amendments to require annual authorization and appropriation for the USPS and to require Presidential appointment and Senate confirmation of the PMG and the Chief Deputy.

Congress will not permit the USPS to collapse. We can enact a supplemental appropriation bill providing a $500 million subsidy ending February 15, 1977. Then we will have answered the cries of the American people for postal reform by establishing a date certain to resolve this problem.

Every taxpayer should take a good look at this vote to table: a "yes" vote is to give a blank check to the PS and a continuation of the excesses of the past 6 years; a "no" vote is for oversight of Congress' accountability to the American people.

Further reserving the right to object, I have a question to ask the chairman of the Committee on Post Office and Civil Service, the gentleman from North Carolina (Mr. HENDERSON). Is it the gentleman's intention to offer a motion to table immediately following my offering of a motion to instruct? Further, is it the gentleman's understanding that in so doing he would cut off all debate, which would preclude a discussion of this matter?

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

Mr. ALEXANDER. I yield to the gentleman from North Carolina for the purpose of answering my question.

Mr. HENDERSON. I thank the gentleman for yielding.

In response to the gentleman's question, under the rules it would be in order, and I will offer a motion to table the gentleman's motion to instruct the conferees. If it is the will of the House that it be tabled, the gentleman's conclusion is right that there would be no further debate.

If it is not, then there would be debate on the gentleman's motion, with the time being controlled by the gentleman, and then the vote would occur on whether the House would instruct its conferees.

Mr. ALEXANDER. Further reserving the right to object, I would like to ask the distinguished gentleman from North Carolina, is it his opinion as chairman of the committee that this is such an insignificant matter that it deserves no debate in the House of Representatives?

Mr. HENDERSON. Will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman for the purpose of answering my question.

Mr. HENDERSON. It is my opinion that the issue before the House is a clear one, and that is simply whether it is going to instruct its conferees and thus tie their hands before they are even able to sit down with the Senate conferees and attempt to resolve and get to our differences.

Mr. ALEXANDER. Further reserving the right to object, Mr. Speaker, is it not so, I ask the chairman, that the Senate bill would provide an open end appropriation to the Postal Service for a period of time beginning on enactment and ending in September of 1977 for $1 billion without the Postal Service having to account to this Congress for the spending of those funds?

Mr. HENDERSON. It is the understanding of the gentleman from North Carolina that there is $1 billion authorized by the Senate bill, but that will be a matter that will be subject to the conference and maintaining the position of the House in all respects will be the responsibility of the House conferees. There was no such authorization in the House legislation.

Mr. ALEXANDER. Further reserving the right to object, I would like to ask the gentleman from North Carolina, is it not the law under section 2004 of the Postal Reorganization Act of 1970 that such funds have already been authorized and merely need an appropriation from the Congress?

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

Mr. ALEXANDER. I yield to the gentleman from North Carolina for the purpose of answering my question.

Mr. HENDERSON. The gentleman has asked for a legal interpretation of law that the chairman of the committee at this time is not prepared to answer. I am aware that there are varying interpretations of that provision.

Mr. ALEXANDER. Further reserving the right to object, I would like to advise the chairman of the committee that under section 2004 of the Postal Reorganization Act of 1970, an open end authorization has been enacted into law which requires only that the Postal Service come to Congress for an appropriation when such funds are needed in order to provide financial assistance to that independent agency.

And further reserving the right to object, Mr. Speaker, does not the chairman of the committee realize that the American people are so dissatisfied with the manner in which the Postal Service has been mismanaged over the last 6 years that this is such an important matter that it deserves some debate on the floor of the House of Representatives in order that we can get this issue out so that every Member can understand the significance of his or her vote on this motion to instruct?

It is my feeling that a vote for the motion to instruct is a vote for oversight and is a vote for accountability to the American people. A vote against the motion to instruct is a vote for a continuation of the mismanagement and the wasteful policies of the Postal Service over the last 6 years.

Would the gentleman from North Carolina not consent to the fact that debate on this important matter is of importance to this body?

Mr. HENDERSON. If the gentleman will yield so that I might respond to his question, certainly the rules of the House permit debate on this matter as well as no debate. This question is subject to the will of the Members of the House of Representatives and will be decided by voting on my motion to table. I would remind the gentleman that when the House considers the conference report, that would afford an opportunity to debate this matter further.

I feel sure that the Members of the House can make up their minds as to what is in the best interests of their constituents and the country and they will have ample opportunity to do so.

Mr. ALEXANDER. Mr. Speaker, further reserving the right to object, is it the position of the chairman that a vote for the gentleman's motion to table would be a vote against the House-passed amendments that prevailed in October of last year?

Mr. HENDERSON. Mr. Speaker, if the gentleman will yield further, it would not be the position of the chairman of the committee that that is the case. It simply would mean that the conferees to be appointed by the Speaker on the part of the House would go to the conference and do their very best to uphold the position of the House in resolving the differences between the House and the Senate and bring back the very best legislation by way of a conference report to the House for enactment in this Congress, so that we could meet the needs of the Postal Service for the American people.

Mr. ALEXANDER. Mr. Speaker, further reserving the right to object, I would disagree with the position and the statement of the gentleman from North Carolina and because of that disagreement I would think we need more debate on this issue, so that we could have the opportunity to address the specific questions that are contained in the Senate bill which are of importance to this House, as evidenced by the fact that the House on two specific occasions last year passed my amendment; one by a 2 to 1 margin and the second time by an overwhelming margin, to require the Postal Service to come to the Congress for annual authorization and an annual appropriation.

I would think because of the differences of opinion that the gentleman from North Carolina and I have on this subject that it is meritorious of debate.

Would the gentleman not agree with that difference?

Mr. HENDERSON. Mr. Speaker, if the gentleman will yield further, I know there are definite differences of opinion with regard to specific questions; but the very purpose of a conference between this body and the Senate is to try to resolve the differences between the two bills. I believe that the conferees, who are most knowledgeable about the problems and the law affecting the operation of the Postal Service, will bring back to the House the very best product that can be brought from the conference.

I certainly believe that we can do this best if we are not instructed, as the gentleman from Arkansas wishes to do.

Mr. ALEXANDER. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California (Mr. CHARLES H. WILSON).

Mr. CHARLES H. WILSON of California. Mr. Speaker, I wonder if the chairman of the committee would not tell us whether an agreement has already been made since the conference started, because it is suggested that without even having a conference, they have already made an agreement on the bill.

Mr. HENDERSON. Mr. Speaker, will the gentleman from Arkansas yield further?

Mr. ALEXANDER. I yield.

Mr. HENDERSON. Mr. Speaker, in response to the question of the gentleman from California, even since we had the colloquy yesterday, I am not conversant with all the provisions in the Senate bill. Therefore, it would not be possible and, in fact, no agreement that has been reached.

Mr. Speaker, that is the simple purpose of a conference, identify the differences, resolve those differences as best we can on behalf of the House in a manner that will best reflect the earlier action of the House. That would be my intention as chairman of the conferees of this body.

Mr. ALEXANDER. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California (Mr. CHARLES H. WILSON).

Mr. CHARLES H. WILSON of California. Mr. Speaker, I do not know whether the quotations attributed to the Senator from Wyoming, the chairman of the Committee on Post Office in the Senate, are reliable or not; but the Senator was quoted as saying that an agreement had been reached between the leadership of the two Post Office Committees on the content of the bill that was passed out of the Senate.

I do not know who the leadership of the House was. I was not consulted on it, but that was his quote, anyway. I assume that the gentleman was speaking a truthful fact.

Has there been an agreement made to accept the bill in principle, with one or two, perhaps minor, exceptions that the gentleman may have?

Mr. HENDERSON. If the gentleman would yield further, I saw the quote the gentleman referred to in the newspaper. I was not quoted and I can assure the gentleman that no agreement has been reached between potential House conferees and the conferees of the other body. The purpose of the conference is to achieve a resolution of those differences by all conferees and not solely by one.

Mr. ALEXANDER. Mr. Speaker, further reserving the right to object, I would like to ask the gentleman from California (Mr. CHARLES H. WILSON), chairman of the Subcommittee on Postal Facilities, does he not support my motion to instruct the conferees to adhere to the House position?

Mr. CHARLES H. WILSON of California. I chair the Subcommittee on Postal Facilities, Mail and Labor Management. As a result of hearings my subcommittee has conducted, we have found that there is great need for the Postal Service to be accountable to the Congress. We have no way of knowing what revenues are coming in, and no way of knowing what expenditures are going out. The only thing we have is the word of the Postal Service.

They are playing games with the labor unions on contracts, playing games with mailers. In my opinion, the bill we are going to be asked to appoint conferees to so that they can agree with the Senate bill is one that satisfies the mailers. It keeps the unions happy because they are going to keep having sweetheart contracts without having any oversight by the Congress.

There are so many things that are improper about it that I think it does have to be revised. I do remind the gentleman also that we are not in any great emergency on this problem, because in the Appropriations Committee, the gentleman will recall, a group of us introduced a bill——

POINT OF ORDER

Mr. DERWINSKI. Mr. Speaker, a point of order.

The discussion is going far beyond the point of order made by the gentleman from Arkansas. It is obvious that this is a discussion far removed from the point, and I wish we would stay on that point, if it is possible for the gentleman to be precise in his remarks.

Mr. ALEXANDER. Mr. Speaker, I am reserving the right to object. I have not made a point of order. I have reserved the right to object, and I would ask the gentleman from California to answer my question.

Mr. CHARLES H. WILSON of California. In addition to the things I have already stated, I think the bill that is in Mr. STEED'S committee can be moved anytime we need to. It takes care of appropriations, prevents the Postal Service from increasing rates and protects the service that is now being given to the public. This is all that is needed at this time. It will take care of the problems that have to be resolved immediately.

None of the mailers have to have their rates increased. The labor unions are free to argue and sleep with the Postal Service management as much as they want to, and things will be left the way they are.

Mr. ALEXANDER. Further reserving the right to object, I would like to ask the gentleman from California, (Mr. ROUSSELOT) if it is not true that the U.S. Postal Service has taken assets of $3.4 billion which it had in 1970, and turned that into almost an $8 billion loss by 1976. Is that correct?

Mr. ROUSSELOT. If the gentleman will yield, the best figures we can obtain show that the former equity position has, in fact, been badly diminished. It is hard to get a correct accounting of the amount of the deficit that has now been created because, as many Members know, under the Postal Reorganization Act this new organization can basically—and does many times—thumb its nose at Congress. Consequently, they do not give us full information.

But, the gentleman is correct, the best figures we can get show that they have created a substantial deficit. They have had to borrow heavily in the marketplace, not just for capital expenditures as was originally contemplated in the legislation, but to make up operating deficits so that they will not have to come to Congress for additional appropriations.

Mr. Speaker, will the gentleman from Arkansas (Mr. ALEXANDER) yield further for a question?

Mr. ALEXANDER. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California (Mr. ROUSSELOT) to finish his statement.

Mr. ROUSSELOT. I thank the gentleman for yielding.

Mr. Speaker, I have a question I would like to direct to the very distinguished chairman of the committee. We had a colloquy yesterday. Has the chairman of the committee now had an opportunity to review the differences between the two bills, the Senate bill and the House bill?

The reason I ask that question is that yesterday the chairman suggested that he had not had an opportunity to review it. I realize there are quite a few differences. But can the gentleman give us a thumbnail review of some of the major differences?

Mr. Speaker, the reason that becomes important is that I may be constrained to object, if we are going to have a cutoff of debate here by a motion to table and disallow the Members of this House to have a full debate on the issue of the postal amendments. Many of us are plagued daily by demands from our constituencies to know why we have not done a better job of oversight on this so-called postal reform group, which resulted from the Postal Reorganization Act of 1970, that great act that was passed 6 years ago.

Therefore, I would like to ask my chairman if he has had an opportunity to really review the basic differences between this bill and the Senate version.

Mr. HENDERSON. Mr. Speaker, will the gentleman from Arkansas (Mr. ALEXANDER) yield?

Mr. ALEXANDER. Mr. Speaker, further reserving the right to object, I yield to the gentleman from North Carolina (Mr. HENDERSON) for the purpose of responding to the question posed by the gentleman from California (Mr. ROUSSELOT.)

Mr. HENDERSON. I thank the gentleman for yielding.

Mr. Speaker, in response to the question of the gentleman from California, the gentleman from North Carolina, to the best extent that he has been able, since the colloquy yesterday and at this moment, has been directing his attention to responding to what he understood would be the proposed motion to instruct. This motion encompasses a rather narrowly defined area of difference between the House and the Senate versions of H.R. 8603. If the Members of the House to do not support my motion to table, then I have anticipated and I have devoted my time to preparing the debate that will be held on the motion to instruct.

There are differences other than those covered in the proposed motion that I keep learning about. But in the short time we have had, there was no way I could prepare myself to give a full discussion of what the differences are.

It would be the intent of the chairman of the conference, as soon as we are permitted to go to conference, to have our own staff brief us, as fully as they can, before we go to conference with the other body.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman from Arkansas (Mr. ALEXANDER) yield further?

Mr. ALEXANDER. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, there are many areas to ferret out and find out as to what the differences are between the House and Senate bills.

By the way, I had a chance last night to go through what is known as the committee print of the differences between these two bills as of July 27. They do seem rather substantial. I feel that the Alexander amendment deals only with one portion.

Can the gentleman assure us that we will not go to conference before next week, so that we really have a chance to dig into these substantial differences, or will there be a chance of going to conference tomorrow?

Mr. HENDERSON. Mr. Speaker, will the gentleman from Arkansas (Mr. ALEXANDER) yield further?

Mr. ALEXANDER. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. HENDERSON) for the purpose of responding to the question put by the gentleman from California (Mr. ROUSSELOT).

Mr. HENDERSON. I thank the gentleman for yielding.

Mr. Speaker, the gentleman from North Carolina, as chairman of the conference, would intend to call a meeting as quickly as we can after my unanimous consent request is agreed to. I am advised that our staff is prepared to brief the conferees and I feel we will be fully prepared in a short time to go to conference with the other body.

Mr. ROUSSELOT. If the gentleman will yield further, does that mean tomorrow?

Mr. HENDERSON. Mr. Speaker, I think it depends upon when this pending action is concluded. I would anticipate that within a day or so after the conferees are appointed they will be prepared. I have no communication or information as to when the conferees of the other body will be prepared, but I can assure the gentleman from California (Mr. ROUSSELOT) that the conferees on the House side will not be forced to go into conference until the majority of the conferees are satisfied that they are adequately prepared at the time they meet in conference with the other body.

PARLIAMENTARY INQUIRY

Mr. ALEXANDER. Mr. Speaker, I desire to put a parliamentary inquiry to the Chair.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. ALEXANDER. Mr. Speaker, if an objection is heard, is it not so that the procedure that would be followed is for the chairman of the committee to go to the committee, convene the committee, and get a motion to come back to the floor asking for a conference, and that that then would be subject to 1 hour of general debate? Is that not so?

The SPEAKER. That is one avenue of approach, the gentleman is correct.

Mr. HANLEY. Mr. Speaker, will the gentleman from Arkansas yield?

Mr. ALEXANDER. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York (Mr. HANLEY) only for the purpose of asking a question.

Mr. HANLEY. Mr. Speaker, I thank the gentleman for yielding.

Regretfully, I must question the gentleman's objectivity in that it is rather obvious that questions that should have been directed to the area of this jurisdiction, which is the Subcommittee on Postal Service, were instead directed to the jurisdiction of the gentleman from California (Mr. CHARLES H. WILSON), who is chairman of the Subcommittee on Postal Facilities, Mail, and Labor Management, and who has not at all been involved in this subject matter. So I am forced to question the gentleman's objectivity, and for the benefit of those who have been listening, that hopefully transmits a bit of a message in that the gentleman from California (Mr. CHARLES H. WILSON) happens to support the position of the gentleman from Arkansas (Mr. ALEXANDER).

I would have enjoyed the opportunity of responding to the questions that should have been directed to this area of jurisdiction.

Mr. Speaker, again I thank the gentleman for yielding.

Mr. ALEXANDER. Mr. Speaker, I appreciate the gentleman's position.

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

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

Mr. ROUSSELOT. Mr. Speaker, I thank the gentleman for yielding.

I would like to ask the chairman of my subcommittee, the distinguished gentleman from North Carolina (Mr. HENDERSON), is there any great rush so that we cannot go and get a rule and come back to the House on, say, Monday or Tuesday and proceed under a regular rule? Would there be any great catastrophe if the conference met next week? I know the gentleman could get a rule very quickly. Is there any problem posed with getting a rule and just coming in and considering this at that time?

Mr. HENDERSON. Mr. Speaker, will the gentleman yield so that I may respond to the question asked by the gentleman from California?

Mr. ALEXANDER. I yield to the gentleman from North Carolina for the purpose of responding.

Mr. HENDERSON. Mr. Speaker, I know that the gentleman from California (Mr. ROUSSELOT) has been a member of the Committee on Post Office and Civil Service for many years. I am at a loss in this instance to understand what all the difficulty is about.

It seems to me that here we have a rather routine request that the Speaker appoint conferees on the part of the House so that we may go to conference with the Senate. I think that everyone realizes that we are near the end of this Congress, and that this legislation has had as much attention as any in the House and more recently in the other body. Surely our conferees ought to be free to act in attempting to resolve the differences between the two bodies and come back with a very fine compromise, one that we would recommend to the President for enactment.

Mr. ROUSSELOT. Mr. Speaker, if the gentleman will yield further, does that mean the gentleman from North Carolina (Mr. HENDERSON) does not have any great objection to going in and getting a rule for the consideration of this matter before going to conference?

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

Mr. ALEXANDER. I yield to the gentleman from North Carolina for the purpose of responding to the question.

Mr. HENDERSON. Mr. Speaker, the gentleman from North Carolina does not believe that this matter could be resolved by following that procedure between now and the proposed adjournment date, so I certainly would object. Everything that I am trying to do with regard to this matter is to prevent delay and is directed toward expediting the legislation, but with as great care as we can exercise to protect the prerogatives and will of this body.

Mr. ALEXANDER. Mr. Speaker, I agree with the gentleman from North Carolina (Mr. HENDERSON). I do not want to delay the proceedings of this body either, and I will not object. However, I will advise the Speaker that I have a motion to instruct at the desk which I will insist upon offering immediately following the granting of the unanimous-consent request.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

MOTION OFFERED BY MR. ALEXANDER

Mr. ALEXANDER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Alexander moves that the Managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 8603, be instructed to insist upon (1) section 2(a) and section 2(c) of such bill as passed the House; (2) section 2401(b)(1) of title 39, U.S. Code, as added by section 2(b) of such bill as passed the House; and (3) section 16 of such bill as passed the House.

MOTION TO TABLE OFFERED BY MR. HENDERSON

Mr. HENDERSON. Mr. Speaker, I move that the motion offered by the gentleman from Arkansas (Mr. ALEXANDER) be laid on the table.

Mr. GILMAN. Mr. Speaker, I rise in opposition to the motion of the gentleman from North Carolina (Mr. HENDERSON), the distinguished chairman of the Post Office and Civil Service Committee, to table the motion of the gentleman from Arkansas (Mr. ALEXANDER) to instruct the conferees on H.R. 8603, the Postal Reorganization Act Amendments of 1975.

Mr. Speaker, although I oppose this motion to table, let me say that I am inclined to support the form of the compromise that has been so assiduously negotiated among congressional leaders, the White House, and the Postal Service. While I am, of course, deeply disappointed that this compromise is all we have to show for 2 years of extensive efforts on the part of many of the Members here present, I believe that this bargain is probably the best that we can hope to accomplish in the heat and passion of an election year. On the other hand, I cannot envision just how a blue-ribbon commission with a duration of 4 to 5 months can possibly uncover any new remedies that have not already been endlessly discussed and debated either in committee or on the floor of this House. However, given the political reality of present circumstances, I am prepared to adopt a wait-and-see attitude and let a fresh Congress grapple with the Commission's recommendations and the mammoth problems of the Postal Service, since this Congress appears either unwilling or unable to act decisively in their own right.

But, turning to the motion presently before us, I feel very strongly that the motion by the gentleman from Arkansas (Mr. ALEXANDER) to instruct the conference committee should be debated. If we agree to the motion to table, then we are cutting off all further debate and denying ourselves the opportunity to confront the very serious, complex problems of the Postal Service. The issues that underline the motion to instruct the conferees to restore congressional control over postal revenues—fiscal accountability, sound management and the degree and quality of service—are at the very heart of the present controversy and are of so critical an importance that they cannot be ducked.

By rejecting debate, we are also denying ourselves the opportunity to instruct and guide the new blue-ribbon commission. Here we have a golden chance to impart to the commission members at the outset of their deliberations the position of the House of Representatives on each and every one of these multiple Postal Service issues.

Mr. Speaker, I earlier voted for the Alexander amendment to H.R. 8603 for the same reason that I now urge my colleagues not to cut off debate on the motion to instruct. I urge this debate not because I necessarily believe that Congress should control postal expenditures, and certainly not to jeopardize any of the collective-bargaining agreements currently in force. Rather, I support debate on the motion to instruct because there are very real problems that cry out for answers not temporizing; principles to be fought for rather than shouldered on some blue-ribbon commission, and the need to loudly and clearly proclaim that we are not satisfied with the past efforts of the Postal Service, and that we demand immediate, substantive, and visible improvements in all areas of postal operations.

Accordingly, I urge that the motion to table the motion to instruct the conferees be resoundingly defeated.

PARLIAMENTARY INQUIRIES

Mr. ALEXANDER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. ALEXANDER. Mr. Speaker, is it not so that the parliamentary situation is that my motion is entitled to 1 hour of general debate on that motion, the time to be controlled by me as the person who is offering the motion; but in view of the fact that the gentleman from North Carolina (Mr. HENDERSON) has offered a motion to table, a vote for that motion would preclude any debate and preclude any consideration of the motion to instruct? Is that correct, Mr. Speaker?

The SPEAKER. The Chair will state that if the motion to table is voted upon and rejected, 1 hour will be allotted to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ALEXANDER. Mr. Speaker, I do not insist upon the full hour of general debate if the motion to table is voted down, but I would like to advise the Members that a vote against the motion to table is a vote for the motion to instruct.

The SPEAKER. The Chair will inform the gentleman that that is not a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. ROUSSELOT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. ROUSSELOT. Mr. Speaker, is the motion to table in writing?

The SPEAKER. The Chair will state that it is.

The question is on the motion to table.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 234, nays 153, not voting 44, as follows:

[Roll No. 663]

YEAS—234

Addabbo	Goldwater	Oberstar
Ambro	Gonzalez	Obey
Anderson, Ill.	Grassley	O'Brien
Andrews, N.C.	Gude	O'Hara
Andrews, N. Dak.	Guyer	Passman
	Haley	Patten, N.J.
Annunzio	Hall, Ill.	Pattison, N.Y.
Armstrong	Hamilton	Perkins
Ashley	Hammer-schmidt	Pike
Aspin		Preyer
AuCoin	Hanley	Price
Baldus	Harkin	Rangel
Beard, R.I.	Harrington	Rees
Bedell	Harris	Regula
Bergland	Harsha	Reuss
Biaggi	Hayes, Ind.	Rhodes
Biester	Holstoski	Richmond
Bingham	Henderson	Rinaldo
Blanchard	Hicks	Rodino
Blouin	Hillis	Roe
Boggs	Holtzman	Roncalio
Boland	Horton	Rooney
Boiling	Howard	Rosenthal
Bonker	Hubbard	Rostenkowski
Bowen	Hughes	Roush
Brademas	Hungate	Roybal
Brodhead	Hyde	Ruppe
Brown, Calif.	Johnson, Calif.	St Germain
Brown, Mich.	Jones, Ala.	Santini
Brown, Ohio	Jordan	Sarbanes
Burke, Mass.	Karth	Schneebeli
Burton, John	Kastenmeier	Sebelius
Butler	Kazen	Seiberling
Carney	Kemp	Sharp
Cederberg	Krueger	Shipley
Clay	LaFalce	Shriver
Cochran	Lagomarsino	Simon
Cohen	Landrum	Slack
Conable	Leggett	Smith, Nebr.
Conte	Lent	Solarz
Conyers	Long, La.	Spellman
Cornell	Long, Md.	Staggers
Coughlin	Lott	Stanton, J. William
Crane	Lundine	
D'Amours	McClory	Stark
Daniels, N.J.	McCollister	Steed
Delaney	McDade	Steiger, Wis.
Dellums	McEwen	Stephens
Dent	McFall	Stokes
Derwinski	McHugh	Stratton
Dingell	McKay	Studds
Dodd	Madden	Sullivan
Downey, N.Y.	Madigan	Taylor, Mo.
Drinan	Maguire	Taylor, N.C.
Duncan, Oreg.	Matsunaga	Thompson
du Pont	Mazzoli	Thone
Eckhardt	Meeds	Treen
Edgar	Meyner	Tsongas
Edwards, Ala.	Mezvinsky	Udall
Edwards, Calif.	Michel	Ullman
Eilberg	Mikva	Vander Jagt
Emery	Milford	Vander Veen
Erlenborn	Miller, Calif.	Vanik
Fary	Mineta	Vigorito
Fenwick	Minish	Walsh
Findley	Mink	Weaver
Fish	Mitchell, Md.	Whalen
Fisher	Mitchell, N.Y.	Wiggins
Fithian	Moakley	Wilson, Bob
Flood	Morgan	Wilson, Tex.
Florio	Moss	Winn
Flynt	Murphy, Ill.	Wirth
Foley	Murtha	Wolff
Ford, Mich.	Myers, Ind.	Wydler
Ford, Tenn.	Myers, Pa.	Yates
Fraser	Natcher	Yatron
Frenzel	Nedzi	Young, Ga.
Gaydos	Nix	Zablocki
Giaimo	Nowak	Zeferetti

NAYS—153

Abdnor	Archer	Bell
Adams	Ashbrook	Bennett
Alexander	Bafalis	Bevill
Allen	Baucus	Breaux
Anderson, Calif.	Bauman	Breckinridge
	Beard, Tenn.	Brinkley

Brooks	Hannaford	Nichols
Broomfield	Hansen	O'Neill
Broyhill	Hechler, W. Va.	Ottinger
Buchanan	Heckler, Mass.	Patterson,
Burke, Calif.	Hefner	Calif.
Burke, Fla.	Hightower	Paul
Burleson, Tex.	Holland	Pepper
Burlison, Mo.	Holt	Pettis
Byron	Hutchinson	Pickle
Carr	Ichord	Pressler
Carter	Jacobs	Prichard
Chappell	Jarman	Quie
Clancy	Jeffords	Quillen
Clawson, Del	Jenrette	Randall
Cleveland	Johnson, Colo.	Risenhoover
Collins, Ill.	Jones, N.C.	Roberts
Collins, Tex.	Jones, Okla.	Robinson
Corman	Kasten	Rogers
Cotter	Kelly	Rousselot
Daniel, Dan	Ketchum	Runnels
Daniel, R. W.	Keys	Ryan
Danielson	Kindness	Sarasin
Davis	Koch	Satterfield
Derrick	Krebs	Scheuer
Devine	Latta	Schroeder
Dickinson	Levitas	Schulze
Diggs	Lloyd, Calif.	Shuster
Downing, Va.	Lloyd, Tenn.	Sikes
Duncan, Tenn.	Lujan	Skubitz
English	McCormack	Snyder
Eshleman	McDonald	Spence
Evans, Colo.	Mahon	Stuckey
Evans, Ind.	Mann	Symington
Fascell	Mathis	Symms
Flowers	Melcher	Thornton
Forsythe	Metcalfe	Van Deerlin
Fountain	Miller, Ohio	Waggonner
Frey	Mills	Wampler
Fuqua	Moffett	White
Gibbons	Mollohan	Whitehurst
Gilman	Montgomery	Whitten
Ginn	Moore	Wilson, C. H.
Goodling	Moorhead, Pa.	Wright
Gradison	Motti	Young, Fla.
Hagedorn	Murphy, N.Y.	Young, Tex.
Hall, Tex.	Neal	

NOT VOTING—44

Abzug	Heinz	Riegle
Badillo	Hinshaw	Rose
Burgener	Howe	Russo
Burton, Phillip	Johnson, Pa.	Sisk
Chisholm	Jones, Tenn.	Smith, Iowa
Clausen,	Lehman	Stanton,
Don H.	McCloskey	James V.
Conlan	McKinney	Steelman
de la Garza	Martin	Steiger, Ariz.
Early	Moorhead,	Talcott
Esch	Calif.	Teague
Evins, Tenn.	Mosher	Traxler
Green	Nolan	Waxman
Hawkins	Peyser	Wylie
Hays, Ohio	Ponge	Young, Alaska
Hébert	Railsback	

The Clerk announced the following pairs:

On this vote:

Mr. Badillo for, with Mr. Hébert against.

Ms. Abzug for, with Mr. Howe against.

Mrs. Chisholm for, with Mr. Teague against.

Mr. Lehman for, with Mr. Johnson of Pennsylvania against.

Mr. Hawkins for, with Mr. Wylie against.

Mr. Russo for, with Mr. Young of Alaska against.

Mr. Phillip Burton for, with Mr. Jones of Tennessee against.

Mr. James V. Stanton for, with Mr. Evins of Tennessee against.

Until further notice:

Mr. Burgener with Mr. Don H. Clausen.

Mr. Conlan with Mr. de la Garza.

Mr. Early with Mr. Esch.

Mr. Green with Mr. Traxler.

Mr. Heinz with Mr. Martin.

Mr. McCloskey with Mr. McKinney.

Mr. Nolan with Mr. Moorhead of California.

Mr. Peyser with Mr. Mosher.

Mr. Riegle with Mr. Rose.

Mr. Steiger of Arizona with Mr. Sisk.

Mr. Smith of Iowa with Mr. Steelman.

Mr. Waxman with Mr. Talcott.

Mr. MITCHELL of Maryland and Mr. LAGOMARSINO changed their vote from "nay" to "yea."

Mr. KELLY changed his vote from "yea" to "nay."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following conferees: Messrs. HENDERSON, UDALL, NIX, HANLEY, FORD of Michigan, DERWINSKI, and JOHNSON of Pennsylvania.

GENERAL LEAVE

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that all Members may have permission to revise and extend their remarks during the debate prior to the preceding vote that was just announced.

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

There was no objection.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO HAVE UNTIL MIDNIGHT TOMORROW, FRIDAY, AUGUST 27, 1976, TO FILE A REPORT ON H.R. 13089

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tomorrow, Friday, August 27, 1976, to file a report on the bill (H.R. 13089) Daylight Savings Time Act of 1976.

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

There was no objection.

SUPPLEMENTAL SECURITY INCOME AMENDMENTS OF 1976

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1467 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1467

Resolved, That upon the adoption of this resolution, it shall be in order to move, section 401(b) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, 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. 8911) to amend title XVI of the Social Security Act to make needed improvements in the program of supplemental security income benefits. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider, section 303(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, an amendment in the nature of a substitute consisting of the text of the bill H.R. 15080 and said substitute shall be considered as an original bill for the purpose of amendment under the five-minute rule. No amendment shall be in order to the bill or to said substitute except amendments offered by direction of the Committee on Ways and Means and germane amendments printed in the Congressional Record at least two legislative days prior to the consideration of said bill for amendment, but said amendments shall not be subject to amendment except those offered by direction of the Committee on Ways and Means and pro forma amendments. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute. 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 with or without instructions.

The SPEAKER pro tempore (Mr. MCFALL). The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for one hour.

Mr. MOAKLEY. Mr. Speaker, I yield 30 minutes to the gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, the resolution provides for the consideration of the bill (H.R. 8911) to amend title XVI of the Social Security Act.

The bill makes a number of modifications in the supplemental security income program.

Mr. Speaker, the rule provides 2 hours of general debate and provides for a clean bill (H.R. 15080) to be in order as an amendment in the nature of a substitute. The rule provides that this text shall be considered as an original bill for the purpose of amendment.

I should make the situation clear in this respect. The only purpose of this provision is to provide for more orderly consideration.

Mr. Speaker, this is an open rule to the extent that it permits the offering of any amendment printed in the RECORD at least 2 legislative days prior to consideration of the bill. The rule also permits amendments offered by direction of the Committee on Ways and Means. It does not permit amendments to amendments.

It was the opinion of the Committee on Ways and Means that the House should have an opportunity to work its will but that the law being amended was so complex and involves such large funding that the committee needed adequate time to review any proposed amendments. The Committee on Rules concurred and recommended this rule as a fair procedure for protecting the right of Members to offer amendments while meeting the committee's concern.

The resolution contains a purely technical waiver of section 401(b) of the Budget Act. The bill which is being called up (H.R. 8911) provides entitlements taking effect before October 1. But the actual text which will be before the House (H.R. 15080) is in compliance with section 401.

The resolution does waive section 303(a) of the Budget Act and this is an actual waiver. The committee substitute contains language which will include Puerto Rico, the Virgin Islands, and Guam under the SSI program effective at the beginning of fiscal year 1978.

Section 303 would not normally per-

mit the enactment of legislation providing new entitlement authority until adoption of the first concurrent resolution on the budget for that year.

But, Mr. Speaker, the Budget Act contains procedures for waiver of section 303 recognizing that there are some programs which justify—and even require—this kind of lead time. The Budget Committee agrees that this provision is such a case and has no objection to a waiver of section 303(a).

Mr. Speaker, the rule provides a fair and orderly method for the consideration of an important bill and I urge its adoption.

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

Mr. Speaker, this rule makes in order the consideration of H.R. 8911, the supplemental security income amendments of 1976, notwithstanding the bill's violation of section 401(b) of the Congressional Budget Act, which relates to entitlements. There is to be 2 hours of general debate, and the bill is to be read for amendment under the 5-minute rule.

The rule also makes it in order to consider an amendment in the nature of a substitute consisting of the text of H.R. 15080, the supplemental security income amendments, nothwithstanding its violation of section 303(a) of the Congressional Budget Act, which deals with new spending authority. This substitute is to be considered as an original bill for purposes of amendment under the 5-minute rule.

No amendment will be in order to the bill or to the substitute except amendments offered by direction of the Committee on Ways and Means and germane amendments printed in the CONGRESSIONAL RECORD at least 2 legislative days prior to consideration of the bill for amendment. However, these amendments will not be subject to amendment except those offered by direction of the Committee on Ways and Means and pro forma amendments.

H.R. 8911 includes 17 sections amending various provisions of title XVI of the Social Security Act to make needed improvements in the program of supplemental security income benefits. This program, of course, administers payments to the poor, aged, blind, and disabled persons in all 50 States. The legislation to be debated pursuant to this rule, among other things, also would extend the SSI program to Puerto Rico, Guam, and the Virgin Islands.

Mr. Speaker, I urge its adoption of the rule at this time so that we may proceed to consider and pass the supplemental security income amendments of 1976.

Mr. Speaker, I have no requests for time.

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

The previous question was ordered.

The SPEAKER. The question is on the resolution.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 380, nays 0, not voting 51, as follows:

[Roll No. 664]

YEAS—380

Abdnor	Devine	Jenrette
Adams	Dickinson	Johnson, Calif.
Addabbo	Diggs	Johnson, Colo.
Alexander	Dingell	Jones, Ala.
Allen	Dodd	Jones, N.C.
Ambro	Downey, N.Y.	Jones, Okla.
Anderson, Calif.	Downing, Va.	Jordan
	Drinan	Karth
Anderson, Ill.	Duncan, Oreg.	Kasten
Andrews, N.C.	Duncan, Tenn.	Kastenmeier
Andrews, N. Dak.	du Pont	Kazen
	Eckhardt	Keily
Annunzio	Edgar	Kemp
Archer	Edwards, Ala.	Ketchum
Armstrong	Edwards, Calif.	Keys
Ashbrook	Eilberg	Kindness
Ashley	Emery	Koch
Aspin	English	Krebs
AuCoin	Erlenborn	Krueger
Bafalis	Eshleman	LaFalce
Baldus	Evans, Colo.	Lagomarsino
Baucus	Evans, Ind.	Landrum
Bauman	Fary	Latta
Beard, R.I.	Fascell	Lent
Beard, Tenn.	Fenwick	Levitas
Bedell	Findley	Lloyd, Calif.
Bell	Fish	Lloyd, Tenn.
Bennett	Fisher	Long, La.
Bergland	Fithian	Long, Md.
Bevill	Flood	Lott
Biaggi	Florio	Lujan
Biester	Flowers	Lundine
Bingham	Flynt	McClory
Blanchard	Foley	McCollister
Blouin	Ford, Mich.	McCormack
Boggs	Ford, Tenn.	McDade
Boland	Forsythe	McDonald
Bolling	Fountain	McEwen
Bonker	Fraser	McFall
Bowen	Frenzel	McHugh
Brademas	Frey	McKay
Breaux	Gaydos	Madden
Breckinridge	Giaimo	Madigan
Brinkley	Gibbons	Maguire
Brodhead	Gilman	Mahon
Brooks	Ginn	Mann
Broomfield	Goldwater	Mathis
Brown, Mich.	Gonzalez	Matsunaga
Brown, Ohio	Goodling	Mazzoli
Broyhill	Gradison	Meeds
Buchanan	Grassley	Melcher
Burke, Calif.	Gude	Metcalfe
Burke, Fla.	Guyer	Meyner
Burke, Mass.	Hagedorn	Mezvinsky
Burleson, Tex.	Haley	Michel
Burlison, Mo.	Hall, Ill.	Mikva
Butler	Hall, Tex.	Milford
Byron	Hamilton	Miller, Calif.
Carney	Hammer-schmidt	Miller, Ohio
Carr		Mills
Carter	Hanley	Mineta
Cederberg	Hannaford	Minish
Chappell	Hansen	Mink
Clancy	Harkin	Mitchell, Md.
Clawson, Del	Harrington	Mitchell, N.Y.
Clay	Harris	Moakley
Cleveland	Harsha	Moffett
Cochran	Hawkins	Mollohan
Cohen	Hayes, Ind.	Montgomery
Collins, Ill.	Hechler, W. Va.	Moore
Collins, Tex.	Heckler, Mass.	Moorhead, Pa.
Conable	Hefner	Morgan
Conte	Heistoski	Moss
Conyers	Hicks	Motti
Corman	Hightower	Murphy, Ill.
Cornell	Hillis	Murphy, N.Y.
Cotter	Holland	Murtha
Coughlin	Holt	Myers, Ind.
Crane	Holtzman	Myers, Pa.
D'Amours	Horton	Natcher
Daniel, Dan	Howard	Neal
Daniel, R. W.	Hubbard	Nedzi
Daniels, N.J.	Hughes	Nix
Danielson	Hungate	Nolan
Davis	Hutchinson	Nowak
Delaney	Hyde	Oberstar
Dellums	Ichord	Obey
Dent	Jacobs	O'Brien
Derrick	Jarman	O'Hara
Derwinski	Jeffords	O'Neill
Ottinger	Runnels	Taylor, Mo.
Passman	Ruppe	Taylor, N.C.
Patten, N.J.	Ryan	Thompson
Patterson, Calif.	St Germain	Thone
	Santini	Thornton
Pattison, N.Y.	Sarasin	Traxler
Paul	Sarbanes	Treen
Pepper	Satterfield	Tsongas
Perkins	Scheuer	Udall
Pettis	Schneebeli	Ullman
Pickle	Schroeder	Van Deerlin
Pike	Schulze	Vander Jagt
Pressler	Sebelius	Vander Veen
Preyer	Seiberling	Vanik
Price	Sharp	Vigorito
Pritchard	Shipley	Waggonner
Quie	Shriver	Walsh
Quillen	Shuster	Wampler
Railsback	Sikes	Weaver
Randall	Simon	Whalen
Rangel	Skubitz	White
Rees	Slack	Whitehurst
Regula	Smith, Nebr.	Whitten
Reuss	Snyder	Wiggins
Rhodes	Solarz	Wilson, Bob
Richmond	Spellman	Wilson, C. H.
Rinaldo	Staggers	Wilson, Tex.
Risenhoover	Stanton, J. William	Winn
Roberts		Wirth
Robinson	Stark	Wydler
Rodino	Steed	Wylie
Roe	Steiger, Wis.	Yates
Rogers	Stephens	Yatron
Roncalio	Stokes	Young, Fla.
Rooney	Stratton	Young, Ga.
Rosenthal	Studds	Young, Tex.
Rostenkowski	Sullivan	Zablocki
Roush	Symington	Zeferetti
Roybal	Symms	

NAYS—0

NOT VOTING—51

Abzug	Heinz	Rose
Badillo	Henderson	Rousselot
Brown, Calif.	Hinshaw	Russo
Burgener	Howe	Sisk
Burton, John	Johnson, Pa.	Smith, Iowa
Burton, Phillip	Jones, Tenn.	Spence
Chisholm	Leggett	Stanton, James V.
Clausen, Don H.	Lehman	
	McCloskey	Steelman
Conlan	McKinney	Steiger, Ariz.
de la Garza	Martin	Stuckey
Early	Moorhead, Calif.	Talcott
Esch		Teague
Evins, Tenn.	Mosher	Waxman
Fuqua	Nichols	Wolff
Green	Peyser	Wright
Hays, Ohio	Poage	Wylie
Hébert	Riegle	Young, Alaska

The Clerk announced the following pairs:

Mr. Teague with Mr. Wylie.
Mr. Wolff with Mr. Peyser.
Mr. Nichols with Mr. Riegle.
Mr. Badillo with Mr. Green.
Mr. Hébert with Mr. Hays of Ohio.
Mr. Fuqua with Mr. Conlan.
Mr. Early with Mr. Esch.
Mr. de la Garza with Mr. Brown of California.
Ms. Chisholm with Mr. Evins of Tennessee.
Mr. Phillip Burton with Mr. Heinz.
Ms. Abzug with Mr. Howe.
Mr. Jones of Tennessee with Mr. Johnson of Pennsylvania.
Mr. John Burton with Mr. Mosher.
Mr. Henderson with Mr. Burgener.
Mr. Smith of Iowa with Mr. Moorhead of California.
Mr. Russo with Mr. Morton.
Mr. Rose with Mr. Rousselot.
Mr. Stuckey with Mr. Don H. Clausen.
Mr. Waxman with Mr. Spence.
Mr. Wright with Mr. McCloskey.
Mr. Lehman with Mr. McKinney.
Mr. Leggett with Mr. Steelman.
Mr. Sisk with Mr. James V. Stanton.
Mr. Young of Alaska with Mr. Steiger of Arizona.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. CORMAN. 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. 8911) to amend title XVI of the Social Security Act to make needed improvements in the program of supplemental security income benefits.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. CORMAN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8911, with Mr. BERGLAND in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from California (Mr. CORMAN) will be recognized for 1 hour, and the gentleman from Michigan (Mr. VANDER JAGT) will be recognized for 1 hour.

The Chair recognizes the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, last September, the Public Assistance Chairman requested the Ways and Means Oversight Subcommittee to begin a "review in considerable depth of the Social Security Administration's arrangements for administration of the supplemental security income program." Citing serious problems in SSI error rates, delays in processing applications for SSI, and insufficient outreach to potentially eligible beneficiaries, it was recommended that the Oversight Subcommittee examine, in particular depth, problems in staffing, computer operations, and Social Security systems for providing the States with necessary data to help them in maintaining their medicaid and State supplementation rolls.

The Oversight Subcommittee has held eight hearings and has two more scheduled for the near future on the SSI program, and has also made one field visit to observe the SSI computer operations at Baltimore. Additional hearings are scheduled in New York City and Washington this September.

Further hearings will be scheduled as specific problems are identified. The Oversight Subcommittee issued an interim report to the Public Assistance Subcommittee on November 21, 1975. In addition, the SSA initiated SSI study group issued its report on January 26, 1976 and SSA has said it will adopt 69 of the study group's 71 administrative recommendations. Also, the GAO is currently involved in 12 major SSI studies. The staff of the Senate Finance Committee has also made a major study and will be issuing its report shortly.

In short, there has been the most intensive oversight and study of the problems of the SSI program. The program is being watched very closely.

As I wrote to Chairman CORMAN at the end of last November, H.R. 8911 should "not await a final report from the Subcommittee on Oversight" since many of the problems being studied by the Oversight Subcommittee are extremely long range, and particularly in the computer systems area, extend to management problems far outside of the SSI program.

Those portions of H.R. 8911 which will simplify the administration of the program will help reduce error rates and help improve SSI operations and, therefore, I strongly urge the passage of this legislation.

The Oversight Subcommittee believes that improvements are being made. While a great deal more needs to be done to improve the administration of the program and while everyone could wish that the rate of improvement was faster, it is obvious that top management at the Social Security Administration has made a vigorous commitment to improving the program. Continuing Oversight hearings will be held to insure that promises by Social Security management for specific changes in administrative practices are carried out in a prompt and vigorous manner.

The following types of changes are underway which the Oversight Subcommittee believes will help make the SSI program a quality operation:

STAFFING

In the first 2 years of the program, SSA relied in part on thousands of temporary or short-term employees to assist in processing the millions of SSI cases. The attrition or turnover rate among these nonpermanent workers averaged about 40 percent and resulted in wasted training, poor morale, and inaccurate service to SSI and more traditional Social Security beneficiaries. These short-term positions have been converted into permanent positions this summer. This should result in a restoration of a high quality, well-trained professional Social Security Administration work force which will be able to reduce the number of SSI errors.

In the past, each Social Security employee has been expected to "know" the full range of SSA programs—retirement, survivors, disability, medicare, and most recently, SSI. The Oversight Subcommittee found most district office employees and managers despaired of being able to master all the regulations and guidelines for all of these complex programs. As a result of our hearings, Social Security management is making a good faith effort to experiment with employee specialization in the larger urban offices and this will help reduce error levels in all SSA programs.

COMPUTERS

Many of the SSI problems were caused by the failure of Social Security computers to be in place and in operation at the start of the program. That problem is pretty much solved. Of 24 computer systems needed to efficiently run the program, 20 of the systems, including all the major ones, are operating. The other four systems will be coming along in the next few months. The GAO will issue a report in a few days indicating the need to check SSI benefit lists against Veterans' Administration beneficiary lists. This will be done in the relatively near future.

In studying the SSI program, we uncovered a number of problems with Social Security computer operations. As a result of our criticisms, Social Security has three major consultant studies underway and has already taken one major employee action to increase employee efficiency by insuring better overlap of computer room work shifts.

CONCLUSION

Changes are being made. There has been a great deal of adjustment in top management at SSA; people have been removed for inefficiency and we hope that new personnel will bring new perspective and directions to the administration of the SSI program. SSA has made commitments to the Public Assistance Subcommittee concerning establishing goals for speeding the processing of SSI claims. According to testimony before Oversight, those goals are being met.

Finally, in the well-publicized matter of error rates, there has been a very gradual decline in the case error percentage rate. We should remember, however, that the very high case error rate of around 24 percent is often understood by the public to imply that 24 percent of the SSI payments are erroneous or are wasted. In fact, the dollar error rate is about 8 percent. Many of the case errors are not really dollar errors but technical errors which, when reported, convey the impression that the program is in extremely serious trouble—yet, which really cost the public nothing. While still unacceptable, the dollar error rate figure may be a more realistic measure of the program's problems. Social Security Commissioner James B. Cardwell has given us a timetable for error reduction, and I believe that the full resources of the Social Security Administration are committed to the meeting of that timetable.

The Oversight Subcommittee reported last November to the Public Assistance Subcommittee, that improvements are being made. In my opinion, our subsequent hearings have supported this statement and have helped insure that error reductions will be accomplished. I have been one of the strongest critics of the Social Security Administration, but I want to say now that H.R. 8911 does nothing to interfere with that goal, and, indeed, has many provisions which will help speed along the improvement in the program. I again urge the passage of this legislation.

Mr. VANDER JAGT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to rise in support of H.R. 8911 as reported to the House of Representatives by the Committee on Ways and Means. These proposed amendments to title XVI of the Social Security Act reflect substantial testimony received by the Subcommittee on Public Assistance in June 1975, in the course of the first major review of the new supplemental security income program. The

Ways and Means Committee carefully examined the subcommittee's proposals in 5 days of debate and markup on H.R. 8911.

Mr. Chairman, as of March 1976, SSI was serving 4,318,967 persons, of whom slightly more than 2 million were eligible on account of age, slightly less than 2 million due to disability, and about 75,000 because of blindness. Payments in the month of March for SSI totaled $493,935,000, of which the Federal share was $374,173,000.

Of the 20 substantive sections of the bill which the subcommittee reported to the full committee, the Department of Health, Education, and Welfare actively sought 7 in order to improve the administration of SSI. Other provisions had the support of the Department by virtue of their consistency with the underlying principles of SSI, despite the administrative complexities which they could create. Still other provisions were opposed by the administration and minority members, primarily as a result of their cost.

During the full committee markup, almost all of the elements to which the administration objected were stricken. The only provision in the bill before you to which the administration remains strongly opposed is section 9, which would extend the SSI program to Puerto Rico, Guam, and the Virgin Islands, a proposal which won House approval when the original SSI legislation was being considered. The Ways and Means Committee amended the subcommittee's language on this matter so as to delay its implementation until October 1977, thereby avoiding any impact upon the Federal budget in the coming year. It should be noted, however, that the committee report includes a forecasted cost of $160 million for this additional SSI coverage in fiscal 1978, and $180 million by 1981.

Mr. Chairman, I believe that the amendments to SSI which the Ways and Means Committee brings to the floor at this time generally are constructive, and that they will strengthen the administration of this important program, to the benefit of millions of deserving citizens. I urge my colleagues to support this legislation.

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

Mr. Chairman, I rise in support of the bill, H.R. 8911, which would make some 15 changes in the supplemental security income program.

This bill is the most comprehensive one in the area of the supplemental security income program that the Congress has considered since the program was established by Public Law 92-603 in 1972. The program, as you may recall, became effective January 1, 1974. We have met a number of crisis situations as they came along but no comprehensive look at the program was taken until 10 days of public hearings before the Subcommittee on Public Assistance in June 1975. From those hearings and from the bills that had been introduced and the ideas that were contributed by Members and others, the Subcommittee on Public Assistance fashioned a bill. This bill was thoroughly considered in several days of markup sessions in the full Committee on Way and Means and what you have before you represents the results of that consideration.

A number of the changes that would be made by H.R. 8911 were designed to improve and simplify the administration of the act, others are designed to correct inadequacies and serious gaps which experience has demonstrated exist in the way the program is operating.

I would like to describe to you the 15 changes that would be made by the bill.

The first of these related to initial payments to presumptively blind individuals. When the original SSI law was passed it was assumed that the determination of blindness could be made quickly and that it would not be necessary to provide more than 1 month in which to make such a determination. We did permit a period of up to 3 months in the case of disabled persons with disabilities other than blindness. However, experience has shown that in some instances it is difficult to obtain appointments to secure a determination of visual acuity and that steps to insure that other diseases of the eye are not present are sometimes not permitted within this time frame. We would accordingly extend the period in which a person may be presumed blind if the information he is able to supply supports that presumption. A blind person could be presumed disabled on the same basis as a person with any other disability.

The next change which we would make is related to blind or disabled children between the ages of 18 and 21. As the law stands, a child between 18 and 21 who is in school or taking a course or training is deemed to be a child up to age 21. However, if he does nothing he is treated as an adult at age 18. This has been criticized as a deterrent to further training for blind and disabled children. Obvious inequities arise from the provision which was tailored for the family assistance plan that never became law. We have corrected this by placing all persons over 18 on the same basis and treating them as adults. At the same time we have carefully preserved existing exemptions for persons who are taking training beyond the age of 18. Through this amendment we eliminate the attribution of family income to children who desire to take training after age 18.

The next provision of the bill is concerned with disabled individuals under age 13. Under existing law all disabled persons regardless of age are referred to vocational rehabilitation agencies for determination of disability and for whatever services may be appropriate. It has been pointed out that in the case of children under 13, this is not a logical referral. After consideration the committee concluded that the best way to handle these children who are not ready for vocational training was through the agencies responsible for maternal and child health and crippled children services. The Social Security Administration advised us that it would make referrals to any one agency but was not in a position to select the agency which would best serve the child's needs. After careful consideration and discussion with the Administration this selection was made, using the crippled children services primarily, which enjoy an excellent reputation. The bill would provide that the Federal Government would reimburse half of the costs of any services provided to the child.

The next provision of the bill deals with Outreach. There has been a great deal of complaint that the SSI program has left many persons who were eligible for its benefits without knowledge of the availability of the program. In consultation with the Administration we carefully selected only those things which we think are a necessary part of Outreach and which the Administration advises are consistent with its objectives.

Another provision of the bill deals with the modification of existing requirements for payments to be made to a third party, when anyone is disabled as a result of alcoholism or drug addiction. This has been a very difficult requirement for the administrative agency to meet. In highly populated metropolitan areas there has simply been no one who would undertake to serve as a third party payee for large numbers of the persons involved. Your committee's bill would accordingly amend the law to provide that if the chief medical officer of the institution or facility where the individual is undergoing treatment certifies that payments of benefits directly would be of significant therapeutic value, and that there is substantial reason to believe that he would not misuse or improperly spend the funds, the payments can be made directly. We believe that with these safeguards, direct payments can be made in some cases and that they may promote successful rehabilitation.

The next provision of the bill deals with persons living on the border of the United States in areas where hospitalization is normally obtained across the Canadian or Mexican border. We have adopted in the bill the same provisions that were included in the medicare program some years ago and which apparently are satisfactory.

The next provision of the bill deals with the exclusion of certain gifts and inheritances from income. Normally receipts of cash including gifts, inheritances, prizes and similar items are counted as income in the month that they are received and to the extent that they not expended in that month become resources in later months. This has produced problems when an inheritance or gift is not in the form of cash.

Inheritance of antique furniture from a relative might well disqualify the persons from benefits, if the value were considered as income in the month the furniture is received and yet a reasonable cash value might not be available. In such an instance the individual or spouse might be deprived of food because of his acquisition. The law makes provision for the orderly disposition of resources. Your

committee accordingly proposed to treat gifts or inheritances which are not readily convertible into cash only as resources and not as income in the month in which they are received. This is consistent with the treatment of other items under the program.

The next provision of the bill would extend SSI benefits to Puerto Rico, Guam and the Virgin Islands. When the House originally considered the SSI program, its bill H.R. 1, in the 92d Congress included provisions for these jurisdictions, with the benefit levels and other dollar figures adjusted in relation to per capita income of the jurisdiction as compared with the lowest per capita income State. The provision was not included by the Senate and was not accepted in conference. Accordingly, these jurisdictions provide benefits on a matching basis under a strictly limited dollar amount to their needy, aged, blind, and disabled. This seems obviously inequitable. The Social Security Administration advises that it will take at least a year to be prepared to administer SSI benefits in these jurisdictions. Accordingly, the bill would make the provision effective October 1, 1977.

The next provision of the bill would increase payments to presumptively eligible individuals. Existing law makes provision for an emergency payment of $100 were an individual appears to be eligible. However, experience has demonstrated that it is frequently several months before an initial payment is made. Your committee's bill would accordingly make several changes; it would increase the $100 amount to the amount for which the applicant is presumptively eligible, and increase the time limitation to a period of 90 days. However, because many applications are still slow to be acted upon the 90-day period would not be in effect until 1 year elapsed from the date of enactment. During that year presumptive eligibility payments could be made for as long as necessary. Beginning 12 months after date of enactment, the 3-month limitation would be applicable.

The next provision of the bill deals with emergency replacement of benefits payments. One of the most widespread complaints about the SSI program has been the number of persons who have been placed in desperate need by the failure of checks to arrive, due to their having been lost, stolen, or undelivered. Your committee understands the Treasury Department has expedited procedures and is in a position to issue duplicate checks in the period of 7 to 10 days. However, even this lapse of time can cause serious hardships for a needy individual. H.R. 8911, would accordingly propose to change the law to provide that the duplicate check could be sent to a State agency which had an agreement with the Secretary and which had issued an emergency payment to replace the lost, stolen, or undelivered check. The same provisions would apply to checks for less than the correct amount.

If the check itself is for a larger amount than the amount of emergency assistance which the State supplied the balance would have to be transmitted promptly to the SSI beneficiary. The procedure is similar to the provisions enacted for reimbursement of a State for interim assistance provided to an individual who has applied for SSI benefits but has not yet been approved as eligible to receive benefits.

The next provision deals with the evaluation of an individual's home for purposes of resources test. Existing law provides that a home is exempt so long as its value does not exceed a reasonable amount determined by the Secretary. H.R. 8911 would modify this, to the extent that the value considered could be either the current market value or the purchase price, whichever is lower. The Secretary of HEW would be left the responsibility for fixing a limit on value. However, the election of purchase price or market value solves the problems arising from inflation, increasing assessment and other changes which can deprive an individual of his SSI benefits. The amendment would also permit persons whose homes are located on ground that might be valuable for commercial purposes, or other reasons not associated with living there of an opportunity to continue to live there without the value of the land for other uses being taken into account.

The next provision of the bill deals with determination of mandatory minimum State supplementation in certain cases. Public Law 93-66, enacted in 1973, provides that an individual is guaranteed the same amount of income which he received in December 1973, if his own needs and situation are unchanged. This has resulted in higher payments than would have otherwise been received for a substantial number of beneficiaries.

H.R. 8911, would eliminate the requirement that the December 1973 level of income be guaranteed for the indefinite future, and would permit the Social Security Administration to stop maintaining such records when they are no longer beneficial to the individual. This might in a few instances prove detrimental because of future individual situations but it is believed that the administrative savings and simplification of the program well warrants a very small risk.

The next provision of the bill deals with the monthly computation for determination of SSI benefits. Under existing law benefits are determined for a calendar quarter—except the quarter in which an initial application is made—thus averaging income and expenses over a 3-month perod. In some instances this represents a hardship to the individual beneficiary as a substantial change in situation may occur in the last month of the calendar quarter and not receive more than partial recognition. The longer the time period involved, the less sensitive the program is to the fluctuation in individual need, the Department of Health, Education, and Welfare, advises that it is entirely feasible to make the determination of benefits for each month rather than for a 3-month period. This does not imply that the actual determination would be made each month but rather than the computation will be made for a monthly rather than a quarterly period. H.R. 8911 provides for a monthly computation.

The next provision deals with the eligibility of individuals in certain medical institutions. Under existing law, when an individual enters a hospital or other medical institution in which a major part of the bill is paid by the medicaid program, the benefit under SSI is reduced from its usual level to an amount not in excess of $25 per month. This is intended to take care of personal expenses since the costs of maintenance and medical care are provided through other programs. In the case of individuals having other income such as social security benefits no SSI is payable when the total or such other income exceeds $45 per month. It is been pointed out that an individual entering a hospital frequently has a household to be maintained if he is going to return to the community, expenses of shelter and other items do not stop because an individual is institutionalized for a relatively short period of time. The existing provision which makes only a small benefit available for any full month that the beneficiary is in a medical institution can defeat its purpose and make more difficult the subsequent return to community living. H.R. 8911, accordingly extends the period to "the period ending with the third consecutive month throughout which he is in such hospital or facility." During that 3-month period his eligibility and benefit amount would determined as though he continued to live outside the institution under the same conditions that existed prior to his entry. Since the purpose of the amendment is to make provision for needs which are ongoing during a short period of institutionalization, it is not the committee's intent that the larger payment for 3 months period be considered income for purposes of the medicaid program.

The final provision of the bill deals with the exclusion of certain assistance based on need. The original SSI law excluded from income assistance based on need, provided by the State or local public assistance agencies. A 1974 amendment extended this exclusion to support or maintenance provided by a nonprofit institution or by a charitable or philanthropic agency to an indivdual who is a resident of a nonprofit retirement home or similar institution. Considerable testimony was received and legislation has been introduced which would extend the exclusion of income for charitable organizations which was provided on the basis of need to individuals whether or not they live in institutions. H.R. 8911 contains such a provision. The bill would exclude such assistance furnished by any private entity described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such code. The provision would not be applicable to situations in which the institution or agency has an obligation to provide such assistance. Such situations would be primarily those where for a monetary or other consideration the

agency has an obligation to provide such assistance. Such situations would be primarily those where for a monetary or other consideration the agency has undertaken to provide for full or partial lifetime care.

The effective dates in the bill are in general either the second month after enactment or October 1, 1976, whichever is later. An exception is made in the case of the extension of SSI to Puerto Rico, Guam and the Virgin Islands, for which the effective date would be October 1, 1977.

The total cost of the bill as estimated by the Department of Health, Education, and Welfare and the Office of Management and Budget an estimate which the Congressional Budget Office concluded is reasonable totals $69.5 million for the fiscal year 1977. This is broken down into $2 million for the provisions on presumptively disability for the blind, $55 million, the bulk of the total cost, for the provision of health services to disabled children, $4 million for the changes in procedure for evaluating a home, and $8.5 million for the more liberal treatment of individuals entering hospitals or medical institutions. The amount would increase substantially in 1978 when the coverage for Puerto Rico, Guam, and the Virgin Islands would become effective. The estimated cost of providing benefits in these jurisdictions is $160 million bringing the total cost to $235 million for the fiscal year beginning October 1, 1977.

After H.R. 8911 had been reported from the Committee on Ways and Means, the committee adopted a committee amendment which was originally offered by Ms. KEYS. This amendment is part of the clean text of H.R. 15080 which I will shortly offer as a substitute for H.R. 8911 as reported. The amendment does three things.

First, it provides that publicly operated community residences with no more than 16 residents, shall not be deemed public institutions in which individuals are ineligible for Supplemental Security Income benefits. This would make provision for the mentally retarded and other groups who need supportive care to receive it in a group home of which there are now several hundred in the United States, some public and some private.

Second, the amendments would provide that State or local government subsidies to a home, public or private, would not result in the SSI benefits being reduced.

Finally, the amendment would permit States to establish standards for residential care institutions without including the nurses and other medical components, which are now required by law if SSI benefits are to be supplemented. The provision would require that States set standards and enforce them, publish their standards and any violations. It would not give the Federal Government any control over what those standards are. I believe this is a very desirable amendment to the present program.

The cost of this amendment is estimated at $16 million a year.

Mr. Chairman, I feel that H.R. 8911, makes many meritorious changes which will be of great assistance to the needy, aged, blind, and disabled who are beneficiaries under the SSI program and at the same time it would greatly simplify, the administration of the program. I believe that the bill warrants the enthusiastic support of the Members of this House.

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

Mr. CORMAN. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I have been very disturbed by situations that have arisen in my State. I thought the gentleman said section 7 referred to this.

Mr. Chairman, a rise in one benefit results in either a diminution of another benefit or, in some cases, complete loss. For example, consider the effect on a program like medicaid, which is tied to an income level—does the gentleman understand what I am getting at?

Mr. CORMAN. I do, and the gentlewoman, I am sure, will be on the floor to support one of the Pickle amendments as it deals with that problem, as it relates to medicaid; and also support for the Fraser amendment which has to do with required pass-through of SSI cost-of-living increases.

Mrs. FENWICK. Will those two stop what I am talking about? I know of a case of a totally disabled man who is 48 years old, whose rise in other Federal benefits brought him $3 over the income level allowed for medicaid and so denied him medical assistance.

Mr. CORMAN. It will stop that in many instances in the case of social security benefit increases.

Mrs. FENWICK. Would not it be possible to say that any rise in any of these systems shall not disqualify a person who has been receiving benefits previous to this change? Would that not be a simple thing, across the board?

Mr. CORMAN. Yes. It would solve the problem as to increases in any kind of Federal benefits. We can and will try at least to prevent its happening in Federal programs in the future.

Mrs. FENWICK. I thank the gentleman.

Mr. CORMAN. If we get through the debate, I am going to ask unanimous consent first that the substitute be considered—which is provided in the rule. Then, I will ask unanimous consent that the bill be considered as read and open to amendment at any point. If this request is granted, I would notify Members that the amendments will be taken up in this order, which I have discussed with both the minority leadership and with the Members offering the amendments:

The first bloc of amendments will deal with housing. The first to be offered will be by the gentleman from California (Mr. KETCHUM). I sincerely hope it passes. If it fails, there will be an amendment offered by the gentleman from Virginia (Mr. HARRIS), which deals with the same subject matter, although I would suggest not in quite as good a manner as the Ketchum amendment.

The next amendment is a housing allowance which would provide that the Federal portion of SSI benefits would be increased up to $50 a month for those who are paying more than one-third of their income for housing. It is an expensive amendment, but it is one that is completely fair and humane. I recognize the budgetary problems it imposes on us, but I hope the Members listen to those who advocate that amendment and that we think about the people we are talking about and the bind they are in.

The next are two amendments to be offered by the gentleman from Texas (Mr. PICKLE), one having to do with a couple when one is in an institution, and the other having to do with what the gentlewoman from New Jersey talked about, relating to medicaid.

The next amendment is by the gentleman from Illinois (Mr. MIKVA). It has to do with the services for disabled children. It would reduce the amount of money for that program from $55 million to $18 million. I hope it is defeated.

I will offer an amendment which has to do with housing subsidies. The law is that people who are getting subsidized housing have it counted against their cash payments. We changed that law, effective October 1, but at least in California—and I suspect soon in other States—SSA is going back and review its records to see if it made a mistake by overpaying people getting subsidized rent. If they did, they will then cut their cash payments. That panics people living on very, very little, to hear that they will soon lose a substantial portion of the amount they are getting. I hope that amendment carries.

The last amendment, and one which will be offered on Monday, is by the gentleman from Minnesota (Mr. FRASER) and the gentleman from Massachusetts (Mr. O'NEILL). It is tremendously important. It is a fundamental decision for the House to make, and it is whether or not we will require States to pass through to the SSI recipients cost-of-living increases in SSI. It costs the Federal Government very little. It insures that when we determine that there should be a cost-of-living adjustment, that adjustment will be made for each SSI recipient in the Nation. I say it costs very little. There are still three hold-harmless States. There will be about a $1.9 million cost for the first year, to provide that that passthrough will cost the State in the hold-harmless category no additional money. The House should understand that in requiring the passthrough of Federal SSI increases it does not increase the costs to the States. It prohibits the States from reducing their costs by stopping the increase at the State Treasury instead of passing it on to the tables of the poor.

That is the order that I hope the amendments will be considered, and I have the assurance of those who will be offering them.

Mr. VANDER JAGT. Mr. Chairman, I yield 5 minutes to the very able member of the Subcommittee on Public Assistance, the gentleman from California (Mr. KETCHUM).

Mr. KETCHUM. Mr. Chairman, I think one of the problems with an SSI program, or any welfare program, as far as that is concerned, is the somewhat of a vacuum in which we operate, where we seldom really realize, when we are making changes, what that reaction is going to be on down the line.

One of the reasons that we operate in such a vacuum is that there are very few Members of any legislative body—and this one is no exception—that are interested enough in these kinds of problems to try to understand them, to try to make them workable, to try to insure that the dollars of the taxpayers spent for these programs reach the very people that they were designed to reach, rather than to get all scraped off at the top, as we so often do.

The bill which the Subcommittee on Public Assistance brings us is, I think, the very best effort that we could possibly come up with, given the circumstances.

The Committee on Ways and Means, as the Members know, meets Tuesdays, Wednesdays, Thursdays, and any other time that they can think of, even if it is just for practice; so that the subcommittees of the Committee on Ways and Means have a very, very miniscule amount of time in which to meet, and it is usually on Mondays and Fridays. Most of us know how popular those days are for meetings.

I really think that the Subcommittee on Public Assistance has done a rather outstanding job in attempting to solve some of the problems.

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

Mr. KETCHUM. Certainly, I yield to the gentleman from California.

Mr. CORMAN. Mr. Chairman, I rise primarily for the purpose of saying that the gentleman has called to the attention of this House and, I am sure, to the chairman of our committee, a very severe problem. It is a problem that the subcommittee has had to face. It has taken the patience of Job on the part of the members to try to find times and places to meet.

I wish at this point to thank all the Members for accommodating the subcommittee in that respect. The gentleman points up a problem that we need to solve in the next Congress.

Mr. KETCHUM. Mr. Chairman, I thank the gentleman. This is not a problem just for the Subcommittee on Public Assistance, but it is a problem of other subcommittees of the Committee on Ways and Means as well. I think we all attempt to do our best to solve our problems.

There are some provisions of this bill that I would like personally to have seen remain in the bill. The budgetary restraints are, of course, to be considered, and there are going to be, as we know, and as the gentleman from California (Mr. CORMAN) has announced, some amendments offered to the bill, some of which I will support and some of which I will not. But those should be debated and our priorities established.

My good friend, the ranking minority member of the subcommittee, the gentleman from Michigan (Mr. VANDER JAGT), indicated that one of the provisions in this bill is opposed by the administration. That is the inclusion of Guam, the Virgin Islands, and Puerto Rico, bringing them under the SSI program. For myself and speaking only on behalf of myself, I support the inclusion of those territories. I need not remind the body that the individuals residing in those territories are U.S. citizens, just as are all the other people of these great United States.

I would further state that the numbers of people we are going to be dealing with is minor, when compared to the whole program. I have some problems with SSI as it applies to the disabled. I think we have gone far afield, not only in this bill but in the SSI program itself, in establishing just who the disabled are.

Most of us, prior to the federalization of this mentally retarded, the insane, and those individuals who had lost arms or legs or who were truly physically disabled. Some of us really did not feel that drug addicts or alcoholics should be part of this program, that they should be beneficiaries of other programs aside from this.

For that reason, it is difficult from time to time to get some of these bills passed.

Mr. Chairman, I would like to address myself briefly to some of the means test, and that is the subject which was brought up by the gentlewoman from New Jersey (Mrs. FENWICK). This is a real problem.

As a part of the means test, of course, assets are added. If an individual has a certain amount of money in the bank, say $1,500 as an example, which might represent his or her lifetime savings, he or she may not be eligible for SSI, and they must divest themselves of that small amount of money that they may have put away in the bank for burial expenses in order to be eligible. I share the gentlewoman's concern, and I hope we have an opportunity to address ourselves to that issue later.

The passthrough amendment which will be offered, I believe, on Monday, as was indicated, will be perhaps the most controversial of all the amendments that are offered to this bill. I happen to be a proponent of passthrough. Those of us who were on the House floor here a couple of weeks ago, when we discussed the California food stamp bill, should certainly be aware that that is what we were arguing about. We wanted to insure that any Federal increase be passed on to those individuals in three categories: The aged, the blind, and the disabled. There is going to be a rather substantial argument, I know, on the floor as to that particular amendment.

The amendment which I will offer has to do with housing disregard, which is also a part of the means test. We are talking primarily about aged people now. If the houses that those individuals reside in have achieved a value of $25,000 or if they are over that value, those individuals are not eligible for SSI. It really seems ridiculous to me, because the value of houses inflates just as everything else does. I am convinced that the elimination of the housing requirement as a part of the means test to establish eligibility will actually result in a rather substantial administrative cost savings to the Federal Government.

Mr. Chairman, I certainly hope that it will pass. I have indications from both the chairman of the subcommittee and the ranking minority member that that amendment will be adopted.

I really hope, Mr. Chairman, that before we are through, we will be able to get a few more Members on this floor, particularly those individuals who perpetually criticize the welfare system and do not know the first darn thing about it. No one has to overspend in a welfare program, but one does have to understand it. We are not doing a very good job in a lot of areas, and the reason we are not is that we continue to operate in the fashion to which I alluded earlier.

I thank you, Mr. Chairman, for the time. I hope that this bill will pass and that some of the amendments, at least, will be achieved.

Mr. VANDER JAGT. Mr. Chairman, I yield myself 1 additional minute.

Mr. Chairman and Members of the body, the remarks of the gentleman from California (Mr. KETCHUM) and the remarks of the chairman reminded me all over again of just how very difficult it was to find the time and place to grapple with the very difficult and complex problems.

Mr. Chairman, I would like to add my word of commendation not only to the chairman for the great job he did, but to every member of the subcommittee and to the staff, both majority and minority. Because of the cooperation of everyone, I think the work product before this body is, as the gentleman from California said, as outstanding as could be expected under all of the circumstances.

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

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

Mr. Chairman, I do want to express my appreciation to the gentleman from California (Mr. KETCHUM) because he knows considerably more about the operation of these programs than many of us do, because he had responsibilities for those areas in the State legislature in California.

When he mentioned Guam, I was reminded that I first met him there 32 years ago when his uniform was so muddy that I failed to recognize him.

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

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

Mr. GONZALEZ. Mr. Chairman, I thank the very distinguished gentleman for yielding.

I have asked for this time for the purpose of asking two questions. Before I do so, I also wish to thank the chairman and the committee for addressing them-

selves to this work. I know it was not easy, and I compliment all of them.

The first question is: Will this result in any substantial reduction in the rolls of those presently on SSI?

Mr. CORMAN. No.

Mr. GONZALEZ. Second, I refer to section 1614 in the committee report, on page 30, headed, "Determination of Marital Relations," which reads:

In determining whether two individuals are husband and wife for the purposes of this title, appropriate State law shall be applied except that—

(1) if a man and woman have been determined to be husband and wife under section 216(h)(1) for purposes of title II they shall be considered . . .

Paragraph 2 reads:

If a man and woman are found to be holding themselves out to the community in which they reside as husband and wife, they shall be so considered for purposes of this title not withstanding any other provision of this section.

Does that do anything to any existing custom or practice on the Federal level with respect to our setting up common-law situations?

Mr. CORMAN. The section the gentleman is referring to is existing law.

Mr. GONZALEZ. Is there anything new or novel in the law?

Mr. CORMAN. There has been some confusion, I suspect. The fact is that in most States two single individuals get substantially more than a married couple. That has been long discussed, as to whether we are coercing the aged, the blind, and the disabled to live in sin. We hope we are not.

Mr. GONZALEZ. I am against sin.

Mr. CORMAN. I hope that the gentleman will not be too inclusive in his condemnation.

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

Mrs. COLLINS of Illinois. Mr. Chairman, I urge my colleagues to support enactment of H.R. 8911, which would make a number of important revisions in the supplemental security income—SSI—program.

The SSI program is intended to provide a minimum income for eligible persons using nationally uniform eligibility requirements and benefit criteria.

The great number of requests for assistance from SSI recipients and would be recipients received in my office each week, however, has demonstrated repeatedly that this program is in critical need of the improvements that we are considering today.

As long ago as May 1974, I requested the Comptroller of the General Accounting Office to investigate the wide variation among States in the implementation of the presumptive disability provision which authorizes benefits to individuals presumed to be disabled, pending a formal determination of disability because, according to numerous reports from my constituents, the program failed to deliver assistance in an expeditious manner and variances in its application resulted in inequities to recipients. GAO verified these findings on October 16, 1975.

Thus, I am pleased that a number of the provisions offered in H.R. 8911 will correct serious deficiencies in the administration of the SSI program. For example, this bill affords to blind persons the same presumptive eligibility treatment now provided to the disabled and increases from $100 to an amount equal to 3 months' benefits, the maximum amount of cash advances which may be made to presumptively eligible persons who are faced with financial difficulty.

In addition, it directs the Secretary of the Department of Health, Education, and Welfare to conduct an outreach program to assure that all potentially eligible persons will be fully informed of the availability of such benefits and how to obtain them. Many, many people in my district and throughout this country who are disabled and, thus, restricted in their mobility will benefit from the enactment of this provision.

For these reasons, I urge my colleagues to cast their votes in a reaffirmation of the goals of this vital program.

Mr. DRINAN. Mr. Chairman, I rise in support of the Ketchum amendment which would exclude the value of a home as a countable resource in determining eligibility for the supplemental security income program.

Let us look realistically at the current requirement that a home be excluded as a resource only if its market value does not exceed $25,000. The fair market value of a home is based on the most recent assessed value placed on it by the State or locality which imposes a value-based property tax or levy. Massachusetts law requires a 100 percent evaluation for tax purposes. The $25,000 figure is unreasonable for the cities and towns of my congressional district which borders on the city of Boston and for most other areas of the state.

For example, in the city of Waltham, which has a population of 56,757, the average household income for 1975, assuming that income has kept pace with inflation, is in the range of $14,000 to $15,000. Yet the current assessed value of residential property is in the range of $40,000. We must also keep in mind that the income of older citizens and the disabled is going to be much lower.

I commend the committee for providing the alternative criteria of purchase cost since this will greatly assist the long-term homeowner. Yet there are those individuals who have purchased homes in relatively recent years and who have become disabled or whose economic security has been undermined by inflation and other factors. They will not benefit from the proposed modification of the home-value resource criteria.

We must also consider that a person may own a home with a market value of $25,000 and become eligible for SSI, whereas another person may have a mortgaged home valued at $28,000 but only have met up to $12,000 of the cost and is ineligible for benefits. Although the individual equity is well below the home value limit the individual is ineligible for participation in the program.

It would seem to me that fairness requires some consideration of the individual's equity in his or her home in determining eligibility for this means-tested program.

An equitable solution to these discrepancies would be to remove home value as a countable resource. The fact that some elderly and disabled citizens have been able to hold on to their homes should not serve as a basis for exclusion from the program. We all recognize that the cost of maintaining a home is of itself a financial strain even on a middle income budget. The escalating cost of property taxes, utilities and required upkeep services place a greater drain on the already burdened budget of low-income and fixed income individuals.

The SSI program is based on need and the means test takes into account all types of resources including a limitation of $1,500 in savings for an individual and $2,250 for a couple. A home that is owned by an elderly or disabled person does not stand as a sign of affluence but more likely as a result of austerity through years of sacrifice and hard work. Why should we require that this home become yet another obstacle to maintaining some measure of economic security in old age or in disability?

When the SSI program became effective in January of 1974, the Department of Health, Education, and Welfare distributed an introductory pamphlet called "Design For Dignity: Supplemental Security for the Aged, Blind and Disabled." The program is an important experiment which can have positive and profound influence on the Nation's thinking about the nagging question of whether a means-tested program can be designed and administered in ways which will enhance rather than negate the beneficiary's feeling of self-worth and capacity to function as a first-class citizen.

Homeownership has always reenforced a positive notion of self-worth and removing the home value resource criteria will move us closer to achieving a "design for dignity."

Mr. DE LUGO. Mr. Chairman, I rise today in strong support of the provision of the bill H.R. 15080 to extend the supplemental security income program to the Virgin Islands. This provision, existing originally as a separate bill which I introduced, will dramatically aid over 2,000 eligible elderly poor, blind, and handicapped Virgin Islanders cope with the harsh realities of their daily life.

Extending the SSI program to the Virgin Islands helps these people in two ways. First, and most important, it raises the level of their benefits from a current, pitiful $43 per month to a new level of $157.50 per month. This is increased to $236.60 per month for couples. In light of our high cost of living the current level of benefits is clearly unacceptable.

Second, this is a fully federalized program. Enactment of this measure will help take the load from the local government which, like all local governments, continually faces strong budgetary problems.

I strongly urge the Members of this House to vote in favor of this provision, and for H.R. 15080 as a whole. I believe that its passage will demonstrate that this Congress cares about its citizens, and is willing to act on this belief.

Mrs. MINK. Mr. Chairman, I wish to express my strong support for the amendment to H.R. 8911 when it is offered by my colleagues, Mr. O'NEILL and Mr. FRASER. This amendment, which requires Federal cost-of-living increases in the supplemental security income program to be "passed through" to SSI recipients, would assure that congressional intent regarding the nature of the SSI program will effectively to carried out.

Congress has been sensitive to the needs of those on fixed incomes, realizing that these Americans whose primary income derives from constant social security or supplemental security income benefits are the first victims of inflation. Those who can least afford it are hit most severely by rising costs. Without Federal action these recipients have no recourse, no means of coping with inflation.

To maintain viable social welfare programs, Congress has instituted annual cost-of-living increases. It is a catch-up solution, one that sadly still leaves many on the borderline of poverty. But we have formulated a policy and a commitment to protect these most vulerable of our citizens from the very real ravages of what has been, in virtually all recent years, double digit inflation.

The difficulty SSI recipients have encountered, however, is that they do not necessarily realize the increases we have promised and indeed expended a great deal of money to confer. In those States that "supplement" the Federal SSI payments with a payment of their own, Federal cost-of-living increases are optionally passed on to the recipients and often are either partially or totally swallowed up by State governments and never passed on to the recipients themselves.

The result of this option is the frequent denial of congressionally approved benefits for those for which it was intended. Surely if Congress wanted a program of reduced State praticipation in the SSI program it would have legislated to that end. Our explicit concern, however, has been with the impact of escalating costs upon individuals' scant, fixed benefits.

Argument is made that these groups should lobby their State governments for a full "pass through" of Federal cost-of-living increases. But when you are discussing SSI recipients, you are talking about the aged, the blind, and the disabled, groups which include some of the most politically as well as economically disadvantaged groups in the Nation. These are the people least likely to rally on the steps of the State capitol. They are among the most likely to have their urgent human needs ignored—particularly when it can be done as readily as States do it now, simply by pocketing Federal increases.

My own State of Hawaii has made a strong effort to pass through Federal increases under particularly adverse circumstances. As one of the three remaining "hold-harmless" States, Hawaii has its Federal cost-of-living increases deducted from the Federal share of protected payments so that Hawaii in effect pays for the cost-of-living increases that it passes on to its SSI recipients.

The O'Neill-Fraser amendment ends this inequity by freezing the level of Federal protected payments for "hold-harmless" States, thus insuring that Hawaii, Massachusetts, and Wisconsin are in a position to "pass through" Federal cost-of-living increases at no cost to themselves. The effect of this aspect of the O'Neill-Fraser amendment is simply to establish parity among all the States.

I urge my colleagues to give the O'Neill-Fraser amendment your vigorous support. By mandating the "pass-through" of Federal cost-of-living increases, we will not be requiring the expenditure of any additional funds by the State. We will be insuring that congressional intent is carried out and that the priorities of human dignity and individual needs in the SSI program are reaffirmed and maintained.

Mr. ROSTENKOWSKI. Mr. Chairman, I support H.R. 8911, a bill making many important and needed changes in the supplemental security income—SSI—program.

The supplemental security income program was enacted by the Congress in 1972 to replace the grant-in-aid public assistance programs then in existence for needy aged, blind, and disabled Americans. The new SSI program provides for a federally administered and financed program with uniform eligibility and benefit payments, a much-needed improvement over the multiplicity of requirements and benefit levels which existed under the prior State-operated programs.

The SSI program became effective in 1974 and while many individual crises have been met by legislation both immediately prior to and since implementation, there had been no complete review of the program until the hearings held in June 1975 which resulted in this legislation. A comprehensive examination of the program by the Committee on Ways and Means has demonstrated that after a year and a half's experience with the new program, there are a number of changes and improvements which can and should be made.

One of the major problems identified in the supplemental security income program is that the needs of disabled children intended to be served by the SSI program are not being adequately met. The bill, therefore, mandates an outreach program specifically aimed at locating disabled children who are entitled to supplemental security income payments and removes certain disincentives for disabled children between the ages of 18 and 21 to attend school.

The committee has also found that there are continuing problems in providing prompt services to SSI applicants and recipients. The bill thus provides various ways to alleviate this situation, including prompt emergency measures to facilitate the replacement of lost or stolen checks and improvements in the program providing cash advance allowances for those presumed to be eligible for SSI benefits.

H.R. 8911 also would remove the current provision in the SSI law prohibiting SSI assisstance to individuals residing in a public institution which a publicly operated community residence serving 16 or fewer persons. Currently, for example, a private, nonprofit organization may operate a group home for the mentally retarded as an alternative living arrangement compared to a large State institution or a nursing home and residents are not prohibited from being eligible for SSI. However, if the group home is owned or controlled by a governmental entity, the residents would for that reason alone be ineligible for SSI.

The bill would not only correct many of the inequities that currently exist in the program, but would streamline its administrative procedures to increase its efficiency.

I urge my colleagues to join me in supporting this much needed legislation.

Mr. GILMAN. Mr. Chairman, I rise in support of H.R. 8911, the Supplemental Security Income Amendments of 1976, providing benefits to the needy aged, the blind, and the disabled—nearly 4.3 million citizens, 2.3 million needy aged, 1.9 million disabled, and 75,000 blind—at a time when these benefits are urgently needed in order to keep pace with the burdening Federal, State, and local taxes, and the escalating costs of living.

H.R. 8911, representing the most comprehensive review of the SSI program since the program came into existence on January 1, 1974, provides 15 changes that remove certain inequities in the present SSI program. Briefly stated, they are:

First. A presumptively blind person would receive initial SSI benefits for up to 3 months prior to the actual determination of blindness, thereby granting such an individual the same right to initial SSI benefits as any other presumptively disabled individual. Experience has shown that the current 1-month time period for an SSI applicant to obtain a finding that blindness exists is an insufficient amount of time to make such a determination. The 1-month time period would be extended to 3 months for purposes of obtaining a determination of disability and for providing initial SSI benefits to the presumptively disabled applicant.

Second. Blind or disabled individuals over 18 years of age are regarded as adults for purposes of receiving SSI benefits, and they may attend school without jeopardizing their SSI benefits. Under the current SSI program, a blind or disabled individual between the age of 18 and 21 who remains at home is regarded as an adult and is eligible for SSI benefits, while a blind or disabled individual in the same age bracket who attends school is regarded as a child, "frequently," as the report accompanying H.R. 8911 stated, "rendering him ineligible for any SSI benefit or eligible for a benefit or substantially smaller amount than the child who is not taking some form of training."

Third. Blind or disabled children under age 13 would be referred to appropriate State health services. The Mikva amendment, which I supported and which passed the House on August 26, changes the funding for childre..'s vocational services from 50

percent for children under age 13 to 100 percent for children under age 6.

Fourth. The HEW Secretary would be directed to conduct outreach programs to inform potential SSI recipients of the availability of SSI benefits. The Secretary would report to the President and to Congress within 6 months of the bill's enactment on the progress of the program with his recommendations to improve the program's effectiveness.

Fifth. If the chief medical officer at a treatment center for drug addicts or alcoholics certifies that SSI benefit payments would be therapeutically valuable to the individual, with no reason to believe that the recipient of the SSI benefits would improperly spend the funds, then SSI benefit payments would be paid directly to the individual rather than to a third party as required under the present law.

Sixth. SSI benefit payments would be paid to eligible individuals receiving inpatient hospital care outside the United States. Under the present law, eligible individuals, who, for example, receive hospital care in Canada or Mexico, are prohibited from receiving SSI benefit payments.

Seventh. Certain gifts and inheritances which are not readily convertible into cash are excluded from income, thereby possibly disqualifying an individual from receiving SSI benefits.

Eighth. SSI benefits would be extended to Puerto Rico, Guam, and the Virgin Islands, effective October 1, 1977.

Ninth. The $100 SSI cash advance to a presumptively eligible individual confronted with a financial emergency would be increased to the maximum of 3-months benefits for which the individual would be presumptively entitled. However, since there is no assurance that the determination of the individual's eligibility would be made within 3 months, the 3-month limitation on authorized cash advances for financial emergencies would be suspended for 1 year after the enactment of H.R. 8911.

Tenth. A State may be reimbursed for furnishing emergency assistance to an individual entitled to SSI benefits confronted with a financial emergency as a result of a lost, stolen, undelivered, or erroneous SSI benefit payment.

Eleventh. Under the present law, an otherwise eligible SSI recipient whose home was valued at more than $25,000 would be denied SSI benefits. The Ketchum amendment, which passed the House on August 26, struck this provision, thereby disregarding hereafter the value of an individual's home in determining SSI benefits.

Twelfth. Mandatory minimum State supplementary payments corresponding to the December 1973, levels would be terminated in certain instances where the mandatory minimum State assistance is no longer applicable.

Thirteenth. Determination of SSI benefits would be on a monthly rather than on a quarterly basis.

Fourteenth. An individual entering a hospital or other medical institution in which the expenses are paid by the medicaid program would not receive a reduction in SSI benefits but would receive full SSI benefits for 3 months of residency in such an institution. Reduction in SSI benefits would commence during the fourth month of institutionalization.

Fifteenth. Any assistance based on need and furnished by a nonprofit tax-exempt organization would not be counted as income in determining the recipient's eligibility for SSI benefits or the amount of the benefits.

Mr. Chairman, these provisions, together with the amendments that passed the House on August 26, are urgently needed in order to simplify the administration of the SSI program and to correct inequities in the program.

The need for this legislation to protect the 4.3 million needy aged, blind, and disabled poor is obvious. These are citizens whose eligibility to receive SSI benefits is determined on need—whose savings are limited to $1,500—for whom this measure may mean the difference between survival and starvation. I have been informed by the Social Security Administration that in 1975, 403,226 needy individuals in New York State received Federal-State SSI benefits amounting to $686.1 million. For these citizens, these funds meant the purchasing of food and the paying of rent or winter fuel and the meeting of other economic necessities for survival.

Mr. Chairman, in the interest of continuing the SSI program and of providing urgently needed assistance to these citizens, I urge my colleagues to support this worthy legislation.

Mr. CORMAN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the text of the bill H.R. 15080 as an original bill for the purpose of amendment. No amendments are in order to the bill or to the amendment in the nature of a substitute except amendments offered by direction of the Committee on Ways and Means and germane amendments printed in the CONGRESSIONAL RECORD at least 2 legislative days prior to the consideration of said bill for amendment, but said amendments shall not be subject to amendment except those offered by direction of the Committee on Ways and Means and pro forma amendments.

The Clerk read as follows:

That this Act may be cited as the "Supplemental Security Income Amendments of 1976".

AUTHORIZATION OF INITIAL PAYMENTS TO PRESUMPTIVELY BLIND INDIVIDUALS

SEC. 2. Section 1631(a)(4)(B) of the Social Security Act is amended—

(1) by inserting "or blindness" immediately after "disability" each time it appears; and

(2) by inserting "or blind" immediately after "disabled" each time it appears.

ATTRIBUTION OF PARENTS' INCOME AND RESOURCES TO CHILDREN

SEC. 3. (a) Section 1614(c) of the Social Security Act is repealed.

(b)(1) Section 1612(b) of such Act is amended—

(A) by striking out "a child who" in clause (1) and inserting in lieu thereof "under the age of 22 and";

(B) by striking out "a child" in clause (9) and inserting in lieu thereof "under age 18"; and

(C) by striking out "a child who is not an eligible individual" in clause (10) and inserting in lieu thereof "an individual who is not an eligible individual or eligible spouse".

(2) Section 1614(a)(3)(A) of such Act is amended by striking out "a child" and inserting in lieu thereof "an individual".

(3) Section 1614(f)(2) of such Act is amended by striking out "a child under age 21" and inserting in lieu thereof "under age 18".

REFERRAL OF DISABLED INDIVIDUALS UNDER AGE 18 FOR APPROPRIATE HEALTH SERVICES

SEC. 4. (a) Section 1615(a)(1) of the Social Security Act is amended by striking out "has not attained age 65" and inserting in lieu thereof "is over 12 and under 65 years of age".

(b) Section 1615 of such Act is further amended by adding at the end thereof the following new subsection:

"(d) In the case of any blind or disabled individual who—

"(1) has not attained age 18, and

"(2) is receiving benefits (or with respect to whom benefits are paid) under this title,

the Secretary shall make provisions for the referral of such individual to the appropriate State agency administering or participating in the State plan for maternal and child health services and services for crippled children approved under title V; and the Secretary is authorized to pay to the State agency administering or supervising the administration of such State plan 50 percent of the costs incurred in the provision of services to individuals so referred.".

OUTREACH PROGRAM

SEC. 5. Part B of title XVI of the Social Security Act is amended by adding at the end thereof the following new section:

"OUTREACH PROGRAM

"SEC. 1635. (a) The Secretary shall carry out a program designed specifically to assure that all individuals who are or may become eligible for supplemental security income benefits under this title will be fully informed of the availability and nature of such benefits and of the steps to be taken in obtaining them.

"(b) The Secretary is authorized to carry out his functions under this section through the personnel and facilities of the Department of Health, Education, and Welfare or to enter into appropriate contracts or arrangements with State and local agencies and private nonprofit organizations for the performance of such functions, or both, with the objective in any case of assuring the widest and most effective dissemination of the information described in subsection (a).

"(c) The Secretary shall report to the President and the Congress no later than six months after the date of the enactment of this section on the progress and accomplishments of the program under this section, including any recommendations he may have for improving its effectiveness.

"(d) There are authorized to be appropriated such sums as may be necessary to carry out this section.".

MODIFICATION OF REQUIREMENT FOR THIRD-PARTY PAYEE

SEC. 6. The second sentence of section 1631(a)(2) of the Social Security Act is amended by inserting before the period at the end thereof the following: ", unless, and only so long as, the Secretary determines, upon the certification of the chief medical officer of the institution or facility where such individual or spouse is undergoing treatment as required by such section, that the payment of benefits directly to such individual or spouse would be of significant therapeutic value to him and that there is substantial reason to believe that he would not misuse or improperly spend the funds involved".

CONTINUATION OF BENEFITS FOR INDIVIDUALS HOSPITALIZED OUTSIDE THE UNITED STATES IN CERTAIN CASES

SEC. 7. The second sentence of section 1611(f) is amended by striking out the comma after "preceding sentence" and inserting in lieu thereof "(1)", and by inserting before the period at the end thereof the following: ", and (2) an individual shall be treated as being inside the United States during any period of absence from the United States which is demonstrated to the satisfaction of the Secretary to be necessary in order to obtain inpatient hospital services, as defined in title XVIII for purposes of section 1814(f), if (A) the requirements of subparagraphs (A) and (B) of section 1814(f)(1) are met, or (B) the inpatient hospital services are emergency services and the requirements of subparagraphs (A) and (B) of section 1814(f)(2) are met".

EXCLUSION OF CERTAIN GIFTS AND INHERITANCES FROM INCOME

SEC. 8. Section 1612(a)(2)(E) of the Social Security Act is amended by inserting ", except that the Secretary may by regulation provide that gifts and inheritances which are not readily convertible into cash are not income" immediately after "inheritances".

EXTENSION OF SUPPLEMENTAL SECURITY INCOME BENEFITS PROGRAM TO PUERTO RICO, GUAM, AND THE VIRGIN ISLANDS

SEC. 9. (a)(1) Section 1614(e) of the Social Security Act is amended by striking out "and the District of Columbia" and inserting in lieu thereof ", the District of Columbia, Puerto Rico, the Virgin Islands, and Guam".

(2) Section 1101(a)(1) of such Act is amended—

(A) by inserting "XVI," after "XI," and

(B) by striking out the last sentence (as added by section 18(z-2)(1)(A)(ii) of Public Law 93-233).

(3) Section 303(b) of the Social Security Amendments of 1972 is repealed.

(b) Section 1108 of such Act is amended by adding at the end thereof the following new subsection:

"(e)(1) In applying the provisions of—

"(A) subsections (a), (b), and (c) (1) of section 1611,

"(B) subsections (a)(2)(D), (b)(2), and (b)(3) of section 1612,

"(C) subsection (a) of section 1613,

"(D) section 1617, and

"(E) section 211(a)(1)(A) of Public Law 93-66,

the dollar amounts to be used shall, instead of the figures specified (or referred to) in such provisions, be dollar amounts bearing the same ratio to the figures so specified as the per capita incomes of Puerto Rico, the Virgin Islands, and Guam, respectively, bear to the per capita income of that one of the States which has the lowest per capita income; except that in no case may the amounts so used exceed the figures so specified.

"(2)(A) The amounts to be used under such sections in Puerto Rico, the Virgin Islands, and Guam shall be promulgated by the Secretary between October 1 and November 30 of each even-numbered year, on the basis of the average per capita income of each State for the most recent calendar year for which satisfactory data are available from the Department of Commerce. Such promulgation shall be effective for each of the two fiscal years in the period beginning October 1 next succeeding such promulgation.

"(B) The term 'State', for purposes of subparagraph (A) only, means the fifty States and the District of Columbia.

"(3) If the amounts which would otherwise be promulgated for any fiscal year for any of the three States referred to in paragraph (1) would be lower than the amounts promulgated for such State for the immediately preceding period, the amounts for such fiscal year shall be increased to the extent of the difference; and the amounts so increased shall be the amounts promulgated for such year.".

(c) The amendments made by this section (except subsection (a)(3)) shall apply with respect to supplemental security income benefits payable under title XVI of the Social Security Act for months after September 1977. Subsection (a)(3) shall become effective October 1, 1977.

INCREASED PAYMENTS FOR PRESUMPTIVELY ELIGIBLE INDIVIDUALS

SEC. 10. (a) Section 1631(a)(4)(A) of the Social Security Act is amended by striking out "a cash advance against such benefits in an amount not exceeding $100" and inserting in lieu thereof "one or more cash advances against such benefits, the aggregate amount of which may not exceed the aggregate amount of the benefits for which he is presumptively eligible under this title, including any federally administered State supplementary payments, for the first three months of such presumptive eligibility".

(b) The three-month limitation on the period of presumptive eligibility against which cash advances may be paid under section 1631(a)(4)(A) of the Social Security Act, as amended by subsection (a) of this section, and the three-month limitation on the period for which benefits to presumptively blind and presumptively disabled individuals may be paid under section 1631(a)(4)(B) of such Act, as amended by section 2 of this Act, shall not be applicable during the period beginning with the date of the enactment of this Act (or beginning with October 1, 1976, if later) and ending with the close of the twelfth month after the month in which this Act is enacted (or at the close of September 1977, if later).

EMERGENCY REPLACEMENT OF BENEFIT PAYMENTS

SEC. 11. Section 1631 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"Reimbursement to States for Emergency Replacement of Supplemental Security Income Checks

"(h)(1) Notwithstanding subsection (d)(1) as it relates to section 207 and subsection (b) as it relates to the payment of less than the correct amount of benefits, the Secretary may, upon written authorization by an individual, withhold benefits due with respect to that individual and may pay to a State (or a political subdivision thereof if agreed to by the Secretary and the State) from the benefits withheld an amount sufficient to reimburse the State (or political subdivision) for emergency assistance (as defined in paragraph (3)) furnished on behalf of the individual by the State (or political subdivision).

"(2) For purposes of this subsection, the term 'benefits' with respect to any individual means supplemental security income benefits under this title, and any State supplementary payments under section 1616 or under section 212 of Public Law 93-66 which the Secretary makes on behalf of a State (or political subdivision thereof) and which the Secretary has determined to be due with respect to the individual.

"(3) For purposes of this subsection, the term 'emergency assistance' with respect to any individual means assistance financed from State or local funds and furnished—

"(A) in replacement of any lost, stolen, or undelivered check issued to or for such individual in payment of benefits as defined in paragraph (2), or

"(B) in supplementing to the correct amount any check so issued which is determined to be in an amount less than that for which the individual is eligible,

where the individual to whom such check was issued is faced with financial emergency as a result of such loss, theft, nondelivery, or erroneous amount.

"(4) In order for a State to receive reimbursement under the provisions of paragraph (1), the State shall have in effect an agreement with the Secretary which shall provide—

"(A) that if the Secretary makes payment to the State (or a political subdivision of the State as provided for under the agreement) in reimbursement for emergency assistance as defined in paragraph (3) for any individual in an amount greater than the reimbursable amount authorized by paragraph (1), the State (or political subdivision) shall pay to the individual the balance of such payment in excess of the reimbursable amount as expeditiously as possible, but in any event within ten working days or a shorter period specified in the agreement;

"(B) that if the State (or political subdivision) makes a payment to an individual as emergency assistance as defined in paragraph (3) and any check referred to in paragraph (3)(A) is cashed by the individual to or for whom it was issued or by any other person, the State (or political subdivision) will assist the Secretary in recovering any resulting duplicate payment; and

"(C) that the State will comply with such other rules as the Secretary finds necessary to achieve the efficient and effective administration of this subsection and to carry out the purposes of the program established by this title, including protection of hearing rights for any individual aggrieved by action taken by the State (or political subdivision) pursuant to this subsection.

"(5) The provisions of subsection (c) shall not be applicable to any disagreement concerning payment by the Secretary to a State pursuant to the preceding provisions of this subsection or the amount retained by the State (or political subdivision).".

VALUATION OF INDIVIDUAL'S HOME FOR PURPOSES OF RESOURCES TEST

SEC. 12. Section 1613(a) of the Social Security Act is amended—

(1) by inserting "(within the meaning of the last sentence of this subsection)" after "value" in paragraph (1); and

(2) by adding at the end thereof the following new sentence: "For purposes of paragraph (1), the term 'value' with respect to an individual's home means (A) its current market value, (B) the price for which it was purchased by such individual (or his spouse), or (C) if it was acquired by such individual (or spouse) otherwise than by purchase, its appraised value at the time of such acquisition, whichever is least.".

TERMINATION OF MANDATORY MINIMUM STATE SUPPLEMENTATION IN CERTAIN CASES

SEC. 13. Effective October 1, 1976, section 212(a)(2) of Public Law 93-66 is amended—

(1) by striking out "or" at the end of subparagraph (C);

(2) by striking out the semicolon at the end of subparagraph (D) and inserting in lieu thereof a comma; and

(3) by striking out the matter that follows subparagraph (D) and inserting in lieu thereof the following:

"(E) the first month after September 1976, for which such individual is not a resident of the State to which the provision of subparagraph (B) applies,

"(F) the first month after September 1976, for which the amount of such individual's title XVI benefit plus other income (as determined under paragraph (3)(C)) is equal to or exceeds the amount of such individual's December 1973 income (as determined under paragraph (3)(B)) as reduced by the amount, if any, by which the amount of the supplementary payment payable under

the agreement entered into under this subsection to such individual has been reduced under the provisions of paragraph (3)(D)),

"(G) the first month after September 1976, for which such individual is ineligible to receive supplemental security income benefits under title XVI of the Social Security Act by reason of the provisions of section 1611(e)(1)(A) (except in the case of an individual who is in a public institution which is a hospital, extended care facility, nursing home, or intermediate care facility), 1611(e)(2) or (3), 1611(f), of 1615(c) or such Act, or

"(H) the first month after September 1976, for which such individual is ineligible to receive supplemental income benefits under title XVI of the Social Security Act by reason of the provisions of section 1611(a)(1)(B) or (2)(B) of such Act;

except that no individual shall be eligible to receive such supplementary payment for any month, if, for such month, such individual is ineligible to receive supplemental security income benefits under title XVI of the Social Security Act by reason of the provisions of section 1611(e)(1)(A) of such Act as they apply in the case of an individual who is in a public institution which is a hospital, extended care facility, nursing home, or intermediate care facility.".

MONTHLY COMPUTATION PERIOD FOR DETERMINATION OF SUPPLEMENTAL SECURITY INCOME BENEFITS

SEC. 14. (a)(1) The first sentence of section 1611(c)(1) of the Social Security Act is amended to read as follows: "An individual's eligibility for benefits under this title and the amount of such benefits shall be determined for each month.".

(2) The second sentence of section 1611(c)(1) of such Act is amended by striking out "quarter" and inserting in lieu thereof "month".

(b)(1) Section 1612(b)(3)(A) of such Act is amended—

(A) by striking out "quarter" and "calendar quarter" wherever they appear and inserting in lieu thereof "month"; and

(B) by striking out "$60" and inserting in lieu thereof "$20".

(2) Section 1612(b)(3)(B) of such Act is amended—

(A) by striking out "quarter" and "calendar quarter" wherever they appear and inserting in lieu thereof "month"; and

(B) by striking out "$30" and inserting in lieu thereof "$10".

(c) The amendments made by this section shall be effective on such date as the Secretary of Health, Education, and Welfare determines to be administratively feasible, but not later than the beginning of the fifth calendar quarter after the calendar quarter in which this Act is enacted.

ELIGIBILITY OF INDIVIDUALS IN CERTAIN MEDICAL INSTITUTIONS

SEC. 15. (a) Section 1611(e)(1)(A) of the Social Security Act is amended by striking out "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B) and (C)".

(b) Section 1611e()(1)(B) of such Act is amended to read as follows:

"(B) Except as set forth in subparagraph (C), in any case where an eligible individual or eligible spouse is in a hospital, extended care facility, nursing home, or intermediate care facility, such individual's benefit for the period ending with the third consecutive month throughout which he is in such hospital, home, or facility shall be determined as though he were continuing to reside outside the institution under the same conditions as before he entered the institution.".

(c) Section 1611(e)(1) of such Act is further amended by adding after subparagraph (B), as amended by subsection (b) of this section, the following new subparagraph:

"(C) In any case where an eligible individual or eligible spouse is throughout any month in a hospital, extended care facility, nursing home, or intermediate care facility, receiving payments (with respect to such individual or spouse) under a State plan approved under title XIX, and such month is either—

"(i) the first month in any period of eligibility under this title based on an application filed in or before such month, or a month in a continuous period of months beginning with such first month, throughout which such individual or spouse is in a hospital, extended care facility, nursing home, or intermediate care facility (whether or not receiving payments with respect to such individual or spouse for each month in such period), or

"(ii) the fourth consecutive month throughout which, or a month in a continuous period beginning with such fourth consecutive month throughout which, such individual or spouse is in a hospital, extended care facility, nursing home, or intermediate care facility (whether or not receiving payments with respect to such individual or spouse for each month in such period), the benefit for such individual for such month shall be payable—

"(iii) at a rate not in excess of $300 per year (reduced by the amount of any income not excluded pursuant to section 1612(b)) in the case of an individual who does not have an eligible spouse;

"(iv) at a rate not in excess of the sum of the applicable rate specified in subsection (b)(1) and the rate of $300 per year (reduced by the amount of any income not excluded pursuant to section 1612(b)) in the case of an individual who has an eligible spouse, if only one of them is in such a hospital, home, or facility throughout such month; and

"(v) at a rate not in excess of $600 per year (reduced by the amount of any income not excluded pursuant to section 1612(b)) in the case of an individual who has an eligible spouse, if both of them are in such a hospital, home, or facility throughout such month.".

EXCLUSION FROM INCOME OR CERTAIN ASSISTANCE BASED ON NEED

SEC. 16. (a) Section 1612(b) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (10) the following new paragraph:

"(11) any assistance which is based on need and is furnished by any private entity described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code unless such assistance is furnished in fulfillment of an obligation described in subsection (a)(2)(A)(ii).".

(b) The amendments made by subsection (a) shall become effective on the first day of the second calendar quarter beginning after the date of the enactment of this Act.

ELIGIBILITY OF INDIVIDUALS IN CERTAIN INSTITUTONS

SEC. 17. (a) Section 1611(c)(1) of the Social Security Act (as amended by section 15 of this Act) is amended—

(1) by striking out "subparagraphs (B) and (C)" in subparagraph (A) and inserting in lieu thereof "subparagraphs (B), (C), and (D)"; and

(2) by adding at the end thereof the following new subparagraph:

"(D) As used in subparagraph (A), the term 'public institution' does not include a publicly operated community residence which serves no more than 16 residents.".

(b) Section 1612(b)(6) of such Act is amended by striking out "assistance described in section 1616(a) which" and inserting in lieu thereof "'assistance, furnished to or on behalf of such individual (and spouse), which".

(c)(1) Section 1616(c) of such Act is repealed.

(2) Effective October 1, 1977, section 1616 of such Act is amended by adding after subsection (d) the following new subsection:

"(e)(1) Each State shall establish or designate one or more State or local authorities which shall establish, maintain, and insure the enforcement of standards for any category of institutions, foster homes, or group living arrangements in which (as determined by the State) a significant number of recipients of supplemental security income benefits is residing or is likely to reside. Such standards shall be appropriate to the needs of such recipients and the character of the facilities involved, and shall govern such matters as admission policies, safety, sanitation, and protection of civil rights.

"(2) Each State shall annually make available for public review, as a part of the services program planning procedures established pursuant to section 2004 of this Act, a summary of the standards established pursuant to paragraph (1), and shall make available to any interested individual a copy of such standards, along with the procedures available in the State to insure the enforcement of such standards and a list of any waivers of such standards and any violations of such standards which have come to the attention of the authority responsible for their enforcement.

"(3) Each State shall certify annually to the Secretary that it is in compliance with the requirements of this subsection.".

SEC. 18. Except as otherwise specifically provided in this Act, the amendments made by this Act shall apply with respect to months after the month following the month in which this Act is enacted, or with respect to months after September 1976, whichever is later.

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

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

There was no objection.

AMENDMENT OFFERED BY MR. KETCHUM

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

The Clerk read as follows:

Amendment offered by Mr. KETCHUM: Strike out section 12 (appearing on page 12, lines 9 through 23, of H.R. 15080) and insert in lieu thereof the following:

VALUATION OF INDIVIDUAL'S HOME FOR PURPOSES OF RESOURCES TEST

SEC. 12. Section 1613(a)(1) of the Social Security Act is amended by striking out ", to the extent that its value does not exceed such amount as the Secretary determines to be reasonable".

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

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

There was no objection.

Mr. KETCHUM. Mr. Chairman and Members of the committee, I will be very brief on this amendment. This is the "housing disregard" amendment.

The reason I am offering the amendment is that, in my opinion, a rather substantial amount of money is being spent administratively in establishing a means test relative to the value of a home that individuals receiving SSI or attempting to receive SSI are involved in.

What really occurs is that an individual some 30 years ago, or two individuals, purchased a home for $7,500. Over the period of time—and certainly those of us who reside in the environs of the District of Columbia know what the value of real estate has achieved over a relatively very short period of time through inflation that it makes the value of the property so high that these individuals are then not eligible for SSI. As I say, they may have paid $7,500 but that house now is worth perhaps $50,000.

The whole point is that some individuals in opposition to this amendment say that in a contemporary situation someone could reside in the Hearst castle in California. That is patently ridiculous because the taxes alone, in order to be able to pay those taxes, an individual would have to have an income far in excess of the requirements for eligibility for SSI.

Mr. Chairman, this is a very simple amendment.

It was kind of interesting to me, Mr. Chairman, that when we held hearings that HEW estimated that the additional costs would be between $5 million and $7 million if this amendment were accepted.

Let me point out that HEW conducted a study in 1975. It is not totally completed, but this much they know, they found that there were only 600 people who were denied SSI due to valuation of their homes. I cannot conceive how this would cost $5 million. I know it would not.

Let me say in relation to that that just a matter of a few days ago they admitted that there may be administrative savings of $1.5 million.

This I say is exactly what we are really attempting to do with this particular amendment. It is ridiculous to force aged individuals, in order to qualify, to perform a fraudulent act, maybe not fraudulent, but cutting a little corner, by giving their home to their children so that they do not have to list it as an asset.

I certainly hope that this amendment will be adopted.

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

Mr. KETCHUM, I yield to the gentleman from Virginia.

Mr. HARRIS. Mr. Chairman, I applaud the gentleman from California on offering his amendment. I had a similar amendment that I had intended to introduce myself. I think the amendment makes eminently good sense not to force elderly people out of a home they have lived in for years in order for them to receive the SSI payments that they are entitled to.

The amendment offered by the gentleman from California (Mr. KETCHUM) goes right to the heart of what I believe is a very serious problem. I think it actually reduces the cost of the program rather than increasing it. I think it has tremendous merit and ought to be adopted.

Mr. Chairman, again I say that I rise in support of the amendment offered by the gentleman from California (Mr. KETCHUM).

I published in the RECORD on August 10, 1976 an identical amendment to H.R. 8911 for two very important reasons. It is evident to me that the people of our Nation favor giving assistance to those in need, but that the public is tired of administrative waste. This amendment cuts unnecessary and wasteful administrative costs in the SSI program, but more importantly, the amendment allows a number of blind, disabled, and elderly persons in need of assistance to keep their family home.

The amendment is simple. It allows an individual to exclude the home, regardless of value, for purposes of the SSI resource test. In other words, the home is not counted as a resource available to the individual.

The only potential rationale against this amendment is the fear that the reform will allow a few people who own very valuable property to obtain assistance. This fear is unfounded—one cannot maintain and pay the property taxes on a "mansion" or a very valuable home and still meet the income test and other resource tests. The home valuation requirement is a cosmetic requirement—but it is an unnecessary and wasteful one.

The home valuation requirement prevents many individuals with low incomes from obtaining the assistance they need. Specifically, the requirement penalizes those who have managed to save and buy their own home. Currently most people otherwise eligible for SSI but who own a home valued at more than $25,000 cannot obtain assistance. I used the word "value" instead of "worth" because inflation has dramatically escalated the market price of the home. An individual who purchased a home for $13,000 in 1966 or for $18,000 in 1971 will often find that the home is now valued at more than $25,000 today; and, accordingly, these homeowners would be ineligible for assistance. Just because the selling price of the home has shot up does not mean that these citizens have additional resources at their disposal. Certainly, they are not living in a better home.

The Ways and Means Committee bill attempts to account for inflated home values by allowing individuals to use the purchase price of the home—or the current market value—as the value for purposes of the SSI resource test. The point is, however, that we do not need to include the home in the resource test to determine who needs assistance—valuing the home is just not needed to eliminate wasteful welfare expenditures. The committee's reform proposal will further add to the administrative costs, as it will be necessary to verify the claimed purchase price.

Additionally, the committee bill will create a dual standard; this is unfair and undesirable. For example, if two neighbors bought identical houses at different times, one might be eligible for assistance and the other would not. The two houses could both be worth $28,000 today, but one individual could have bought the house for $20,000 in 1970 and the other individual could have bought his home for $26,000 in 1975. If the two individuals have identical incomes and other resources and live in identical houses, one individual cannot be in less need of assistance than the other. And, if they meet the income and resource tests, excluding the home, they both need help. Two individuals who live in different regions of the country might have identical incomes and resources and own identical houses. However, because property values differ greatly between regions, one individual could have bought a house for $20,000 and the other bought the house for $30,000. The living standards are identical and the real resources are identical; but unfortunately, one individual will not be able to obtain the SSI assistance that he needs.

The committee reform also does nothing to help the individual who buys a moderately priced home today and becomes disabled in a few years. I do not believe that the Congress really intends to tell that individual to sell his home and buy a home that is "worth" less, particularly when inflation will make it impossible for him to buy a new home "valued" below the maximum allowed under current regulation. In many parts of the Nation homes are just not available below the maximum level now allowed. I think it ought to be our policy to encourage people to try to retain their family home. We should not deny assistance to those in need who are otherwise eligible for SSI merely because they managed to obtain a home.

A number of my constituents have learned to their dismay that they cannot get assistance simply because they own a home that is worth a little more than what is allowed under the current program. Many of these people are older folks who have lived in their homes for some time and now find that their few acres have been greatly inflated by land speculation. These houses are humble homes—the only property value is in the land, not the house. I do not want to force these folks to sell their home and land to the big developers and land speculators. These people ought to be able to keep their property.

Experience in California points out that by allowing individuals to exclude their home regardless of value will not greatly add to the public assistance rolls. The Social Security Administration advises me that 99 percent of the elderly who would otherwise be eligible for SSI own a home that is valued at less than $25,000. Why should we force those few who have managed to obtain a home to sell it? Only 19 States had home value limits before this program was administered by the Federal Government. My State of Virginia did not have a home value limit.

The amendment now before the House is equitable; it will not greatly add to the number of individuals receiving public assistance; it will certainly simplify the system; and, most importantly, it will allow people to keep their home. I urge its adoption.

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

Mr. KETCHUM. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. I thank the gentleman for yielding.

I, too, commend the gentleman in the well, Mr. KETCHUM, for offering his amendment. It offers a simple solution to a problem which has been confronting the elderly with limited or no income, especially a widow or widower whose only worldly possession happens to be the home in which he or she lives and whose income would be insufficient for proper sustenance without SSI assistance. It would be tragic to force such person to sell the home in order to qualify for SSI benefits, when low-cost housing is virtually unavailable in cities such as Honolulu. The amendment would also save the elderly homeowner with no income from committing a subterfuge by transferring the home to his or her children, merely to qualify for SSI benefits. The honest ones who refuse to commit a subterfuge would be penalized.

Mr. Chairman, I urge the adoption of the Ketchum amendment.

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

Mr. KETCHUM. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this amendment, because of my own experience. As trustee of the legal services program in my home county, we fought for this. I felt that it was absolutely necessary, not only from the humane point of view of not moving people out of their homes, but because of the expense of appraisal and finding another house, constituting a totally unnecessary hassle which does not benefit anybody.

I applaud the gentleman for his amendment.

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

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

Mr. PIKE. I thank the gentleman for yielding.

Is there any limitation in law or in current regulations pertaining to the amount of land which would be involved in the definition of a person's home? Can this person, the value of whose home, if the gentleman's amendment passes, is no longer to be considered, be allowed to have 10 acres around that home?

Mr. KETCHUM. There would be no restriction; there is none to my knowledge in the regulations now.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. KETCHUM. I thank the gentleman from New York for his question. There is not, to my knowledge, any limitation on land or acreage surrounding a home in the regulations at this point. I would yield to anyone who might argue that point. The point is, though, that if this land were of such consequence, in order to pay the property taxes on that property, would require that individual to have assets enough so that he or she would not be eligible to receive the benefit anyway.

Mr. VANDER JAGT. Mr. Chairman, will the gentleman yield?

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

Mr. VANDER JAGT. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman for the excellent case that he has made for his amendment.

Mr. Chairman, I do not object to the amendment offered by the gentleman from California, a member of the Subcommittee on Public Assistance. The amendment would disregard the value of the home for purposes of SSI eligibility.

While the administration has not taken a position on the amendment, it has expressed substantial concern over the provisions adopted in the Ways and Means Committee. HEW believes that it would face considerable difficulties in administering the exclusion under the requirements as set forth in the bill, in which the home's market value, or the price for which it was purchased or otherwise acquired would have to be established. In many instances it could be extremely difficult to reliably establish the value of a home at the time of its acquisition, especially if that occurred many years ago.

The committee provision, however, reflects the substantial concern of Members with respect to the impact of soaring real estate values, which could force a person to lose SSI eligibility or to give up his property.

It is my understanding that California makes persons eligible for State SSI benefits if they would qualify except for the value of their home. There are about 1,500 such cases, a small fraction of the total SSI population in the State.

The cost of the Ketchum amendment has been estimated at between $5 million and $7 million, but there would be an administrative cost savings of approximately half that amount in excluding the value of the home. I will not object to the gentleman's amendment.

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

Mr. Chairman, I hope the amendment is agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. KETCHUM).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. PICKLE

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

The Clerk read as follows:

Amendment offered by Mr. PICKLE: Strike out line 23 on page 17 (of H.R. 15080) and all that follows down through line 17 on page 18 and insert in lieu thereof the following: "the benefit for such individual for such month shall be payable—

(iii) in the case of an individual who does not have an eligible spouse, at a rate not in excess of $300 per year (reduced by the amount of any income of such individual which is not excluded pursuant to section 1612(b));

"(iv) in the case of an individual who has an eligible spouse, if only one of them is in such a hospital, home, or facility throughout such month, at a rate not in excess of the sum of—

"(I) the rate of $300 per year (reduced by the amount of any income, not excluded pursuant to section 1612(b), of the one who is in such hospital, home, or facility), and

"(II) the applicable rate specified in subsection (b)(1) (reduced by the amount of any income, not excluded pursuant to section 1612(b), of the other); and

"(v) in the case of an individual who has an eligible spouse, if both of them are in such a hospital, home, or facility throughout such month, at a rate not in excess of $600 per year (reduced by the amount of any income of either spouse which is not excluded pursuant to section 1612(b));

except that for purposes of any provision of law other than this subparagraph, any benefit determined under clause (iv) shall be deemed to be payable at a rate equal to the sum of the rate of $300 per year and the applicable rate specified in subsection (b)(1), reduced by any income of either spouse which is not excluded pursuant to section 1612(b).".

Mr. PICKLE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment may be considered as read and printed in the RECORD. The amendment had been previously submitted in the RECORD, in printing, and it is in exactly the same form.

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

There was no objection.

Mr. PICKLE. Mr. Chairman, I rise to offer this amendment that is designed to prevent a couple, one of whom has to enter into an institution, from putting the spouse who stays at home in a position where he or she does not have enough to live on. Now, while it is not true that "two can live as cheaply as one," nevertheless a couple living at home can get by on a small income. When one of them has to enter an institution, one-half of the income is deemed to be available to the person in the institution, when, in fact, that full amount is necesary for the one on the outside to survive.

Under the present law a couple is not considered "separated," so that the income can be adjusted, until they are separated 6 months. My amendment would treat them immediately, after one enters an institution, as if they are living alone, which in fact they are.

It is sad to see in many cases couples who have lived together a lifetime forced to resort to divorce, in order that the spouse who has to enter an institution can be considered eligible for benefits, without cutting into the few dollars available to the spouse who must continue to live in the home.

HEW estimates that this will cost less than $1 million. We expect that the revenue loss from this amendment will be negligible, yet it is very important to those few couples whom it affects.

Perhaps the best way to illustrate this is by example:

EXAMPLE OF SITUATION ARISING WITH ONE SPOUSE IN NURSING HOME LEADING TO PERCEIVED NEED FOR DIVORCE

Actual case: Mr. and Mrs. B are married. Mrs. B is told by doctor she must enter nursing home. The income of the family is $561.88 per month, totally belonging to Mr.

B (a combination of Social Security and a private retirement plan).

In Texas, by agreement of Department of Public Welfare with Social Security Administration and Medicaid agency, the spouse living at home (when one member of a couple is in a nursing home) is allowed to retain $167.80 for expenses of the home and that spouse's personal expenses. The remainder of the income is deemed available to the spouse in the nursing home (Until, at the end of 6 months under current law, those two persons are treated as separated for purposes of determining benefits for the duration of the nursing home episode).

	Per month
Mr. B's income	$561.88
Mr. B allowed to retain for own expenses and running home	167.80
Remainder deemed available to pay for Mrs. B's care	394.08

Texas has set a $390 limit of income after which a person is ineligible for SSI and therefore Medicaid to pay for nursing home care. Therefore, Mrs. B's available "income" (remainder of Mr. B's income) places her $4.90 above that limit, and she is ineligible.

If Mrs. B were treated as immediately "separate" from husband upon entering nursing home, she would have no income of her own, and therefore would be eligible for SSI and therefore for Medicaid to pay for her nursing home expenses (+$25/mo. for living expenses from SSI). Mr. B could keep all his income for his and home's expenses.

Only other way for Mrs. B to have nursing home bills paid is for Mr. and Mrs. B to obtain divorce.

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

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

Mr. CORMAN. Mr. Chairman, the gentleman from Texas has called the attention of the Committee to this very important needed change. I support it.

Also I have discussed it with the ranking minority member of the subcommittee.

Mr. VANDER JAGT. Mr. Chairman, will the gentleman yield?

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

Mr. VANDER JAGT. Mr. Chairman, I rise in support of the amendment.

When an individual enters a hospital or other medical institution for which treatment is covered under medicaid, his SSI benefit is reduced from its usual level to an amount not in excess of $25 per month.

H.R. 8911 presently proposes that this reduction in benefits be withheld until after the first 3 months of hospitalization. This is a desirable change which takes account of the fact that one is not immediately relieved of the burden of his living costs outside an institution upon being hospitalized. He must maintain his home, et cetera.

Current law also provides that when a couple becomes separated for 6 months, their SSI benefits are to be computed individually, thus providing benefits which are more adequate to their individual needs.

The gentleman's amendment as I understand it is designed to take care of the remaining interval in particular, during which SSI benefits could be entirely inadequate. For example, when a husband enters a medical institution, his social security benefits will be used to assist in meeting his medical expenses. His spouse will no longer have the use of those funds; until the 6 months' separation requirement has been met, she will be left with only minimal SSI benefits on which to live.

The amendment is a desirable effort to meet this problem; in this instance, it would result in her SSI being computed separately and amounting to full individual benefits.

The administration does not object to the amendment, which carries negligible cost. I urge its acceptance.

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

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

Mr. PICKLE. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Chairman, I rise in wholehearted support of the amendment offered by the distinguished gentleman from Texas (Mr. PICKLE) to H.R. 8911, the Supplemental Security Income Amendments of 1976. The amendment will provide for the immediate consideration of couples receiving SSI benefits as "separated" for the computation of individual benefits when one of them enters a medical institution and thereby, under current SSI provisions, cuts the remaining spouse's income in half.

Presently, the law provides for such individual computation of benefits to couples only after they have been separated for a period of 6 months. This delay in the computation of individual benefits has created undue hardship for elderly married couples, who are often forced to resort to divorce in order to obtain benefits for the spouse entering the institution, without cutting into the benefits available to the spouse who must continue to live at home.

The Department of Health, Education, and Welfare has estimated the cost of this amendment to be less than $1 million. This is a negligible amount viewed in the light of the tragic situation in which affected couples find themselves.

Mr. Chairman, I strongly support the Pickle amendment and urge my colleagues to do likewise.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PICKLE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RANGEL

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

The Clerk read as follows:

Amendment offered by Mr. RANGEL: On page 21 (of H.R. 15080), after line 5, insert the following new section (and redesignate the succeeding section accordingly):

INCREASE IN SSI BENEFITS TO REFLECT CERTAIN EXPENSES

SEC. 18. (a) Part A of title XVI of the Social Security Act is amended by adding at the end thereof the following new section:

"INCREASE IN BENEFITS TO REFLECT CERTAIN EXPENSES

"SEC. 1618. (a) In the case of an eligible individual whose annual housing expenses exceed 33⅓ per centum of his or her annual income (which for purposes of this section shall include benefits determined under section 1611 and any income which would otherwise be excluded pursuant to section 1612(b)), and who makes application for assistance under this section, the benefit otherwise payable under this title shall be increased by an amount determined at a rate which is the lesser of—

"(1) $600, or

"(2) the amount by which such individual's annual housing expenses exceed 33⅓ per centum of his or her annual income.

"(b) For purposes of this section, an individual's annual housing expenses shall consist of such individual's annual expenses for rent or for mortgage payments and real estate taxes, together with such individual's annual expenses for gas and electric utilities and home and water heating.

"(c) If two aged, blind, or disabled individuals are huband and wife (which shall be determined in accordance with section 1614(d)) and are not living apart from each other, only one of them may be qualified to receive an increase in benefits under this section; and the income and annual housing expenses of the other shall be included for purposes of determinations under this section to the same extent as they would be if such determinations involved eligibility for and amount of benefits under section 1611.

"(d) The Secretary shall administer this section and shall prescribe such regulations as may be necessary or appropriate to effectuate its purposes and conform its administration, to the maximum extent feasible, to the general administration of the supplemental security income benefits program under this title.".

(b) The amendment made by subsection (a) shall be effective on and after October 1, 1976.

Mr. RANGEL. Mr. Chairman, this amendment to H.R. 8911 to increase benefits to SSI recipients is an extremely important measure to insure decent and adequate housing for our Nation. It is a disgrace to think that in the United States of America there are those of us who must go without food in order to pay for living facilities that are often indecent and unfit for human habitation.

Housing expenses in this country vary more than most other basic necessities. This is due to many factors: locality, rate of mobility, availability for Government housing, and so forth.

The provisions of H.R. 8911 should respond to the discrepancies in housing expenses, since these costs comprise a major portion of the differences in the cost of living; and the elderly, blind and disabled are not well equipped to change residence in response to varying housing costs.

My amendment would provide an increase in SSI benefits for persons whose annual housing expenses exceed 33⅓ percent of their annual income, up to a maximum of $600. The items which comprise housing expenses are rent or mortgage payments, real estate taxes, expenses for gas and electric utilities and home and water heating.

During the committee's study of the SSI program a primary concern was the inflexibility of the benefit levels to accommodate the varying needs of SSI recipients, especially as they relate to housing expenses. These variations take different forms.

Often, there are different rents for the same housing within a local jurisdiction

because some rental units are under Government imposed ceilings and others are not. This especially applies to increases suffered by individuals when they move out of State, thus releasing the landlord from continuing at the lower rental rate.

Housing costs may be greater for certain physically handicapped persons, who have to obtain housing with specific facilities. For example, rental costs are usually higher in elevator equipped buildings in comparison to walk-ups, thus increasing the cost for those in wheelchairs or on crutches.

Other variations include the differences in availability of Government subsidized low-cost housing on rent supplements, variations in heating costs due to the differing impacts of fuel prices in different localities, and variation in costs between rural areas or small towns and cities relating to differences in housing construction costs. Housing construction is affected by labor costs, land, and materials, and these vary from one locality to another.

This amendment, by providing increases in benefits, will in many cases aid those who are trapped into remaining in miserably unfit housing to find decent homes. Also, this provision should encourage landlords, as indirect recipients of the cash increases, to provide proper maintenance and make necessary improvements to substandard facilities. I urge my fellow Members of the House to support this amendment, because its provisions are an indispensable part of H.R. 8911.

Mr. VANDER JAGT. Mr. Chairman, I rise in very, very strong opposition to this amendment.

The initial estimate of the cost of this amendment was $825 million. That has now been revised upwards to over $1 billion.

Mr. Chairman, for 5 days the full Committee on Ways and Means wrestled with all the implications of H.R. 8911. The total cost was about $86 million. In 5 minutes the full Committee on Ways and Means rejected this $1 billion amendment. I do not think anyone could seriously argue that we have not given full and proper consideration to this amendment, which would launch us into a massive housing assistance program far removed from the fundamental purposes of the supplementary security income program.

This $1 billion amendment would take us 10 times over the budget resolution authorization of $100 million for this bill; so the $1 billion amendment would sink the whole bill and the good work that is embodied here would be lost.

Mr. Chairman, I urge the Members to reject the amendment resoundingly.

Mr. CORMAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, it is true that the full committee considered and rejected this amendment. The subcommittee considered it under the bill, H.R. 8912, and reported it favorably to the full committee.

It is a substantial amount of money. It would be a significant policy shift in the philosophy of the Federal Government as it relates to SSI. It is, I think, a sound policy shift. We would be paying more Federal dollars to beneficiaries who live in higher-cost areas.

Looking at it from the point of view of the people that we are dealing with, they live on very meager amounts of money.

We say they must spend at least one-third of their few dollars for rent if they are to get this additional support. Not many of us think we can live on $44,600 a year and pay a third of it in rent. Try it on $175 per month.

As to equity among the States, when we federalized welfare for this group of beneficiaries, we said that we would pay exactly the same per capita, whether they live in very expensive areas or inexpensive areas, and leave it to the good consciences of the States to decide on how much to supplement it, but that is not fair to all American citizens and not fair to all American taxpayers, because in more expensive areas Federal taxes are higher because incomes are higher.

Mr. Chairman, I recognize the gravity of this amendment, but I urge its adoption.

Mr. MILLER of Ohio. Mr. Chairman, I move to strike the requisite number of words. I would like to address a question to the author of the amendment, the gentleman from New York (Mr. RANGEL).

How does the amendment affect those families that are receiving HUD subsidies of $873 per month for rent? Would they receive additional funds under the gentleman's amendment?

Mr. RANGEL. No funds are to be received by any recipient if, in the total amount they are receiving on a monthly basis, less than one-third of that amount is paid for rental costs.

Mr. MILLER of Ohio. When we had the HUD appropriation bill on the floor, it was brought out that one family could receive as much as $873 per month for a rent subsidy. Now, if they had no one in the family working, or no income coming in, would that subsidy still be paid, and then would they receive the regular SSI payment plus up to $50 per month under the gentleman's amendment?

Mr. RANGEL. I am saying that if the subsidy is locked into place, then certainly we cannot consider that as being something that is being paid by the recipient. If one accepts that, then we take a look at the SSI check and find out how much monthly income would have to be paid toward rent, even though the subsidy may be already locked in, but certainly not paid by the recipient for that rent.

Mr. MILLER of Ohio. But that is not answering the question. If a family is being paid that maximum amount, and they have no income, will they still receive a SSI payment plus up to $50 additional that the gentleman is offering in his amendment?

Mr. RANGEL. Is the gentleman saying that they have no income? No, they do not receive any income under SSI.

Mr. MILLER of Ohio. That is correct. That came out under the appropriation bill for HUD, that there are families receiving that amount of $873 per month, per family, for rent. That is why I am concerned. If they are also going to receive the SSI now on top of that additional because they paid nothing from their own income for their rent, the people, the taxpayers of the United States paid that rent, and now are we asking for additional funds on top of that?

Mr. RANGEL. No, if they have no income, then certainly they would not be the recipient of SSI, and certainly if the rent is already being paid by a different source, and the formula we are using relates to the SSI check, then it certainly would not apply where the recipient's rent is being paid by some other public source.

Mr. MILLER of Ohio. It would not apply, the gentleman's amendment would not give them additional funds?

Mr. RANGEL. No, because under the situation the gentleman refers to, this would not be one-third or over one-third of the SSI income that would be paid. The gentleman's concern is where, through another Federal program, the Government is subsidizing the rent, and it would not apply to this amendment.

Mr. MILLER of Ohio. I thank the gentleman.

Mr. CORMAN. Mr. Chairman, will the gentleman yield for a question?

Mr. MILLER of Ohio. I yield to the gentleman from California.

I am confused. I realize we are all supposed to know all of these programs. This one is based upon $876 a month rent?

Mr. MILLER of Ohio. Eight hundred seventy-three dollars.

Mr. CORMAN. Excuse me. I do not want to overstate the case. Eight hundred seventy-three dollars a month rent. Is there an existing Federal program in which we are giving that much money to some property owner to house a welfare family?

Mr. MILLER of Ohio. If the gentleman recalls, when the appropriation bill for HUD was on the floor, I asked at that time the chairman of the subcommittee handling the HUD bill and the ranking minority member what was the maximum amount being paid to any one family for 1 month. I did not receive an answer at the time, so I checked with HUD. It took about 3 days before the answer came back. The answer was that we are paying up to $873 per month for one family, yes. That was the answer from HUD.

That is why I questioned as to what amount we are going to pay beyond $873 per month subsidy.

Mr. CORMAN. If the gentleman will yield further, under the program we are talking about, nobody gets that much money. As a matter of fact, California is the highest paying State, and it pays $532 a month per couple.

I think that maybe what we were talking about is the people who are making up to $873 a month would be eligible for rent subsidy. If in truth we are paying $873 a month for rent—and the gentleman may very well be correct—we might want to have some substantial changes.

Mr. MILLER of Ohio. I assure the gentleman that it is not a family who is making $873 a month.

The question was how much is the American taxpayer subsidizing and what is the maximum amount being paid to any one family for 1 month, and the an-

swer was that if no one in the family were working, we are paying up to $873 per month subsidy to that one family.

Mr. CORMAN. We will certainly look into it. Some landlord is making a hell of a profit.

Mr. MILLER of Ohio. I am afraid so. I thank the gentleman.

Ms. HOLTZMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in strong support of this amendment. As a sponsor of it, along with my colleagues, the gentleman from New York (Mr. RANGEL) and the gentleman from New York (Mr. OTTINGER) I feel very deeply that this amendment will help insure that the most helpless people in this society, the blind, the disabled, and the aged poverty-stricken people of America, will get a small additional amount of money to insure a modicum of economic dignity in their lives.

This amendment is a very modest amendment. It says that if an S&F beneficiary is paying more than one-third of his benefits in rent, he can get up to $50 a month in additional benefits to meet the extra housing cost. Although the total expenditure may be substantial because there are many poverty-stricken people in this country who are blind, disabled, and aged, the amount any single person would get under this amendment is really very, very small.

The $50 a month in additional benefits amounts to $1.67 a day per person. What does the amendment provide in terms of available income per person for SSI recipients? The SSI benefits are presently so low that if this amendment passes in the States that pay the highest benefits, California and Massachusetts, people will be getting about $6 a day after rent costs to live on.

It seems fairly difficult for anybody to live on $6 a day. That is hardly enough to pay for food, transportation, clothing, toothpaste, or other essentials.

But $6 would be available only in the two States that pay the highest benefits. In New York State this amendment would insure that people have only about $4.85 a day to live on after paying rent. In most States of the Union, this amendment would insure that people get about $3 a day to live on.

Who are these people? They are the poverty-stricken blind, aged, disabled; they are the people who are helpless and who cannot help to provide for themselves.

This amendment is especially important because so many people in my district, in the city and State of New York, and in other places throughout the country find that most of their small SSI benefits are spent for rent or housing costs. It is not uncommon for an aged, blind or disabled New Yorker, who receives $218.55 in SSI benefits each month, to pay more than $150 in rent alone—thus leaving no more than $2 a day on which to live. It is impossible for anyone to survive on $2 a day.

Our amendment would provide some relief to the many needy people in such desperate circumstances.

Mr. Chairman, I remind the Members of this Committee that the SSI program was designed to provide a Federal guaranteed income to insure that these most helpless people in our society would be able to live in our wealthy nation with some economic dignity. If we are not willing to insure that people in this country who are blind, disabled, and aged and who are very, very poor and unable to provide for themselves can have at least $3 to $6 a day on which to survive, then I wonder how proudly we who are better off can stand in this Bicentennial year.

Therefore, I urge my colleagues to support this amendment.

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

Mr. Chairman, I reluctantly oppose this amendment. The gentleman from New York, a member of the subcommittee and of the full committee, is one of the few Members of the House that really has an understanding of the SSI program and of its problems. I do understand the problems, particularly as they sort of regionalize.

Let me give the Members two reasons at this time for the defeat of this amendment. One reason—and it is of overwhelming importance—is that it will simply sink the bill. We are talking about $1 billion over what we have budgeted, and that will simply sink the bill. The bill is far too important in many other areas to do that.

The other reason is a fear that I have, and perhaps we will never be able to achieve a perfect way of solving this problem. The fear that I have is that individuals who are renting homes, that is, the landlords themselves, may have—and I emphasize "may have"—a proclivity to take a look at these individuals and jack their rents up a little bit and say, "We know they are getting a little extra money, so let us just raise the rent today, and then we can raise it 6 months from now." I am not saying that will happen, but it could happen.

Mr. Chairman, the main fear I have is that it will kill the bill.

Mr. VANDER JAGT. Mr. Chairman, will the gentleman yield?

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

Mr. VANDER JAGT. Mr. Chairman, I thank the gentleman for yielding.

I would just like to underscore the gravity of this amendment and point out that this is a $100 million bill that is before us. The adoption of this amendment would make it a $1,100,000,000 bill and guarantee a veto.

I think of the hours and the weeks that we wrestled with this bill and shuffled amounts of $3 million and $2 million around, and as the gentleman from California (Mr. KETCHUM) pointed out, we would hate to sink the bill by the addition of this $1 billion amendment, which is guaranteed to attract a veto. I believe that when we go 1,000 percent over our own budget resolution on this bill, we would find that the veto would be sustained. It would be a tragedy not to give the benefits and the good that is in this bill to so many needy and deserving people.

That is what would happen by the attachment of this amendment, which would indeed guarantee a veto and kill the bill, and then the good that is contained herein would be lost.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. KETCHUM. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, I thank the gentleman for yielding.

I would think that the gentleman from Michigan (Mr. VANDER JAGT) well understands that in enacting the SSI program the Federal Government undertook a responsibility to provide support for the most helpless people in this country: the blind, the disabled, and the aged people who are too poor to help themselves.

Mr. Chairman, if we have undertaken this responsibility, how can we stand here today, knowing that these people in many parts of this country live just on the edge of despair, many of them going without food and many of them not having enough money to buy a pair of shoes, to buy soap, or to buy toothpaste, how can we stand here today and say that we cannot afford another $1.66 a day for these people?

Mr. Chairman, I thank the gentleman who says we cannot afford it is not really speaking accurately.

Mr. VANDER JAGT. Mr. Chairman, will the gentleman yield so that I may respond to the statement of the gentlewoman from New York (Ms. HOLTZMAN)?

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

Mr. VANDER JAGT. Mr. Chairman, I thank the gentleman for yielding.

The SSI program is an income maintenance program, not a housing program. It is very possible that these needs are needs that should be attempted to be answered through a housing program, but we should not subvert the supplemental security income program, which is establishing a minimum Federal income standard for the Nation.

Mr. Chairman, we would subvert the purpose of SSI if we attempted to grapple with the problem which the gentlewoman from New York (Ms. HOLTZMAN) has so graphically described.

Mr. OTTINGER. Mr. Chairman I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I am very pleased to join with my colleagues, the gentleman (Mr. RANGEL) and the gentlewoman from New York (Ms. HOLTZMAN), in offering this amendment.

I would like to say that I have always heard from those on the other side of the aisle that they certainly do not like the excesses in the social welfare programs; but they have always felt that the people who are really in need ought to be dealt with adequately.

Mr. Chairman, the SSI program did not foresee the tremendous differences in the cost of living that do exist in different parts of the country, and it makes no provision for those differences. There are SSI recipients in my area, in areas like Mount Vernon, N.Y., who are in very poor communities within areas with a very high cost of living; they have such a difficult time making ends meet that they

cannot afford adequate diets. We have people coming into my office with tears streaming down their face. They say that their rent has gone up but their SSI payment has not. They ask, "How are we going to eat?" One of my district office managers spends a quarter of her time trying to get food from charities so that these people do not starve to death. That should not happen in the United States of America.

Mr. Chairman, this is a modest provision. It just says that we will make a little bit of allowance for the high cost of living areas and make some provision so that the aged, the blind, and the handicapped in the United States do not have to worry about starving.

Mr. Chairman, I do hope that my friends on the other side will support this minimally adequate provision for the people who are most in need.

Mr. Chairman, while H.R. 8911 has many good features that will help to end some of the inequities of the present SSI program, it is tragically deficient in providing relief to aged, blind, and disabled persons residing in high cost of living areas such as my own congressional district in Westchester County, N.Y.

One of the principal defects of SSI that causes horrendous pain and suffering is the lack of flexibility and failure to take into account regional differences in cost of living. The best way to rectify the problem is through an allowance for housing—the principal cost item in the SSI recipient's budget.

Mr. Speaker, during the 1st session of the 94th Congress I introduced a bill, H.R. 7138, to provide a housing allowance to those SSI recipients who are spending more than one-quarter of their income for housing needs with an annual ceiling of $1200 for any one individual. I believe the figure of 25 percent of income that I proposed last year is both reasonable and logical. It conforms to the standards set under the section 8 housing assistance payments program in which eligible persons are given a Federal housing benefit equal to the difference between the market value of a rental unit and a given percentage of income.

While I continue to feel that my proposal is the most reasonable one and would hope that we could eventually provide a benefit computed on the basis of one quarter of income, I support the amendment being offered based on one third of income because of present budgetary constraints. The Social Security Administration has indicated a first year cost of my proposal of $1.3 billion, while the Rangel amendment would cost just over $800 million.

I would like to point out that the Public Assistance Subcommittee of the Committee on Ways and Means reported this housing subsidy provision to the full committee. The full committee, unfortunately, failed to adopt this as a part of the reform package that is being considered today.

I firmly believe that rent supplementation is one way of getting around the basic inflexibility of a program that has never taken regional cost-of-living differences into consideration in the awarding of benefits even those that makes the difference on whether SSI recipients can afford adequate food or clothing. In the higher cost of living areas of the country rising rent and utilities, coupled with a lack of adequate alternate housing at reasonable prices has made it utterly impossible for those on SSI to survive.

Because of the crying need for justice and mercy in this program, and because this is a proposal that has received significant indications of support from among the House membership, I urge my colleagues to cast their votes in favor of providing much needed relief to the aged, blind, and disabled for whom this program is their only means of survival.

Mr. BINGHAM. Mr. Chairman, it is my pleasure to rise to express my vigorous suport for the housing assistance amendment offered by my colleagues from New York: Mr. RANGEL, Mr. OTTINGER, and Ms. HOLTZMAN. This amendment is essentially identical to a provision in SSI reform legislation (H.R. 2891) I cosponsored with Ms. HOLTZMAN early last year, and to a bill approved by the Public Assistance Subcommittee last year. It embodies the principle of housing supplements for low-income elderly on social security which I have been advocating in various legislative proposals since 1971—for example, H.R. 12161, 92d Congress. Specifically, the amendment provides an increase in SSI benefits for persons whose annual housing expenses exceed one-third of their income up to a total supplement of $600. I am pleased to point out that we realistically included under "housing expenses" real estate taxes, and the cost of gas and electric utilities and home and water heating in addition to rent or mortgage payments.

The concept of special housing supplements to low-income persons to limit such costs to one-third or one-fourth of their income is widely used under other public assistance programs administered by Federal, State, and local governments. It reflects recognition of the fact that shelter expenses vary greatly from area to area and imposition of strict national or State income standards which do not take into account local housing conditions would be unjust for those who live in high-cost areas. The crisis in the housing industry and in fuel supplies has added to this problem of rising rents and related housing expenses. Various levels of government have responded by raising housing assistance limits. This is all fine and good for those low-income persons who live in public housing or receive housing cost-based welfare payments. But what about the elderly, blind, and disabled on SSI? What do they do when their housing expenses rise to the point where they have little left over from their SSI income after their rent, or mortgage, and utilities are paid. A nationally based Cost-of-living increase of 8 percent or 6.4 percent is not going to cover a 20-percent or 30-percent housing cost increase.

This problem is especially acute in New York City, part of which I represent. There fuel and shelter costs have risen greatly over the past few years. The fiscal crisis has also forced the State and city government to phase out or limit various rent control and rent exemption programs. Consequently, some unfortunate persons on fixed incomes have been faced with 20-percent to 50-percent rent increases which are impossible for them to absorb. For example, back in 1974 during hearings conducted by the New York State Assembly Standing Committee on Social Services, it was discovered that in many areas of the State it was not uncommon for a single person to have to pay rent in the range of $140 to $160 per month. After also paying for utilities, an essential phone, personal necessities, transportation, and perhaps heat, a person with as little as the basic monthly SSI grant of $206.85 would have as little as $1 a day with which to put food on the table. The anguish this situation caused especially for the proud elderly, blind, and disabled cannot be measured. I urge my colleagues in the House to consider the plight of these people and vote in favor of the Rangel-Ottinger-Holtzman amendment. Justice for our aged, blind, and disabled low-income persons demands it. If we fail to take this step, we might as well officially rename SSI as supplemental "insecurity" income as it was called in 1974 by the New York Times.

Mr. GIBBONS. Mr. Chairman, I rise in opposition to this amendment. In essence, it creates a housing allowance program for persons eligible for the SSI program. Under this amendment, extra SSI payments—beyond the basic Federal benefits—would be made to persons whose housing costs—including rent, mortgage, real estate taxes, heating, and utilities—exceed one-third of their total income. There is a maximum payment of $50 per month, or $600 per year. I urge opposition on grounds of cost and the relationship to the budget resolution; on administrative grounds; and on the grounds that the program's design does not make economic sense. Let me expand on the points.

COST AND THE BUDGET RESOLUTION

This bill would cost $825 million. There is no money for this in the budget resolution, in large part because the Ways and Means Committee explicity rejected the proposal when making its recommendations with respect to the fiscal year 1977 budget to the House Budget Committee.

ADMINISTRATIVE PROBLEMS

This amendment would return the SSI program back to the old-style welfare calculation of individual need, rather than the promised, more streamlined calculation of income. It would be very complex and costly to administer, requiring documentation of rent, mortgage, taxes—prorated monthly—and utilities. Every time someone's rent is raised, property taxes are changed, or utility rates are raised, SSI officials would have to recalculate or else make erroneous payments. Given the severe problems the Social Security Administration is already having in administering the program—and these are the problems we've been reading about in the papers time and time again, can social security administer what is in effect another complex program?

ECONOMIC PROBLEMS

This amendment, while noble in intent has serious design flaws. It directly

encourages higher spending on housing, simply because of the new subsidy. Once housing costs one-third of income, a recipient can incur $50 more monthly in housing costs and be completely reimbursed. A payment of only a portion—for example, one-half—of the difference between one-third of income and housing costs would discourage unnecessary housing consumption in much the same way that personal cost-sharing in health care is said to do.

Finally I would note that the Department of Housing and Urban Development has been operating a massive housing allowance experiment to test the effect on rent levels and demand for housing of housing subsidies. It is my understanding that no firm conclusions can yet be drawn as to whether landlords would simply hike rent since SSI will pay for some or all of the rent increases. These are important questions, and should be given more detailed committee attention.

I urge my colleagues to vote no to the Ottinger amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RANGEL).

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

Mr. VANDER JAGT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

The CHAIRMAN. A quorum of the Committee on the Whole has not appeared.

The Chair announces that a regular quorum call will now commence.

Members who have not already responded under the noticed quorum call will have a minimum of 15 minutes to record their presence. The call will be taken by electronic device.

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

[Roll No. 665]

Abzug	Drinan	Landrum
Anderson, Ill.	Early	Lehman
Andrews, N.C.	English	McCloskey
Archer	Esch	McCollister
Badillo	Eshleman	McKay
Beard, R.I.	Evins, Tenn.	McKinney
Beard, Tenn.	Fish	Martin
Bolling	Fuqua	Mathis
Brademas	Giaimo	Melcher
Breaux	Gibbons	Milford
Burgener	Green	Mink
Burton, Phillip	Harrington	Moorhead, Calif.
	Harsha	
Cederberg	Hays, Ohio	Moorhead, Pa.
Chisholm	Hefner	Mosher
Clausen, Don H.	Heinz	Murphy, N.Y.
	Hinshaw	O'Hara
Cochran	Howe	O'Neill
Conlan	Jarman	Passman
Conyers	Johnson, Colo.	Pattison, N.Y.
Coughlin	Johnson, Pa.	Peyser
D'Amours	Jones, Ala.	Poage
Danielson	Jones, Tenn.	Railsback
de la Garza	Kastenmeier	Rees
Riegle	Smith, Iowa	Teague
Rose	Stanton, James V.	Udall
Rosenthal		Waxman
Rousselot	Steed	Wiggins
Russo	Steelman	Wilson, C. H.
Santini	Steiger, Ariz.	Wolff
Scheuer	Stephens	Wylie
Shuster	Stuckey	Young, Alaska
Sisk	Talcott	

Accordingly the Committee rose; and the Speaker having resumed the chair (Mr. BERGLAND) 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. 8911, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 337 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Michigan (Mr. VANDER JAGT) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 114, noes 269, not voting 48, as follows:

[Roll No. 666]

AYES—114

Addabbo	Florio	Patterson, Calif.
Allen	Ford, Tenn.	
Ambro	Fraser	Pepper
Anderson, Calif.	Gilman	Perkins
	Gude	Price
Beard, R.I.	Harkin	Randall
Bergland	Harrington	Rangel
Biaggi	Hawkins	Richmond
Bingham	Helstoski	Rinaldo
Blouin	Holland	Risenhoover
Boland	Holtzman	Rodino
Bolling	Howard	Roe
Brademas	Johnson, Calif.	Rooney
Brodhead	Jordan	Rosenthal
Brown, Calif.	Koch	Roybal
Burke, Calif.	LaFalce	Ryan
Burke, Mass.	Lent	St Germain
Burton, John	Long, Md.	Sarbanes
Carney	Madden	Scheuer
Clay	Maguire	Schroeder
Cleveland	Matsunaga	Selberling
Collins, Ill.	Metcalfe	Solarz
Conte	Meyner	Spellman
Conyers	Mezvinsky	Stanton, James V.
Corman	Miller, Calif.	
Cotter	Minish	Stark
Daniels, N.J.	Mink	Stokes
Danielson	Mitchell, Md.	Studds
Davis	Moakley	Thompson
Delaney	Moffett	Tsongas
Dellums	Mottl	Van Deerlin
Diggs	Murphy, Ill.	Vanik
Downey, N.Y.	Murphy, N.Y.	Weaver
Drinan	Nix	Wilson, Bob
du Pont	Nolan	Wolff
Eckhardt	Nowak	Wydler
Edgar	O'Hara	Yates
Ellberg	Ottinger	Young, Ga.
Fenwick	Patten, N.J.	Zeferetti

NOES—269

Abdnor	Bauman	Broyhill
Adams	Beard, Tenn.	Buchanan
Alexander	Bedell	Burke, Fla.
Anderson, Ill.	Bell	Burleson, Tex.
Andrews, N.C.	Bennett	Burlison, Mo.
Andrews, N. Dak.	Bevill	Butler
	Biester	Byron
Annunzio	Blanchard	Carr
Archer	Boggs	Carter
Armstrong	Bowen	Cederberg
Ashbrook	Breaux	Chappell
Ashley	Breckinridge	Clancy
Aspin	Brinkley	Clawson, Del
AuCoin	Brooks	Cochran
Bafalis	Broomfield	Cohen
Baldus	Brown, Mich.	Collins, Tex.
Baucus	Brown, Ohio	Conable
Cornell	Hyde	Pickle
Coughlin	Ichord	Pike
Crane	Jacobs	Pressler
D'Amours	Jarman	Preyer
Daniel, Dan	Jeffords	Pritchard
Daniel, R. W.	Jenrette	Quie
Dent	Johnson, Colo.	Quillen
Derrick	Jones, Ala.	Railsback
Derwinski	Jones, N.C.	Rees
Devine	Jones, Okla.	Regula
Dickinson	Karth	Reuss
Dingell	Kasten	Rhodes
Dodd	Kastenmeier	Roberts
Downing, Va.	Kazen	Robinson
Duncan, Oreg.	Kelly	Rogers
Duncan, Tenn.	Kemp	Roncalio
Edwards, Ala.	Ketchum	Rostenkowski
Edwards, Calif.	Keys	Roush
Emery	Kindness	Runnels
English	Krebs	Ruppe
Erlenborn	Krueger	Santini
Evans, Colo.	Lagomarsino	Sarasin
Evans, Ind.	Latta	Satterfield
Fary	Leggett	Schneebeli
Fascell	Levitas	Schulze
Findley	Lloyd, Calif.	Sebelius
Fish	Lloyd, Tenn.	Sharp
Fisher	Long, La.	Shipley
Fithian	Lott	Shriver
Flood	Lujan	Shuster
Flowers	Lundine	Sikes
Flynt	McClory	Simon
Foley	McCollister	Skubitz
Ford, Mich.	McCormack	Slack
Forsythe	McDade	Smith, Nebr.
Fountain	McDonald	Snyder
Frenzel	McEwen	Spence
Frey	McFall	Staggers
Gaydos	McHugh	Stanton, J. William
Gibbons	McKay	
Ginn	McKinney	Steed
Goldwater	Madigan	Steiger, Wis.
Gonzalez	Mahon	Stephens
Goodling	Mann	Stratton
Gradison	Mathis	Sullivan
Grassley	Mazzoli	Symington
Guyer	Meeds	Symms
Hagedorn	Michel	Taylor, Mo.
Haley	Mikva	Taylor, N.C.
Hall, Ill.	Milford	Thone
Hall, Tex.	Miller, Ohio	Thornton
Hamilton	Mills	Traxler
Hammer-schmidt	Mineta	Treen
	Mitchell, N.Y.	Udall
Hanley	Mollohan	Ullman
Hannaford	Montgomery	Vander Jagt
Hansen	Moore	Vander Veen
Harris	Moorhead, Pa.	Vigorito
Harsha	Morgan	Waggonner
Hayes, Ind.	Moss	Walsh
Hébert	Murtha	Wampler
Hechler, W. Va.	Myers, Ind.	Whalen
Heckler, Mass.	Myers, Pa.	White
Hefner	Natcher	Whitehurst
Henderson	Neal	Whitten
Hicks	Nedzi	Wiggins
Hightower	Nichols	Winn
Hillis	Oberstar	Wirth
Holt	Obey	Wright
Horton	O'Brien	Yatron
Hubbard	Passman	Young, Fla.
Hughes	Pattison, N.Y.	Young, Tex.
Hungate	Paul	Zablocki
Hutchinson	Pettis	

NOT VOTING—48

Abzug	Hays, Ohio	Riegle
Badillo	Heinz	Rose
Bonker	Hinshaw	Rousselot
Burgener	Howe	Russo
Burton, Phillip	Johnson, Pa.	Sisk
Chisholm	Jones, Tenn.	Smith, Iowa
Clausen, Don H.	Landrum	Steelman
	Lehman	Steiger, Ariz.
Conlan	McCloskey	Stuckey
de la Garza	Martin	Talcott
Early	Melcher	Teague
Esch	Moorhead, Calif.	Waxman
Eshleman		Wilson, C. H.
Evins, Tenn.	Mosher	Wilson, Tex.
Fuqua	O'Neill	Wylie
Giaimo	Peyser	Young, Alaska
Green	Poage	

The Clerk announced the following pairs:

On this vote:

Mr. Phillip Burton for, with Mr. Teague against.

M. Abzug for, with Mr. Jones of Tennessee against.

Mr. Badillo for, with Mr. Rousselot against.

Mrs. Chisholm for, with Mr. Johnson of Pennsylvania against.

Mr. Lehman for, with Mr. Don H. Clausen against.

Mr. Waxman for, with Mr. Young of Alaska against.

Messrs. BROWN of California, LENT, MURPHY of New York, BEARD of Rhode Island, and BRADEMAS and Mrs. FENWICK changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, I take this time to advise the Members as to what we are anticipating to do on this bill and for the balance of the day.

We will next have an amendment offered by the gentleman from Texas (Mr. PICKLE) which is a rather complex but very important amendment. It will be passed, in my view, but it will be debated thoroughly.

Then there will be an amendment offered by the gentleman from Illinois (Mr. MIKVA) which has some significant impact on crippled and retarded children. I do not know how long it will be debated. It is extremely complex. I would hope that many Members who are interested in the plight of those children would be disposed to listen to the debate and then follow their best judgment as to how to vote.

Mr. CORMAN. Mr. Chairman, at the conclusion of the Mikva amendment, I will request that the Committee rise, and we will take the two final amendments on Monday.

AMENDMENT OFFERED BY MR. PICKLE

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

The Clerk read as follows:

Amendment offered by Mr. PICKLE: On page 21 (of H.R. 15080), after line 5, insert the following new section (and redesignate the succeeding section accordingly):

COST-OF-LIVING ADJUSTMENTS IN AMOUNT OF CERTAIN EXCLUDABLE INCOME

SEC. 18. (a) Section 1617 of the Social Security Act is amended by inserting "subsection (b) (2) (A) of section 1612," after "1611,".

(b) The amendment made by subsection (a) shall apply with respect to months after the month following the month in which this Act is enacted, so as to reflect in the benefits payable for such months under title XVI of the Social Security Act the percentage increase in benefit amounts under title II of such Act which became effective (pursuant to section 215(i) thereof) in 1976.

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

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

There was no objection.

Mr. PICKLE. Mr. Chairman, I offer an amendment to correct an inequity which occurs when a social security increase goes into effect. Because of the way a concurrent increase in social security and in the allowable SSI income level is computed, some SSI recipients are thrown over the maximum income ceiling by the social security raise and therefore become incligible for SSI and in turn for medicaid.

A small social security increase in these instances can therefore wind up costing a person money in terms of increased medical bills. I do not think that it was the intention of the Congress to have this happen since the law already provides for the SSI income limit to rise by the same percentage as a social security increase.

The problem arises because under existing law $20 of income can be disregarded so that an individual may receive a very small SSI benefit—and be eligible for medicaid—on top of a social security benefit which is $20 larger. However, when one multiplies the SSI limit and the higher social security benefit by the same percentage to enact a raise, the social security increase may be larger than the SSI limit increase and those near the limit are thrown over the top.

My amendment would remedy this by making the $20 exempt amount increase by the same percentage that the SSI benefit increases.

Let me give a concrete example from my own State of Texas:

There a Mrs. Y was receiving a social security check of $176.80. The SSI limit in Texas at that time was $157.70, meaning that with the $20 income disallowal, Mrs. Y was close to the borderline. When the recent 6.4 percent raise went in, her social security check went up to $188.10. But the SSI income limit went up only to $167.80. Again adding the $20 income disallowal, this meant that Mrs. Y was suddenly, through no fault of her own, receiving 30 cents too much to qualify for SSI—and receive medicaid.

In fact, anyone in Texas receiving a social security check between $176.50 and $177.70 before the raise was caught in this crack and about 800 to a thousand persons were caught in our State alone.

This amendment does carry a cost to it. CBO estimates cost between $20 million and $29 million. Treasury estimate may be higher. But I hope that the Members here will realize that this is a small cost compared to the hardship not passing this amendment will work on the elderly of this country. This amendment simply corrects a computational fluke and fulfills the intent of Congress in this field. I hope you will vote for it.

Mr. VANDER JAGT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the problem that the gentleman from Texas described is a very real problem. It deals with eligibility for medicaid. The bill before us is the supplemental security income program. This is a complicated enough program without twisting it, like a pretzel, around in order to deal with a medicaid eligibility problem.

That medicaid problem should be addressed in terms of what is proper in determining eligibility for medicaid. This bill is complicated enough in itself without trying to change it and twist it to cover a problem in an entirely and totally different field.

The gentleman from Texas said it will cost some money but we should not be too worried about the cost. Yes, we should be worried about the cost, because in coming up with this $86 million in the bill, in order to stay within our budget the committee labored and gave up many things that had heart rending appeal in order that the committee might come to terms with our own budget resolution. To come in at this last moment with this amendment would throw us way over the budget resolution.

The cost in this year is $50 million, and it would cost $245 million a year in subsequent years.

We have already said "no" to many equally worthy things, so this committee and the House could stay within the terms of our own budget resolution. This would take us 25 percent over the budget resolution we set for ourselves in terms of SSI improvements

Not only would it take us over the budget resolution but also it is a pretzel-type solution to a problem, there is a much better solution to the problem, and the solution ought to be the result of committee hearings on that specific problem.

I sincerely hope this amendment is defeated.

Mr. OTTINGER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas (Mr. PICKLE) and I move to strike the requisite number of words.

Mr. Chairman, I am really amazed to hear my friend from the other side of the aisle say in effect to the people—the SSI recipients—who really are not able to make it, that we should not adopt this amendment. This SSI program is the most inflexible program and the greatest mistake we ever passed because it does not take into account of the effect on other programs or cost of living differentials. We say we will give an older person a Social Security increase and then we take it away from that person with another hand under the present operation of the law. These SSI recipients are then left unable to support themselves.

The gentleman says ineffect: "Let them eat pretzels"—similar to the infamous historic condemnation by an infamous Queen of France: "Let them eat cake." The gentleman says: "Let them eat pretzels." I do not agree that we should handle our aged blind and handicapped people in that manner.

Mr. CORMAN. Mr. Chairman, I move to strike the requisite number of words and I rise in support of this amendment.

The amendment does exactly what the gentlewoman from New Jersey was pointing out we ought to do with every Federal program, and that is to refrain from substantially harming people when we help them slightly.

I urge adoption of the amendment offered by the gentleman from Texas (Mr. PICKLE).

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

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

Mr. PICKLE. Mr. Chairman, I thank the gentleman for yielding. I will not take more than just a minute.

This is not a far out amendment. To say that it is changing and twisting the program I think is not correct. It is changing and correcting the program. It is correcting something that certainly should be readjusted.

I think everybody in the House should recognize this.

I think everybody in this House recognizes this. It is certainly germane. It is certainly the kind of amendment that should be considered. It was mentioned to us in our committee and we agreed on the wording.

Mr. Chairman, I would say one additional thing about the cost. I do not think that it goes on to the budget. It is in excess of what we started out with, but there may be other amendments where adjustments are made and the balance may even out. This does not bust the budget that much and the amount is questionable, whether it costs $30 million or up to $50 million a year. That is not a sizable amount. I think we can stand it in the bill. I think as this bill moves forward, if we need to adjust it a little, we can; but I do not have that option.

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

Mr. CORMAN. I yield to the gentleman from Kansas.

Mr. SKUBITZ. Mr. Chairman, I want to commend the gentleman from Texas for bringing this to the attention of the House. I think an injustice has been done. I think an injustice should be corrected when we have the opportunity to correct it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PICKLE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MIKVA

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

The Clerk read as follows:

Amendment offered by Mr. MIKVA: Strike out line 24 on page 2 and all that follows down through line 17 on page 3, and insert in lieu thereof the following:

SEC. 4. (a) Section 1615 of the Social Security Act is amended to read as follows:

"REHABILITATION SERVICES FOR BLIND AND DISABLED INDIVIDUALS

"SEC. 1615. (a) In the case of any blind or disabled individual who—

"(1) has not attained age 65, and

"(2) is receiving benefits (or with respect to whom benefits are paid) under this title, the Secretary shall make provision for referral of such individual to the appropriate State agency administering the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act, or, in the case of any such individual who has not attained age 16, to the appropriate State agency administering the State plan under subsection (b) of this section for rehabilitation services under such plan, and (except in such cases as he may determine) for a review not less often than quarterly of such individual's blindness or disability and his need for and utilization of the rehabilitation services made available to him under such plan.

"(b) The Secretary shall by regulation prescribe criteria for approval of State plans for the offering of appropriate, comprehensive rehabilitative services (including social and developmental services) to blind and disabled persons who have not attained the age of 16 (hereinafter referred to as 'disabled children'). Such criteria shall include—

"(1) administration—

"(A) by the agency administering the State plan for crippled children's services under title V of this Act, or

"(B) by another agency which administers programs providing services to disabled children, and which the Governor of the State concerned has determined is capable of administering the State plan described in the first sentence of this subsection in a more efficient and effective manner than the agency described in subparagraph (A) (with the reasons for such determination being set forth in the State plan described in the first sentence of this subsection);

"(2) coordination with other agencies serving disabled children; and

"(3) establishment of an identifiable unit within such agency which shall be responsible for (A) assuring appropriate counseling for disabled children and their families, (B) establishment of an individual service plan for each child, and prompt referral to appropriate medical, educational, and social services, (C) monitoring to assure adherence to each individual service plan, and (D) provision for disabled children who are 6 years of age and under, or who require preparation to take advantage of public educational services, or of medical, social, developmental, and rehabilitative services, in all cases where such services reasonably promise to enhance the child's ability to benefit from subsequent education or training, or otherwise to enhance his opportunities for self-sufficiency or self-support as an adult.

"(c) Every individual under age 13 with respect to whom the Secretary is required to make provision for referral under subsection (a) shall accept such rehabilitation services as are made available to him under the State plan for vocational and rehabilitation services approved under the Vocational Rehabilitation Act or under subsection (b) of this section; and no such individual shall be an eligible individual or eligible spouse for purposes of this title if he refuses without good cause to accept rehabilitation services for which he is referred under subsection (a).

"(d) The Secretary is authorized to pay to the State agency administering or supervising the administration of the applicable State plan the costs incurred in the provision of rehabilitation services to individuals so referred (not including the costs of any services to which individuals have been referred under a State plan approved pursuant to subsection (b) of this section except to the extent that provision for such services is made under and in accordance with subsection (b)(3)(D)).

"(e) The Secretary shall, within 120 days after the enactment of this subsection, promulgate by regulation criteria (including medical, social, personal, educational, and other criteria) for the determination of disability in the case of persons who have not attained the age of 16."

(b) The amendment made by subsection (a) shall take effect on the first day of the second calendar month beginning after the date of the enactment of this Act.

And on page 2, strike out lines 22 and 23 and insert in lieu thereof "Referral of Blind and Disabled Individuals Under Age 16 for Appropriate Rehabilitation Services".

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

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

There was no objection.

Mr. MIKVA. Mr. Chairman, my colleagues have received a strange kind of letter, a "Dear Colleague" letter in the mail yesterday or today, with a very odd coalition on it, a coalition consisting of perhaps as unusual a group as the Committee on Ways and Means has ever seen. They are as follows:

The gentleman from California (Mr. KETCHUM), the gentleman from New York (Mr. RANGEL), the gentleman from Oklahoma (Mr. JONES), the gentleman from Minnesota (Mr. FRENZEL), the gentleman from Illinois (Mr. MIKVA), the gentleman from Louisiana (Mr. WAGGONNER), the gentleman from Indiana (Mr. JACOBS), the gentleman from North Carolina (Mr. MARTIN), the gentleman from Pennsylvania (Mr. SCHNEEBELI), the gentlewoman from Kansas (Ms. KEYS), the gentleman from Wisconsin (Mr. STEIGER), and the gentleman from California (Mr. STARK).

They all sent a letter to the Members urging adoption of this amendment. I would hope that that kind of innocence by association ought to be sufficient to persuade all of us of the logic of the amendment; but let me in addition suggest that this amendment will save $37 million in the bill.

I am not normally for taking money away from crippled children and I do not think this amendment does that. This amendment represents what I hope is the kind of targeting that we will do more of in our SSI social security and welfare legislation from here on in.

Very briefly, the disagreement with the distinguished chairman of the subcommittee and those of us who support the amendment is simply this: The subcommittee and the full committee ultimately proposed a section in the bill which would provide a total of $55 million of funding for helping disabled children between 0 and 16 on a matching fund basis. That means that if the local communities and the States will pick up 50 percent of the cost, the Federal Government will provide the other 50 percent. For those over 13, we currently have in existence a program of 100-percent funding for rehabilitation of the disabled. This would provide a matching basis for those under 13.

My amendment would concentrate on that group aged 0 to 6, the most important group of disabled children, where a little help goes the furthest, because it is at a time when it makes a difference in terms of rehabilitation, and would provide 100-percent funding for that group; the bill would then leave the 6 to 16 where they are now.

Now, leaving the 6 to 16 where they are is what saves the money. It is not as heartless as it sounds, because in most, if nearly not all States, they have some kind of program operating through the schools that provides some kind of assistance for rehabilitation of disabled children. Indeed, that was the opposition some of us had to the matching grant formula. What would have happened to that whole $55 million is that it would

have gone to rehabilitation centers and local school districts to supplement the moneys already being spent, a worthy enough cause, but no new money for these children and nothing for the 0 to 6 group of children.

If any Member knows of a community or a State at this point at our history which can come up with funds for new programs, I wish he would let me know where it is, because I have several communities which would like to borrow some funds. The fact of the matter is that the States and local communities have no money to start up new programs. If we do not do this amendment, we will spend the $55 million, but no child will get any new help of any kind. If we adopt this amendment, we will spend less money, but there will be 100-percent funding for the most critically abandoned, unhelped group of disabled children in our society, that group from birth to age 6, when they get into the other programs now available. It is for that reason that we have such an unusual collection of Members supporting the amendment. I hope it will find favor with the committee.

Mr. VANDER JAGT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman who preceded me in the well, the gentleman from Illinois (Mr. MIKVA), made a statement that, "while this amendment is not quite as heartless as it seems to those children between the ages of 6 and 13," and so on. This statement that it is not quite as heartless as it seems indicates that there is some heartlessness in what this amendment does to those children between the ages of 6 and 13.

His amendment presents us with a very, very difficult decision. He made the case for the amendment in a way which I think is persuasive. I think it is desirable to target a great deal of help to children 6 and under, give them the help when they need it the most. Nevertheless, this amendment does take away help from those children between 6 and 13.

The committee bill basically gives 50-percent Federal help to disabled children aged zero through 13. The Mikva amendment gives 100-percent help to children between ages zero and 6, taking away the 50-percent help the bill gives to those children between 6 and 13. I just think this body ought to understand clearly what it is doing. It is being, as the gentleman from Illinois said, heartless to those children between the ages of 6 and 13, and it is being very much filled with heart in caring for those children between the ages of zero and 6. That is a decision I think this body will have to make for itself.

Before I yield to the gentleman from Illinois, I want to ask him, is that the proper statement of the issue before us, that this amendment changes the committee bill from giving 50-percent Federal aid to all children aged 13 and under, and instead excludes those children between the ages of 6 and 13 in order to give 100-percent Federal help to children between the ages of zero and 6? Is that not a proper statement of what the gentleman's amendment does?

Mr. MIKVA. Mr. Chairman, will my colleague yield to me?

Mr. VANDER JAGT. I am delighted to yield to the gentleman from Illinois, and again I congratulate him on a good statement on behalf of presenting us a very difficult decision which I think this body should make for itself.

Mr. MIKVA. That is a proper statement of the disagreement. The only reason I rose was to correct a little bit of the rhetoric in the gentleman's otherwise articulate and precise statement. When he suggested that it was heartless, even a little bit, I do not think it is a little bit. I think, rather, this is the distinction the gentleman is describing. How do we get the money to where it will do the most good?

I agree with the gentleman that if the amendment is not adopted, under the Committee bill the whole $55 million, the whole thing, will be eaten up for existing programs. There will not be one dime of new help for disabled children. I do not consider that a question of the gentleman being heartless or of my being heartless. I am merely asking, "How can we do it?"

Mr. VANDER JAGT. I thank the gentleman very much for clarifying the record. It is nice to hear from the other side that they do not consider us heartless. I only cited the gentleman's statement that the amendment was not quite as heartless as it seems, to direct the attention of this body to the fact that the amendment does take away some benefits to those children between 6 and 13 who would otherwise be receiving it without this amendment.

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

Mr. Chairman, I rise in support of the amendment offered by Mr. MIKVA.

While I support the additional changes made in the bill over the existing law, it simply does not go far enough in providing benefits to disabled children 6 years of age and under.

The SSI Amendments of 1976 provide that handicapped children under the age of 13 shall be referred to the State agency responsible for the material and child health and crippled children's programs, rather than to vocational rehabilitation agencies for vocational services. The bill provides 50-percent reimbursement for States to provide these services. The criteria for the determination of disabilities of these children, remains the same as for adults. It is important to point out that children aged 6 to 13 will receive many of these services in our public school system, while children under 6, would not.

The Mikva amendment, of which I am a cosponsor, corrects these inequities. The amendment mandates HEW to promulgate specific eligibility criteria for these children. It provides for a mechanism for their referral and followup to the proper medical, rehabilitative, educational, and other necessary services and provides 100 percent, rather than 50-percent reimbursement for States to provide such services to children 6 and

The necessity for mandating early intervention cannot be overemphasized. In this way, we can insure that these disabled children have early access to a comprehensive and rehabilitative health services system. Applying the same criteria for adults to children is unfair as there is an obvious additional need for other factors beyond the medical information required for adult eligibility. Mandating a State mechanism for these preschool handicapped children will guarantee the formulation of separate referral plans, the availability and delivery of these services, and implementation of the plans. States simply cannot afford to finance 50 percent of these programs and with 100 percent full Federal reimbursement, as exists for adults, handicapped children would not receive these benefits.

The costs of full funding of preschool disabled children's program as estimated by HEW is equal to one-third of the cost of the provisions in the bill, at $55 million. This amendment would actually reduce Federal spending by treating these children at an early age and thus prevent their dependence on welfare as adults.

I urge my colleagues to support this amendment and vote in favor of the bill.

Mr. CORMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I urge my colleagues to be patient. I really would like to use most of the 5 minutes. We have expedited the handling of this bill. We have done pretty well with it. As soon as we finish with this amendment, we are going to rise and we will have the other two amendments on Monday.

Mr. Chairman, it just is not true that nothing is being done for children from 0 to 6. That is not true. In the State of California, being helped under maternal and child health programs in fiscal year 1975 are 172,000 people, and 97,000 of them are under the age of 1. Of them, 63,000 are age 1 to 4. That is a matching fund program. Under the crippled children program, in the State of California we helped 58,000 of them. Two thousand are under the age of 1, 13,000 are from 1 to 4, and 16,000 are from 5 to 10. That is a matching fund program. We are not reaching nearly as many crippled and retarded children as we should because we are not spending enough money.

It is not true to say that there will not be any money. Ninety percent of the States are now overmatching the Federal money they get. This will spend $55 million more to help those who are probably in the greatest need of all.

What are we talking about? What kind of aid? What kind of people?

Let me read one paragraph from the National Health Insurance Resource published by the Committee on Ways and Means:

State crippled children's agencies use their funds, especially in rural areas, to locate handicapped children, to provide diagnostic services, and then to see that each child gets the medical care, hospitalization, and continuing care by a variety of professional people that he needs. A little less than half of the children served have orthopedic handi-

caps; the rest include epilepsy, hearing impairment, cerebral palsy, cystic fibrosis, heart disease, and many congenital defects.

We can save $37 million with the Mikva amendment. We can make it very easy for some people in New York to have their particular projects funded by the Federal Government. We do that at the expense of many children who need services. I hope the Mikva amendment is defeated, and we will spend the money, the $55 million, to help the children across this land who need it desperately.

Mr. MIKVA. Mr. Chairman, in 1972, through the establishment of SSI, we permitted disabled income-eligible children to benefit from the program. We hoped that through early identification and intervention we could prevent childhood disabilities from becoming lifelong, irreversible handicaps. Our hopes remain unfulfilled. The lack of Federal support and specific criteria for evaluating disabled children has seriously hampered the development of programs designed to treat disabled children.

The bill reported by the committee makes some headway, but further improvements are needed. It does not provide for full Federal funding of State programs designed to treat preschool children. Under the bill, States will have to finance 50 percent of their programs designed for disabled children—programs for adults remain totally federally funded With most States facing financial difficulties Federal participation of only 50 percent means no new State programs. States simply cannot afford their share of the costs.

The amendment I, together with 11 of my colleagues on the Ways and Means Committee, offer is designed not only to correct the deficiencies in the program, but also to reduce its cost.

First, in order to reach the SSI children who need help, the amendment requires HEW to promulgate criteria for the determination of disabilities specific to children.

The amendment mandates that this criteria take into account not only the medical development of the child but also the child's social, educational, and personal development. The severity of a child's disability cannot be made strictly on the basis of his physical health. SSI eligibility determinations for disabled adults are not made strictly on this basis. An adult is considered disabled for purposes of SSI "if by reason of any medically determined physical or mental impairment—he is unable to engage in any substantial gainful activity—employment."

Since in assessing the severity of a child's disability, any standard which relates to the child's ability to engage in substantial gainful employment is inappropriate, the assessment should refer to the impact of the child's handicap on his ability to function successfully within age-appropriate expectations. The child's functional capacity within the areas of learning, language, self-help skills, mobility, and social skills are decidely more meaningful in determining both the severity of his impairment and his developmental potential.

In addition to the development of specific and standardized disability criteria for children, guidelines should be established in order to obtain the existent information, such as school records and developmental assessments, required to evaluate effectively a child's functional capacity.

We look forward to the development of these and the other guidelines required by our amendment and hope that the Office of Maternal and Child Health can complete their work with all due speed.

Second, the amendment mandates the establishment of a mechanism for disabled children, identical to that which now applies to disabled adults, for their referral and followup to appropriate medical, rehabilitative, educational, and other services. The 1972 SSI law mandates that all disabled SSI recipients be referred to the State vocational rehabilitation agency. In actual practice, only children over 13 are being so referred. While one must question the validity of vocational rehabilitation for a 13-year-old child, even more serious is the absence of any provision to deal with the service needs of children under 13. In a recent study we discovered that many children suffering from visibly severe handicaps had not been referred to a physician and, in some cases, had not seen a doctor since 1972. Even with immediate referral to medical and related services, problems remain. Especially for young chidlren, followup is critically important. Our amendment would remedy this problem.

While H.R. 8911 merely mandates the referral of children to services and only provides Federal funds for 50 percent of the administrative costs that the States would consequently incur, our amendment provides the 100-percent Federal reimbursement for these referral and followup efforts as is the case for comparable efforts on behalf of the disabled adults.

Finally, our amendment provides 100 percent Federal reimbursement for rehabilitative, developmental, and medical services to preschool children in cases where such services reasonably promise to enhance the child's ability to benefit from subsequent education or training, or otherwise to enhance his opportunities for self-sufficiency or to be self-supporting as an adult.

By preschool we mean either children under age 6 or children "who require preparation to take advantage of public educational services." The latter refers to children who are 6 years of age but are not yet in school or children who have been receiving services under this amendment and upon entering school require, for a shortwhile, follow-up or other services related to their transition from prior treatment modalaties to the services of the school.

H.R. 8911 provides Federal funding for only 50 percent of the costs of services provided to all disabled children participating in SSI. In view of the fiscal problems now facing most States, however, it appears that without additional Federal financial participation, few services would be provided. Yet H.R. 8911 calls for the mandatory referral of SSI children to services, which will greatly increase both the need and pressure for services.

Rather than establish a program that States will not be able to afford to utilize, we believe full Federal funding for preschoolers is needed. The preschool group of disabled children is most hurt by the lack of programs. School-age children receive some help through federally supported programs in their schools. Even without this bill they will continue to receive treatment. Preschool children, however, have no programs to which they can turn. By not providing total funding for disabled children, 6 years of age and under, we are losing the opportunity to provide treatment when the likelihood of success is the greatest—during the developmental years.

HEW estimates the cost of full Federal funding of preschool programs to be $18 million—less than a third of the $55 million it will cost to provide 50 percent of the funding for all child treatment programs as required by the bill. By providing full funding for those programs for which there is the greatest need, not only could we reduce Government spending in the long run by preventing disability and dependence, but also reduce actual Government outlays in the next fiscal year.

I urge my colleagues to support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MIKVA).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 219, noes 146, not voting 66, as follows:

[Roll No. 667]

AYES—219

Addabbo	Collins, Ill.	Fraser
Ambro	Conte	Frenzel
Anderson, Ill.	Conyers	Gaydos
Andrews, N.C.	Cornell	Gibbons
Andrews, N. Dak.	Cotter	Gilman
	Crane	Ginn
Aspin	Daniel, Dan	Goodling
Baldus	Daniels, N.J.	Guyer
Baucus	Davis	Hagedorn
Beard, Tenn.	Delaney	Hall, Ill.
Bell	Dellums	Hall, Tex.
Bergland	Dent	Hamilton
Bevill	Derrick	Hannaford
Biaggi	Derwinski	Harkin
Biester	Dodd	Harris
Bingham	Downey, N.Y.	Hayes, Ind.
Blouin	Drinan	Heckler, Mass.
Boggs	Duncan, Tenn.	Hefner
Boland	Eckhardt	Heistoski
Bonker	Edwards, Calif.	Henderson
Bowen	Emery	Hicks
Brademas	Evans, Colo.	Hillis
Breaux	Evans, Ind.	Holtzman
Brinkley	Fary	Horton
Brodhead	Fascell	Howard
Broomfield	Fenwick	Hughes
Brown, Calif.	Findley	Hyde
Burleson, Tex.	Fish	Ichord
Burton, John	Fisher	Jeffords
Butler	Fithian	Jenrette
Byron	Flood	Jones, N.C.
Carney	Florio	Jones, Okla.
Carr	Flowers	Jordan
Cleveland	Foley	Karth
Cochran	Forsythe	Kasten
Cohen	Fountain	Kastenmeier

Keys	Murtha	Scheuer
Kindness	Myers, Ind.	Schneebeli
Krebs	Neal	Schroeder
Krueger	Nichols	Schulze
LaFalce	Nix	Sharp
Lagomarsino	Nolan	Shipley
Landrum	Nowak	Shuster
Leggett	Oberstar	Simon
Levitas	Obey	Slack
Lloyd, Tenn.	O'Brien	Solarz
Long, Md.	Ottinger	Spellman
Lott	Passman	Staggers
Lujan	Patten, N.J.	Stanton,
Lundine	Pattison, N.Y.	J. William
McClory	Pepper	Stanton,
McHugh	Pettis	James V.
McKinney	Pickle	Stark
Madden	Pressler	Steiger, Wis.
Madigan	Preyer	Stephens
Maguire	Pritchard	Stokes
Mahon	Quie	Studds
Mann	Railsback	Symington
Mathis	Randall	Taylor, N.C.
Metcalfe	Rangel	Thompson
Meyner	Regula	Tsongas
Mikva	Reuss	Udall
Milford	Richmond	Vanik
Miller, Calif.	Rinaldo	Vigorito
Mineta	Rodino	Waggonner
Minish	Roe	Walsh
Mink	Roncalio	Weaver
Mitchell, N.Y.	Rooney	White
Moakley	Rosenthal	Wilson, Tex.
Moffett	Rostenkowski	Wirth
Montgomery	Roush	Wolff
Moore	Santini	Yatron
Murphy, Ill.	Sarasin	Young, Ga.
Murphy, N.Y.	Sarbanes	Zablocki

NOES—146

Abdnor	Erlenborn	Natcher
Adams	Flynt	Nedzi
Alexander	Ford, Mich.	O'Hara
Allen	Ford, Tenn.	Patterson,
Anderson,	Frey	Calif.
Calif.	Goldwater	Paul
Annunzio	Gonzalez	Perkins
Archer	Gradison	Pike
Armstrong	Grassley	Price
Ashley	Gude	Rees
Bafalis	Haley	Rhodes
Bauman	Hammer-	Roberts
Bedell	schmidt	Robinson
Bennett	Hanley	Rogers
Blanchard	Harrington	Roybal
Bolling	Harsha	Runnels
Breckinridge	Hechler, W. Va.	Ruppe
Brooks	Hightower	Satterfield
Brown, Mich.	Holt	Sebelius
Brown, Ohio	Hubbard	Selberling
Broyhill	Hungate	Shriver
Buchanan	Hutchinson	Sikes
Burke, Calif.	Jacobs	Skubitz
Burke, Fla.	Jarman	Smith, Nebr.
Burke, Mass.	Johnson, Calif.	Snyder
Burlison, Mo.	Johnson, Colo.	Spence
Carter	Kazen	Stratton
Cederberg	Kelly	Sullivan
Chappell	Kemp	Symms
Clancy	Latta	Taylor, Mo.
Clawson, Del	Lent	Thone
Clay	Lloyd, Calif.	Thornton
Collins, Tex.	Long, La.	Traxler
Conable	McCollister	Treen
Corman	McDade	Ullman
Coughlin	McDonald	Van Deerlin
D'Amours	McEwen	Vander Jagt
Daniel, R. W.	McFall	Vander Veen
Danielson	McKay	Whalen
Devine	Matsunaga	Whitehurst
Dickinson	Mazzoli	Whitten
Diggs	Meeds	Wiggins
Dingell	Michel	Wilson, C. H.
Downing, Va.	Miller, Ohio	Winn
Duncan, Oreg.	Mills	Wright
du Pont	Mitchell, Md.	Wydler
Edgar	Mollohan	Yates
Edwards, Ala.	Moss	Young, Fla.
Eilberg	Mottl	Young, Tex.
English	Myers, Pa.	

NOT VOTING—66

Abzug	Eshleman	Jones, Ala.
Ashbrook	Evins, Tenn.	Jones, Tenn.
AuCoin	Fuqua	Ketchum
Badillo	Giaimo	Koch
Beard, R.I.	Green	Lehman
Burgener	Hansen	McCloskey
Burton, Phillip	Hawkins	McCormack
Chisholm	Hays, Ohio	Martin
Clausen,	Hébert	Melcher
Don H.	Heinz	Mezvinsky
Conlan	Hinshaw	Moorhead,
de la Garza	Holland	Calif.
Early	Howe	Moorhead, Pa.
Esch	Johnson, Pa.	Morgan
Mosher	Russo	Talcott
O'Neill	Ryan	Teague
Peyser	St Germain	Wampler
Poage	Sisk	Waxman
Quillen	Smith, Iowa	Wilson, Bob
Riegle	Steed	Wylie
Risenhoover	Steelman	Young, Alaska
Rose	Steiger, Ariz.	Zeferetti
Rousselot	Stuckey	

Mrs. BOGGS, Mr. PATTEN, and Mr. CONTE changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. CORMAN. 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. BERGLAND, 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. 8911) to amend title XVI of the Social Security Act to make needed improvements in the program of supplemental security income benefits, had come to no resolution thereon.

PROVIDING FOR FURTHER EXPENSES OF SELECT COMMITTEE ON PROFESSIONAL SPORTS

Mr. THOMPSON. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 1408 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1408

Resolved, That for the further expenses of investigations and studies to be conducted by the Select Committee on Professional Sports acting as a whole or by subcommittee, not to exceed $30,000, including, but not limited to expenditures for the employment of clerical and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $5,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. The chairman of the Select Committee on Professional Sports shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution are for the purpose of carrying out House Resolution 1186 and shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law, and pursuant to House Resolution 1186.

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

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

There was no objection.

Mr. THOMPSON. Mr. Speaker, House Resolution 1408, by the gentleman from California (Mr. SISK) and the gentleman from New York (Mr. HORTON) calls for $30,000 for the further work of the Select Committee on Professional Sports. Both the gentleman from California (Mr. SISK) and the gentleman from New York (Mr. HORTON) testified in support of the resolution before the Committee on House Administration on July 27, 1976.

The Select Committee was established on May 18, 1976, when the House passed House Resolution 1186. The purpose of the select committee is to investigate the question of stability in the operation of the four major professional sports.

In addition the select committee is to assess the need for and recommend any changes in the law pertaining to such sports. They do not, I might emphasize, have legislative jurisdiction, which would in some instances belong in the Committee on the Judiciary and in some others in the Committee on Education and Labor, since the sports are now under the National Labor Relations Act and of course there exists the question of the antitrust aspects.

The select committee did not request any funds for its initial investigations. However, its review has demonstrated a need for further study which will require some funds, in this case the very modest amount in my judgment of $30,000.

Mr. Speaker, I will move the previous question.

Mr. BAUMAN. Mr. Speaker, if the gentleman will withhold moving the previous question, will the gentleman yield?

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

Mr. BAUMAN. Mr. Speaker, I thank the gentleman for yielding.

When this resolution was brought up on May 18 and passed, the gentleman from Maryland asked the question of the gentleman from California (Mr. SISK) about the cost and the gentleman was assured that there would be no cost, that this was a limited investigation by a nonlegislative committee that would hold a series of hearings and conclude its work. Are we to understand by this $30,000 authorization that this is the total amount for the duration of this Congress and the committee will then expire at the time this Congress expires?

Mr. THOMPSON. The gentleman is correct.

Mr. BAUMAN. I have one further question that might better be addressed to the gentleman from New York.

Mr. THOMPSON. I would yield for purposes of debate only to the gentleman from New York.

Mr. HORTON. Mr. Speaker, I thank the gentleman for yielding and I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, the question I would ask is why this committee is in existence. I have watched the news headlines and heard the evening sports newscasts and some people say the only reason for this committee is to bludgeon the major baseball leagues into

providing a baseball team for Washington, D.C. I question whether or not the taxpayers ought to be financing a crusade of that type through this investigating committee.

Mr. HORTON. I think that is a misapprehension, because the purpose of the committee is to take an overall look at the 4 major professional sports: football, baseball, basketball, and hockey. So far we have held 16 sessions and heard 52 witnesses, including the commissioners in each of those 4 major sports.

There is coverage of course by the local press and they are very much interested in bringing a baseball team into the Washington area, but that is not the purpose of the committee, and that is not what the committee is studying.

We have looked over the antitrust provisions and we have found there were immigration problems and we have found there were problems with respect to franchises, and there is the interest of the fans and this sort of thing. The commissioners of the four sports and those who have represented the teams and the players' representatives have indicated these oversight hearings were very good and very needed. The purpose of the hearings is not, as apparently has been depicted by the local press and news media. The basic purpose is to look at the overall problems as they relate to the sports.

Mr. BAUMAN. Mr. Speaker, if the gentleman would be good enough to yield further, may we have assurances from the gentleman from New York that the committee will end its work with this session of the Congress?

Mr. HORTON. I will assure the gentleman this committee will end its work this session. That is the purpose.

The gentleman from California (Mr. SISK), the chairman of the committee, is not here today. That is why he is not on the floor. He is not in Washington. That is why I am answering the questions as the vice chairman of the select committee.

Mr. BAUMAN. I thank the gentleman.

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

Mr. THOMPSON. I yield for debate only to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, if I might I would like to address a question to the gentleman from New York also.

Mr. Speaker, if the gentleman will yield further, I would like to ask the gentleman from New York (Mr. HORTON), we have discussed this previously and just as a matter of record to follow up on the question of the gentleman from Maryland, not only is it the intent at the present time of the chairman to conclude whatever hearings that we are to hold, but to conclude all the business and bring an end to the life of the committee also at the end of the year; is that correct?

Mr. HORTON. Mr. Speaker, if the gentleman will yield further, I guess I cannot say it any more plainly than to say that we intend the work of the committee to be finished in this session, that it will self-destruct or end. We do not intend to ask for it to be reconstructed in the next session.

I might say in reply to the gentleman from Maryland and also the other gentleman, we do intend to have more sessions in this Congress. We do have some 15 sessions scheduled in September with some 40 witnesses to impact on the areas brought up. It is our intent to have a report and make a report to the appropriate legislative committees before we finish this session.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just adopted (H. Res. 1408), and on those resolutions to follow.

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

There was no objection.

PROVIDING ADDITIONAL FUNDS FOR THE AD HOC SELECT COMMITTEE ON THE OUTER CONTINENTAL SHELF

Mr. THOMPSON. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 1414 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1414

Resolved, That for the additional expenses of the ad hoc Select Committee on the Outer Continental Shelf associated with the completion of the legislative process on H.R. 6218, a bill to establish a policy for the management of oil and natural gas in the Outer Continental Shelf, to protect the marine and coastal environment, to amend the Outer Continental Shelf Lands Act, and for other purposes, not to exceed $89,000 including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $18,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. The chairman of the ad hoc Select Committee on the Outer Continental Shelf shall furnish the Committee on House Administration information with respect to the use of the funds authorized by this resolution.

SEC. 3. Funds authorized by this resolution are for the purposes of carrying out House Resolution 412, and shall be expended, pursuant to regulations established by the Committee on House Administration in accordance with existing law, and pursuant to House Resolution 412.

Mr. THOMPSON (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

Mr. THOMPSON. Mr. Speaker, House Resolution 1414 requests that the House approve an amount of $89,000 for the Select Committee on the Outer Continental Shelf, chaired by the distinguished gentleman from New York (Mr. MURPHY).

The select committee was established on April 22, 1975, for the passage of House Resolution 412. The mandate to the select committee was to consider and report to the House on H.R. 6218, a bill to establish a policy for the management of oil and natural gas in the Outer Continental Shelf.

The committee's report was to have been filed on January 31, 1976; but subsequent resolutions have extended the deadline to May 4, 1976.

The additional funds have been requested so that the select committee may continue to function until the completion of the legislative process. The greatest possible efforts will have to be extended by the committee, first to help resolve substantial differences in the House and the Senate versions of the Outer Continental Shelf bill; and secondly, to provide information necessary for the consideration of a possible veto override.

The legislation became more complicated than was anticipated and more controversial. The differences between the two bodies are considerable, and without the adoption of this resolution and this modest amount of money, Mr. Speaker, the committee would be without staff with which to support itself or to represent this body in a conference with the other body.

Mr. Speaker, I will yield for debate only to the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I would just like to say that what has happened in this case is really what prompted my last question on the resolution before this, because this committee initially, we were told, was to end last January, but they did not get the legislation through. Once they got the legislation through, they had to get the conference report and instead of ending last January they went on to August and asked for additional moneys to extend their life.

I think it is necessary and I intend to support this, but that is the reason I really have serious reservation about the creation of so many of these committees and ad hoc committees.

I really think that most things could be handled under the normal standards of the House, and I would hope that in future we would be more reluctant to create special committees.

Mr. THOMPSON. I would like to assure my distinguished colleague and ranking minority member of the Committee on House Administration that I

share his view. It is not the intention of the gentleman from New Jersey to entertain further requests for this committee, or for the Select Committee on Sports, during the balance of this Congress. I am constrained to agree in general with the gentleman that the proliferation of these types of committees is not the most desirable way, except when unusual circumstances warrant, to handle these matters. The gentleman and I will work closely together in the future to see that they are limited.

Mr. DICKINSON. If the gentleman will yield further briefly, what the membership of the House should remember and keep in mind is that when we create a special subcommittee, then we have got to have a place to house them; we have got to have furniture; we have to have mechanical equipment. They have to have extra staff. In the first place, we are short on places to house them now, and it creates additional problems. We can better be giving the subject matter to standing committees which have jurisdiction initially.

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

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PARTICIPATION BY COUNSEL ON BEHALF OF SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE IN ANY JUDICIAL PROCEEDING CONCERNING CERTAIN SUBPENAS

Mr. THOMPSON. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 1420 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1420

Resolved, That the chairman of the Subcommittee on Oversight and Investigation of the Committee on Interstate and Foreign Commerce is authorized to seek to participate and to participate, by any attorney or special counsel in the employ of such subcommittee, on behalf of such subcommittee and the House of Representatives in any judicial proceeding concerning—

(1) the subpena duces tecum issued under the authority of the House of Representatives, dated June 1976; and addressed to the President of American Telephone and Telegraph Company, directing him to appear before such subcommittee on June 28, 1976, at 10 o'clock antemeridian, and to bring with him certain documents described in such subpena; or

(2) the subpena duces tecum issued under the authority of the House of Representatives, dated June 30, 1976, and addressed to the president of American Telephone and Telegraph Company, directing him to appear before such subcommittee on July 20, 1976, at 10 o'clock antemeridian, and to bring with him certain documents described in such subpena.

SEC. 2. (a) To carry out this resolution, the chairman of the Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce is authorized to employ, with the approval of the Speaker, a special counsel to represent the subcommittee in any judicial proceeding described in the first section of this resolution.

(b) Expenses to employ a special counsel under subsection (a) shall be paid from the contingent fund of the House on vouchers signed by the chairman of the Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce and approved by the Speaker.

SEC. 3. The Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce shall report to the House with respect to the matters covered by this resolution as soon as practicable.

Mr. THOMPSON (during the reading). Mr. Speaker, the subject matter of this resolution having been printed in the RECORD, and since it is the subject of much interest and will be debated for some time, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

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

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike all after the resolving clause and insert in lieu thereof the following:

That the Chairman of the Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce is authorized to intervene and appear in the pending action entitled *"United States, plaintiff, against American Telephone and Telegraph Co., et al, defendant,"* Civil Action 76-1372, United States District Court for the District of Columbia, on behalf of the Committee on Interstate and Foreign Commerce and the House of Representatives in order to secure information relating to the privacy of telephone communications now in the possession of the American Telephone and Telegraph Company for the use of the Committee and the House.

SEC. 2. To carry out the purposes of this resolution, the Chairman of the Committee on Interstate and Foreign Commerce is authorized to employ with the approval of the Speaker a special counsel to represent the Committee and the House in all judicial proceedings relating to said Civil Action 76-1372.

SEC. 3. Such expenses to employ a special counsel not to exceed $50,000 shall be paid from the contingent fund of the House on vouchers signed by the Chairman of the Committee on Interstate and Foreign Commerce and approved by the Speaker and the Chairman of the Committee on House Administration.

SEC. 4. The Committee on Interstate and Foreign Commerce is authorized and directed to report to the House with respect to the matters covered by this resolution as soon as practicable.

SEC. 5. The authority granted herein shall expire three months after the filing of the report with the House of Representatives, but in no case later than January 3, 1977.

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

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

There was no objection.

Mr. THOMPSON. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, House Resolution 1420, from the Committee on Interstate and Foreign Commerce, was introduced by our distinguished colleague, the gentleman from California (Mr. Moss), the chairman of the subcommittee. The gentleman from California (Mr. Moss) and the minority counsel to the Subcommittee on Oversight and Investigations, testified with respect to the resolution on July 27, 1976, before the committee. Both Mr. Moss and the ranking minority member, the distinguished gentleman from Texas (Mr. COLLINS) were present on August 4, 1976, to answer questions when the full committee finally reported the resolution.

Thereafter, I submitted report No. 94-1422. House Resolution 1420 is similar to House Resolution 899, which passed the House without debate on December 18, 1975. That resolution provided funds for intervention in the Ashland Oil case. This resolution provides funds for intervention in the case entitled the "United States against the American Telephone & Telegraph Co., and others."

The gentleman from California (Mr. Moss) intervened in a case which was before the U.S. District Court for the District of Columbia, in order that he might argue for the Congress constitutional right of access to information in question.

The committee issued a subpena in order to secure information in the possession of the American Telephone & Telegraph Co., relating to warrantless wiretaps of private telephone communications. Jurisdiction was based squarely on section 605 of the Federal Communications Act.

Essentially, the discussions revolve around the need for the House of Representatives and/or this distinguished subcommittee to be represented in the Federal courts. There was a period of negotiations with respect to this case. The committee choose to be represented by one of the most prestigious firms in the District of Columbia and, indeed, in the United States.

It is my considered opinion, having looked into this matter very carefully, that this resolution should be adopted by the House.

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

Mr. THOMPSON. Mr. Speaker, I yield 5 minutes, for purposes of debate only, to the distinguished gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. I would like to inquire of the gentleman, since this is a privileged resolution and there are 60 minutes of debate, how much will the minority be granted for discussion?

Mr. THOMPSON. Under the agreement we worked out a couple minutes ago.

Mr. DICKINSON. We did not have an agreement. The gentleman told us how much there would be. I was just trying to ascertain that as a matter of record.

Mr. THOMPSON. I thought the gentleman and I had agreed that the re-

quest for the majority was 37 minutes and for the minority 22 minutes.

Mr. DICKINSON. The gentleman told me that is how it will be.

Mr. THOMPSON. We are now using the gentleman's time.

Mr. DICKINSON. Mr. Speaker, I would like to say at this time that I have several requests for time, and if the gentleman is going to control it and handle each one individually, I would like to inform the gentleman of my requests so that the gentleman might comply with them.

Mr. THOMPSON. May I inquire of the gentleman whether they are different from the list he gave me, which is as follows: The gentleman from Ohio (Mr. DEVINE), 5 minutes; the gentleman from Alabama (Mr. DICKINSON), 5 minutes; the gentleman from Arizona (Mr. RHODES), 3 minutes; the gentleman from California (Mr. WIGGINS), 5 minutes; and others.

Mr. DICKINSON. It is different.

Mr. THOMPSON. I do not know who "others" is. But that leaves 4 minutes.

Mr. DICKINSON. The gentleman from Ohio (Mr. DEVINE) would like 3 minutes at the present time, if the gentleman would be kind enough to yield to him, and then 5 minutes for the gentleman from Texas (Mr. COLLINS) following that.

Mr. THOMPSON. That is perfectly agreeable.

Mr. DICKINSON. I thank the gentleman.

Mr. THOMPSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. DEVINE) for the purpose of debate only.

Mr. DEVINE. I thank the gentleman for yielding.

Mr. Speaker, this is not the normal funding resolution that we swish by the House, because we have an unusual set of circumstances.

The gentleman from California (Mr. Moss), as chairman of the Subcommittee on Oversight and Investigations, saw fit to have a subpena issued to the A.T. & T., seeking certain electronic surveillance information. The Justice Department, on behalf of the President, sought and obtained a temporary and, finally, a permanent injunction against the A.T. & T. revealing the information having to do with electronic surveillance because of very delicate, sensitive national security information that would be revealed if the subpena were granted.

The gentleman from California sought and intervened in this particular proceeding and also saw fit to employ counsel, special counsel, representing him before the U.S. district court, even though the Subcommittee on Oversight and Investigations had 11—repeat, 11—attorneys on his payroll and available, and some of whom actually appeared with him at the time he appeared in the U.S. district court.

The question is the precedent the action here might set for this House; whether one individual Member of Congress can gratuitously intervene in a proceeding, not following the procedures nor authorized by either the subcommittee or the whole Commerce Committee, in that the Member apparently did not receive the permission of the subcommittee by vote or by authorization of the whole Committee on Interstate and Foreign Commerce by vote, and causing the Congress of the United States to delve into its contingency fund and pay for special counsel that appeared for him in the court, even prior to authorization by the Committee on House Administration for this to be done.

That is the issue involved here, and I believe it is a matter the House should give very serious consideration to before we act on this particular resolution. It should be defeated soundly on its merits as well as the dangerous precedent it sets.

Mr. THOMPSON. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the subcommittee, the gentleman from California (Mr. Moss), for purposes of debate.

Mr. MOSS. Mr. Speaker, I did not intervene as anyone but JOHN Moss, a Member of Congress, and I intervened because there was no alternative to intervention.

I had negotiated in good faith with representatives of the President of the United States, at the request of the President. The President's representatives, Mr. Buchen and Mr. Marsh, came to my office upon learning of the issuance of the subpena to American Telephone and Telegraph and stated the concerns of the White House involving the possible sensitive nature of the material under subpena. I concurred in their expressed convictions that we all wanted to protect this Nation's security, and no one any more than this Member.

We commenced 5 weeks of negotiations with Mr. Rex Lee, Deputy Attorney General, and with the Congressional liaison of the Federal Bureau of Investigation, and, from my certain knowledge, with the White House being concurrently informed all the way along.

Finally we arrived at an agreement, an agreement among all parties to the negotiations. I convened the subcommittee, and the subcommittee was given the outline of the agreement as well as the substance of the agreement. The subcommittee, by a vote without any exception, concurred in my request that I be permitted to sign that agreement. The matter was then reduced to its final written draft and sent to the Department of Justice, to Mr. Rex Lee, and then we started getting some static.

Finally we were faced with the fact that the President sent Mr. George Bush to see me, and I was offered a proposal which in my judgment was demeaning to this House in the extreme. I might add that it was demeaning a few years earlier to another Member of this House, a gentleman from Michigan by the name of Gerald R. Ford.

The President said that we should receive only expurgated material, that if we had any questions, we would have to go to the Attorney General to have them resolved, and that if we could not get them resolved with the Attorney General, we should then seek the opportunity of having them resolved with the President.

The President would deny to the Congress the only information which was not prepared by him or his agents, the targets of surveillance. This target information is at the heart of any responsible review of Government wiretaps. Without this information, the Congress must rely on administration characterizations of targets as threats to national security. Clearly if the targets are news correspondents or members of opposition political parties—the information which can be obtained through the subpena in this case—those characterizations may be severely questioned and the wiretaps they support ultimately found unlawful. In other words, this information provides (i) the most direct method of ascertaining the legality of a tap and (ii) verifying other documents which may be obtained during the investigation.

My attitude toward the President's offer was very much, again, the attitude expressed by Mr. Ford, Representative Ford, when he stated that it would be ridiculous for us to put such a case in the hands of the Attorney General. Even under ideal circumstances, any Attorney General would tend to reflect the attitude of his own boss in handling any executive-privilege case.

Further, Congressman Ford, in addressing himself to the question of the invoking of executive privilege, in the instance of President Kennedy—and I agreed with him; he took the occasion, in his remarks on the floor, to commend my attitude—stated that "to maintain that the executive has the right to keep to itself information specifically sought by the representatives of the very people that the executive is supposed to serve is to espouse some power of the divine right of kings."

Mr. Speaker, Representative Ford was precisely correct when he made that statement.

Mr. Speaker, what is stated here is the assertion of executive privilege on the broadest base ever made by any occupant of the White House.

The SPEAKER. The time of the gentleman from California (Mr. Moss) has expired.

Mr. THOMPSON. Mr. Speaker, I yield 2 additional minutes to the gentleman from California (Mr. Moss), for debate only.

Mr. MOSS. Mr. Speaker, no President has ever before asserted Executive privilege over private documents against a congressional subpena. One other President has asserted Executive privilege against a congressional subpena, and that was the former President, Richard Nixon. Even in that case it was a very narrow assertion of privilege against the Senate select committee and went to matters of material held closely by the President.

Mr. Speaker, if this House concurs in the doctrine that has been asserted here without challenging it in the courts, it will make one of the gravest mistakes ever made by a parliamentary body.

This is an effort on my part to preserve the rights and the privileges of this House.

We are told that we should maintain more effective oversight. We cannot do it

under the very strict limitations of Executive will. We have to stand up and recognize that we have at least the right to the same information which is given to more than 50 employees of American Telephone & Telegraph and its 24 subsidiaries, who see these documents routinely; and they are not cleared at any level in the majority of cases.

Mr. Speaker, that is the sworn testimony of the officials of American Telephone & Telegraph.

Mr. THOMPSON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. COLLINS), for purposes of debate only.

Mr. COLLINS of Texas. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, this matter that is before us today—and in this respect I do agree with the chairman of my committee—is certainly one of the most important ever to come before us here in Congress.

The reason it is so vital is because we are talking about the national security of our country.

The question that comes to the fore is to what extent Congress should involve ourselves in matters in which we do not have expertise, but which we want to make public.

Let me go back and take this particular issue as it first started.

Mr. Speaker, when this matter got started, we had a special meeting of our committee one afternoon. At that same time, Congress was in session considering the Federal energy legislation which is so very important to our entire country.

While the Committee on Interstate and Foreign Commerce was on the floor discussing Federal energy, we went ahead and held a subcommittee meeting. I did not know it was going forward. It did not last very long. There was only one member on our side who attended, and he voted "present."

I asked him, "Why did you vote present?"

He said he did not know what the issue was all about. We did not have enough advance information to know what was going into this particular subpena—this issue that is so vital and so important.

The members of our subcommittee had not even been briefed before they voted.

Mr. OTTINGER. If the gentleman will yield, that is inaccurate.

Mr. COLLINS of Texas. I am talking about a Republican. It might have been that the Democrats were briefed, but I am talking about the gentleman from Louisiana who was there.

Mr. OTTINGER. They were all briefed and all at the same time.

Mr. COLLINS of Texas. The gentleman from New York (Mr. OTTINGER) gets the information real quickly. Perhaps he was able to understand it in 10 minutes and know what it was all about. But some people on a major issue of this type, when we are talking about subpenas being served on the executive functions, need time to evaluate the facts.

The issue that is before us here is that there have been taps placed on telephones. As I understand it, about half of them are on individuals in this country, but half of them are on national security situations.

As much as I have read about electronics in the press, I thought that this thing might have involved hundreds of thousands of taps being attached, but I have found out that it only involves 1 or 2 a week out of our country that has 220 million people. I have confidence in those people to decide on those one or two national security exceptions. But what we are doing in this situation, we are making an investigation where we will even question the sensitive national security checks.

I think every Member could realize what is potentially involved, with this national security situation, where we may reveal investigations of individuals involved in foreign affairs that may be with our national interest or against us and we were trying to confirm their reliability. We had it happen in Greece and it has happened elsewhere. When individuals are publicized.

We have heard the name of George Bush. Most of the Members know him, as he was our former colleague here in the Congress. He called the chairman of our committee and asked if he could present some facts to discuss the matter. The chairman said he was dealing only with the judicial representative so that he did not have an opportunity to see him.

Mr. MOSS. Will the gentleman yield?

Mr. COLLINS of Texas. I yield to the chairman, the gentleman from California (Mr. Moss) on that point.

Mr. MOSS. This gentleman has asked that the gentleman from Texas yield only for the purpose of making the record correct.

Mr. COLLINS of Texas. Yes.

Mr. MOSS. We talked to Mr. Bush and told him that I felt it was inappropriate to meet with him without the Deputy Attorney General, Mr. Lee, who was conducting the negotiations, being present.

I saw him as soon as he brought Mr. Lee with him.

I thank the gentleman for yielding.

Mr. COLLINS of Texas. That is probably correct.

But, let me emphasize this. Mr. Bush is not questioning this in terms about what is involved in this business of going into the legislative and the judicial aspects, but the facts are that this involves a national security issue.

The agreement in our subcommittee that was being discussed was that three staff members from our committee would go down to get the records. They would take this information and write notes which in turn would be placed on record in our committee for any Member of the Congress to see.

Mr. Speaker, when we expose top, top secret information to 435 people, we are talking about putting in jeopardy the lives of individuals who might be involved on one or another telephone call. So far as any investigation that involves individuals, there has never been any fact presented that would show us that the facts justified revealing top security reviews related to foreign affairs.

The SPEAKER. The time of the gentleman has expired.

Mr. THOMPSON. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. OTTINGER) for the purpose of debate only.

Mr. OTTINGER. Mr. Speaker, I rise in strong support of House Resolution 1420 authorizing funds to intervene and seek counsel in the case of United States against American Telephone & Telegraph Co., et al.

Too many sins have been committed too recently in the name of national security and under the pretext of the supposed power of executive privilege to permit the assertion of such a privilege here.

This is particularly so since it is not even the President asserting such a privilege for himself here, but on behalf of a private company supposedly acting as his agent. It is outrageous that thousands of A.T. & T. employees, with no security clearance, should have access to this material while a committee of Congress is denied.

Mr. Speaker, we should support this resolution because we support the Constitution of the United States and the powers and duties of Congress thereto. Inherent in the power to legislate is the power and the duty to investigate. Without oversight and investigations, Congress cannot act in an informed and effective manner.

In this litigation, President Ford seeks to deny essential information on domestic wiretaps to a subcommittee with clear jurisdiction over interstate communications. Without this information, the Committee on Interstate and Foreign Commerce cannot report informed remedial legislation to the House or effectively address recurring rumors of illegal wiretaps of our citizens.

The doctrine employed by the President to deny this information to the Congress is one which we have sadly seen before—executive privilege. Employed by President Nixon to cover up apparent illegality, this doctrine is pernicious. Its unrestrained use would allow the Executive to spoon-feed information to the Congress. This is a result which this House must not—cannot—accept.

Even Gerald Ford when he was a Member of this House understood the dangers of executive privilege. He was vocal in defending the investigative powers of Congress against encroachment from the President. As the ranking Republican member of an Appropriations Subcommittee seeking to obtain a then secret report on the ill-fated Bay of Pigs invasion prepared for President Kennedy, Gerald Ford took a position 180° from the one he holds today. Congressman Ford said:

> The incident was another of a long series of executive department claims of special privileges: in a frightening proportion of these cases, the claim was made to cover up dishonesty, stupidity, and failure of all kinds.
>
> To maintain that the Executive has the right to keep to itself information specifi-

cally sought by the representatives of the very people the Executive is supposed to serve is to espouse some power akin to the divine right of kings.

Said Congressman Ford, adding:

The basic issue of congressional access to executive information is far more important than fanning partisan flames. I need only remind you of the important work in this field done by . . . the gentleman from California (Mr. Moss). . . . There are even examples of both Democrats and Republicans who argued on one side of the issue when they served in Congress and on the other side when they served in the executive branch.

Those words of former Congressman Gerald Ford are as true today as they were then. The House must confront this dangerous doctrine in the courts or allow itself to be bound by a pernicious precedent.

I urge your support for House Resolution 1420 and the constitutional powers of the House which it will defend.

Mr. Speaker, I ask unanimous consent to include in the RECORD at this time two excellent articles of the New York Times, one by Tom Wicker entitled, "Hangover From Watergate," the other an editorial on Tuesday, August 10, entitled "Again That Privilege" which supports this subpena with great force and eloquence.

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

There was no objection.

The articles are as follows:

HANGOVER FROM WATERGATE

(By Tom Wicker)

After President Ford abandoned his opposition to a special prosecutor to investigate wrongdoing within the Government, the Senate included such an office in its Watergate reform bill. But Mr. Ford isn't showing much interest in acting on his own to curb executive excesses or clean up past offenses.

He recently ordered the Justice Department, for example, to go into court for a restraining order against a House subcommittee's attempt to obtain Federal wiretap records from American Telephone and Telegraph Company. Mr. Ford contended that it would be an "unacceptable risk" to the national security to let the subcommittee have the records it had subpoenaed from A.T.&T.

It may be true that the House in the past has not been sufficiently scrupulous in maintaining the security of sensitive documents, and the Administration's concern may therefore be reasonable. Yet, how is Congress to operate as a real check on the Executive if the President can nullify a Congressional subpoena with a claim of national security.

Judge Oliver Gasch, who issued the temporary order, has the matter under advisement and may yet rule in favor of the subcommittee. But with the echoes of Watergate scarcely faded from the Washington air, Mr. Ford would have acted more reassuringly if he had sought some security arrangement with the subcommittee chairman, Representative Moss of California, rather than going into court to protect executive branch secrets.

By doing so, as subcommittee lawyers pointed out, he ranked duly elected members of Congress as less trustworthy than Justice Department officials, Federal Bureau of Investigation agents and the large number of A.T.&T. employees who have seen the secret documents. He also raised the question whether there may not be more to hide than "national security" information in the wiretap records.

Nor is this the only instance in which an executive branch "cover-up" might at least be suspected. A Justice Department official recently told The New York Tmes that the depatrment's lawyers had recommended against the prosecution of Central Intelligence Agency officials involved in the illegal opening of mail between the United States and Communist countries.

Opening mail, by the C.I.A. or anyone else, was clearly against the law throughout the 20-year period when the agency engaged in the practice. Yet, the Justice official explained, the department's lawyers had concluded that during all that time there had been "a continuum of Presidential authority" that had made the C.I.A. mail openings legal after all.

But since when have Presidents been able to make legal what the law says is illegal, by a continuum or any other kind of authority? And even if there were some such power inherent in the office, what about the report of the Senate Select Committee on Intelligence that it had found no documentary evidence that any President had "authorized" the mail openings?

Aside from these questions, however, why should the Justice Department take it upon itself to decide such matters? There is ample evidence that the mail openings took place, against the statutory law. That seems reason enough to prosecute those responsible, and if the defendants wanted to claim a "continuum of Presidential authority" as a defense, the courts could decide the validity of such a claim.

Justice Department lawyers already have recommended to Attorney General Levi that no indictments be sought as a result of C.I.A. assassination plots against Fidel Castro of Cuba and the late Patrice Lumumba of, then, the Congo. Nor does it appear that perjury action will be taken against the former C.I.A. director, Richard Helms for his questionable statements to Congress on the agency's involvements in Chile.

If no evidence of legal offenses in these cases exists, of course, there should be no prosecutions. But it is hard to see how that could be so, at least in the mail-opening matter. And if such evidence does exist—no matter what exculpatory theories the defendants might offer in court—no special prosecutor ought to be needed to order indictments.

Mr. Ford's sudden switch to support of a special prosecutor may have represented a sincere change of heart. But it may also have reflected the Democrats' recent show of interest in Watergate as an issue against him. In either case, action by Mr. Ford's own Administration would speak louder than any number of words from him.

AGAIN THAT "PRIVILEGE"

Once again the magic phrases "executive privilege" and "national security" are being invoked by the White House in a court effort to withhold wiretap data from a Congressional oversight committee.

At issue is an outstanding subpoena served on the American Telephone and Telegraph Company by the House Subcommittee of Oversight and Investigations, seeking records of national security wiretaps over recent years. The subcommittee wants to ascertain that these taps genuinely relate to foreign intelligence missions and not illegal domestic surveillance. The Administration obtained a District Court order blocking enforcement of the subpoenas last week; the subcommittee is appealing and the case, if not settled by new negotiations, will almost certainly end up in the Supreme Court.

An interesting twist in the arguments is the Administration's contention that executive privilege can be invoked over the acts of third parties outside the Government—in this instance, the telephone company—on grounds that they were acting as executive branch agents in the technical installation of taps.

Data of the sort under subpoena is indeed sensitive as the Administration claims, involving crucially important counter-intelligence operations. Yet after all that has come to light about recent abuses, responsible Congressional investigators cannot simply accept without verification the word of the executive branch that everything was done in accordance with the law. And certainly a sweeping assertion of executive privilege cannot be allowed to stand without challenge.

As one Representative said in a noteworthy Congressional statement on executive privilege, "In a frightening proportion of these cases, the claim was made to cover up dishonesty, stupidity and failure of all kinds." That point was made on April 4, 1963 by the Representative from Michigan's fifth district, Gerald R. Ford.

The most sensible way out of this impasse is not through another court fight on the murky battlefield on executive privilege, but through renewed consultation between the subcommittee and the executive branch, both of which have legitimate interests to protect. The executive needs careful assurances that sensitive intelligence data will not become available to unauthorized persons; Congress needs the facility to exercise its oversight responsibilities upon otherwise unchecked executive actions.

The SPEAKER. The time of the gentleman has expired.

Mr. THOMPSON. Mr. Speaker, I yield such time as he may consume to the gentleman from New York, Mr. SCHEUER, for the purpose of debate only.

Mr. SCHEUER. Mr. Speaker, this resolution will allow the House to intervene and obtain counsel in the case of *United States* v. *American Telephone and Telegraph Company, et al.*, Civil Action No. 76–L372. The history and general importance of this case are detailed in the report of the House Administration Committee.

At issue is whether the executive branch can preclude the Committee on Interstate and Foreign Commerce through its investigations subcommittee from reviewing the administration of laws within its jurisdiction. That committee reported to the House what became section 605 of the Federal Communications Act of 1934, 47 United States Code 605. Modeled upon provisions of the Radio Act of 1927, also reported by that committee, this section prohibits wiretapping of telephones absent "demand of * * * lawful authority."

The committee seeks to determine whether widespread allegations of electronic surveillance of private citizens in violation of section 605 are based on fact. Upon the results of this investigation will rest the ability of that committee to report informed remedial legislation to the House or assure the American people that the reports of illegal wiretaps attendant upon the Watergate scandal are groundless.

The power and duty of the Committee on Interstate and Foreign Commerce to engage in such an investigation through

its subcommittees is firmly grounded in the rules of the House, the Legislative Reorganization Act, and the Constitution. The President is attempting to block that committee from discharging its responsibilities by asserting a claim of an almost imperial privilege from congressional review.

Going far beyond the limited advice privilege which received recognition in *United States* v. *Nixon*, 418 U.S. 673, the President seeks to preclude on this basis congressional review of his actions. President Ford has put forth the novel agency theory that executive privilege can cover not only his conversations with White House advisers, but also put the cloak of secrecy over the activities of a private party, the American Telephone & Telegraph Co.

If these assertions stand, the Congress could be severely affected in its ability to review Presidential actions. President Ford's asserted privilege would create an exclusive, unreviewable preserve of executive power. Such exclusive power is anathema to our constitutional system of checks and balances.

The Supreme Court has repeatedly defended the power of the people's representatives to inquire in a long series of cases from 1971 to 1975. The power to probe is an essential condition precedent to the proper and informed use of Congress powers to legislate.

For the Committee on Interstate and Foreign Commerce and the Congress, the implications of President Ford's asserted privilege are dramatic. If such a privilege applies to domestic communications, it would apply to a review of any regulatory measure passed by the Congress on the basis of any of the powers enumerated in article I of the Constitution. Such crippling limitations on Congress investigatory powers are possible if the House does not approve House Resolution 1420.

I hope you will stand with me in supporting House Resolution 1420.

Mr. THOMPSON. Mr, Speaker, I yield 2 minutes to the distinguished minority leader, the gentleman from Arizona (Mr. RHODES) for purposes of debate only.

Mr. RHODES. Mr. Speaker, I hope that this resolution will not be adopted. I recognize and I uphold the right of the House of Representatives and the Senate to acquire information from the Executive which is needed. I really do not know why—and I would like to have speakers who come after me address themselves to this—it is necessary to know whose messages were tapped. Is it not more important in preparing legislation, which, after all, is the reason for investigation, to know the purpose for the taps? I certainly have no doubt but that that purpose can be determined and in fact, probably has been determined.

I think it is also important to recall that the President of the United States is the one person who must be trusted. When we come to whether or not a matter which is of national security importance should be divulged, we have to trust somebody. I have served under Democratic and Republican presidents, and I have always trusted them on national security matters. I think it is important that when the President of the United States says that it is important for national security that these taps not be disclosed, that we should take him at his word, and should not proceed, as this subcommittee desires to proceed, to press the matter any farther.

As I say, I will certainly do all I can to uphold the right of this Congress for any information which is necessary for the production of legislation. This, I submit is not. The information which is necessary for the preparation of legislation, if there is any, can be obtained and will be furnished, but I do not think this is the time to make like a bunch of busybodies and, for some reason I cannot perceive to try to get information which the President of the United States says would not be in the national interest.

I hope, Mr. Speaker, this resolution will be voted down.

Mr. THOMPSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to my distinguished colleague, the gentleman from California (Mr. VAN DEERLIN).

Mr. VAN DEERLIN. Mr. Speaker, I rise in support of House Resolution 1420, which will further efforts by the Subcommittee on Oversight and Investigations to discover the extent of illegal domestic wiretapping of American citizens by Federal law enforcement authorities.

As chairman of the Communications Subcommittee, I fully realize the importance that Americans attach to the privacy of their telephone calls. There are reasonable grounds for suspecting that the executive branch subordinated this right of privacy to bureaucratic and possibly political goals. It is important that the extent to which this occurred in the past be known, and appropriate measures be taken by the Communications Subcommittee, if necessary, to prevent future abuse.

What we have seen is a sweeping and expanded assertion of Executive Privilege, with dimensions far beyond any similar claim in our history. This is not a limited claim of privilege over communication between the President and his advisers, but one intended to prevent congressional review of his actions. This is not a claim of privilege by the President over his material or material in his possession, but is one asserted on behalf of private documents in the custody of A.T. & T., a private, regulated communications carrier. The danger of allowing such a sweeping claim to stand is obvious. It is one that must not be permitted to stand, if this body is to continue the exercise of its constitutional responsibilities.

Mr. THOMPSON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, we are faced with I think a very important question today in this particular privileged resolution. I think we are faced with a series of important questions.

One of those important questions is whether this is the proper procedure, with no amendments and very limited debate in which to discuss this kind of important question.

I suspect that an even more important aspect of the whole problem is whether this House should ratify the use of outside counsel by a Member at his request which was not approved by his committee or subcommittee, and was apparently undertaken principally on his own motion—at least that was his statement to the House.

But I think there is another matter that should interest the House just as much. In testimony before the House Administration Committee the chairman of the Subcommittee on Interstate and Foreign Commerce indicated he had on his staff 11 lawyers and he indicated that his budget for the year was about $850,000. Today he informs me that he has 10 lawyers and a budget of $725,000. Yet with that enormous budget and with that vast staff of lawyers—and I would like to say in my town a staff of 11 lawyers is a pretty good-sized law firm.

Mr. MOSS. Mr. Speaker, will the gentleman yield for a correction?

Mr. FRENZEL. I think the gentleman has had a lot of time. Maybe he can correct on somebody else's time later. I do not yield.

With all that vast staff, apparently the subcommittee is not able to defend itself in court.

Now, I have heard about staff members that cannot answer telephones, but I certainly hope that staff lawyers are at least able to go into court and do the job they are hired for by the Congress.

So I would say, first of all, the request in the resolution is unnecessary. The subcommittee is possessed of vast resources sufficient to carry out this adventure.

Now, another question is that the purpose of the resolution is unworthy, because it is putting the House into confrontation with the Executive when that confrontation is totally unnecessary.

Mr. Speaker, I am going to read a Washington Post editorial from the 19th of this month. All of us have probably read it, so I will read only a part, as follows:

> Rep. Moss is appealing the decision with the fervor that he usually brings to such disputes. The AT&T subpoena is not, however, the best ground on which to wage a full-scale court test of executive privilege. Instead of continuing to press for documents of somewhat marginal importance, the panel should reopen direct negotiations with the President.

That, of course, is what the President suggested in the letter.

Mr. Speaker, there is a better way to deal with the problem. We do not have to go into an immediate crisis confrontation. We especially do not have to go into that confrontation with $50,000 of the taxpayers' money when the subcommittee already has something like three-

quarters of a million dollars of that kind of funds already available to itself.

Finally, Mr. Speaker, I think we have to ask the question as to why the matter did not come through the usual channels, why it was not approved by the full committee. It seems to me it is a question of one Member hiring outside counsel, attempting to make a contract with outside counsel without going through that committee or without coming to the contract subcommittee of the Committee on House Administration. The question is why we are being asked to subvert the normal procedure.

Mr. Speaker, what we are doing here, I think, is simply using an excuse to start a fight with the Executive, which is totally unnecessary, based on the Executive's letter to the subcommittee chairman and to the chairman of the full committee.

There is a way to resolve the question without going to the mat and without this needless expenditure of the taxpayers' money.

Mr. Speaker, I hope the House will reject this resolution.

Mr. THOMPSON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ECKHARDT) for purposes of debate only.

Mr. ECKHARDT. Mr. Speaker, I think that this question has been made a good deal more complicated in the debate than it really is. The question here is whether or not the real parties in interest will be in a lawsuit which involves a constitutional question of Executive privilege and division of powers.

Mr. Speaker, presently the only parties in the case, other than the personal intervenor, John Moss, are what is called the United States and A.T. & T., but the "United States" is President Gerald Ford against A.T. & T.

The essence of a lawsuit is the difference between the parties involved. There should be parties that are antagonistic to each other, in order that all the points be brought up; but in the letter of President Ford to the chairman, the gentleman from West Virginia (Mr. STAGGERS), he said:

To secure these services,—

That is, the electronic surveillance involved—

the Executive Branch has supplied to the American Telephone and Telegraph Company sensitive national security information with the understanding that such information would not be disclosed except to the extent necessary to provide the required services.

So the President was affording to A.T. & T. access to sensitive information that he does not want Congress to see.

Then he further says:

In receiving, acting upon and retaining this information, the American Telephone and Telegraph Company was and is an agent of the United States acting under contract with the Executive Branch.

So we have got the principal suing the agent to determine whether or not Congress has the right to get this information. Now, how in such a lawsuit do we have the adversary parties that are necessary in order that the case for the Congress of the United States is presented? We have before the court the principal and the agent. We have President Ford and A.T. & T., which he entrusted and empowered to be his agent, as the two parties who are in the positions of the principal adversaries.

They are going to present the case to the court so that it may decide whether or not Congress should be permitted to have the information. Is that a lawsuit? Are there real adversary parties in that lawsuit? The only way that the real adversary parties can be placed in that lawsuit is by the passage of this resolution. This resolution will not determine that Congress is entitled to have the information, but it will let Congress make its case to the court. The court will make the determination.

I wish I could appeal to Members across the aisle. I do not think this is a question for partisanship. I think this is an institutional matter: that House of Representatives should be represented in a suit in which Congress powers and those of the President are centrally involved.

Mr. THOMPSON. Mr. Speaker, I yield 3 minutes for the purpose of debate only to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL. Mr. Speaker, if we follow the arguments of the gentleman from Texas to their logical conclusion, what we are going to have to do is have some equitable split of this $50,000 here to those who may feel one way and to those who may feel another way.

Mr. Speaker, the argument has been made—and it is true—that there has been no vote of the full committee or the subcommittee on the decision to seek outside counsel or to seek this extra appropriation in order to pay for that outside counsel. I also make the argument, Mr. Speaker, that the subpenas that were issued to A.T. & T. were not issued according to the rules of the House.

Mr. Speaker, under rule XI(2)(m)(2)(a), I read very clearly that:

Subpenas may be issued when authorized by the majority of the members of the committee.

This subpena was authorized by a majority of the subcommittee and not by the full committee. A close reading of this rule of the House leads me to the conclusion that this rule means that a full committee of the House of Representatives must authorize a subpena, and not a subcommittee. A subcommittee can perform the ministerial duty or function of issuing or serving the subpena, but it takes a vote of the full committee in order to authorize a subpena. This was not done in this case.

Not only was the subpena not issued, in my judgment, according to the rules of the House, but also the full committee and the subcommittee in no way had any say or took action on the seeking of outside counsel or securing this appropriation.

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

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

Mr. ECKHARDT. Is that not the very reason why we should not now authorize Congress, the real adversary party, to join the suit?

Mr. BROYHILL. No; I say that the procedures have not been followed, and that we should turn down this request for this money at this time.

Mr. Speaker, rule XI 2(m)(2)(A) of the House Rules states as follows:

Subpoenas may be issued by a Committee or Subcommittee under subparagraph (1)(B) in the conduct of any investigation or activity or series of investigations or activities only when authorized by the majority of the members of the Committee and authorized subpoenas shall be signed by the chairman of the Committee or any member designated by the Committee.

A close reading of this section leads me to the conclusion that this rule means that the full committee or a subcommittee can perform the ministerial function of issuing and serving a subpena, but the full committee must vote to authorize the subpena. As you will note, the word "subcommittee" is conspicuous by its absence in that part of the above-cited rule that deals with authorization as opposed to issuance.

As a general proposition of statutory interpretation, when a term, phrase, or word, such as "subcommittee" is used in one place and omitted in another place in a rule or statute, the omission should be deemed to have been made for a purpose. As an example of the distinction that I make between ministerial acts of issuance and the responsibility for authorization of the issuance of subpenas, I call to your attention the case of *Shelton v. United States*, 327 F. 2d 601 (1963). In this case, which involved the Senate Subcommittee To Investigate the Administration of the Internal Security Act and Other Internal Security Laws, the Senate rule at issue specified that subpenas for the attendance of witnesses shall be issued by the subcommittee chairman or by any other member of the subcommittee designated by him. The Court held that this particular language, which is similar to the language in House Rule XI2(m)(2)(A), concerned the ministerial functions of issuance of a subpena, not authorization and the Court further held that the subcommittee, and not the subcommittee chairman, was the only body that could authorize subpenas. Issuance then is ministerial, to be differentiated from authorization. It would appear that the House rules do give to the subcommittee the ministerial function of issuing the subpoena, but the authorization should come via a vote of the subcommittee and full committee. Some would argue that rule XI2(m)(1)(B), which provides that any committee or any subcommittee thereof is authorized "to require by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents as it deems necessary" gives a subcommittee the power to authorize a subpena. This

authorization language in rule XI2(m)(1)(B), however, is made subject, by its own language, to the provisions of rule XI2(m)(2)(A), quoted above, which calls for a full committee vote in order to authorize a subpena. Thus, it would appear to me that the proper procedure to be followed is as follows: First, a vote by the subcommittee in favor of authorizing subpenas; second, a vote by the full committee authorizing the issuance of the subpena; and third, the issuance of the subpena by either the subcommitee or the full committee—the ministerial act.

It would be my opinion that this subpena was not issued in compliance with the rules of the House, which delineate the procedures to be utilized in the issuance of a subpena in that subpenas were issued without the benefit of a vote by the full committee.

Mr. THOMPSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Connecticut (Mr. MOFFETT) for the purpose of debate only.

Mr. MOFFETT. Mr. Speaker, we all know where this institution stands in the public opinion polls. Some of it is justified and some of it is not, but we do know that its public approval rating in recent years was highest when it aggressively challenged the Executive trampling of individual rights. During Watergate, this Congress received high marks from the public. Now, we are at the bottom of the barrel again.

That should tell us something about our shortcomings, our lack of vigilance and our lack of aggressiveness in protecting the public, and the lack of integrity of the legislative branch of the Government.

Mr. Speaker, I have sat here today and listened to the gentleman from Minnesota talk about the need to go back into negotiations. The fact of the matter is that the President cut off negotiations to go to court. I have heard my good friend from Texas (Mr. COLLINS) talk about the "present" vote by the lone Republican when we issued the subpenas, but he did not mention the fact that Messrs. COLLINS, LENT and MOORE were also present when we had a unanimous-consent request to go forward with the agreement that had been supposedly endorsed by Mr. Buchen and Mr. Marsh of the White House. We had more consent on that issue than on any other issue.

I heard the distinguished minority leader, the gentleman from Arizona (Mr. RHODES) talk about the Congress being what he calls "busybodies" by challenging the Executive. I remember very clearly, as a private citizen in 1974, watching some Members of this House on TV, watching some stonewalling going on in that Congress.

I remember running not on the Watergate issue but winning by a substantial margin, as did many people on this side, largely because the American public, in November 1974, rejected stonewalling. It is disgusting to see it being put forth here again today.

Mr. Speaker, I urge the adoption of this resolution.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 668]

Abdnor	Green	Neal
Abzug	Hall, Tex.	Nix
Adams	Hannaford	O'Neill
Addabbo	Hanson	Patterson, Calif.
Alexander	Harsha	Pepper
Anderson, Ill.	Hawkins	Peyser
Andrews, N.C.	Hays, Ohio	Ponge
Andrews, N. Dak.	Hébert	Pressler
Ashbrook	Heinz	Quillen
AuCoin	Hightower	Regula
Badillo	Hinshaw	Riegle
Beard, R.I.	Holland	Risenhoover
Bell	Howe	Roberts
Bonker	Jarman	Rose
Broomfield	Johnson, Colo.	Rousselot
Burgener	Johnson, Pa.	Roybal
Burke, Fla.	Jones, Ala.	Russo
Burton, John	Jones, Tenn.	St Germain
Burton, Phillip	Kastenmeier	Schneebeli
Byron	Ketchum	Sikes
Chisholm	Koch	Sisk
Clausen, Don H.	LaFalce	Smith, Iowa
Clay	Landrum	Steed
Cochran	Latta	Stelman
Collins, Ill.	Lehman	Steiger, Ariz.
Conlan	Long, Md.	Stephens
Conyers	McCloskey	Stuckey
de la Garza	McCollister	Talcott
Derwinski	McCormack	Teague
Diggs	McKinney	Traxler
Drinan	Mathis	Udall
Duncan, Oreg.	Melcher	Ullman
du Pont	Mezvinsky	Vander Jagt
Early	Mikva	Wampler
Edwards, Calif.	Moore	Waxman
Esch	Moorhead, Calif.	Wilson, Bob
Eshleman	Moorhead, Pa.	Wilson, C. H.
Evins, Tenn.	Morgan	Wright
Ford, Tenn.	Mosher	Wylie
Fraser	Moss	Young, Alaska
Fuqua	Mottl	Zeferetti
Giaimo	Murphy, N.Y.	

The SPEAKER pro tempore (Mr. McFALL). On this rollcall 305 Members have recorded their presence by electronic device, a quorum.

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

AUTHORIZING PARTICIPATION BY COUNSEL ON BEHALF OF SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE IN ANY JUDICIAL PROCEEDING CONCERNING CERTAIN SUBPENAS

Mr. THOMPSON. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama, the ranking minority Member, Mr. DICKINSON, for the purpose of debate only.

Mr. DICKINSON. Mr. Speaker and Members of the House, let me say first of all that I do not disagree with the principle that the House should be allowed, or be in the position, or have the authority to subpena records. But whether they have the constitutional right to do so, is a red herring that has been dragged across the path of the House so as to divert us from what we are discussing. What we are discussing here is the question whether a subcommittee chairman who is not authorized by a vote of the subcommittee, who is not authorized by a vote of the full committee, can come to the House and get $50,000 to hire a special counsel to intervene in a lawsuit when they already have some 11 lawyers on their staff at an annual payroll of over $266,000. Yet he comes in and wants us to give him $50,000 more. And for what? If the lawyers he presently has cannot produce, then he had better get other lawyers.

As a matter of fact, Mr. Speaker, he does have a lawyer on his staff who did, in fact, appear, and who did, in fact, argue the case, Michael R. Lemov, who was a former attorney with the Department of Justice, Civil Division. That is exactly where this suit is.

Why should this House give any one subcommittee chairman $50,000 to go out and intervene in a suit when his own subcommittee has $850,000 annual budget to hire whom they want to? They already have 11 lawyers. They have never come before our committee yet in the 12 years I have been there and asked for additional money, if they did not have it, where they did not get it?

The point is, Mr. Speaker, even our own committee circumvented its own rules. We have a Committee on Contracts, to review contracts, and our chairman admitted that it was an unusual procedure and in the future he would not circumvent our own subcommittee. But in this case, because of the press of time, we would not even take it up within our own subcommittee. So on an almost straight party-line vote, with one Democrat joining the Republicans, it was voted out of our committee.

The point is not whether or not we should be able to subpena, or whether or not this is a constitutional issue. The point is does this committee want to authorize any committee chairman to go out and intervene as an individual, or as subcommittee chairman, without the authority of any subcommittee or any full committee, and give him $50,000 to do it? I think the answer is no, and I certainly hope we defeat this resolution.

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

Mr. THOMPSON. Mr. Speaker, I thank the distinguished ranking Member for his most empressive remarks, with which I do not agree, except that I am inclined to express my gratitude to him for yielding back the remainder of his time.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. MAGUIRE. Mr. Speaker, I rise in support of House Resolution 1420.

I think it is important for all of us to focus on the constitutional implications of this case.

The doctrine of separation of powers and the doctrine of checks and balances requires that the legislative branch have complete access to such information. The father of the separation of powers doctrine, Montesquieu, stated unequivocally that the legislature "has the right, and ought to have the means of examining in what manner its laws have been executed." In analyzing Montesquieu's work, Justice Holmes argued that it is "a basic value in the separation of powers that ultimate surveillance should rest in the legislature."

The Supreme Court has repeatedly defended the power of the people's representatives to inquire. In the leading case of *McGrain* v. *Daugherty*, 273, U.S. 135, the court stated that "the power of inquiry—with process to enforce it—is an essential * * * auxiliary to the legislative function." In *Watkins* v. *United States*, 354 U.S. 178, the court said:

> The power of the Congress to conduct investigations is inherent in the legislative process. That power is broad. It encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes. . . . It comprehends probes into departments of the Federal Government to expose corruption, inefficiency or waste.

In the most recent case, *Eastland* v. *United States Servicemen's Funds*, 421 U.S. 491, the court stated unequivocally that "the power to investigate is inherent in the power to make laws. * * *"

The President's assertions in the pending case of United States against American Telephone and Telegraph Co., et al., directly threaten the power of the legislative branch to inquire by wrapping a broad class of information in the cloak of "Executive privilege." If the Executive can preclude the Congress from gaining essential information through this means, the Executive makes meaningless, to the extent of the asserted privilege, the power of Congress to check Executive abuse of power.

If the Congress cannot know, it cannot act in an informed manner to enact remedial legislation. If these checks are breached, then the constitutional system whose "constant aim" according to Madison in the Federalist Papers, is "to divide and arrange the several offices in such a manner as that each may be a check on the other" is itself breached.

The President seeks to dismantle these constitutional principles because he questions the ability of the Congress to handle any sensitive material in a responsible manner. I am, as we all should be, offended by such an assertion. It is one which lacks completely any basis in fact. The Subcommittee on Oversight and Investigations has an unblemished security record in its handling of over one-half million sensitive documents.

The security procedures employed by the subcommittee are as strict as can be developed. All such documents are stored in safes and may be seen only by members of the subcommittee and the subcommittee staff, and then only with an elaborate checkout system. These documents were received, as will those of A.T. & T., in executive session under rule II of our rules, and as you know may be released only by a majority vote of the committee.

The subcommittee negotiated an agreement with the executive branch whereby only three top security cleared members of the subcommittee staff would be allowed to see names of wiretap targets for verification. This was refused by the White House.

The procedures established by this body and the Subcommittee on Oversight and Investigations insure that the subcommittee is at least as able as the Executive or the telephone company—which gives access to the subpenaed material to some personnel who possess no security clearance whatsoever—to safeguard this information. The President must not be allowed to perpetuate the false notion that we are any less than equally responsible in handling sensitive information we receive.

I urge an aye vote on House Resolution 1420.

Mr. THOMPSON. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER. The question is on the resolution, as amended.

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

RECORDED VOTE

Mr. DICKINSON. Mr. Speaker, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 143, not voting 108, as follows:

[Roll No. 669]

AYES—180

Adams	Downey, N.Y.	Kastenmeier
Allen	Drinan	Keys
Ambro	Eckhardt	Krebs
Anderson, Calif.	Edgar	Krueger
Andrews, N.C.	Edwards, Calif.	LaFalce
Annunzio	Ellberg	Leggett
Ashley	Evans, Colo.	Lloyd, Calif.
Aspin	Evans, Ind.	Long, La.
Baldus	Fary	Long, Md.
Baucus	Fascell	Lundine
Bedell	Fenwick	McFall
Bergland	Fisher	McHugh
Biaggi	Fithian	McKay
Bingham	Flood	Madden
Blanchard	Florio	Maguire
Blouin	Foley	Matsunaga
Boggs	Ford, Mich.	Mazzoli
Boland	Fountain	Meeds
Bolling	Fraser	Metcalfe
Brademas	Gaydos	Meyner
Brodhead	Gibbons	Mikva
Brooks	Gonzalez	Miller, Calif.
Brown, Calif.	Gude	Mills
Burke, Calif.	Hall, Ill.	Mineta
Carney	Hamilton	Minish
Carr	Harkin	Mink
Collins, Ill.	Harris	Mitchell, Md.
Corman	Hayes, Ind.	Moffett
Cornell	Hechler, W. Va.	Moss
Cotter	Heckler, Mass.	Murphy, Ill.
D'Amours	Helstoski	Murphy, N.Y.
Daniels, N.J.	Hicks	Murtha
Danielson	Holtzman	Neal
Davis	Howard	Nolan
Delaney	Hubbard	Nowak
Dellums	Hughes	Oberstar
Dent	Hungate	Obey
Derrick	Ichord	O'Hara
Diggs	Jacobs	Ottinger
Dingell	Jenrette	Passman
Dodd	Johnson, Calif.	Patterson, Calif.
Pattison, N.Y.	Ryan	Thompson
Perkins	Santini	Thornton
Pickle	Sarbanes	Udall
Pike	Satterfield	Ullman
Preyer	Schroeder	Van Deerlin
Price	Seiberling	Vander Veen
Randall	Sharp	Vanik
Rangel	Simon	Vigorito
Rees	Solarz	Weaver
Reuss	Spellman	Whalen
Richmond	Staggers	Wilson, Tex.
Rodino	Stanton, James V.	Wirth
Roe	Stark	Wolff
Rogers	Stephens	Wright
Roncalio	Stokes	Yates
Rooney	Studds	Yatron
Rosenthal	Symington	Young, Ga.
Rostenkowski	Taylor, N.C.	Young, Tex.
Roush		Zablocki

NOES—143

Archer	Frenzel	Mollohan
Armstrong	Frey	Montgomery
Bafalis	Gilman	Myers, Ind.
Bauman	Ginn	Myers, Pa.
Beard, Tenn.	Goldwater	Natcher
Bennett	Goodling	Nedzi
Bevill	Gradison	Nichols
Biester	Grassley	O'Brien
Bowen	Guyer	Patten, N.J
Breaux	Hagedorn	Paul
Breckinridge	Haley	Pettis
Brinkley	Hammer-schmidt	Pressler
Brown, Mich.	Harsha	Pritchard
Brown, Ohio	Hefner	Quie
Broyhill	Henderson	Railsback
Buchanan	Hillis	Rhodes
Burke, Mass.	Holt	Rinaldo
Burleson, Tex.	Horton	Robinson
Burlison, Mo.	Hutchinson	Runnels
Butler	Hyde	Ruppe
Byron	Jarman	Sarasin
Carter	Jeffords	Schneebeli
Cederberg	Johnson, Colo.	Schulze
Chappell	Jones, N.C.	Shipley
Clancy	Jones, Okla.	Shriver
Clawson, Del	Kasten	Shuster
Cochran	Kazen	Smith, Nebr.
Cohen	Kelly	Snyder
Collins, Tex.	Kemp	Spence
Conable	Kindness	Stanton, J. William
Conte	Lagomarsino	Steiger, Wis.
Coughlin	Lent	Stratton
Crane	Levitas	Symms
Daniel, Dan	Lloyd, Tenn.	Taylor, Mo.
Daniel, R. W.	Lott	Thone
Derwinski	Lujan	Treen
Devine	McClory	Vander Jagt
Dickinson	McCollister	Waggonner
Downing, Va.	McDade	Walsh
Duncan, Tenn.	McDonald	White
Edwards, Ala.	McEwen	Whitehurst
Emery	Madigan	Whitten
English	Mahon	Wiggins
Erlenborn	Mann	Winn
Findley	Michel	Wydler
Fish	Milford	Young, Fla.
Flowers	Miller, Ohio	
Flynt	Mitchell, N.Y.	
Forsythe		

NOT VOTING—108

Abdnor	Esch	McCloskey
Abzug	Eshleman	McCormack
Addabbo	Evins, Tenn.	McKinney
Alexander	Ford, Tenn.	Martin
Anderson, Ill.	Fuqua	Mathis
Andrews, N. Dak.	Giaimo	Melcher
	Green	Mezvinsky
Ashbrook	Hall, Tex.	Moakley
AuCoin	Hanley	Moore
Badillo	Hannaford	Moorhead, Calif.
Beard, R.I.	Hansen	Moorhead, Pa.
Bell	Harrington	Morgan
Bonker	Hawkins	Mosher
Broomfield	Hays, Ohio	Mottl
Burgener	Hébert	Nix
Burke, Fla.	Heinz	O'Neill
Burton, John	Hightower	Pepper
Burton, Phillip	Ilinshaw	Peyser
Chisholm	Holland	Poage
Clausen, Don H.	Howe	Quillen
	Johnson, Pa.	Regula
Clay	Jones, Ala.	Riegle
Cleveland	Jones, Tenn.	Risenhoover
Conlan	Karth	Roberts
Conyers	Ketchum	Rose
de la Garza	Koch	Rousselot
Duncan, Oreg.	Landrum	Roybal
du Pont	Latta	Russo
Early	Lehman	

St Germain	Steed	Tsongas
Scheuer	Steelman	Wampler
Sebelius	Steiger, Ariz.	Waxman
Sikes	Stuckey	Wilson, Bob
Sisk	Sullivan	Wilson, C. H.
Skubitz	Talcott	Wylie
Slack	Teague	Young, Alaska
Smith, Iowa	Traxler	Zeferetti

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill for, with Mr. Hébert against.
Mr. Addabbo for, with Mr. Roberts against.
Mr. Hanley for, with Mr. Teague against.
Mr. Koch for, with Mr. Rousselot against.
Ms. Abzug for, with Mr. Regula against.
Mrs. Chisholm for, with Mr. Moore against.
Mr. Moakley for, with Mr. Latta against.
Mr. Charles H. Wilson of California for, with Mr. Ketchum against.
Mr. Jones of Tennessee for, with Mr. Johnson of Pennsylvania against.
Mr. Badillo for, with Mr. Wampler against.
Mr. Phillip Burton for, with Mr. Young of Alaska against.
Mr. John Burton for, with Mr. Hansen against.
Mr. Conyers for, with Mr. Burke of Florida against.
Mr. Clay for, with Mr. Andrews of North Dakota against.
Mr. Pepper for, with Mr. Ashbrook against.
Mr. Early for, with Mr. Martin against.
Mr. Hannaford for, with Mr. Quillen against.
Mr. Harrington for, with Mr. Abdnor against.
Mr. Hawkins for, with Mr. Burgener against.
Mr. Lehman for, with Mr. Cleveland against.
Mr. McCormack for, with Mr. Don H. Clausen against.
Mr. Mezvinsky for, with Mr. Wylie against.
Mr. Moorhead of Pennsylvania for, with Mr. Talcott against.
Mr. Morgan for, with Mr. Anderson of Illinois against.
Mr. Riegle for, with Mr. Skubitz against.
Mr. Roybal for, with Mr. Bob Wilson against.
Mr. Scheuer for, with Mr. Sebelius against.
Mr. Sisk for, with Mr. Moorhead of California against.
Mr. Smith of Iowa for, with Mr. McKinney against.
Mr. St Germain for, with Mr. McCloskey against.
Mr. Traxler for, with Mr. Eshleman against.
Mr. Tsongas for, with Mr. Broomfield against.
Mr. Waxman for, with Mr. Steelman against.
Mr. Zeferetti for, with Mr. du Pont against.
Mr. Duncan of Oregon for, with Mr. Bell against.
Mr. Mottl for, with Mr. Steiger of Arizona against.
Mr. Ford of Tennessee for, with Mr. Conlan against.
Mr. Melcher for, with Mr. Esch against.
Mr. Nix for, with Mr. Landrum against.

Until further notice:

Mr. Hays of Ohio with Mrs. Sullivan.
Mr. de la Garza with Mr. Evins of Tennessee.
Mr. Alexander with Mr. Green.
Mr. Giaimo with Mr. Holland.
Mr. Jones of Alabama with Mr. Mathis.
Mr. AuCoin with Mr. Bonker.
Mr. Fuqua with Mr. Hall of Texas.
Mr. Hightower with Mr. Karth.
Mr. Risenhoover with Mr Rose.
Mr. Russo with Mr. Sikes.
Mr. Slack with Mr. Steed.

Mr. JONES of Oklahoma changed his vote from "aye" to "no."

Mr. HUBBARD changed his vote from "no" to "aye."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Resolution providing for the appointment of a special counsel to represent the House and the Committee on Interstate and Foreign Commerce in certain judicial proceedings.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT TOMORROW, AUGUST 27, 1976, TO FILE A CONFERENCE REPORT ON S. 5

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the managers may have until midnight, Friday, August 27, 1976, to file a conference report on the Senate bill (S. 5), the Government in the sunshine bill.

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

There was no objection.

CONFERENCE REPORT (H. REPT. No. 94-1441)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5) to provide that meetings of Government agencies shall be open to the public, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Government in the Sunshine Act".

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of the United States that the public is entitled to the fullest practicable information regarding the decisionmaking processes of the Federal Government. It is the purpose of this Act to provide the public with such information while protecting the rights of individuals and the ability of the Government to carry out its responsibilities.

OPEN MEETINGS

SEC. 3. (a) Title 5, United States Code, is amended by adding after section 552a the following new section:

"§ 552b. Open meetings

"(a) For purposes of this section—

"(1) the term 'agency' means any agency, as defined in section 552(e) of this title, headed by a collegial body composed of two or more individual members, a majority of whom are appointed to such position by the President with the advice and consent of the Senate, and any subdivision thereof authorized to act on behalf of the agency;

"(2) the term 'meeting' means the deliberations of at least the number of individual agency members required to take action on behalf of the agency where such deliberations determine or result in the joint conduct or disposition of official agency business, but does not include deliberations required or permitted by subsection (d) or (e); and

"(3) the term 'member' means an individual who belongs to a collegial body heading an agency.

"(b) Members shall not jointly conduct or dispose of agency business other than in accordance with this section. Except as provided in subsection (c), every portion of every meeting of an agency shall be open to public observation.

"(c) Except in a case where the agency finds that the public interest requires otherwise, the second sentence of subsection (b) shall not apply to any portion of an agency meeting, and the requirements of subsections (d) and (e) shall not apply to any information pertaining to such meeting otherwise required by this section to be disclosed to the public, where the agency properly determines that such portion or portions of its meeting or the disclosure of such information is likely to—

"(1) disclose matters that are (A) specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such Executive order;

"(2) relate solely to the internal personnel rules and practices of an agency;

"(3) disclose matters specifically exempted from disclosure by statute (other than section 552 of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

"(4) disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

"(5) involve accusing any person of a crime, or formally censuring any person;

"(6) disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

"(7) disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

"(8) disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

"(9) disclose information the premature disclosure of which would—

"(A) in the case of an agency which regulates currencies, securities, commodities, or financial institutions, be likely to (i) lead to significant financial speculation in currencies, securities, or commodities, or (ii) significantly endanger the stability of any financial institution; or

"(B) in the case of any agency, be likely to significantly frustrate implementation of a proposed agency action,

except that subparagraph (B) shall not apply in any instance where the agency has already

disclosed to the public the content or nature of its proposed action, or where the agency is required by law to make such disclosure on its own initiative prior to taking final agency action on such proposal; or

"(10) specifically concern the agency's issuance of a subpena, or the agency's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the agency of a particular case of formal agency adjudication pursuant to the procedures in section 554 of this title or otherwise involving a determination on the record after opportunity for a hearing.

"(d)(1) Action under subsection (c) shall be taken only when a majority of the entire membership of the agency (as defined in subsection (a)(1) votes to take such action. A separate vote of the agency members shall be taken with respect to each agency meeting a portion or portions of which are proposed to be closed to the public pursuant to subsection (c), or with respect to any information which is proposed to be withheld under subsection (c). A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, or with respect to any information concerning such series of meetings, so long as each meeting in such series involves the same particular matters and is scheduled to be held no more than thirty days after the initial meeting in such series. The vote of each agency member participating in such vote shall be recorded and no proxies shall be allowed.

"(2) Whenever any person whose interests may be directly affected by a portion of a meeting requests that the agency close such portion to the public for any of the reasons referred to in paragraph (5), (6), or (7) of subsection (c), the agency, upon request of any one of its members, shall vote by recorded vote whether to close such meeting.

"(3) Within one day of any vote taken pursuant to paragraph (1) or (2), the agency shall make publicly available a written copy of such vote reflecting the vote of each member on the question. If a portion of a meeting is to be closed to the public, the agency shall, within one day of the vote taken pursuant to paragraph (1) or (2) of this subsection, make publicly available a full written explanation of its action closing the portion together with a list of all persons expected to attend the meeting and their affiliation.

"(4) Any agency, a majority of whose meetings may properly be closed to the public pursuant to paragraph (4), (8), (9)(A), or (10) of subsection (c), or any combination thereof, may provide by regulation for the closing of such meetings or portions thereof in the event that a majority of the members of the agency votes by recorded vote at the beginning of such meeting, or portion thereof, to close the exempt portion or portions of the meeting, and a copy of such vote, reflecting the vote of each member on the question, is made available to the public. The provisions of paragraphs (1), (2), and (3) of this subsection and subsection (e) shall not apply to any portion of a meeting to which such regulations apply: *Provided*, That the agency shall, except to the extent that such information is exempt from disclosure under the provisions of subsection (c), provide the public with public announcement of the time, place, and subject matter of the meeting and of each portion thereof at the earliest practicable time.

"(e)(1) In the case of each meeting, the agency shall make public announcement, at least one week before the meeting, of the time, place, and subject matter of the meeting, whether it is to be open or closed to the public, and the name and phone number of the official designated by the agency to respond to requests for information about the meeting. Such announcement shall be made unless a majority of the members of the agency determines by a recorded vote that agency business requires that such meeting be called at an earlier date, in which case the agency shall make public announcement of the time, place, and subject matter of such meeting, and whether open or closed to the public, at the earliest practicable time.

"(2) The time or place of a meeting may be changed following the public announcement required by paragraph (1) only if the agency publicly announces such change at the earliest practicable time. The subject matter of a meeting, or the determination of the agency to open or close a meeting, or portion of a meeting, to the public, may be changed following the public announcement required by this subsection only if (A) a majority of the entire membership of the agency determines by a recorded vote that agency business so requires and that no earlier announcement of the change was possible, and (B) the agency publicly announces such change and the vote of each member upon such change at the earliest practicable time.

"(3) Immediately following each public announcement required by this subsection, notice of the time, place, and subject matter of a meeting, whether the meeting is open or closed, any change in one of the preceding, and the name and phone number of the official designated by the agency to respond to requests for information about the meeting, shall also be submitted for publication in the Federal Register.

"(f)(1) For every meeting closed pursuant to paragraphs (1) through (10) of subsection (c), the General Counsel or chief legal officer of the agency shall publicly certify that, in his or her opinion, the meeting may be closed to the public and shall state each relevant exemptive provision. A copy of such certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting, and the persons present, shall be retained by the agency. The agency shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or portion of a meeting, closed to the public, except that in the case of a meeting, or portion of a meeting, closed to the public pursuant to paragraph (8), (9)(A), or (10) of subsection (c), the agency shall maintain either such a transcript or recording, or a set of minutes. Such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any rollcall vote (reflecting the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.

"(2) The agency shall make promptly available to the public, in a place easily accessible to the public, the transcript, electronic recording, or minutes (as required by paragraph (1)) of the discussion of any item on the agenda, or of any item of the testimony of any witness received at the meeting, except for such item or items of such discussion or testimony as the agency determines to contain information which maybe withheld under subsection (c). Copies of such transcript, or minutes, or a transcription of such recording disclosing the identity of each speaker, shall be furnished to any person at the actual cost of duplication or transcription. The agency shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two years after such meeting, or until one year after the conclusion of any agency proceeding with respect to which the meeting or portion was held, whichever occurs later.

"(g) Each agency subject to the requirements of this section shall, within 180 days after the date of enactment of this section, following consultation with the Office of the Chairman of the Administrative Conference of the United States and published notice in the Federal Register of at least thirty days and opportunity for written comment by any person, promulgate regulations to implement the requirements of subsections (b) through (f) of this section. Any person may bring a proceeding in the United States District Court for the District of Columbia to require an agency to promulgate such regulations if such agency has not promulgated such regulations within the time period specified herein. Subject to any limitations of time provided by law, any person may bring a proceeding in the United States Court of Appeals for the District of Columbia to set aside agency regulations issued pursuant to this subsection that are not in accord with the requirements of subsections (b) through (f) of this section and to require the promulgation of regulations that are in accord with such subsections.

"(h)(1) The district courts of the United States shall have jurisdiction to enforce the requirements of subsections (b) through (f) of this section by declaratory judgment, injunctive relief, or other relief, as may be appropriate. Such actions may be brought by any person against an agency prior to, or within sixty days after, the meeting out of which the violation of this section arises, except that if public announcement of such meeting is not initially provided by the agency in accordance with the requirements of this section, such action may be instituted pursuant to this section at any time prior to sixty days after any public announcement of such meeting. Such actions may be brought in the district court of the United States for the district in which the agency meeting is held or in which the agency in question has its headquarters, or in the District Court for the District of Columbia. In such actions a defendant shall serve his answer within thirty days after the service of the complaint. The burden is on the defendant to sustain his action. In deciding such cases the court may examine in camera any portion of the transcript, electronic recording, or minutes of a meeting closed to the public, and may take such additional evidence as it deems necessary. The court, having due regard for orderly administration and the public interest, as well as the interests of the parties, may grant such equitable relief as it deems appropriate, including granting an injunction against future violations of this section or ordering the agency to make available to the public such portion of the transcript, recording, or minutes of a meeting as is not authorized to be withheld under subsection (c) of this section.

"(2) Any Federal court otherwise authorized by law to review agency action may, at the application of any person properly participating in the proceeding pursuant to other applicable law, inquire into violations by the agency of the requirements of this section and afford such relief as it deems appropriate. Nothing in this section authorizes any Federal court having jurisdiction solely on the basis of paragraph (1) to set aside, enjoin, or invalidate any agency action (other than an action to close a meeting or to withhold information under this section) taken or discussed at an agency meeting out of which the violation of this section arose.

"(i) The court may assess against any party reasonable attorney fees and other litigation costs reasonably incurred by any other party who substantially prevails in any action brought in accordance with the provisions of subsection (g) or (h) of this

section, except that costs may be assessed against the plaintiff only where the court finds that the suit was initiated by the plaintiff primarily for frivolous or dilatory purposes. In the case of assessment of costs against an agency, the costs may be assessed by the court against the United States.

"(j) Each agency subject to the requirements of this section shall annually report to Congress regarding its compliance with such requirements, including a tabulation of the total number of agency meetings open to the public, the total number of meetings closed to the public, the reasons for closing such meetings, and a description of any litigation brought against the agency under this section, including any costs assessed against the agency in such litigation (whether or not paid by the agency).

"(k) Nothing herein expands or limits the present rights of any person under section 552 of this title, except that the exemptions set forth in subsection (c) of this section shall govern in the case of any request made pursuant to section 552 to copy or inspect the transcripts, recordings, or minutes described in subsection (f) of this section. The requirements of chapter 33 of title 44, United States Code, shall not apply to the transcripts, recordings, and minutes described in subsection (f) of this section.

"(l) This section does not constitute authority to withhold any information from Congress, and does not authorize the closing of any agency meeting or portion thereof required by any other provision of law to be open.

"(m) Nothing in this section authorizes any agency to withhold from any individual any record, including transcripts, recordings, or minutes required by this section, which is otherwise accessible to such individual under section 552a of this title.".

(b) The chapter analysis of chapter 5 of title 5, United States Code, is amended by inserting:

"552b. Open meetings."

immediately below:

"552a. Records about individuals.".

EX PARTE COMMUNICATIONS

SEC. 4. (a) Section 557 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) In any agency proceeding which is subject to subsection (a) of this section, except to the extent required for the disposition of ex parte matters as authorized by law—

"(A) no interested person outside the agency shall make or knowingly cause to be made to any member of the body comprising the agency, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of the proceeding, an ex parte communication relevant to the merits of the proceeding;

"(B) no member of the body comprising the agency, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of the proceeding, shall make or knowingly cause to be made to any interested person outside the agency an ex parte communication relevant to the merits of the proceeding;

"(C) a member of the body comprising the agency, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of such proceeding who receives, or who makes or knowingly causes to be made a communication prohibited by this subsection shall place on the public record of the proceeding:

"(i) all such written communications;

"(ii) memoranda stating the substance of all such oral communications; and

"(iii) all written responses, and memoranda stating the substance of all oral responses, to the materials described in clauses (i) and (ii) of this subparagraph;

"(D) upon receipt of a communication knowingly made or knowingly caused to be made by a party in violation of this subsection, the agency, administrative law judge, or other employee presiding at the hearing may, to the extent consistent with the interests of justice and the policy of the underlying statutes, require the party to show cause why his claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation; and

"(E) the prohibitions of this subsection shall apply beginning at such time as the agency may designate, but in no case shall they begin to apply later than the time at which a proceeding is noticed for hearing unless the person responsible for the communication has knowledge that it will be noticed, in which case the prohibitions shall apply beginning at the time of his acquisition of such knowledge.

"(2) This subsection does not constitute authority to withhold information from Congress.".

(b) Section 551 of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (12);

(2) by striking out the "act." at the end of paragraph (13) and inserting in lieu thereof "act; and"; and

(3) by adding at the end thereof the following new paragraph:

"(14) 'ex parte communication' means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports on any matter or proceeding covered by this subchapter.".

(c) Section 556(d) of title 5, United States Code, is amended by inserting between the third and fourth sentences thereof the following new sentence: "The agency may, to the extent consistent with the interests of justice and the policy of the underlying statutes administered by the agency, consider a violation of section 557(d) of this title sufficient grounds for a decision adverse to a party who has knowingly committed such violation or knowingly caused such violation to occur.".

CONFORMING AMENDMENTS

SEC. 5. (a) Section 410(b)(1) of title 39, United States Code, is amended by inserting after "Section 552 (public information)," the words "section 552a (records about individuals), section 552b (open meetings),".

(b) Section 552(b)(3) of title 5, United States Code, is amended to read as follows:

"(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;".

(c) Subsection (d) of section 10 of the Federal Advisory Committee Act is amended by striking out the first sentence and inserting in lieu thereof the following: "Subsections (a)(1) and (a)(3) of this section shall not apply to any portion of an advisory committee meeting where the President, or the head of the agency to which the advisory committee reports, determines that such portion of such meeting may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code.".

EFFECTIVE DATE

SEC. 6. (a) Except as provided in subsection (b) of this section, the provisions of this Act shall take effect 180 days after the date of its enactment.

(b) Subsection (g) of section 552b of title 5, United States Code, as added by section 3 (a) of this Act, shall take effect upon enactment.

And the House agree to the same.

JACK BROOKS,
JOHN E. MOSS,
DANTE B. FASCELL,
JOHN CONYERS, JR.,
BELLA S. ABZUG,
WALTER FLOWERS,
GEORGE E. DANIELSON,
BARBARA JORDAN,
ROMANO L. MAZZOLI,
EDWARD W. PATTISON,
FRANK HORTON,
PAUL N. MCCLOSKEY, JR.,
CARLOS J. MOORHEAD,
THOMAS N. KINDNESS,
Managers on the Part of the House.

ABE RIBICOFF,
EDMUND S. MUSKIE,
LEE METCALF,
LAWTON CHILES,
CHARLES H. PERCY,
JACOB K. JAVITS,
WILLIAM V. ROTH, JR.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5) to provide that meetings of Government agencies shall be open to the public, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a complete substitute for the House amendment, and the House agrees to the same. The differences among the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SHORT TITLE

The Senate bill, the House amendment, and the conference substitute provide that this legislation may be cited as the "Government in the Sunshine Act".

DECLARATION OF POLICY

The Senate bill, the House amendment, and the conference substitute provide in section 2 that it is the policy of the United States that the public is entitled to the fullest practicable information regarding the decisionmaking processes of the Federal Government, and that it is the purpose of this Act to provide the public with such information while protecting the rights of individuals and the ability of the Government to carry out its responsibilities.

OPEN MEETINGS

Codification

Senate Bill

The Senate bill did not make its open meeting provisions a part of title 5, United States Code.

House Amendment

The House amendment enacted its open meeting provisions as a new section 552b of title 5, United States Code.

Conference Substitute

The conference substitute is the same as the House amendment.

Definitions

Senate bill

Section 3 of the Senate bill defined the term "person" to include an individual, part-

nership, corporation, association, or public or private organization other than an agency.

Section 4(a) of the Senate bill made section 4 applicable to the Federal Election Commission and to any agency, as defined in section 551(1) of title 5, United States Code, where the collegial body comprising the agency consists of two or more individual members, at least a majority of whom are appointed to such position by the President with the advice and consent of the Senate.

Section 4(a) of the Senate bill also provided that for purposes of section 4, a meeting means the deliberations of at least the number of individual agency members required to take action on behalf of the agency where such deliberations concern the joint conduct or disposition of official agency business.

The Senate bill did not contain a definition of the term "member".

House amendment

The House amendment, subsection (a) of the proposed new section 552b of title 5, United States Code, contained no definition of the term "person", since the proposed section 552b would automatically be subject to the definition of "person" contained in 5 U.S.C. 551(2) (which is identical to the definition contained in the Senate bill).

The House amendment defined the term "agency" as the Federal Election Commission and any agency, as defined in section 552(e) of title 5, United States Code, headed by a collegial body composed of two or more individuals, a majority of whom are appointed to such position by the President with the advice and consent of the Senate, including any subdivision thereof authorized to act on behalf of the agency.

The House amendment defined the term "meeting" as a gathering to jointly conduct or dispose of agency business by two or more, but at least the number of individual agency members required to take action on behalf of the agency, but not including gatherings held to take action required or permitted by subsection (d) of section 552b.

The House amendment defined the term "member" as an individual who belongs to a collegial body heading an agency.

Conference substitute

The conference substitute is subsection (a) of new section 552b. It is the same as the House amendment, except as follows:

1. The separate reference to the Federal Election Commission in the definition of "agency" is eliminated, since that body now falls within the bill's generic definition of the term under the provisions of Public Law 94-283.

2. Although the language of the House amendment referring to a covered agency as "headed by a collegial body" is used in the substitute instead of the reference in the Senate bill to "the collegial body comprising the agency", the intent and understanding of the conferees regarding this provision is that meetings of a collegial body governing an agency whose day-to-day management may be under the authority of a single individual (such as the United States Postal Service and the National Railroad Passenger Corporation (Amtrak)) are included within the definition of agency.

3. The substitute defines the term "meeting" as the deliberations of at least the number of individual agency members required to take action on behalf of the agency where such deliberations determine or result in the joint conduct or disposition of agency business, but not including deliberations to take action to open or close a meeting, or to release or withhold information under subsections (d) or (e) of this section. This is the Senate definition, as explained in the Senate report, except that the word "concern" is replaced by the words "determine or result in". This definition will include conference telephone calls if they involve the requisite number of members and otherwise come within the definition.

Prohibition on conduct of business other than as provided in this section

The Senate bill contained no express prohibition on the conduct of agency business other than as provided in the bill.

House amendment

Section (b)(1) of new section 552b, as included in the House amendment, provided that members, as described in subsection (a)(2), shall not jointly conduct or dispose of agency business without complying with subsections (b) through (g).

Conference substitute

The conference substitute provides that members shall not jointly conduct or dispose of agency business in a meeting other than in accordance with new section 552b. This prohibition does not prevent agency members from considering individually business that is circulated to them sequentially in writing.

Open meeting requirement

Senate bill

Subsection 4(a) of the Senate bill provided that, except as provided in subsection 4(b), all meetings of a collegial body comprising an agency, or of a subdivision thereof authorized to take action on behalf of the agency, shall be open to the public.

House amendment

The House amendment provided, in subsection (b)(2) of new section 552b, that except as provided in subsection (c), every portion of every meeting of an agency (including a subdivision) shall be open to public observation.

Conference substitute

The conference substitute is the same as the House amendment. The phrase "open to public observation" is intended to guarantee that ample space, sufficient visibility, and adequate acoustics will be provided.

Exemptions from open meeting requirement

Senate bill

Section 4(b) of the Senate bill provided that, except where the agency finds that the public interest requires otherwise, (1) the open meeting requirement of subsection 4(a) shall not apply to any meeting, or portion thereof, of an agency or a subdivision of an agency authorized to take action on behalf of the agency, and (2) the informational and disclosure requirements of subsections 4(c) and (d) shall not apply to any information pertaining to such meeting otherwise required by this section to be disclosed to the public, where the agency or subdivision in question properly determines that such portion or portions of the meeting, or such information, can be reasonably expected to—

(1) disclose matters (A) specifically authorized under criteria by an Executive order to be kept secret in the interests of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;

(2) relate solely to the agency's own internal personnel rules and practices;

(3) disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(4) involve accusing any person of a crime, or formally censuring any person;

(5) disclose information contained in investigatory records compiled for law enforcement purposes, but only to the extent that the disclosure would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source, (E) in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation disclose confidential information furnished only by the confidential source, (F) disclose investigative techniques and procedures, or (G) endanger the life or physical safety of law enforcement personnel;

(6) disclose trade secrets, or financial or commercial information obtained from any person, where such trade secrets or other information could not be obtained by the agency without a pledge of confidentiality, or where such information must be withheld from the public in order to prevent substantial injury to the competitive position of the person to whom such information relates;

(7) disclose information which must be withheld from the public in order to avoid premature disclosure of an action or a proposed action by—

(A) an agency which regulates currencies, securities, commodities, or financial institutions where such disclosure would (i) lead to significant financial speculation in currencies, securities, or commodities, or (ii) significantly endanger the stability of any financial institution;

(B) any agency where such disclosure would significantly frustrate implementation of the proposed agency action, or private action contingent thereon; or

(C) any agency relating to the purchase by such agency of real property.

This exemption would not apply in any instance where the agency has already disclosed to the public the content or nature of its proposed action, or where the agency is required by law to make such disclosure on its own initiative prior to taking final agency action on such proposal;

(8) disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(9) specifically concern the agency's participation in a civil action in Federal or State court, or the initiation, conduct, or disposition by the agency of a particular case of formal agency adjudication pursuant to the procedures in section 554 of title 5, United States Code, or otherwise involving a determination on the record after opportunity for a hearing; or

(10) disclose information required to be withheld from the public by any other statute establishing particular criteria or referring to particular types of information.

House amendment

Subsection (c) of 5 U.S.C. 552b, as included in the House amendment, provided that except in a case where the agency finds that the public interest requires otherwise, the open meeting requirement of subsection (b) shall not apply to any portion of an agency meeting, and the informational and disclosure requirements of subsections (d) and (e) shall not apply to any information pertaining to such meeting otherwise required by this section to be disclosed to the public, where the agency properly determines that such portion or portions of its meeting or the disclosure of such information is likely to—

(1) disclose matters that are (A) specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such Executive order;

(2) relate solely to the internal personnel rules and practices of an agency;

(3) disclose matters specifically exempted from disclosure by statute (other than section 552 of title 5, United States Code), provided that such statute (A) requires that the matters be withheld from the public, or (B)

establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) involve accusing any person of a crime, or formally censuring any person;

(6) disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

(8) disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(9) disclose information the premature disclosure of which would—

(A) in the case of an agency which regulates currencies, securities, commodities, or financial institutions, be likely to (i) lead to significant financial speculation, or (ii) significantly endanger the stability of any financial institution; or

(B) in the case of any agency, be likely to significantly frustrate implementation of a proposed agency action, except that exemption (9) (B) would not apply in any instance after the content or nature of the proposed agency action has been disclosed to the public by the agency, unless the agency is required by law to make such disclosure prior to taking final agency action on such proposal, or after the agency publishes or serves a substantive rule pursuant to section 553(d) of title 5, United States Code; or

(10) specifically concern the agency's issuance of a subpena, or the agency's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the agency of a particular case of formal agency adjudication pursuant to the procedures in section 554 of title 5, United States Code, or otherwise involving a determination on the record after opportunity for a hearing.

Conference substitute

The conference substitute is the same as the House amendment, except that the third exemption, incorporating by reference exemptions contained in other statutes, applies only to statutes that either (a) require that the information be withheld from the public in such a manner as to leave no discretion on the issue, or (b) establish particular criteria for withholding or refer to particular types of information to be withheld. The conferees intend this language to overrule the decision of the Supreme Court in *Administrator, FAA* v. *Robertson*, 422 U.S. 255 (1975), which dealt with section 1104 of the Federal Aviation Act of 1958 (49 U.S.C. 1504). Another example of a statute whose terms do not bring it within this exemption is section 1106 of the Social Security Act (42 U.S.C. 1306).

The conferees' understanding and intention with respect to subsection (c) is as follows:

1. The conferees understand the word "likely" to mean that it is more likely than not that the event or result in question will occur.

2. The conferees intend the inclusion in the seventh exemption (law enforcement material) of non-written information such as oral information imparted by a confidential informant, to cover only information, that if written would be included in investigatory records compiled for law enforcement purposes.

3. The language of the House amendment regarding trade secrets and confidential financial or commercial information is identical to the analogous exemption in the Freedom of Information Act, 5 U.S.C. 552(b)(4), and the conferees have agreed to this language with recognition of judicial interpretations of that exemption.

4. The limitation on the second part of the ninth exemption (information whose disclosure would significantly frustrate a proposed agency action) provides that it shall not apply in any instance where the agency has already disclosed to the public the content or nature of its proposed action, or where the agency is required by law to make such disclosure on its own initiative prior to taking final agency action on the proposal. Disclosure of the information other than by the agency, such as by an unauthorized "leak", would not render it ineligible for the protection of this exemption.

5. In an appropriate instance, an agency discussion of the possible purchase of real property would fall within the second part of the ninth exemption.

6. The House version of the personnel exemption is agreed to with recognition of the Supreme Court's interpretation of the analogous Freedom of Information Act exemption in *Department of the Air Force* v. *Rose*, — U.S. —, 44 U.S.L.W. 4503 (April 21, 1976).

Procedure for closing meetings

Senate bill

Subsection 4(c)(1) of the Senate bill provided that action to close a meeting or to withhold information under subsection 4 (b) shall be taken only when a majority of the entire membership of the agency or subdivision concerned votes to take such action. A separate vote is to be taken with respect to each meeting (or portion thereof) proposed to be closed, or any information proposed to be withheld, except that a single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, or with respect to any information concerning such series of meetings, if each meeting in the series involves the same particular matters and is scheduled to be held no more than 30 days after the initial meeting in the series.

The vote of each agency member is to be recorded and proxies are not permitted.

Whenever any person whose interests might be directly affected by a meeting requests that the agency close a portion or portions of the meeting under the exemptions relating to personal privacy, criminal accusation, or law enforcement information, the agency, upon the request of any one of its members, is required to vote whether to close such meeting.

Within one day of any vote taken pursuant to this paragraph, the agency is required to make public a written copy of the vote.

Subsection 4(c)(2) of the Senate bill provided that if a meeting (or portion thereof) is closed, the agency must, within one day of the vote taken under paragraph (c)(1), make public a full written explanation of its action closing the meeting, together with a list containing the names and affiliations of all persons expected to attend the meeting.

Subsection 4(c)(3) of the Senate bill provided a special procedure whereby any agency, a majority of whose meetings will properly be closed to the public pursuant to the exemptions for trade secrets, information that might lead to financial speculation, bank condition reports, or adjudicatory proceedings for civil actions, may provide by regulation for the closing of such meetings or portions, so long as a majority of the members of the agency vote at the beginning of the meeting or portion to close the meeting and a copy of the vote is made public.

The closing procedures of paragraphs (c)(1) and (2), and the announcement procedures of subsection (d), do not apply to any meeting closed under these regulations, but the agency is required to make a public announcement of the date, place, and subject matter of the meeting at the earliest practicable opportunity (except to the extent that to do so would disclose information exempt under subsection 4(b)).

House amendment

Subsection (d)(1) of new section 552b, as set forth in the House amendment, provided that action to close a meeting (or portion thereof) may be taken only when a majority of the entire membership of the agency votes to take such action. A separate vote of the agency members is to be taken with respect to each meeting a portion or portions of which are proposed to be closed, except that a single vote may be taken with respect to a series of portions of meetings proposed to be closed if each portion in such series involves the same particular matters and is scheduled to be held no more than 30 days after the initial portion of a meeting in the series.

The vote of each agency member is required to be recorded and proxies are not permitted.

Subsection (d)(2) of section 552b provided that whenever any person whose interests might be directly affected by a portion of a meeting requests that the agency close such portion to the public under the exemptions relating to personal privacy, criminal accusation, or law enforcement information, the agency, upon the request of any one of its members, is required to vote by recorded vote whether to close such meeting.

Subsection (d)(3) of section 552b required the agency to make public a written copy of any vote taken pursuant to paragraphs (d)(1) or (2), reflecting the vote of each member on the question, within one day after the vote. If the vote is to close the meeting (or a portion thereof), the agency is also required to make public within one day a full written explanation of its action closing the portion and a list of the names and affiliations of all persons expected to attend the meeting.

Subsection (d)(4) of section 552b provided a special procedure whereby any agency, a majority of whose meetings may properly be closed pursuant to the exemptions for trade secrets, information that might lead to financial speculation, bank condition reports, or adjudicatory proceedings or civil actions, may provide by regulation for the closing of such meetings or portions in the event that a majority of the members of the agency vote by recorded vote at the beginning of the meeting or portion to close the exempt portions thereof and a copy of the vote, reflecting the vote of each member on the question, is made public.

The closing procedures of paragraphs (d)(1), (2) and (3), and the announcement procedures of subsection (e), do not apply to any portion of a meeting closed under these regulations, but the agency is required to make a public announcement of the date, place, and subject matter of the meeting (and each portion thereof) at the earliest practicable time and in no case later than the commencement of the meeting or portion (except to the extent that to do so would disclose information exempt under subsection (d)).

Conference substitute

The conference substitute is the same as the Senate bill, except as follows:

1. The reference to an agency subdivision in paragraph (1) is eliminated, since the definition of "agency" in subparagraph (a) (1) of section 552b includes any subdivision thereof authorized to act on behalf of the agency. The reference to the definition of "agency" in this instance is intended to make clear that when a subdivision is authorized to act on behalf of the agency, a majority of the entire membership of the subdivision is necessary to close a meeting.

2. Any vote to close a meeting upon the request of an affected person, or using the special procedure under paragraph (d)(4), must be recorded. When such vote is published, the vote of each individual member shall be set forth.

3. While the public announcement required when a meeting is closed using the special procedure under paragraph (d)(4) need only be made at the earliest practicable time, the conferees intend that such announcements be made as soon as possible, which should in few, if any, instances be later than the commencement of the meeting or portion in question.

4. The fact that one portion of a meeting may be closed does not justify the closing of any other portion.

Announcement of meetings

Senate Bill

Section 4(d) of the Senate bill required that the agency publicly announce, at least one week before a meeting, the following:

1. the date of the meeting;
2. the place of the meeting;
3. the subject matter of the meeting;
4. whether the meeting is open or closed to the public; and
5. the name and telephone number of the official designated by the agency to respond to requests for information about the meeting.

This seven day period may be reduced if the majority of the members of the agency or subdivision determine by vote that the agency business so requires, in which case public announcement of the date, place, and subject matter of the meeting, and whether it is open or closed, is to be made at the earliest practicable opportunity.

The subject matter or closed/open determination for a meeting may be changed following the initial public announcement if (1) a majority of the entire membership of the agency or subdivision determines by vote that the agency business so requires and that no earlier announcement of the change was possible, and (2) the change is announced at the earliest practicable opportunity.

Notice of any public announcement required by this subsection is to be submitted for publication in the Federal Register immediately after its release.

House amendment

Subsection (e) of new section 552b, as added by the House amendment, required that the agency publicly announce, at least one week before a meeting, the following:

1. the date of the meeting;
2. the place of the meeting;
3. the subject matter of the meeting;
4. whether the meeting is to be open or closed to the public; and
5. the name and telephone number of the official designated by the agency to respond to requests for information about the meeting.

This seven day period may be reduced if the majority of the members of the agency determines by recorded vote that the agency business so requires, in which case public announcement of the date, place, and subject matter of the meeting, and whether it was open or closed to the public, is to be made at the earliest practicable time and in no case later than the commencement of the meeting or portion in question.

The time, place, or subject matter of a meeting, or the determination whether a meeting should be open or closed, may be changed following the initial public announcement if (1) a majority of the entire membership of the agency determines by recorded vote that the agency business so requires and that no earlier announcement of the change was possible, and (2) the change and the vote of each member thereon is announced at the earliest practicable time and in no case later than the commencement of the meeting or portion in question.

Conference substitute

The conference substitute is the same as the House amendment, except as follows:

1. While the public announcement required when a meeting is announced on less than seven days' notice, or when the time, place or subject matter of a meeting, or the determination whether to open or close a meeting is changed following the initial public announcement, need only be made at the earliest practicable time, the conferees intend that such announcements be made as soon as possible, which should in few, if any, instances be later than the commencement of the meeting or portion in question.

2. A change in the time or place of a meeting made subsequent to the initial announcement need not be voted upon by the agency members, but must be announced at the earliest practicable time.

3. The bill requires that reasonable means be used to assure that the public is fully informed of public announcements pursuant to this section. Such means include posting notices on the agency's public notice boards, publishing them in publications whose readers may have an interest in the agency's operation, and sending them to the persons on the agency's general mailing list or a mailing list maintained for those who desire to receive such material.

Notice of a public announcement pursuant to this subsection must also be submitted immediately for publication in the Federal Register.

Transcripts, recordings, and minutes of meetings

Senate bill

Section 4(e) of the Senate bill required that a verbatim transcript or electronic recording be made of each meeting or portion closed to the public, except for a meeting or portion closed under the exemption for adjudicatory proceedings and civil actions. The transcript or recording of each item on the agenda is to be made available to the public promptly, in a place easily assessible to the public, where no significant portion of such item contains any information falling within one of the exemptions in section 4(b).

Copies of the transcript (or a transcription of the recording disclosing the identity of each speaker) are to be furnished to any person at the actual cost of duplication or transcription.

The complete transcript or recording is to be maintained by the agency for at least two years after the meeting or one year after the conclusion of the agency proceeding which was the subject of the meeting, whichever occurred later.

House amendment

Subsection (f)(1) of new section 552b, as contained in the House amendment, required that for every meeting closed under the section, the General Counsel or chief legal officer of the agency certify that, in his opinion, the meeting may properly be closed and state the relevant exemptive provision. A copy of such certification, together with a statement from the presiding officer of the meeting setting forth the date, time, and place of the meeting, the persons present, the generic subject matter of the discussion at the meeting, and the actions taken, is to be incorporated into minutes retained by the agency.

Subsection (f)(2) of section 552b required that written minutes be kept of any meeting or portion which is open and promptly be made available to the public in a location easily accessible to the public. The minutes are to be maintained for a period of at least two years after the meeting, and copies are to be furnished to any person at no greater than the actual cost of duplication (or, if in the public interest, at no cost).

Conference substitute

Subsection (f)(1) of the conference substitute requires that before a meeting may be closed, the General Counsel or chief legal officer of the agency must certify that, in his or her opinion, the meeting may properly be closed and state each relevant exemptive provision. A copy of such certification, together with a statement from the presiding officer of the meeting setting forth the date, time, and place of the meeting, and the persons present, shall be retained by the agency as part of the transcript, recording, or minutes of the meeting.

The agency shall make a verbatim transcript or electronic recording of each meeting or portion closed to the public, except that for a meeting closed under exemptions (8) (bank reports), (9)(A) (information likely to lead to financial speculation), and (10) (adjudicatory proceedings or civil actions), the agency may elect to make either a transcript, a recording, or minutes. If minutes are kept, they must fully and clearly describe all matters discussed, provide a full and accurate summary of any actions taken and the reasons expressed therefor, and include a description of each of the views expressed on any item. The minutes must also reflect the vote of each member on any roll call vote taken during the proceedings and must identify all documents considered at the meeting.

Subsection (f)(2) of the conference substitute requires that the transcript, recording, or minutes made pursuant to paragraph (f)(1) as to each item on the agenda must be made promptly available to the public, except for agenda items or items of the discussion or testimony that the agency determines to contain information exempt under subsection (c).

Copies of the nonexempt portions of the transcript, or minutes, or a transcription of the recording disclosing the identity of each speaker, must be furnished to any person at the actual cost of duplication or transaction.

The complete transcript, minutes, or recording of a closed meeting is to be maintained by the agency for at least two years after the meeting or one year after the conclusion of the agency proceeding which was the subject of the meeting, whichever occurs later.

Agency regulations

Senate bill

Section 4(f) of the Senate bill required each agency subject to the requirements of section 4 to promulgate implementing regulations within 180 days after the enactment of the Act, following consultation with the Office of the Chairman of the Administrative Conference of the United States, published notice in the Federal Register of at least 30 days and opportunity for any person to make written comment thereon.

The Senate provision permitted any person to bring a proceeding in the United States District Court for the District of Columbia to require the promulgation of such regulations if not promulgated within the 180-day period, and also permitted any person to bring a proceeding in the United States Court of Appeals for the District of Columbia Circuit to set aside any such regulations not in accord with the requirements of subsections (a) through (e) of section 4 and to require the promulgation of regulations in accord with those provisions.

House amendment

The House amendment, subsection (g) of new section 552b, was the same as the Sen-

ate bill, except that the right to bring a proceeding in the Court of Appeals to challenge agency regulations promulgated under the Act is subject to "any limitations of time therefor provided by law."

Conference substitute

The conference substitute is the same as the House amendment, except that the right to bring a proceeding in the Court of Appeals to challenge agency regulations promulgated under the Act is subject to "any limitations of time provided by law."

Judicial review

Senate bill

Section 4(g) of the Senate bill vested in the United States District Courts jurisdiction to enforce subsections (a) through (e) of section 4 by declaratory judgment, injunctive relief, or other appropriate relief. An action may be brought by any person prior to, or within 60 days after the meeting in question, except that if proper public announcement of the meeting is not made, the action may be instituted at any time within 60 days after such announcement is made.

The Senate provision required a potential plaintiff to notify the agency before instituting suit and to allow it a reasonable period of time (not to exceed 10 days or, if notification is made prior to the meeting, not to exceed two days) to correct the violation.

An action may be brought where the plaintiff resides or has his principal place of business, or where the agency has its headquarters. The defendant is required to serve his answer within 20 days after the service of the complaint, and the burden is on the defendant to sustain his action.

In deciding such an action the court may examine in camera any portion of the transcript or recording of a closed meeting and may take any additional evidence it deems necessary. The court, having due regard for orderly administration, the public interest, and the interests of the party, may grant such equitable relief as it deems appropriate, including enjoining future violations or ordering the agency to make public the transcript or recording of any portion of a meeting improperly closed to the public.

Subsection 4(g) provided that, except as provided in subsection 4(h), nothing in section 4 confers jurisdiction upon any district court to set aside or invalidate any agency action taken or discussed at a meeting out of which a violation of this section arose.

Subsection 4(h) of the Senate bill provided that any Federal court otherwise authorized by law to review agency action may, at the request of any person properly participating in such a review proceeding, inquire into violations of section 4 by the agency and afford any such relief as it deems appropriate.

House amendment

In the House amendment, subsection (h) of new section 552b vested in the United States District Courts jurisdiction to enforce subsections (b) through (f) of section 552b. An action may be brought by any person prior to, or within 60 days after the meeting in question, except that if proper public announcement of the meeting is not made, the action may be instituted at any time within 60 days after such announcement is made.

The House amendment permitted an action to be brought where the meeting was held, where the agency has its headquarters, or in the District of Columbia. The defendant is required to serve his answer within 20 days after the service of the complaint, but the court may extend that time limit for up to 20 additional days upon a showing of good cause for an extension. The burden is on the defendant to sustain his action.

In deciding such an action the court may examine in camera any portion of the minutes of a closed meeting and may take any additional evidence it deemed necessary. The court, having due regard for orderly administration, the public interest, and the interests of the party, may grant such equitable relief as it deems appropriate, including enjoining future violations or ordering the agency to make public such portion of the minutes as was not exempt under subsection (c) of section 552b.

Subsection (h) further provided that nothing in section 552b confers jurisdiction on a district court acting solely under subsection (h) to set aside, enjoin, or invalidate any agency action taken or discussed at a meeting out of which a violation of section 552b arose.

Conference substitute

The conference substitute vests in the United States District Courts jurisdiction to enforce subsections (b) through (f) of section 552b by declaratory judgment, injunctive relief, or other relief as may be appropriate. An action may be brought by any person prior to, or within 60 days after the meeting in question, except that if proper public announcement of the meeting is not made, the action may be instituted at any time within 60 days after such announcement is made.

The conference substitute does not contain the requirement of the Senate bill that a potential plaintiff formally notify the agency before commencing an action under this subsection because the conferees expect and encourage potential plaintiffs or their attorneys to communicate informally with the agency before bringing suit.

An action under subsection (h)(1) may be brought where the agency meeting was or is to be held, where the agency has its headquarters, or in the District of Columbia. The defendant must serve his answer within 30 days after the service of the complaint, and the court is not given discretion by the substitute to extend that time limit. The burden is upon the defendant to sustain his action.

In deciding such an action the court may examine in camera any portion of the transcript, recording, or minutes of a closed meeting and may take any additional evidence it deems necessary. The court, having due regard for orderly administration, the public interest, and the interests of the party, may grant such equitable relief as it deems appropriate, including enjoining future violations or ordering the agency to make public such portion of the transcript, recording, or minutes as is not exempt under subsection (c) of section 552b.

Subsection (h)(2) of section 552b, as contained in the conference substitute, provides that any Federal court otherwise authorized to review agency action (under provisions such as chapter 7 of title 5, U.S. Code, or chapter 158 of title 28, U.S. Code) may, on the application of any person properly participating in the review proceeding, inquire into violations of section 552b by the agency and afford such relief as it deems appropriate. Nothing in section 552b authorizes any Federal court having jurisdiction solely on the basis of subsection (h)(1) to set aside, enjoin, or invalidate any agency action (other than an action, such as to close a meeting or withhold a portion of a transcript, recording, minutes, or other information, taken pursuant to section 552b) taken or discussed at a meeting out of which a violation of section 552b arose.

The conferees do not intend the authority granted to the Federal courts by the first sentence of subsection (h)(2) to be employed to set aside agency action taken other than under section 552b solely because of a violation of section 552b in any case where the violation is unintentional and not prejudicial to the rights of any person participating in the review proceeding. Agency action should not be set aside for a violation of section 552b unless that violation is of a serious nature.

Attorney fees and litigation costs

Senate bill

Section 4(i) of the Senate bill authorized the court hearing an action under subsection (f), (g), or (h) of that section to assess against any party reasonable attorney fees and other litigation costs reasonably incurred by any other party who substantially prevails in the action. Costs may be assessed against an individual member of an agency only where the court finds that he has intentionally and repeatedly violated section 4, and against a plaintiff where the court finds that he initiated the suit for frivolous or dilatory purposes. In the case of apportionment of fees or costs against any agency, the fees or costs may be assessed against the United States.

House amendment

Subsection (i) of new section 552b, as contained in the House amendment, authorized the court hearing an action under subsection (g) or (h) of section 552b to assess against any party reasonable attorney fees and other litigation costs reasonably incurred by any other party who substantially prevails in the action. Costs may be assessed against a plaintiff only where the court finds that he initiated the suit primarily for frivolous or dilatory purposes. In the case of assessment of fees or costs against an agency, they may be assessed against the United States.

Conference substitute

The conference substitute is the same as the House amendment.

Annual report to Congress

Senate bill

Section 4(j) of the Senate bill required the agencies subject to the requirements of section 4 to report annually to Congress regarding their compliance, including the total number of meetings open to the public, the total number closed to the public, the reasons for the closings, and a description of any litigation brought against the agency under section 4.

House amendment

Subsection (j) of new section 552b of the House amendment required each agency subject to the requirements of the section to report annually to Congress regarding its compliance, including the total number of meetings open to the public, the total number closed to the public, the reasons for the closings, and a description of any litigation brought against the agency under section 552b (including any fees or costs assessed against the agency in such litigation, whether or not paid by the agency).

Conference substitute

The conference substitute is the same as the House amendment.

Relationship to the Freedom of Information Act, 5 U.S.C. 552

Senate bill

Section 6(a) of the Senate bill provided that except as specifically provided in section 4, nothing in section 4 confers any additional rights on any person or limits the existing rights of any person to inspect or copy, under 5 U.S.C. 552, any documents or written material within the possession of any agency. In the case of any request made pursuant to 5 U.S.C. 552 to copy or inspect the transcripts or recordings described in section 4(e) of the Senate bill, the provisions of this Act govern whether the transcripts or recordings are to be made available in response to the request.

Section 6(a) also makes the requirements of chapter 33 of title 44, United States Code, inapplicable to the transcripts and recordings described in section 4(e) of the Senate bill.

The Senate bill contained no provision amending the third exemption set forth in 5 U.S.C. 552(b).

House amendment

Subsection (k) of new section 552b, as included in the House amendment, provided that other than as specifically provided in section 552b, nothing in section 552b expands

or limits the existing rights of any person under 5 U.S.C. 552, except that the provisions of this act govern in the case of any request made pursuant to 5 U.S.C. 552 to copy or inspect the minutes described in subsection (f) of new section 552b.

Subsection (k) also makes the requirements of chapter 33 of title 44, United States Code, inapplicable to the minutes described in subsection (f) of section 552b.

Section 5(b) of the House amendment amended the third exemption set forth in 5 U.S.C. 552(b) to include matters specifically exempted from disclosure by statute (other than the new section 552b), if the statute either requires that the matters be withheld from the public or establishes particular criteria for withholding or refers to particular types of matters to be withheld.

Conference substitute

The conference substitute provides that nothing in section 552b expands or limits the existing rights of any person under 5 U.S.C. 552, except that the exemptions in subsection (c) of section 552b shall govern in the case of any request made pursuant to 5 U.S.C. 552 to copy or inspect the transcripts, recordings or minutes described in subsection (f) of section 552b.

The conference substitute further provides that the requirements of chapter 33 of title 44, United States Code, shall not apply to the transcripts, recordings, and minutes described in subsection (f) of section 552b.

Section 5(b) of the conference substitute amends the third exemption in 5 U.S.C. 552 (b) to include information specifically exempted from disclosure by statute (other than new section 552b), if the statute either (a) requires that the information be withheld from the public in such a manner as to leave no discretion on the issue, or (b) establishes particular criteria for withholding or refers to particular types of information to be withheld.

The conferees intend this language to overrule the decision of the Supreme Court in *Administrator, FAA* v. *Robertson*, 422 U.S. 255 (1975), which dealt with section 1104 of the Federal Aviation Act of 1958 (49 U.S.C. 1504). Another example of a statute whose terms do not bring it within this exemption is section 1106 of the Social Security Act (42 U.S.C. 1306).

Authority to withhold information from Congress

Section 6(a) of the Senate bill, subsection (1) of new section 552b of the House amendment, and subsection (1) of section 552b in the conference substitute all provide that the open meeting provisions of the legislation (section 552b of the conference substitute) do not constitute authority to withhold information from Congress.

Closing of meetings otherwise required to be open

Senate bill

No comparable provision.

House amendment

Subsection (1) of new section 552b, as contained in the House amendment, provides that section 552b does not authorize the closing of any agency meeting otherwise required by law to be open.

Conference substitute

The conference substitute is the same as the House amendment.

Relationship to the Privacy Act of 1974 5 U.S.C. 552a

The Senate bill, the House amendment, and the conference substitute all provide that nothing in the open meeting provisions of this legislation (section 552b of the conference substitute) authorizes any agency to withhold from any individual any record, including the transcripts, recordings, and minutes required by these provisions, which is otherwise accessible to that individual under 5 U.S.C. 552a.

Relationship to Federal Advisory Committee Act, 5 U.S.C. App. I

Senate bill

No comparable provisions.

House amendment

Subsection (n) of new section 552b of the House amendment provided that in the event that any meeting is subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I) as well as the provisions of section 552b, the meeting is governed by the provisions of section 552b.

Subsection 5(c) of the House amendment amended the Federal Advisory Committee Act to make advisory committee meetings subject to the exemptions contained in the new 5 U.S.C. 552b (enacted by this act), rather than to the exemptions contained in 5 U.S.C. 552.

This provision in the House bill is addressed to a problem that has arisen in administration of the Federal Advisory Committee Act, enacted in 1972. In establishing a requirement in that Act that meeting of Executive Branch advisory committees should be open to the public, Congress adopted the exemption provisions set forth in the Freedom of Information Act (FOIA) to describe the few types of meetings that might properly be closed. Unfortunately, this approach has not been entirely satisfactory, largely because those exemptions were designed to deal with documents rather than meetings, and some agencies have closed advisory committee meetings for reasons not contemplated by Congress. The chief concern in this regard has been application of exemption 5, a provision intended to protect the confidentiality of purely *internal* governmental deliberations, as a basis for closing discussions with and among *outside* advisers. One court has given approval to the use of exemption 5 to close advisory committee meetings, *Aviation Consumer Action Project* v. *Washburn*, 535 F.2d 101 (D.C. Cir. 1976).

The House provision which was unanimously approved, is intended to cure this and similar problems by replacing the nine FOIA exemptions presently incorporated in the Federal Advisory Committee Act with the new exemptions of the Sunshine Act that have been expressly designed to govern meetings, as opposed to documents. This provision thus overrules the *Washburn* case and is intended to end agency reliance upon the "full and frank" discussion rationale for closing advisory committee meetings. Under this provision, portions of federal advisory committee meetings may be, but are not required to be, closed when they fall within one of the disclosure exemptions that are created for meetings of collegial bodies under section 552b of title 5, United States Code.

Conference substitute

Subsection 5(c) of the conference substitute amends the Federal Advisory Committee Act (5 U.S.C. App. I) to make advisory committee meetings subject to the exemptions contained in 5 U.S.C. 552b (enacted by this act).

The Conference substitute is the same as the House provision. The conferees, however, are concerned about the possible effect of this amendment upon the peer review and clinical trial preliminary data review systems of the National Institutes of Health. The conferees thus wish to state as clearly as possible that personal data, such as individual medical information, is especially sensitive and should be given appropriate protection to prevent clearly unwarranted invasions of individual privacy. While the conferees are sympathetic to the concerns expressed by NIH regarding its committees' funding recommendations and analysis of preliminary data, the conferees are equally sympathetic to concerns expressed by citizens' groups that important fiscal and health-related information not be unnecessarily withheld from the public.

With these competing interests in mind, the conferees have secured assurances that the appropriate House and Senate committees will review the unique problems of NIH under the new standards. Indeed, it is noted that the Subcommittee on Reports, Accounting and Management of the Senate Government Operations Committee has already held three days of hearings on this matter and plans to continue with further inquiry at an early date.

EX PARTE COMMUNICATIONS

Prohibition

Senate bill

Section 5(a) of the Senate bill added a new subsection (d) to 5 U.S.C. 557. Subsection (d) provided that in any agency proceeding subject to 5 U.S.C. 557(a), except as required for the disposition of ex parte matters as authorized by law—

(1) no interested person outside the agency shall make or knowingly cause to be made to any member of the body comprising the agency, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of the proceeding, an ex parte communication relevant to the merits of the proceeding;

(2) no member of the body comprising the agency, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of the proceeding shall make or knowingly cause to be made to an interested person outside the agency an ex parte communication relevant to the merits of the proceeding;

(3) a member of the body comprising the agency, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of such proceeding who receives, or who makes, a communication in violation of subsection (d), shall place on the public record of the proceeding:

(A) written communications transmitted in violation of subsection (d);

(B) memorandums stating the substance of all oral communications occurring in violation of subsection (d); and

(C) responses to the materials described in the two preceding paragraphs;

(4) upon receipt of a communication knowingly made by a party, or which was knowingly caused to be made by a party in violation of subsection (d), the agency, administrative law judge, or other employee presiding at the hearing may, to the extent consistent with the interests of justice and the policy of the underlying statutes, require the person or party to show cause why his claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected by virtue of such violation;

(5) the prohibitions of subsection (d) shall apply at such time as the agency might designate, but in no case later than the time at which a proceeding is noticed for hearing unless the person responsible for the communication has knowledge that it will be noticed, in which case the prohibitions shall apply at the time of his acquisition of such knowledge.

Section 6(a) of the Senate bill provided that the act does not authorize any information to be withheld from Congress.

House amendment

Section 4(a) of the House amendment added a new subsection (d) to 5 U.S.C. 557. Subsection (d) provided that in any agency proceeding subject to 5 U.S.C. 557(a), except as required for the disposition of ex parte matters as authorized by law—

(1) no interested person outside the agency shall make or cause to be made to any member of the body comprising the agency, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of the proceeding, an ex parte communi-

cation relative to the merits of the proceeding;

(2) no member of the body comprising the agency, administrative law judge, or other employee who is or may reasonably be expected to be, involved in the decisional process of the proceeding, may make or cause to be made to any interested person outside the agency an ex parte communication relative to the merits of the proceeding;

(3) a member of the body comprising the agency, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of such proceeding who receives, or who makes or cause to be made, a communication prohibited by subsection (d) shall place on the public record of the proceedings:

(A) all such written communications;

(B) memoranda stating the substance of all such oral communications; and

(C) all written responses, and memoranda stating the substance of all oral responses, to the materials described in the two preceding paragraphs;

(4) in the event of a communication prohibited by this subsection and made or caused to be made by a party or interested person, the agency, administrative law judge, or other employee presiding at the hearing may, to the extent consistent with the interests of justice and the policy of the underlying statutes, require the person or party to show cause why his claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation; and

(5) the prohibitions of subsection (d) shall apply beginning at such time as the agency may designate, but in no case later than the time at which a proceeding is noticed for hearing unless the person responsible for the communication has knowledge that it would be noticed, in which case the prohibitions shall apply beginning at the time of his acquisition of such knowledge.

Subsection (d)(2), as added by the House amendment, provided that subsection (d) does not constitute authority to withhold information from Congress.

Conference substitute

The conference substitute is the same as the Senate bill, except as follows:

1. The requirement of placing material on the public record applies to an agency decisionmaking official who knowingly causes an ex parte communication to be made, as well as to one who receives or makes such a communication.

2. The conference substitute clarifies the time at which the prohibition on ex parte communications begins to apply.

3. The provision that subsection (d) is not authority to withhold information from Congress is included in the subsection as paragraph (2).

4. Although the conference substitute does not contain express provision for sanctions against an interested person (who is not a party) who makes a prohibited communication, the conferees intend that such a person be subject to all sanctions provided in the bill if he later becomes a party to the proceeding.

The word "relevant" is not used in the strict evidentiary sense, but is intended to apply to communications bearing on the merits or affecting the merits.

Definition of "ex parte communication"

Senate bill

Section 5(b) of the Senate bill defined an ex parte communication as an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given.

House amendment

Section 4(b) of the House amendment defined an ex parte communication as an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given. The definition expressly excluded requests for information on or status reports relative to any matter or proceeding covered by subchapter II of chapter 5 of title 5, United States Code.

Conference substitute

The conference substitute defines an ex parte communication as an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given. The definition contained in the conference substitute expressly excludes requests for status reports on any matter or proceeding covered by subchapter II of chapter 5 of title 5, United States Code.

The conferees wish to note the fact that this provision and the ex parte provisions of new section 557(d) (as added by this act) in no way prohibit—

1. any communication with an agency decisionmaking official if not involving a formal adjudicatory proceeding (and a few formal rulemaking proceedings); or

2. any communication with a decisionmaking official if not relevant to the merits of a covered proceeding; or

3. any communication with a decisionmaking official in any proceeding at any time if it involves only a request for the status of the proceeding and is not intended to affect the merits; or

4. any communication at any time with an agency official not involved in the decisional process.

Sanctions

Senate bill

Section 5(c) of the Senate bill amended 5 U.S.C. 556(d) to permit an agency, to the extent consistent with the interests of justice and the policy of the underlying statutes administered by the agency, to consider a violation of 5 U.S.C. 557(d), as added by this act, sufficient grounds for a decision on the merits adverse to a party who has knowingly committed or caused the violation.

House amendment

Section 4(c) of the House amendment amended 5 U.S.C. 556(d) to permit an agency, to the extent consistent with the interests of justice and the policy of the underlying statutes administered by the agency, to consider a violation of 5 U.S.C. 557(d), as added by this act, sufficient grounds for a decision on the merits adverse to a person or party who has committed or caused the violation.

Conference substitute

The Conference substitute is the same as the Senate bill.

CONFORMING AMENDMENT AND EFFECTIVE DATES

U.S. Postal Service

Senate bill

No comparable provision.

House amendment

Section 5(a) of the House amendment amended 39 U.S.C. 410(b)(1) to make clear the fact that new section 552b and the Privacy Act of 1974 (5 U.S.C. 552a) apply to the United States Postal Service.

Conference substitute

The conference substitute is the same as the House amendment.

Effective dates

The Senate bill, the House amendment, and the conference substitute all provide that this act shall take effect 180 days after the date of its enactment, except that the provision requiring the promulgation of agency regulations to implement the open meeting provisions (new section 552b(g)), as contained in the conference substitute, shall take effect upon enactment.

JACK BROOKS,
JOHN E. MOSS,
DANTE B. FASCELL,
JOHN CONYERS, Jr.
BELLA S. ABZUG,
WALTER FLOWERS,
GEORGE E. DANIELSON,
BARBARA JORDAN,
ROMANO L. MAZZOLI,
EDWARD W. PATTISON,
FRANK HORTON,
PAUL N. MCCLOSKEY, Jr.,
CARLOS J. MOORHEAD,
THOMAS N. KINDNESS,
Managers on the Part of the House.

ABE RIBICOFF,
EDMUND S. MUSKIE,
LEE METCALF,
LAWTON CHILES,
CHARLES H. PERCY,
JACOB K. JAVITS,
WILLIAM V. ROTH, Jr.,
Managers on the Part of the Senate.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL MIDNIGHT TOMORROW, AUGUST 27, 1976, TO FILE A REPORT ON H.R. 14886

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight, Friday, August 27, 1976, to file a report on the bill (H.R. 14886) to amend the Presidential Transition Act of 1963.

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

There was no objection.

CONFERENCE REPORT ON S. 217, REPEAL OF ACT OF MAY 10, 1926, RELATING TO CONDEMNATION OF PUEBLO INDIAN LANDS IN NEW MEXICO

Mr. MEEDS submitted the following conference report and statement on the Senate bill (S. 217) to repeal the Act of May 10, 1926 (44 Stat. 498), relating to the condemnation of certain lands of the Pueblo Indians in the State of New Mexico:

CONFERENCE REPORT (H. REPT. NO. 94-1439)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 217) to repeal the Act of May 10, 1926 (44 Stat. 498), relating to the condemnation of certain lands of the Pueblo Indians in the State of New Mexico, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with the following amendment: In lieu of the matter proposed to be inserted by the House amendment insert the following:

SEC. 3. The Act of April 21, 1928 (45 Stat. 442), is hereby amended by striking all after the enacting clause and inserting, in lieu, the following:

"That the provisions of the following statutes:

"Sections 3 and 4 of the Act of March 3, 1901 (31 Stat. 1083 and 1084);

"The Act of March 2, 1899 (30 Stat. 990), as amended;

"Sections 1 and 2 of the Act of March 11, 1904 (33 Stat. 65), as amended; and

"The Act of February 5, 1948 (62 Stat. 17), are extended over and made applicable to the Pueblo Indians of New Mexico and their lands, whether owned by the Pueblo Indians or held in trust or set aside for their use and occupancy by Executive order or otherwise, under such rules, regulations, and conditions

as the Secretary of the Interior may prescribe.

"SEC. 2. Notwithstanding such provisions, the Secretary of the Interior may, without the consent of the affected Pueblo Tribes, grant one renewal for a period not to exceed 10 years of any right-of-way acquired through litigation initiated under the Act of May 10, 1926 (44 Stat. 498), or by compromise and settlement in such litigation, prior to January 1, 1975. The Secretary shall require, as compensation for the Pueblo involved, the fair market value, as determined by the Secretary, of the grant of such renewal. The Secretary may grant such right-of-way renewal under this section only in the event the owner of such existing right-of-way and the Pueblo Tribe involved cannot reach agreement on renewal within ninety days after such renewal is requested. Nothing in this section shall be deemed to validate or authorize the renewal of a right-of-way which is otherwise invalid by reason of the invalidity of the Act of May 10, 1926, on the date said right-of-way was originally obtained."

And the House agree to the same.

LLOYD MEEDS,
JOHN MELCHER,
ROBERT G. STEPHENS,
DON YOUNG,
Managers on the Part of the House.

HENRY M. JACKSON,
LEE METCALF,
JAMES ABOUREZK,
JAMES A. MCCLURE,
DEWEY F. BARTLETT,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 217) to repeal the Act of May 10, 1926 (44 Stat. 498), relating to the condemnation of certain lands of the Pueblo Indians in the State of New Mexico, submit the following joint statement to the House and the Senate in explanation of the effect of the action by the managers and recommended in the accompanying conference report:

The House amendment added a new section 3 at the end of the text of the Senate bill, and the Senate disagreed to the House amendment.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House and agree to such amendment with an amendment. The differences between the Senate bill, the House amendment thereto, and the amendment to the House amendment agreed to in conference are noted below except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

S. 217, as passed by the Senate on May 21, 1975, repeals the Act of May 10, 1926, which subjected the lands of the New Mexico Pueblo Indians to condemnation under State law. It provides for the termination of any action or proceeding pending or commencing under such Act upon the enactment of the Senate bill, but preserves any right of appeal from a final decree or order entered before enactment of this legislation.

The 1926 Act exposes Pueblo Indian lands to a wider range of liability for condemnation than that of other Indian tribes in the State and throughout the Nation, and subjects the Pueblos to a type of action from which the other tribes are immune.

As a consequence, the 1926 Act denies the Pueblos the right of consent in considering applications for rights-of-way across their lands for whatever purpose. On the other hand, those tribes that organized constitutional governments pursuant to the Act of June 18, 1934 (48 Stat. 987), clearly, were provided the right of consent in considering rights-of-way applications. Moreover, the balance of federally recognized tribes have been granted the privilege of consent through Secretarial regulations.

It is the purpose of the Senate bill to place the New Mexico Pueblo Indians in the same position relative to grants of rights-of-way across their lands as other federally recognized Indian tribes. The House amendment adds a new section 3 to the Senate bill amending a 1928 statute making certain general statutes providing for rights-of-way across Indian lands applicable to the lands of the Pueblo Indians of New Mexico. One of such general statutes, the Act of February 5, 1948 (67 Stat. 17), permits the Secretary of the Interior to grant rights-of-way for all purposes across Indian lands, but clearly provides that tribes organized pursuant to the Indian Reorganization Act of 1934 and the Oklahoma Welfare Act of 1936 must consent to such grant (five of the nineteen Pueblos organized under the 1934 Act). Moreover, by administrative regulations promulgated under the general statutory authority of the Secretary of the Interior (25 C.F.R. 161.3), the Secretary has extended the consent requirement to rights-of-way to all Indian lands.

In addition to the foregoing provisions contained in the new section 3 as added by the House amendment, the House amendment adds a proviso which provides that if the owner of an existing right-of-way and the Pueblo tribe involved cannot agree to a renewal or widening of a right-of-way or have not entered into a binding arbitration process relative to such renewal or widening within 60 days after a request is made for renewal or widening, the Secretary of the Interior, in his discretion, may grant the right-of-way for appropriate compensation, notwithstanding the absence of Pueblo consent.

This proviso, as contained in the new section 3 added by the House amendment, has the effect of negating the Pueblos' right to exercise the privilege of consent on requests pertaining to widening or renewal of existing rights-of-way (whether granted pursuant to the 1926 Act or voluntarily), notwithstanding their statutory or administrative right to exercise such consent, which would obtain after repeal of the 1926 Act.

It is the foregoing proviso in the new section 3, as added by the House amendment, which is in disagreement.

The conferees agreed to accept the provisions of the House amendment with certain modifications to the proviso of the new section 3, as added by the House amendment, authorizing Secretarial grants of right-of-way renewal across Pueblo lands without Pueblo consent.

The conferees agreed to strike out such proviso and insert, in lieu thereof, a new section 2 to the 1926 Act being amended by such section 3 of the House amendment.

The conference agreement authorizes the Secretary of the Interior to grant a right-of-way renewal across Pueblo lands without Pueblo consent in limited cases. He may grant such renewal only in those cases where the original right-of-way was obtained through litigation initiated under the 1926 Act, or by compromise and settlement in such litigation, prior to January 1, 1975. He is limited to granting only one such renewal for a period not to exceed ten years and only if the Pueblo involved and the owner of the original right-of-way fail to negotiate a renewal within 90 days after the request for renewal by the owner of the right-of-way.

Under the conference agreement, the Secretary must require the payment of fair market value as compensation to the Pueblo for such grant.

Finally, the conference agreement provides that no renewal of a right-of-way under this section may be authorized without the consent of the Pueblo if such right-of-way is declared invalid because of the invalidity of the 1926 Act upon the date of the original acquisition of such right-of-way.

LLOYD MEEDS,
ROBERT G. STEPHENS,
JOHN MELCHER,
DON YOUNG,
Managers on the Part of the House.

HENRY M. JACKSON,
LEE METCALF,
JAMES ABOUREZK,
JAMES A. MCCLURE,
DEWEY F. BARTLETT,
Managers on the Part of the Senate.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, 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 an amendment of the Senate to the bill (H.R. 8800) entitled "An act to authorize in the Energy Research and Development Administration a Federal program of research, development, and demonstration designed to promote electric vehicle technologies and to demonstrate the commercial feasibility of electric vehicles."

The message also announced that Mr. BELLMON be a conferee, on the part of the Senate, on the bill (H.R. 8603) entitled "An act to amend title 39, United States Code, with respect to the organizational and financial matters of the United States Postal Service and the Postal Rate Commission, and for other purposes."

The message also announced that Mr. CHILES be a conferee, on the part of the Senate, on the bill (H.R. 14262) entitled "An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1977, and for other purposes."

LEGISLATIVE PROGRAM

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

Mr. RHODES. Mr. Speaker, I take this time to inquire of the distinguished acting majority leader, the gentleman from California (Mr. MCFALL), if he is in a position to inform the House as to the program for the balance of the week and the week following.

Mr. MCFALL. If the distinguished minority leader will yield, I will be happy to respond to his inquiry.

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

Mr. MCFALL. There is no further legislative business for today, as the gentleman knows.

Upon the announcement of the program for next week, I will ask unanimous consent to go over until Monday.

The program for the House for next week is as follows:

On Monday, we will conclude the consideration of the bill that we started to-

day, H.R. 8911, supplemental security income amendments;

H.R. 9398, Economic Development Administration, under an open rule with 1 hour of debate; and

H.R. 14844, estate and gift tax reform, a modified closed rule, with 4 hours of debate.

On Tuesday, H.R. 14844, estate and gift tax reform, votes on amendments and the bill;

H.R. 13636, Law Enforcement Assistance Administration, under an open rule with 2 hours of debate; and

Continued consideration of H.R. 10498, Clean Air Act amendments.

On Wednesday and Thursday, the House will consider H.R. 14238, legislative appropriations, fiscal year 1977;

Conclude consideration of H.R. 10498, Clean Air Act amendments;

H.R. 13958, defense officer personnel, under an open rule with 1 hour of debate; and

H.R. 13615, Central Intelligence Agency retirement, under an open rule with 1 hour of debate.

Of course, conference reports may be brought up at any time, and any further program will be announced later.

As the distinguished minority leader knows, the House will recess from the close of business Thursday, September 2, 1976, until noon, Wednesday, September 8, 1976.

ADJOURNMENT TO MONDAY, AUGUST 30, 1976

Mr. McFALL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore (Mr. BRADEMAS). Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

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

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

There was no objection.

Mr. RHODES. Mr. Speaker, may I ask of the distinguished acting majority leader as to the probable hour of adjournment on Thursday?

Mr. McFALL. If the gentleman will yield, I would have to answer the gentleman's question by saying it will be a reasonable time. I would think that reasonable time would take into consideration the desires of the Members to catch their airplanes, because almost everyone, including the gentleman from California who is presently speaking, intends to go out for Labor Day meetings.

I would think that it would be very reasonable to try to conclude around 4 o'clock, but I cannot at this time make any sort of promise because we will have to see how the program proceeds. The Speaker will have to make that determination.

Mr. RHODES. I think the gentleman has made a rather reasonable definition of the word "reasonable" as being 4 o'clock.

May I ask further of the gentleman, there have been rumors going around concerning a rule to be sought for the legislative appropriations bill for fiscal year 1977. Does the gentleman have any details as to whether or not a rule will be sought and what limitations there will be?

Mr. McFALL. If the gentleman will yield, I am advised that there have been conversations between Members on our side of the aisle concerning that question. Meetings have been held between the leadership of the House Administration Committee and the Committee on Rules. I am not yet fully advised as to what might be requested in that rule.

However, consideration has been given to making such a request to the Committee on Rules next week.

Mr. RHODES. Mr. Speaker, I might say to my good friend, the acting majority leader, that the minority is very much interested in this bill and particularly interested in offering some amendments to it. If it were decided that a rule which is either closed or partially closed were to be requested, I am satisfied that there would be resistance.

Mr. McFALL. Mr. Speaker, I can understand the gentleman's position on that and the position of the Members on his side of the aisle. The only thing I could say is that we will have to wait for the regular procedure. There will be an application to the Committee on Rules.

Of course, the members of the minority on the Committee on Rules will be fully advised in the regular way.

Mr. RHODES. Mr. Speaker, I thank the gentleman.

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

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

Mr. BAUMAN. Mr. Speaker, I just wanted to say to the distinguished acting majority leader that it has become almost a ritual over the last 3 months for some Member on our side to ask each week when the legislative appropriations bill is going to come before us. Throughout that entire period of time there was never any indication that it was to come to us in any way except completely open, with a chance for the House to work its will. The only reason I can see for a closed rule or even a partially closed rule would be to prevent the embarrassment of Members of the House if they are asked to vote on whether or not they wish another automatic pay raise. I hope the majority is not, in the full view of the country and the press, going to deny the Members of the House the right to act on these issues which have come under very close scrutiny in the last few months. I hope that the gentleman will recommend that there be no rule, that it be brought up in the regular manner as any other appropriation bill, and that the Members be allowed to work their will on the issue.

Mr. McFALL. Mr. Speaker, if the minority leader will yield further, I am not fully advised as to what the request will be. However, I have been in attendance at some of the meetings.

The steering committee on our side met on this matter and had some preliminary discussions on it. The Members on our side, knowing full well of the gentleman's interest in the pay raise, which is automatic, I believe, on October 1, depending on what sort of a recommendation the President makes, understand it is a matter on which the Members on his side would desire to have a vote.

Mr. Speaker, I believe that would be one of the matters which would be permitted under the rule, so that there would be an opportunity for the expression of an opinion by a vote in this House on that issue.

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

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

Mr. BAUMAN. Mr. Speaker, it is the information of the gentleman from Maryland that the distinguished acting majority leader is going to visit Maryland this weekend. In fact, he read that in the local press in his district. The gentleman is going to St. Mary's County, the first county in the State of Maryland and the one where our settlers first began.

I want to welcome the gentleman to Maryland, and I hope he has a wonderful time. Our hospitality is very expansive, the food is delectable, the land is beautiful, our crabs delicious, and the gentleman is one of the most gracious Members of the majority. I am sure that "expansive" is the right word and may I say further to the gentleman from California that I hope he enjoys the "Land of Pleasant Living."

Mr. McFALL. Mr. Speaker, I understand it is a delightful section of the State of Maryland. I have not been out there for any purpose before, and I hope to find that everyone is friendly and happy. I look forward to my journey there on Sunday.

Mr. BAUMAN. My hope is that at least the majority of the people are happy.

Mr. McFALL. I will say to the gentleman that it is certainly good crab country.

Mr. RHODES. Mr. Speaker, I understand that they call it the land of pleasant living.

AN ANALYSIS OF FORD'S ATTACK ON THE DEMOCRATIC CONGRESS

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

Mr. RONCALIO. Mr. Speaker, I am indebted to our colleague, the gentleman from Texas, Mr. JIM WRIGHT, for candid analysis of President Ford's attack upon their Democratic 94th Congress.

I shall refer to only one portion of it and ask that the entire response be placed in the RECORD as a part of my remarks.

The President said in his speech in Kansas City last week:

> I have demanded honesty, decency and personal integrity from everybody in the Executive Branch . . . The House and Senate have the same duty.

Mr. Speaker, that was an obviously pious and self-serving observation.

I do so wish there might be an upgrading and improvement in the presenting of issues to the electorate this year. Improvement is long overdue.

Congress, to be sure, is an imperfect instrument composed of imperfect human beings; but at least we are trying to serve the people well and to uphold the standards of accountability.

This Congress has tightened the requirements through the election laws. As a matter of fact, we opened up chairmanships and made chairmen responsible to their peers, to approval from Congress to Congress. This was a first.

As a matter of fact, we opened our markup sessions and even the work of conference committees to the scrutiny of the press. This was never done before. This is another first for the 94th Congress.

Mr. Speaker, we hope that the President himself will upgrade his campaigning in this election year and not resort to the old schmaltzy techniques that only turn mature and sensible people away from the electoral process.

Mr. Speaker, the statement of the gentleman from Texas, JIM WRIGHT, follows:

AN ANALYSIS OF FORD'S ATTACK ON THE DEMOCRATIC CONGRESS

(By JIM WRIGHT)

(Quotes from Aug. 19 Acceptance Speech, with Factual Refutation)

1. President Ford said: "America and Americans have made an incredible comeback since August, 1974."

The facts: According to official Bureau of Labor Statistics reports, the unemployment rate was 5.4% in August, 1974. It was 7.8% in August, 1976. The number of jobless Americans has risen by more than two million since Gerald Ford became President.

Meanwhile, the cost of living (Consumer Price Index) has increased by 14.2% since August, 1974. *Do these figures represent "an incredible comeback?"* The incredible thing is that the Republican administration and Republican lawmakers can find cause for self-congratulation in these dismal statistics.

More than seven million people today are unable to find work. A greater number of Americans have been unemployed for a longer time during the Ford administration than for any commensurate period in the past 30 years—since World War II! And that is the essential difference between us. We Democrats believe that America can do better than that!

2. The President said: "the great progress we have made . . . was in spite of the majority who run the Congress."

The truth: That depends entirely on what he calls "progress." To the extent that we've created a tentative if still inadequate degree of recovery from the depth of the trough (8.9% unemployed in the summer of 1975), that recovery clearly must be attributed to Congressional initiatives. And if each of the original Congressional initiatives had been allowed to stand, that recovery most certainly would have been much further along by now.

Witness the following factual recitation:

(1.) On March 26, 1975, Congress passed a $22.8 billion tax cut to stimulate consumer purchases and business investments in the private economy. In the summer of 1975, the Federal Reserve increased short-term interest rates by more than one-third, largely canceling the stimulative effects of the tax cut.

(2.) On May 16, 1975, Congress passed a $5.3 billion appropriation to finance the creation of more than a million public service jobs. Ford vetoed the bill and Congress failed by only 5 votes to muster the two-thirds necessary to override. Congress then responded with a smaller bill, for 310,000 jobs, which the President signed.

(3.) On June 11, 1975, Congress passed a housing bill designed to put some 800,000 Americans to work in the private economy building needed houses. Ford vetoed the bill. Congress barely failed to override. Then Congress enacted a smaller bill, which the President reluctantly signed.

(4.) On January 29, 1976, with 18% unemployed in the building trades and up to 40% in some areas, Congress passed the $6.2 billion Public Works Capital Investment Act. This would have engaged 600,000 workmen, mostly in the private sector, to build needed public facilities—libraries, schools, sewer and water improvements. The President vetoed the bill. The House overrode handily; the Senate failed by 3 votes.

(5.) On June 23, Congress countered with a reduced verison of the above ($3.9 billion) to employ some 350,000 jobless in needed public construction. The President vetoed even this. While willing to spend $19 billion in unemployment compensation, he was unwilling to spend $3.9 billion to put unemployed Americans back to work at useful tasks. This time Congress overrode the veto, and this bill went into effect.

(6.) In December, 1975, Congress extended the tax cut. Although he had formally called for the extension, Ford vetoed the bill, demanding the inclusion of certain extraneous cosmetic language. In order that the public might have the benefit of the tax reductions, Congress drafted a compromise verison of the language the President demanded and repassed the bill on December 19.

It is easy to see from the above that, in every case, The initiative for economic recovery has originated in the Congress. The President has dragged his feet on each occasion, stalled and complained, and finally assented only with the greatest reluctance.

3. The President said: "Fifty-five times I vetoed extravagant and unwise legislation. Forty-five times I made those vetoes stick."

A bit of perspective: Two years ago President Ford was seeking to frighten the public over the spectre of a "veto-proof Congress." *We certainly haven't been that.* But he clearly has been the most veto-prone President in recent history. Fifty-five vetoes in 24 months. That's 2½ vetoes a month, or an average of one every twelve days!

By contrast: During the first 20 years of our nationhood—through the Administrations of Presidents Washington, Adams and Jefferson—there were only two vetoes in all. Ford has vetoed more bills in only two years that the first 15 American Presidents vetoed throughout the first 70 years of our history.

Those who wrote the Constitution would have been appalled! Hamilton wrote in the Federalist Papers that the veto was created as an unusual instrument to be reserved for extreme occasions. He predicted it would be rarely resorted to. Emphatically the authors of the Constitution never intended it as a device to enthrone the President nor to frustrate and obstruct the repeatedly asserted will of the people's elected representatives.

No, this hasn't been a "veto-proof" Congress. But, largely as a result of President Ford's abuse of this privilege, he has suffered a greater percentage of overrides than any President in the past 100 years—back to and including Ulysses S. Grant.

To the degree that there has developed an atmosphere of conflict and stalemate between the Executive and Legislative branches, to the detriment of the public business, quite manifestly this must be laid at the door of our most veto-happy President who, with such total lack of self-restraint, has tried to use the instrument as a bludgeon to dictate the precise terms of legislation—a power never intended for any President.

4. President Ford said: "I called for a permanent tax cut . . . Congress won't act."

As pointed out above, Congress acted twice. The President, meanwhile, has paid only lip service to the principle of meaningful tax cuts. On one occasion, he let the Federal Reserve cancel their effect by raising interest rates. On another, he vetoed the bill. It must take exceptional gall to assert that "Congress won't act."

5. President Ford said: "I called for reasonable, constitutional restrictions on court-ordered busing of school children . . . Congress won't act."

The truth: Congress on no fewer than nine occasions during the past eight years has passed legislation containing restrictions upon the power of courts and administrative officials to order cross-town busing. On several occasions these laws have contained prohibitions against ordering the busing of any student to any school except the one "closest or next closest" to the student's home. For the most part, the courts have declared these provisions to be unconstitutional. Surely President Ford knows this. He was a member of Congress during much of that time. If he knows of some "constitutional" way to achieve the objective, one wonders why he didn't come forward with it when he was House Minority Leader.

6. President Ford said: "We will go on reducing the deadweight and the impudence of bureaucracy."

The fact: The bureaucracy has not been appreciably reduced. In January, 1969, civilian employees of the government totalled 2,-969,000. Today they total 2,866,000. The eight-year decrease of about 3% has come about largely through the elimination of people-oriented programs.

But there has been a pronounced growth, ironically, in the Executive Office of the President. When Lyondon Johnson left office, there were 261 employees working directly for the President. Today there are 519—twice as many.

As for the "impudence" of bureaucracy, *the Nixon-Ford years have spawned an enormous growth in the promulgation of administrative regulations, often directly counter to the intent of Congress, which intrude needlessly upon the daily lives of our citizens.*

Since January of 1975, while Congress was enacting a total of 393 public laws, the administrative bureaucracy was writing over 95,000 pages of regulations—each of which has the full effect of law! Ford is right in saying that the arrogance of administrative lawmaking by appointed officials needs desperately to be curbed. But he most certainly has not curbed it! And, since the proliferation of this activity lies solely within the Executive branch of government, the Chief Executive is the only one who can.

7. President Ford said: "We will submit a balanced federal budget by 1978."

The history of Presidential budget submissions tells a vastly different story. Rhetoric is one thing. Facts are another.

During the eight Kennedy-Johnson years, the Presidential budget requests averaged a $1.6 billion annual deficit. During the eight Nixon-Ford years, the average annual deficit of Presidential budget requests has been $14.3 billion. For Fiscal 1976, the Ford budget request reflected a $47.8 billion deficit. These are the facts.

The overpowering reason for the hugely increased deficits during Nixon-Ford years, of course, has been the unconscionably high level of unemployment which Republican presidents have been willing to tolerate. There is a direct correlation. In testimony before the House and Senate Budget committees, both conservative and liberal economists have agreed to a basic rule of thumb: Each additional percentage point of unemployment generates an adverse budgetary impact of approximately $16 billion! Each time unemployment goes up by one percent, the Treasury loses about $12 billion from people who are no longer paying taxes because they're no longer working. And

the government is obliged to pay about $4 billion more in unemployment compensation and related welfare costs.

The deficit this year—with 7.8% currently unemployed—will be approximately $51 billion. If the unemployment level were down to a healthier figure of 4.8%, the deficit at the present level of expenditures would be about $3 billion. If it were 4.5%, the budget would be balanced. It is fatuous, therefore—and cruelly irresponsible—to talk glibly about balanced budgets without first talking about how we're going to get Americans back to work—off the unemployment and welfare rolls and back onto productive payrolls!

8. President Ford, while trying to claim personal credit for having "saved American taxpayers billions and billions of dollars", and while castigating what he called a "free-spending congressional majority," then charged that "They (Congress) slashed $50 billion from our national defense needs in the past decade."

Well, it's a little hard here to know just what he means. Where he gets the figure is anybody's guess. Apparently he feels Congress should have spent $50 billion more than it did over the past ten years for military manpower and hardware.

But we can't have it both ways of course. And there is no realistic way to speak of saving "billions and billions" unless we try to trim some of the fat from the most costly single item of government, and that is the military. The Democratic Congress appropriated $90.2 billion for defense needs in 1976, and has budgeted $100.8 billion for fiscal 1977. That isn't peanuts. To try to brand Democrats as "anti-defense" just won't wash. It smacks uncomfortably of a latter-day McCarthyism. It is a comment unworthy of the President.

9. The President said: "I have demanded honesty, decency and personal integrity from everybody in the executive branch. . . . The House and Senate have the same duty."

Oh, for Pete's sake, Jerry. How piously can you pose? Do you really mean that "honesty, decency and personal integrity" are partisan virtues? Of course they aren't, and you know it. Surely you're not contending that nobody in the Republican executive branch has done any wrong.

Congress, to be sure, is an imperfect instrument, composed of imperfect human beings. We make no claim to perfection. But at least we're trying, very hard, to uphold the standards of public accountability. This Congress has tightened up the accounting requirements under the election laws and provided penalties for violations. We have made committee chairmen come before their peers for approval of their stewardship. We have opened our mark-up sessions—even our conference committees—to the scrutiny of the press. We have removed certain chairmen from their posts. We have voted censure against a member who, probably unintentionally, neglected to make full disclosure of outside income. We have voted to require documented, signed and certified vouchers for all disbursements. We've required every member to provide a monthly certification of the salaries and official duties of every person on his office payroll. At least we're trying, Jerry, poor mortal folks that we are. And that's better, we think, than a pretense at piety.

10. The President said: "Those who make our laws today must not debase the reputation of our great legislative bodies."

We agree. Neither, we think, should the President deliberately try to debase that reputation.

DISTINGUISHED AUTHOR REPORTS ON HUMAN RIGHTS VIOLATIONS IN URUGUAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 30 minutes.

Mr. DRINAN. Mr. Speaker, increasingly repressive actions by military governments have become disturbingly commonplace in several Latin American countries. Reports of such activities in Uruguay, Chile, and Argentina are horrifying to all those who respect human rights and democratic principles.

The House Committee on International Relations has been investigating the deplorable human rights conditions in Uruguay. Not only are residents of that nation subject to repression and terrorism by their own government, but they confront a similar situation when they attempt to seek refuge in Argentina. I have joined 35 of my colleagues in the House in cosponsoring House Concurrent Resolution 656, which calls upon the Attorney General to parole these oppressed refugees in Argentina into the United States, where they will at last be able to live without constant fear of torture or loss of life. In the absence of action by the administration, Congress must reassert America's respect for basic human rights by passing House Concurrent Resolution 656, and by considering the termination of all military assistance to nations which violate the fundamental rights of their citizens.

In the August 14 issue of the Nation, Mrs. Rose Styron, a distinguished poet, translator, and board member of Amnesty International, described the conditions in Uruguay and Argentina, and America's unacceptable failure to take action against this most objectionable situation.

The article follows:

URUGUAY: THE ORIENTAL REPUBLIC

(By Rose Styron)

On June 12, 1976, the constitutionally elected President of the Republic of Uruguay, Juan Bordaberry, was deposed by the military to whom he had been selling his power since 1972. Beyond certain murmurs of surprise, the event caused little reaction in Montevideo or in world diplomatic circles. The media reported it perfunctorily: Jonathan Kandell's piece in *The New York Times* was possibly the single major story to appear in North America. Uruguay, after all, is small, distant and poor in the resources Yankees covet from their neighbors. Until recent years, it boasted a history of peace, democracy and political stability that earned it a most unprovocative nickname—"the Switzerland of Latin America."

Military dictatorships are more the rule than the exception these days in the Americas. At a conference of army commanders from fifteen American countries held in Montevideo last October, host General Vadora, addressing his colleagues, justified hard right-wing rule by declaring that "Communists were bombarding the continent with a political campaign of distortion and misinformation, using international media." The United States, which gave the conference no publicity, was one of only five countries represented there whose governments were not run or openly backed by the military. After the military commanders went home, there was a wave of arrests and a renewal of torture all over Latin America. In Uruguay alone 800 were detained. Bordaberry, offering himself to his generals for "re-election" in November, outlined a scheme to make their control constitutional. Instead, the generals voted secretly (16 to 1) to oust Bordaberry, forgo elections, and forget the cumbersome pretense of parliamentary rule until 1984.

Months before June, word had begun to reach the outside world that all was not Swiss in Uruguay. Bordaberry's government seemed to be conducting an ugly campaign of terrorization, a brutal and systematic repression parallel to that of Chile. In 1974 the International Commission of Jurists and Amnesty International had sent a joint mission to Montevideo to investigate charges that human rights were being violated. They submitted their findings on illegal detention and maltreatment of political prisoners to Uruguayan officials, and since then neither they nor any other human rights organizations have been allowed to enter the country. Three requests to Bordaberry in 1976 for a nonpartisan, international on-site investigation have been flatly denied.

Meanwhile, officials of the U.S. Government—among them Robert McCloskey, assistant secretary for Congressional relations at the State Department—have more than once misrepresented the ICJ-AI report to members of Congress. Last year McCloskey claimed in a series of letters that "security laws have been applied primarily to Tupamaros," though even Bordaberry acknowledged that this urban guerrilla movement of the 1960s, which in its day fired the imagination of so many middle-class youths, had been totally destroyed before he dissolved parliament in June 1973. It is known that 50,000 to 60,000 persons have been interrogated or imprisoned in the past four years (one in every forty-five citizens), of whom some 5,000 remain in jail today. This is the highest per capita concentration of political prisoners in the world. McCloskey suggested that torture "was not a policy of the Uruguayan Government," but "isolated acts in apparent violation of government policy." Amnesty International published full documentation on twenty-two prisoners who had died under torture before December 1975, and seven who were tortured to death since then. If strict censorship and threats of reprisal were not government policy in Uruguay, the documented cases might be more numerous. Ten per cent of Uruguay's population has left the country.

McCloskey further stated that the ICJ considered the Uruguayan Government to be "doing everything possible to reduce the risk of mistreatment of political prisoners." ICJ President Niall MacDermott sternly rejected this assertion in a letter from Geneva. Although members of the joint mission were not allowed to visit military establishments, where the most serious abuses occur, nor permitted to speak with prisoners, the ICJ-AI delegates concluded on the basis of talks with defense attorneys that "at least 50 per cent of all the political prisoners arrested [had] been the object of mistreatment or torture." According to AI, virtually all political prisoners, including those detained briefly for interrogation, are forced to stand hooded for hours, sometimes for days, often naked, without food or water. In addition, 70 to 80 per cent of all prisoners are subjected to torture by electric shock or the "submarine"—immersion of the prisoner's head down in a tank of filthy water and excrement to the point of near asphyxiation—a form of torture highly regarded because it leaves bad psychological, but no physical, scars.

In late February, Sen. Edward Kennedy wrote a letter of inquiry about Uruguay to William Rogers, the Under Secretary of State for Economic Affairs who then headed State's Inter-American Department. Rogers, one of the most thoughtful men in the State Department, replied on March 2 that repression in Uruguay was a thing of the past, that to his knowledge only one large-scale arrest had taken place (the one in November 1975 when the authorities seized 150 persons who allegedly possessed illegal weapons or spread Communist propaganda). But the record shows that on January 11, 700 more were arrested, along with Bordaberry's only important rival still in Uruguay, the 1971 Frente Amplio candidate, Gen. Liber Seregni. Se-

regni, who had just been released after eighteen months in jail, was again incommunicado. Rogers went on to remark that the traditional good relations between the United States and Uruguay still permitted "the discussion of sensitive issues in an atmosphere of friendly frankness," citing the assurances of good will and just behavior U.S. and Canadian officials had accepted from Bordaberry. Who was kidding whom?[1]

For its size, Uruguay has a huge defense budget. What is it for? The United States has been sending military aid to Uruguay—$3 million to modernize its army. Why? Its huge neighbors, Argentina and Brazil, could crush it if they chose, army or no. And why is our executive pretending to our legislature that everything is fine? Is U.S. policy toward Uruguay being based exclusively on information sent back by Ambassador Siracusa, a staunch anti-leftist? Informed inquiries to him from Congress have produced puzzling replies.

Having focused their winter attention on problems in Chile and our new favored ally Brazil, concerned Reps. Edward Koch, Donald Fraser and Michael Harrington, and Senator Kennedy have now begun to pursue the facts on Uruguay. Censorship of mail, television and the press, the closing of *Marcha* and imprisonment of its editors and writers, the destruction of academic freedom, the suppression of political parties and trade union activity and civilian legal rights have been noted and discussed.

Invalids, the elderly and children are not excluded from torture. In several instances over the past months adolescents of 12 and 14 have been arrested and shockingly mistreated while incommunicado. A physhiatrist who treated one boy fled Uruguay with his son soon afterward. Doctors in Uruguay as in Chile have been severely persecuted for treating dissidents. Dr. Beresmuda Beralta who treated a wounded Tupamaro four years ago, is rotting in jail even though he declared he was against the Tupamaros but had acted out of conscience. On March 25, Representative Koch surprised the Congress by calling Uruguay "the main torture chamber of Latin America." He may have read AI's fresh report on torture in Uruguay and the Uruguayan press's fierce daily denials and attacks on the agency as a Communist front (AI's thick new publication, *Prisoners of Conscience in the USSR*, was conveniently ignored).

The report proceeds chronologically, beginning with the secret mutilation and murder of Luis Carlos Batalla which caused a scandal in May 1972, the first and last case of death under torture to be officially admitted. A 32-year-old building worker and father of two, Batalla had been a member of the Christian Democratic political party. He is not known to have engaged in any illegal activities. It is believed he was apprehended and interrogated in an attempt to extract names of persons who might be linked with the Tupamaros. No charges were brought against Batalla, either before or after his death in a military barracks. The official death certificate read "acute anemia caused by liver rupture." Later this was officially admitted to be false.

In another case, the body of Alvaro Balbi was returned to his family two days after his arrest. The authorities claimed he had died of an asthma attack, though he had never suffered from asthma. An autopsy, authorized by a civil judge at the request of his family, revealed a crushed thorax, burned genital organs, fractured legs and a ruptured liver. Now when bodies are returned to their families, the military forbids the opening of the coffins. The police frequently disrupt funerals, chase away mourners, and desecrate graves as part of the campaign "to eliminate subversion," especially when the coffin lid has been raised and the stated cause of death—"acute lung edema" or "suicide by poison"—was challenged by the absence of legs or the presence of knife or bullet wounds, soldering-pipe burns and multiple head fractures.

In the same week that Koch addressed Congress, a remarkable letter from a Uruguayan military man (prudently unidentified in the press, though impeccable sources have vouched for his authenticity) was sent out through Buenos Aires and published in Europe, along with the first two photographs of men under torture that human rights organizations believed to be genuine. The letter began:

"I am an officer of the Uruguayan Army. If I have come to the decision, for me a very important one, to write this letter, it is for one reason and one reason only: the revulsion I feel for all that I have the misery of witnessing, and worse still, in some cases, of taking part in. It has become intolerable for me. . ."

The photographs recall Goya. One is of a hooded but otherwise naked man, his wrists handcuffed behind his back, his feet dangling in air, straddling a bar. We are told the bar is of iron with a cruel cutting edge, *el cabellete* (the sawhorse), and that the prisoner has been sitting thus for hours. The other is of a hooded man suspended by his wrists, enduring *la bandera* (the banner). The photo was taken when he had been hanging in a sun of at least 80° F., for three hours, after which he hung for several more. The letter describes other forms of torture whose applications have become routine in 1976 Uruguay: the submarine, the electric prod (applied to testicles), the telephone (an electric cable attached to each earlobe):

I have seen the strongest officers and noncommissioned officers selected to punish prisoners with clubs, pipes, karate blows. And I can state that no one is safe from this treatment; some cases are more brutal than others, but practically all prisoners, irrespective of age or sex, are beaten and tortured. Dozens have been taken to the Military Hospital with fractures and lesions. Such a level of sadism has been reached that military doctors supervise the torture. The women are in a separate category. . . . I have personally witnessed the worst aberrations committed with women, in front of other prisoners, by many interrogators. Many . . . are held only for the purpose of discovering the whereabouts of their husband, father or son. . . ."

The letter goes on to describe the places of detention—private houses like the one expropriated at 5515 O'Higgins Drive where neighbors report hearing piercing screams, despite music played at full volume. Also mentioned are torture at army barracks, torture by the police, the navy and the air force, and savage raids carried out under the pretext of depriving Communists of their bases of support.

April, May and June news stories have borne out Koch's assessment and justified the fears of Uruguayans at home and abroad. On April 23 the first in a series of cadavers—ten to date—showed up on the river banks of Uruguay, manacled, mutilated, several even decapitated. At first they were identified as Orientals (a play on the former name for Uruguay, the Oriental Republic of Uruguay), then as Uruguayans, most likely those who were disappearing weekly from their homes or jobs in Argentina, where they had sought haven. In Argentina, President Videla commanded all refugees to register by the first week in May.

The refugee population of thousands was terrified; rumors of deportation to Chile and Uruguay were rife; offices and embassies in Buenos Aires soon sprouted long lines of foreigners seeking asylum or exit papers (lawyer Peter Weiss, recently returned from Argentina, compared the scene to those in Nazi Germany in the 1930s). The U.N. High Commissioner for Refugees (UNHCR) requested assurances of their safety, in vain.

In early June refugee files containing 8,000 names were stolen (the refugee population in Argentina, more heavily Chilean than Uruguayan, is about 18,000) and two days later armed men abducted twenty-five who were on the list. Through the fast and persistent efforts of the U.N., the World Council of Churches, AI and others, the twenty-five were released on President Videla's orders. They were dropped off on different street corners, in poor shape, many of them bearing marks of torture. The loud protests and Videla's speedy response were reactions to world outrage at the kidnap-murders of prominent, conservative Uruguayans in Argentina a fortnight earlier. On May 18, at 3 A.M. and 5 A.M. former Uruguayan legislator Zelmar Michelini and former speaker of the Uruguayan Chamber of Deputies, Hector Gutierrez Ruiz, were abducted from their homes in Buenos Aires by groups of heavily armed men dressed as civilians. Soldiers and police stationed in the area stood by as the apartments were unhurriedly ransacked, doors were broken down, screams were heard, and the men were led blindfolded into waiting cars that had no license plates. As Michelini was about to enter his vehicle, an employee of the Hotel Liberty where he and his sons were living ran out to protest that the abductors had taken a hotel blanket with them. The blanket was returned.

Nothing was heard of Michelini or Gutierrez or of a young Uruguayan couple named Whitelaw, abducted earlier, until their bullet-ridden, tortured bodies were found in a car in downtown Buenos Aires at 9 P.M. on May 21. After a wide search organized by the UNHCR, the Whitelaws' three small children, abducted with them, were found dazed but alive in a suburban hospital. Meanwhile Videla had claimed that it was the work of Uruguayans or of Argentine vigilantes. He told the editor of *La Opinion*, which carried a front-page story of the "kidnapping" (Michelini had worked on the paper), that he would investigate. He did not. Then *La Opinion* printed a letter Michelini had given a friend on May 5, stating that he had received threats that he would be returned forcibly to Uruguay, a matter which the Uruguayan Foreign Minister would take up with Argentine authorities. Then Wilson Ferreira Aldunate, head of the conservative Blanco Party, who received 18 per cent more votes than Bordaberry in the 1971 election (the returns were apparently manipulated to give Bordaberry the Presidency) and whom authorities had failed to locate for abduction on May 18 because he was not in his apartment, announced that the Argentine authorities had received letters accusing Michelini and Gutierrez of being Tupamaros, virtually marking them for death. International pressure and quiet, complicated maneuvering brought the distinguished Ferreira and his family out of Argentina. The United States Congress, led by Rep. Donald Fraser, invited him to Washington to testify on June 17.

At an Amnesty International press conference in New York after his arrival June 16, Ferreira, challenged by two hostile Uruguayan newsmen, noted that the members of the Tupamaro movement, which he had opposed, were all either dead or jailed; that the only people who kidnap and kill today are the government; that only a minority of prisoners have been convicted by the courts, that brutal forms of torture such as the electric prod, tying a prisoner to a horse to drag him across a field, and raping women and children—that these and the entire apparatus of repression made the government successful. Later, he confirmed UPI reports

[1] At the first full hearings on Uruguay, held July 27, Martin Weinstein submitted to Rep. Donald Fraser (D., Minn.) exchanges on Uruguay between Hewson Ryan of the State Department and Rep. Edward Koch (D., N.Y.).

of May 17 that, after the meeting when the generals voted to oust Bordaberry, Minister of Economy Alejandro Vegh Villegas, who favored a "limited election option" for November, sent emissaries to Buenos Aires to consult with Blanco Party leaders in exile about their possible cooperation if that option were chosen. Both Ferreira and Gutierrez were approached. They asked that at least three conditions be met: (1) respect for human rights, including an end to torture; (2) reinstitution of a civilian legal system; and (3) the removal of Bordaberry from office.

The American Embassy had told the Uruguayan Government that Michelini (who leaned toward a social democratic position) had applied for a U.S. visa and that they had no reason not to grant it. That was the day before the abductions; it seems likely that Bordaberry decided to eliminate opposition leaders with support in his country. As for Argentina's reasons for cooperating, one can only speculate that President Videla wants to gain favor with the small neighbor governments (Bolivia's former President Torres was also assassinated in Argentina in mid-June) because it is competing with vast Brazil for domination in the southern cone, the term used for land below the bulge in Latin America.

Since his testimony in Washington, Wilson Ferreira has been indicted by his government as a Tupamaro, and his estate and assets in Uruguay have been confiscated. He and his wife and son are temporarily safe in the United States, but Michelini's daughter and her husband are among thirty Uruguayans in Argentina who have disappeared since mid-July (twenty bodies were reported discovered June 26, but not yet identified) and so are the children of Ferreira's other good friends.

The role of the secret police in military and paramilitary organizations in our hemisphere is of prime concern. The Argentines are acceding to the wishes of the Uruguayans just as the Chileans acceded to those of Brazil, allowing them to enter the country and subject their nationals to torture, deportation and death. The United States has trained hundreds of Brazilians, Chileans, Uruguayans and Argentinians in its counter-insurgency school in Panama, and many more at army bases and police academies in the United States. The training, and the equipment and money we send these repressive governments marks us for responsibility in their concerted violations of human rights.

Latin America has not been Henry Kissinger's chief area of concern, nor have human rights. Still, at the OAS meeting in Santiago in June, the Secretary of State made an historic speech, declaring that violations of these rights would no longer be tolerated by the United States, noting that they had already "impaired U.S. relations with Chile." And after Kissinger left, our new permanent OAS deputy, Robert White, made a statement that should stand as a rebuttal to General Vadora's address in Montevideo: "Much has been said here about communism and we must be alert to guard against it. Hopefully, however, the struggle against communism is not the main feature which configures our heritage. There are others: respect for law, independence of the judiciary, right of dissent and freedom of the press."

Americans can only applaud these statements—and await their implementation. A good start could be made by expanding the present limited "parole" program to allow refugees from Argentina and Uruguay, and more Chileans, to enter the United States. Would it be too much to ask that Washington change its policy of not offering asylum to foreigners in danger or, if that is excessive, at least to instruct our Latin American embassies to act quickly to help find asylum in the embassies of less finicky nations for those whose lives are threatened by the repressive regimes of that continent?

AIR PIRACY QUARANTINE ACT OF 1976

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 5 minutes.

Ms. ABZUG. Mr. Speaker, joined by 17 of my colleagues, I have reintroduced two measures designed to combat air piracy and terrorism. The first, the Air Piracy Quarantine Act of 1976, would suspend for at least 1 year U.S. foreign air traffic with any nation that has been found to aid, to abet, or to arm a terrorist organization, and with any nation that maintains air operations with a country that aids, abets, or arms a terrorist organization. The second bill would prohibit any nation under an air traffic suspension from receiving U.S. foreign aid for the duration of the suspension.

The action we are proposing is strong, but it is essential if we effectively are to end hijacking. In recent years, air piracy and other forms of terrorism have threatened regularly the lives and safety of innocent people. We can no longer rely on the daring rescues of hijacked planes as our response to terrorism. Powerful preventative measures are urgently needed and the Air Piracy Quarantine Act of 1976 is such a measure.

Faced with the sanctions of this act, many nations that have tacitly or explicitly supported terrorist groups will terminate, out of necessity, their cooperation with these organizations. In the absence of a friendly base of operations terrorist organizations will be hard pressed to continue their detestable activities.

Listed below are those Members who have joined me in cosponsoring these bills:

COSPONSORS

Herman Badillo, Edward P. Beard of Rhode Island, Norman E. D'Amours, Mendel J. Davis, Don Edwards of California, Daniel J. Flood, Michael Harrington, John H. Heinz, Jack F. Kemp, Edward I. Koch, William Lehman, Clarence D. Long of Maryland, Matthew F. McHugh, Fredrick W. Richmond, Benjamin S. Rosenthal.

THE ADMINISTRATION HAS TAKEN A POSITIVE AND A DECISIVE STEP TOWARD REINSTITUTING RELIANCE UPON THE PRIVATE SECTOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 25 minutes.

Mr. KEMP. Mr. Speaker, the Ford administration took a decisive step this week toward reinstituting reliance upon the private sector for the goods and services required to meet the Government's needs and I applaud it heartily.

In taking this action, the administration reaffirmed a policy which many of us in the Congress had been seeking over the past year.

On October 30 of last year I introduced a resolution setting forth a clarification and reaffirmation of the policy that Government ought to rely upon commercial sources for the goods and services it needs. A revised text of that resolution was introduced on February 19, House Joint Resolution 818. That and similar resolutions have nearly 80 cosponsors in the House, and there is a Senate companion measure as well.

The policy expressed by Congress and embodied in OMB Circular A-76 has always been that the Government ought to rely upon the private sector for its goods and services. But, in contrast, with that policy, the Government has persistently and increasingly done in-house that for which they could have contracted outside, from janitorial services to weapons systems research and development. Three exceptions—which, like most exceptions, started out small but then grew—provided a means of circumventing the general policy.

The frustration of this policy has been at great costs to the country.

A dollar spent in-house by Government simply does not buy the same level of productivity as one spent in the private sector.

Real wages, aggregate national income, production, and gross national product do not grow as quickly when large percentages of expenditures are made within Government.

Dollars spent in Government do not create as many jobs as the same dollars spent in the private sector.

Competition declines.

The adequacy of investment capital declines.

And America's technological lead over other industrial nations has been falling rapidly.

Despite these realities—and they are realities, not merely opinions—not everyone wanted to reaffirm the general policy.

But even among those who wanted a reaffirmation of existing policy—to return to the private sector the responsibility for providing goods and services—there was not uniform agreement as to how to proceed. Should there be a reaffirmation and clarification on the existing policy? Should that come from the Congress or the administration? Or should there be a major, susbtantive overhaul of the Federal laws in this regard? If so, what would need to be changed in existing law and regulations.

While there are still Circular A-76 questions which must be addressed and answered, I think the administration's announcement this week helped answer those questions.

On Monday of this week, August 23, Hugh E. Witt, the Administrator of Federal Procurement Policy within the Office of Management and Budget, announced proposed new rules under which hundreds of millions of dollars worth of services now supplied by the Federal Government to itself could be purchased from private, commercial sources. These

new rules will affect about 10,000 commercial and industrial operations, such as guard services, maintenance of buildings and grounds, cafeteria operations, and film processing.

There are two benefits to be derived from implementing this policy after the 30-day comment period. First, by shifting these operations to the private sector, Government both restores a responsibility to the private economy and reduces its own payroll size. Second, because a specific service will be awarded to the private sector only if the private sector bidder can perform the work at less cost than an in-house performance, it will mean a reduction in Government expenditures and the taxes and deficit financing required to sustain those expenditures.

The Office of Federal Procurement Policy—OFPP—has estimated that the annual operating costs of the 10,000 commercial and industrial operations to be affected by the new rules to be about $7 billion. Of these 10,000 operations, at least 1,000 are justified solely on the basis of cost, and they will be the first to be shifted to the private sector through the new Federal in-house cost determination formula.

Private companies have lost out repeatedly to the Government in recent years, because under the old rules the agencies sharply underestimate the cost of providing retirement benefits to Government workers engaged in the in-house work. In calculating its cost under current rules, an agency must compute its wage bill and add 7 percent for employee retirement costs. This 7-percent addition is so out of date that the U.S. Civil Service Commission has determined that it should here after be 24.7 percent—over three times greater, and this 24.7 percent is a conservative estimate based on a "set of assumptions most favorable to minimum retirement costs." Of course, the true add-on should be 31.7 percent—the 24.7 percent contributed by Government and the 7 percent contributed by the employee.

Under the new rules, within the next 3 years, all 10,000 progams will have to recalculate their costs using the new retirement figures.

What will this shift mean to the taxpayers? According to an OMB officer at the Monday announcement, government surveys show an average savings of 30-percent, when a service is contracted out, rather than provided by the Government. If one couples the unofficial projection of officials of the Department of Commerce that about $2½ billion may be shifted into the private sector through this latest effort with the OMB estimate of a cost reduction of about 30 percent, it is quite possible that the cost saving to the taxpayers will be about $850 million a year. That is significant.

Opposition to the proposed regulations has already surfaced—predictably. The National Federation of Federal Employees—a Federal employee union—has already attacked the measure.

I think it is crucial to understand several things at this point.

First, the new rules certainly cannot be construed as harmful to organized labor, because the private companies which will perform these services are as heavily, if not more, organized by labor than are the Federal departments and agencies.

Second, Federal employees don't have a right to their jobs. They are protected against politics through the career civil service system, but their jobs are no more guaranteed—nor ought they to be—than one in the private sector. That's why we have an orderly process within the civil service system for reductions in force. If we adopt the attitude that everyone now holding a Federal job is entitled by right to keep it, we'll never be able to reduce the size of government and its cost to the taxpayers. Most civil servants are conscientious, capable employees, and I am as sympathetic to them as I am to someone in the private sector, but our democratic society does not believe in government jobs as a matter of right. To give that assurance to government employees would be to create a 20th century aristocracy, this time with employees instead of noblemen. The realities being what they are, most reductions in force can be handled by natural attrition anyway, and that way a national objective—returning to the private sector a responsibility which it ought to have been undertaking all along and reducing the costs of government to the taxpayers—can be accomplished at minimum emotional costs and financial disruption to the employees.

When one reviews—as I have—the myriad of examples of where government has unnecessarily performed a service or provided a good which could have been done by the private sector—one sees the importance of these new rules. When you look at the FLITE program within the Department of the Air Force, the JURIS program within the Department of Justice, the Navy's handling of the RF8G—F8—modification program, Interior's agreement with the Air Force for research into a more efficient way of generating electrical power from coal, NOIC's competition with the private sector on oceanic instrumentation systems, plus almost everything ERDA is doing, one sees the necessity of changing the rules.

I do not want to leave the impression that everyone in the executive departments and agencies is a defender of in-house performance. Quite to the contrary, I have been very pleased with the efforts of some within the Department of Commerce and its Bureau of Domestic and International Commerce, including the former Deputy Assistant Secretary for Domestic Commerce, Sam Sherwin; the Under Secretary of Defense, Bill Clements; the Assistant Secretary of Defense for Procurement, Dale Babione; the Office of Management and Budget, where its director, Jim Lynn, and its Administrator for Federal Procurement Policy, Hugh Witt, have been active in this subject matter; and William Gorog and others in the Executive Office of the President. A great amount of credit for these new rules is owed to these dedicated public servants.

I think credit has to be given to my colleagues, who, through their sponsorship of the joint resolutions and persistent support for the principle involved here, helped to bring about and then buttress the resolve of the administration, OMB, and OFPP, to begin moving again in the right direction on this issue. Those cosponsors are:

Mr. ABDNOR of South Dakota.
Mr. ADDABBO of New York.
Mr. ANDERSON of Illinois.
Mr. ANDREWS of North Dakota.
Mr. ARCHER of Texas.
Mr. ASHBROOK of Ohio.
Mr. BAFALIS of Florida.
Mr. BRINKLEY of Georgia.
Mr. BROWN of Ohio.
Mr. BROWN of Michigan.
Mr. BURGENER of California.
Mr. CEDERBERG of Michigan.
Mr. CLANCY of Ohio.
Mr. CLEVELAND of New Hampshire.
Mr. COLLINS of Texas.
Mr. CONLAN of Arizona.
Mr. CRANE of Illinois.
Mr. DAN DANIEL of Virginia.
Mr. DANIELSON of California.
Mr. DERWINSKI of Illinois.
Mr. DICKINSON of Alabama.
Mr. DUNCAN of Oregon.
Mr. ESCH of Michigan.
Mr. ESHLEMAN of Pennsylvania.
Ms. FENWICK of New Jersey.
Mr. FORSYTHE of New Jersey.
Mr. GILMAN of New York.
Mr. GOLDWATER of California.
Mr. GRADISON of Ohio.
Mr. GRASSLEY of Iowa.
Mr. GUYER of Ohio.
Ms. HECKLER of Massachusetts.
Mrs. HOLT of Maryland.
Mr. HYDE of Illinois.
Mr. ICHORD of Missouri.
Mr. KASTEN of Wisconsin.
Mr. KETCHUM of California.
Mr. KINDNESS of Ohio.
Mr. LAGOMARSINO of California.
Mr. LOTT of Mississippi.
Mr. MANN of South Carolina.
Mr. MARTIN of North Carolina.
Mr. MCDONALD of Georgia.
Mr. MCKINNEY of Connecticut.
Mr. MILFORD of Texas.
Mr. MOORHEAD of California.
Mr. NOWAK of New York.
Mr. O'BRIEN of Illinois.
Mr. PATTERSON of California.
Mr. PATTISON of New York.
Mr. PICKLE of Texas.
Mr. PRITCHARD of Washington.
Mr. REGULA of Ohio.
Mr. ROBINSON of Virginia.
Mr. ROONEY of Pennsylvania.
Mr. ROUSSELOT of California.
Mr. SANTINI of Nevada.
Mr. SARASIN of Connecticut.
Mr. SATTERFIELD of Virginia.
Mr. SEBELIUS of Kansas.
Mr. SHRIVER of Kansas.
Mr. SIMON of Illinois.
Mr. J. WILLIAM STANTON of Ohio.
Mr. STEELMAN of Texas.
Mr. SYMINGTON of Missouri.
Mr. TEAGUE of Texas.
Mr. TREEN of Louisiana.

Mr. VANDER JAGT of Michigan.
Mr. WALSH of New York.
Mr. CHARLES WILSON of Texas.

As I indicated earlier, this matter has yet to be fully resolved. The next step is the 30-day comment period in which all interested parties are to write to the Administrator for Federal Procurement Policy, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503, expressing their support for, opposition to, or suggested changes in the proposed rules.

Beyond this, we have the other circular A-76 and Federal procurement questions. Ought there to be other overhead cost inclusions or existing ones updated? What about the reserves for sick pay, paid vacations, et cetera? How about the make-or-buy questions associated with research and development? Is massive Government sponsorship of basic research and developing crippling the creative process in America? How can we assure that the other exceptions to the general policy—such as an agency determining that contracting out may demonstrably disrupt or significantly delay an urgent agency program, or that in-house performance may be necessary for national security, or that the product or service is not and cannot be made available from the private sector and is available from a private source—will not be used in the future to continue circumvention of the general policy?

But, we are indeed going in the right direction.

At this point in today's proceedings, I wish to read into the RECORD the text of the notice and proposed rule, as published in the Federal Register, Vol. 41, No. 164 of Monday, August 23, 1976, at pages 35581-3. These items follows:

FEDERAL PROCUREMENT POLICY: COST COMPARISONS UNDER OMB CIRCULAR A-76

Proposed Transmittal Memorandum to OMB Circular A-76, Providing Cost Factors to be Used in Determining the Cost of Government Commercial and Industrial Activities.

OMB Circular A-76, originally issued in 1966 and revised on August 30, 1967, states the Government's general policy of reliance on the private enterprise system for needed products and services. The Circular provides that exceptions to that policy may be justified when direct Government performance can be shown to be in the National interest. One, basis for such exception is a demonstrated cost saving from Government operation of a commercial or industrial activity. When executive agencies make a comparative cost analysis between commercial and Government sources, the cost to be incurred under each alternative must be determined in accordance with prescribed procedures.

The cost of commercial performance can be established primarily from a contract bid or proposal, but Government costs must be developed from less specific cost data. Circular A-76 states that Government costs must include: "all elements of compensation and allowances for both military and civilian personnel, including the full cost to the Government of retirement systems, calculated on a normal cost basis."

Both the employing agency and the employee contribute 7% of salary to the Civil Service Retirement System. The agency 7% contribution is currently used in cost comparisons as the full cost to the Government, although it is widely recognized that the actual cost to the Government is substantially higher. The discrepancy results from the fact that agency and employee contributions are based on a "static" projection of the normal cost for the system; i.e., a projection which assumes that there will be no general increases in Civil Service wage scales and no increases in benefit payments to retirees under the Consumer Price Index (CPI) escalator provisions. When these increases do occur, they create a deficit in funding of the system that is paid by additional Government contributions from general Treasury funds distributed over a thirty-year period. Underfunding prior to 1969 created an unfunded liability which is being stabilized by annual direct transfers of interst payments from the Treasury to the Civil Service Retirement Trust Fund.

In order to achieve greater accuracy and uniformity in agency cost studies, standard factors which reflect the full cost to the Government must be provided for use by all executive agencies. At the request of OMB, the Civil Service Commission developed cost factors for the Civil Service Retirement System and for Government contributions to employee insurance programs.

The retirement system factor was first approached from the standpoint of the cost of financing the system under current conditions, while excluding any cost attributable to past failures of the Government to make payments into the fund when due. The resulting figure, 19.9% of salary, included the agency contribution to the system, thirty-year payments to cover benefit improvements, and a portion of the interest on the unfunded liability. This retirement cost factor was criticized on the basis that it reflected the cost of financing obligations which have already been incurred, and that it did not include the impact of future salary and benefit increases, which must be anticipated. It was also recognized that a factor computed on this basis would increase each year as additional thirty-year payments are initiated. For example, the 19.9% factor, which was based on FY 1975 data, increased to 20.4% when recomputed with FY 1976 data.

An alternative approach was developed to determine a factor that reflects full Government cost for the system through the use of "dynamic" rather than "static" normal costs. Calculation of normal costs on a "dynamic" basis provides a more realistic measure of system costs by anticipating future changes in salaries, interest rates, and retirement benefits. This method has been recommended by the Board of Actuaries of the Civil Service Retirement System and the Comptroller General of the United States. Dynamic normal costs were calculated using the actuarial models of the Civil Service Retirement System.

In developing a cost factor on this basis, it was necessary to make economic assumptions about future average annual wage increases to civil service employee and average annual interest rates for money in the fund. Using empirical analyses of historical data and judgments as to how trends might change in the future, the following economic assumptions were developed:

Average annual real wage increase 1.3 percent.

Average annual real interest rate 1.6 percent.

The annual real interest rate of 1.6 percent was the prevailing rate between 1952 and 1964, our last period of sustained stability in inflation rates. If periods of erratic inflation had been included, the interest rate would have been lower. The average annual real wage increase was based on 1948-1973 real GNP growth per manhour worked, corrected for factors such as intersectoral shifts, and increased quality of workers. Data for 1974 and 1975 were excluded from the computation because of the greatly reduced GNP growth during those recession years.

In addition, a conservative set of assumptions (from the point of view of retirement costs) was established, setting the real wage growth rate at 1.0 percent, and real interest rate at 2.0 percent. A third economic assumption that was required by the actuarial model was the expected rate of inflation. However, because the effect of different inflation rates proved to be essentially irrelevant, a zero inflation rate was used and the analysis was carried out in constant dollar terms.

The Civil Service Commission actuary was asked to calculate normal costs under the following three combinations of assumptions, assuming in addition that the "one percent kicker" on CPI initiated benefit increases will be discontinued.

Case	Annual real wage increase (percent)	Annual real interest rate (percent)
1	1.3	1.6
2	1.0	2.0
3	1.3	2.0

The actuary projected the costs of retirement in each case as a percentage of payroll costs. These were: Case 1, 36.6%; Case 2, 31.7%; and Case 3, 33.0%. Since the individual contributes 7 percent of his salary to the retirement system, costs to the Government become 29.6, 24.7, and 26.0 percent, respectively.

The 24.7% cost to the Government, which results from use of the set of assumptions most favorable to minimum retirement costs, has been selected for use in all cost comparisons under Circular A-76.

To ensure uniformity and consistency in cost studies performed by different agencies within the executive branch, the following Transmittal Memorandum to Circular A-76 has been prepared. All interested parties are invited to submit their views and comments on this memorandum for consideration by the Office of Federal Procurement Policy. Responses should be received by September 20, 1976 and should be addressed to:

Administrator for Federal Procurement Policy, Office of Management and Budget, 726 Jackson Place, NW, Washington, D.C. 20503.

HUGH E. WITT,
Administrator.

Subject: Policies for Acquiring Commercial or Industrial Products and Services for Government Use

1. *Purpose.* This Transmittal Memorandum provides guidance and specific cost factors to be used when agencies prepare a cost analysis under OMB Circular A-76.

2. *Background.* OMB Circular A-76 expresses the Government's general policy of relying upon the private enterprise system to supply its needs for products and services, in preference to engaging in commercial or industrial activity. This policy reflects the fundamental concept that the Government should generally perform only those functions which are governmental in nature and should utilize the competitive incentives of the private enterprise system to provide the products and services which are necessary to support governmental functions. Those commercial or industrial activities which the Government performs directly for itself are not inherently governmental functions, but rather are exceptions to the fundamental concept, and their performance by Government personnel must be justified as being in the National interest.

3. *Supplemental Guidance.* Circular A-76 sets forth specific circumstances under which it may be in the National interest for the Government to provide directly some products and services for its own use. One of these circumstances permits justification of Government commercial or industrial ac-

tivity if a detailed comparative cost analysis demonstrates that Government performance would result in sufficient savings to justify involvement in such activity. However, the Circular does not require that a cost study be made in every case to support a decision in compliance with the policy preference for reliance on commercial sources. A cost analysis is not needed in circumstances where the Government's economic interests would be protected, such as the existence of a competitive commercial market, unless the agency has some unique economic advantage which would permit it to supply the needed product or service at less than commercial cost. In determining whether a cost study should be undertaken, consideration should be given to the delay and expense involved in a study sufficiently detailed and comprehensive to provide valid results.

Cost studies, when conducted, should be made in accordance with the guidelines in Section 6 of Circular A-76, and must cover all identifiable costs of both commercial and Government performance. Instructions for the determination of costs incurred by Government activities in providing products and services are set forth in paragraph 6.C. of the Circular. In computing the cost of civilian personnel services for a Government activity, the actual cost to the Government for employee benefits, such as retirement and insurance programs, must be included. Guidance in calculating these cost elements has been provided by the U.S. Civil Service Commission, which has determined current percentage factors for Government contributions to employee insurance programs and the full cost to the Government of the Civil Service Retirement System.

4. *Cost Factors.* (a) For the convenience of Federal agencies making cost studies, the following percentages of base pay will be used in computing the costs of civilian personnel services: Retirement, 24.7 percent; Health Insurance, 3.5 percent; Life Insurance, .5 percent.

(b) Cost comparisons made under the provisions of Circular A-76 should be sufficiently complete and documented to permit ready audit by qualified financial personnel. Copies will be made available to interested persons, on a cost reimbursable basis, when requested under the provisions of the Freedom of Information Act.

5. *Effective Date.* This Transmittal Memorandum is effective immediately.

6. *Inquiries.* Inquiries or requests for assistance should be directed to the Office of Federal Procurement Policy, telephone 395-3327.

[FR Doc. 76-24760 Filed 8-20-76; 8:45 am]

Mr. Speaker, for anyone who wishes to more fully acquaint themselves with this matter, they may wish to read several CONGRESSIONAL RECORD items on the question, including remarks on October 30, 1975, at pages 3462-3464 on December 19, 1975, at pages 42315-42317 on March 15, 1976, at pages 6424-6427; on May 17, in two instances, at pages 14214-14218 and 14180-14182; on June 18, 1976, at pages 19314-19317; and on July 28, 1976, at pages 24347-24348.

WOMEN'S EQUALITY DAY, 1976

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, today marks the 56th anniversary of the ratification of the 19th amendment—the amendment to the U.S. Constitution which gave women the right to vote. As we in the Congress recognize today as "Women's Equality Day, 1976," and this year as we celebrate our Nation's Bicentennial, we must also remember that full equality for women is still a goal to be realized.

Mr. Speaker, I commend to the attention of my colleagues President Ford's message proclaiming today as "Women's Equality Day, 1976," and insert it at this point in my remarks:

WOMEN'S EQUALITY DAY, 1976

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

During this Bicentennial Year we celebrate a dynamic history which began with that inspirational declaration that all individuals are "endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

To give substance and form to those self-evident truths, "We the People of the United States" created a constitutional republic to "secure the Blessings of Liberty to ourselves and our Posterity."

However, it was not until August 26, 1920, that the Nineteenth Amendment to our Constitution unambiguously secured for each of us, regardless of sex, that precious mark of liberty—the right to vote.

In October 1971 and March 1972, the House of Representatives and the Senate of the United States proposed a new amendment for our consideration—an amendment, completing the process begun by the Nineteenth, which would secure "equality of rights under the law" regardless of sex, for men and women.

Several more States need to ratify that Equal Rights Amendment before it becomes part of our Constitution. It would be most fitting for this to be accomplished as we begin our third century. In this Land of the Free, it is right, and by nature it ought to be, that all men and all women are equal before the law.

Now, therefore, I, Gerald R. Ford, President of the United States of America, to remind all Americans that it is fitting and just to secure legal equality for all women and men, do hereby designate and proclaim August 26, 1976, as Women's Equality Day.

I call upon all the citizens of the United States to mark this day with appropriate activities, and I call upon those States who have not ratified the Equal Rights Amendment to give serious consideration to its ratification and the upholding of our Nation's heritage.

In witness whereof, I have hereunto set my hand this twenty-fifth day of August, in the year of our Lord nineteen hundred and seventy-six, and of the Independence of the United States of America the two hundred and first.

GERALD R. FORD.

THE REPEAL OF HOLDER IN DUE COURSE WAS ESSENTIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, the suggestion by the Federal Trade Commission of a rule which would repeal the antiquated holder in due course doctrine caused almost no stir among the various credit industry representatives.

The enactment of the rule, however, brought an onslaught of criticism and wolf-crying almost unequalled in my observation of credit lobbying history.

Not only is the availability of credit supposedly drying up, but reputable businessmen everywhere are supposed to have been driven out of business for lack of available bank financing.

The FTC is standing strong in its position that credit buying has become such a way of life for so many millions of Americans that the consumer protection which the repeal of the holder in due course doctrine provides, is essential.

I have backed the FTC from the beginning. In January I pointed out that the only businesses this rule would hurt are the disreputable ones because they could no longer count on full payment regardless of their performance. Then in July I conducted a survey of more than 100 District of Columbia area businesses to determine just how difficult it is to find needed bank financing. The results were gratifying. I found that the charges that the consumer credit industry would be adversely affected by the ruling were no more than a Pavlovian reaction to a very proconsumer move. Consumers have benefited from the FTC's ruling and the auto dealers, furniture stores, and others have not been hurt.

It is an unfair and unfounded effort that the trade associations are making to deny the consumer protection of the FTC's repeal of the holder in due course doctrine.

I therefore urge my colleagues to read the following testimony which I presented today to the Consumer Protection and Finance Subcommittee in defense of the FTC's ruling:

TESTIMONY OF THE HONORABLE FRANK ANNUNZIO, CHAIRMAN OF THE CONSUMER AFFAIRS SUBCOMMITTEE OF THE COMMITTEE ON BANKING, CURRENCY AND HOUSING BEFORE THE CONSUMER PROTECTION AND FINANCE SUBCOMMITTEE OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE REGARDING THE FEDERAL TRADE COMMISSION'S TRADE REGULATION RULE REPEALING THE HOLDER IN DUE COURSE DOCTRINE

Mr. Chairman, Members of the Subcommittee, it is truly a distinct privilege for me to appear before you today and I deeply appreciate the honor of being the lead-off witness at these most important hearings. I am accompanied this morning by Mr. Curtis Prins, the Staff Director of the Consumer Affairs Subcommittee of the Committee on Banking, Currency and Housing.

Mr. Chairman, I am not here this morning to defend every sentence, every word, or every punctuation mark of the Federal Trade Commission's ruling repealing the Holder in Due Course Doctrine. I do feel that there are some clarifying provisions that need to be worked out with regard to the ruling, and the Federal Trade Commission has indicated that it is working towards that end. I am not willing for one moment, however, to suggest that the entire ruling should be scrapped, substantially reworked, repealed, or even delayed in its implementation. To do so would be to endorse a concept that has caused untold financial horrors for far too many consumers.

The Federal Trade Commission's holder in due course ruling was not an overnight hit. The Commission spent some several years in both the hearings and the writing stage, and thousands of comments were devoted to the discussion of the proposed rule. Yet, only in recent months has there been any outcry against the ruling. Perhaps those who are opposed to the repeal are guilty of the far too common malady of only reacting when a crisis exists. I suggest that anyone who is unhappy with the FTC's action is like the criminal who refuses to offer a defense during his trial and then when the jury finds the criminal guilty, argues that he was not

given an opportunity to tell his side of the story.

It is contended by those who opposed the ruling that the FTC should have promulgated it under the provisions of the Moss-Magnuson Act. I wonder however, if those same champions of the Moss-Magnuson provisions would have felt as strongly if the FTC had come out with a regulation that left holder in due course virtually intact.

I am certain before these hearings are concluded that someone will suggest that the Holder in Due Course Doctrine should not be repealed because it has been a principle of commercial law since the 18th century. Of course, the question of whether or not it has been a good principle of commercial law will not be addressed. Instead, the only question that proponents of the status quo will raise is that holder in due course should be maintained solely because it has been here for a long time. If that philosophy had been adopted, this country would still have slavery for, after all, slavery was in existence for a long time. And we would still deny the right to vote to women, a practice which existed in this country for a long time. Children would still work in mines and in sweatshops for pennies a day. That wasn't a good practice, but it existed for a long time.

We cannot endorse a principle merely by employing a calendar test. If the Holder in Due Course Doctrine is right and just, then it should be maintained but if that doctrine is not just as I believe it is not, then it must be struck down regardless of its longevity.

Mr. Chairman, shortly after the holder in due course ruling went into effect in mid May, there was an immediate outcry from trade associations about the consequences of allowing the repeal to remain in effect. Just like Pavlov's dog, many of these trade associations are trained to react in a negative manner when anything that deals with consumer rights is raised.

The banking lobby was quick to attack the FTC ruling, and not far behind were the automobile dealers. On the same day that the president of the American Bankers Association made a speech condemning the holder in due course ruling, I heard an advertisement on a Washington area radio station urging borrowers to secure loans from a particular bank. In part the radio ad said, "obtain your loan from us or ask your dealer to finance your purchase with us."

Mr. Chairman, if the holder in due course repeal is causing as many problems as the bank lobby would like Congress to believe, why is a major banking institution in this area openly soliciting new business that would come directly under the new ruling? And why in the light of the banker protest has the American Bankers Association announced that its member banks have planned to substantially increase the finance of new automobiles for consumers. According to the ABA, not only is an increase planned, but not a single bank surveyed by the association plans to cut back the amount of money available for new car lending.

I know that many of the members of the Subcommittee have received letters from businessmen concerning the Holder in Due Course Doctrine. For the most part, the letters that I have seen on this subject fall into the Chicken-Little-the-sky-is-falling category. Typical of the letters was one that was referred to me from a small banker in the western portion of our country. The banker's cry of "wolf" read in part:

". . . down payments of 50% or higher will be required on big ticket items such as automobiles to guarantee that a buyer has a large enough equity from time of purchase that he will not default on his contract because his cigarette lighter didn't work. With today's ridiculous prices for automobiles and a required down payment of 50%, guess how this will affect the auto industry."

Well, just as Chicken Little found that the sky did not fall, our banker friend is finding that virtually nothing has changed in the automobile financing area. Down payments are no higher, and according to the newspaper ads in almost every major city, it is still possible to obtain no-down-payment financing.

Mr. Chairman, when the claims from various business groups that the repeal of the Holder in Due Course Doctrine would spell the end to the American business community began appearing, I decided to do a survey of my own rather than depend upon the manufactured horror stories being promoted in opposition to the holder in due course repeal. In order to determine the effects of the ruling, the Consumer Affairs Subcommittee staff called more than 100 automobile, furniture and home improvement businesses in Washington, Maryland and Virginia.

Of the more than thirty automobile dealers contacted, not a single one indicated any major problem with the new method of doing business. From the automobile dealers, the most common reply when asked about the new ruling was, "we haven't noticed any difference" or, "it hasn't affected us."

Several dealers claim that they never heard of the FTC action. And one Virginia dealer apparently was trying to use the FTC's action as a basis for steering customers away from Maryland dealers. The Virginia dealer told the staff that people with good credit had nothing to worry about and that the new regulations seem to affect Maryland banks more than those in Virginia.

Here are some typical quotes from Washington car dealers concerning the FTC ruling. A General Motors dealer said, "no problem at all." A used car dealer pointed out, "it is easier and cheaper for you to find your own financing." A luxury car dealership said, "it depends on your credit rating; no problem at all." An import dealer said, "it will be a while before people start changing their policies." A used car operator said, "no problem whatsoever." A Chrysler product dealer remarked, "it hasn't affected us." Another used car dealer responded, "never heard of it." An import dealership said, "it is not difficult for us to finance cars at all." A luxury car dealership said, "no problem at all." Another luxury car dealership said, "no problem" and another GMC dealership said, "I haven't noticed any change at all."

The survey of furniture dealers for the most part paralleled the results obtained from car dealers with the exception that not as many furniture dealers financed purchases. Of ten furniture dealers contacted in Virginia only four of them financed sales through a lending institution and all four indicated that there was no problem with the new ruling.

One salesman admitted, however, that he had never heard of the ruling and asked to have the staff explain it to him. At the end of the explanation the salesman responded, "we've been in business a long time and we back our merchandise. We will have no problem with the ruling."

Similar reports about a lack of problems were received from furniture stores in Maryland and the District of Columbia.

One of the most universal comments received from furniture dealers was that as long as the company sold quality merchandise it would have no problem in obtaining financing for customers.

The responses received from home improvement firms were for the most part, identical to the responses received from auto and furniture dealers. One company representative indicated that he was thoroughly knowledgeable with the new regulation because his bank had a meeting with all of the companies that financed with the bank to explain the rule. He indicated that the bank foresaw no problem for reputable companies.

One Washington contractor was upset with FTC's action and labeled it as ridiculous. However, he did not indicate that the ruling had caused his company any problem at this time.

Following a press release describing the results of my study, I received letters from a number of consumer affairs offices throughout the country reporting on the result of similar studies they conducted in their areas. Every one of these studies indicated that while merchants might not like the repeal of the Holder in Due Course Doctrine they were not experiencing any changes in their business operations.

I note from your witness list, Mr. Chairman, that representatives of the automobile sales industry will be appearing before the Subcommittee. As I noted earlier, this industry has been one of the most vocal in pushing for a return to the traditional holder in due course philosophy.

I have long been a supporter of the automobile sales industry in general and particularly in times when the energy shortage caused great problems for many smaller dealers. Despite this support of the auto sales industry, there is one aspect of the operation that troubles me greatly and it is something that I hope this Subcommittee will deal with in its oversight functions.

There may well be some move towards exempting arms-length financial transactions or the so called "purchase money loans" from the new FTC ruling. But, Mr. Chairman and members of the Subcommittee, there is no reason why this type of transaction—which many automobile dealers engage in with various financial institutions—should be exempt. I am referring here to the practice of financial institutions providing auto dealers, and in many cases other types of businesses, with a share of the income derived from the interest on the finance contract.

Under such an arrangement an auto dealer who finances individual car sales through a particular institution will receive either a set amount for each contract or in even more horrendous cases, the financial institution will set a base charge for interest rates and will tell the dealer that any interest that can be charged the consumer above the base charge belongs to the dealer.

I am convinced that this highly questionable, though long-standing practice is one of the reasons why I see so many automobile financing contracts with interest rates of astronomical proportions. The question here is not whether or not it is legal or ethical for dealers to get "a piece of the action" for directing financing business to a particular institution. The question is whether or not that relationship should be rewarded by exempting those transactions from the new Federal Trade Commission protection. It has been argued that by allowing a dealer to set the interest rate that a buyer will pay, the dealer becomes an agent of the financial institution. At the very least, there is clearly no arms-length transaction. Why then should there be any consideration given to this type of arrangement?

It is my feeling that what the automobile dealers want is to be able to continue their sweetheart arrangements with the financial institutions while gaining an exemption from, or a repeal of, the FTC's ruling. The automobile dealers not only want to have their cake and eat it too, they are asking the consumers to buy the cake for them.

In closing, Mr. Chairman, let me commend you and your Subcommittee for holding these hearings and also for the fact that they are oversight hearings rather than trying to rush through a hastily drafted bill. You are dealing with a highly important issue and thor-

oughness, not speed in my opinion, is what is needed in dealing with this issue.

I therefore urge you and the members of the Subcommittee to give the new ruling a fair treatment here. It has been in operation only slightly more than ninety days and I do not think that is enough time to judge the merits of the ruling. Thank you very much for allowing me to appear here this morning.

MONTHLY LIST OF GAO REPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BROOKS) is recognized for 10 minutes.

Mr. BROOKS. Mr. Speaker, the monthly list of GAO reports includes summaries of reports which were prepared by the staff of the General Accounting Office. The August 1976 list includes:

Effectiveness, Benefits, and Costs of Federal Safety Standards for Protection of Passenger Car Occupants. CED-76-121, July 7.

Audit of Financial Statements of Saint Lawrence Seaway Development Corporation Calendar Year 1975. FOD-76-18, July 26.

Better Information Needed in Railroad Abandonments. CED-76-125, July 23.

Student Enrollment and Attendance Reports in the Boston Public Schools Are Substantially Accurate. HRD-76-146, July 16.

The National Assessment of Educational Progress: Its Results Need to Be Made More Useful. HRD-76-113, July 20.

Formulating Plans for Comprehensive Employment Services—A Highly Involved Process. HRD-76-149, July 23.

Administration of a Federally Funded Disaster Relief Program for Agricultural Workers in Southern Florida. B-171034, April 20, 1972.

Cost-of-Living Adjustment Processes for Federal Annuities Need to Be Changed. FPCD-76-80, July 27.

Civil Service Commission Actions and Procedures Do Not Help Ex-Offenders Get Jobs with the Federal Government. FPCD-76-67. July 1.

Magnitude of Nonappropriated Fund Activities in the Executive Branch. FPCD-76-58, July 5.

Economies Available Through Consolidating or Collocating Government Land-Based, High Frequency Communications Facilities. LCD-76-113, July 6.

Work Performed and Underway by GAO on Federal Regulatory Activities January 1, 1974, through April 30, 1976. CED-76-122, July 20.

Audit of Federal Deposit Insurance Corporation for the Year Ended June 30, 1975. FOD-76-13, July 21.

Greater Emphasis on Competition Is Needed in Selecting Architects and Engineers for Federal Projects. LSD-75-313, July 21.

Administration of Federal Assistance Programs—A Case Study Showing Need for Additional Improvements. HRD-76-91, July 28.

More Action Needed to Insure That Financial Institutions Provide Equal Employment Opportunity. MWD-76-95, June 24.

Gifts Given by U.S. Presidents Since 1960. ID-75-44, February 19, 1975.

Methodology Used in Lease-Versus-Purchase Decision for Tracking and Data Relay Satellite System. LSD-76-127, July 15.

Federal Control of New Drug Testing Is Not Adequately Protecting Human Test Subjects and the Public. HRD-76-96, July 15.

Better Enforcement of Safety Requirements Needed by the Consumer Product Safety Commission. HRD-76-148, July 26.

Progress, But Problems in Developing Emergency Medical Services Systems. HRD-76-150, July 13.

North Carolina's Medicaid Insurance Agreement: Contracting Procedures Need Improvement. HRD-76-139, July 1.

Better Controls Needed over Biomedical Research Supported by the National Institutes of Health. HRD-76-56, July 22.

U.S. Marshals Service—Actions Needed to Enhance Effectiveness. GGD-76-77, July 27.

Federal Drug Enforcement: Strong Guidance Needed. GGD-76-32, December 18, 1975.

Assessment of the Air Force's Planning for the Technology Repair Center Concept. LCD-76-429, July 2.

Pentagon Staffs—Is There Potential for Further Consolidations/Cutbacks? FPCD-76-35A, July 6.

Marine Corps Recruiting and Recruit Training Policies and Practices. FPCD-76-72, July 20.

Critical Considerations in the Acquisition of a New Main Battle Tank. PSAD-76-113A, July 22.

Readiness of First Line U.S. Combat Armored Units in Europe. LCD-76-452, July 23.

Continuing Problems with U.S. Military Equipment Prepositioned in Europe. LCD-76-453, July 27.

Improvements Needed in Operating and Maintaining Waste Water Treatment Plants. LCD-76-312, June 18.

Certain Actions That Can Be Taken to Help Improve This Nation's Uranium Picture. EMD-76-1, July 2.

Shortcomings in the Systems Used to Control and Protect Highly Dangerous Nuclear Material. EMD-76-3A, July 22.

Need to Develop a National Non-Fuel-Mineral Policy. RED-76-86, July 2.

Actions Taken by the Federal Power Commission on Prior Recommendations Concerning Regulation of the Natural Gas Industry and Management of Internal Operations. RED-76-108, May 24.

Federal Hydroelectric Plants Can Increase Power Sales. CED-76-120, July 8.

Revenue Sharing Act Audit Requirements Should Be Changed. GGD-76-90, July 30.

Additionally, letter reports are summarized including:

$103 million of impounded funds for home health services projects, required to be released under the Impoundment Control Act, may not be released before the budget authority lapses. OGC-76-28, July 7.

Information on the status of impounded funds appropriated to the Department of Housing and Urban Development to help owners of rental housing projects meet higher operating costs due to increased property taxes and utility costs. OGC-76-29, July 7.

Information on the President's proposed rescission of funds for the Office of Drug Abuse Policy. OGC-76-30, July 15.

GAO comments on impoundment of budget authority proposed in the President's 17th special message to the Congress OGC-76-31, July 20.

Status of Budget authority that was proposed for rescission by the President, but rejected by the Congress. OGC-76-32, July 23.

Information on deferral of funds for Amtrak to acquire the Northeast Corridor should have been reported to Congress under the Impoundment Control Act, but was not. OGC-76-33, July 29.

The Postal Service should use surface mail, not air mail, to send mail-order catalogues to military personnel overseas. LCD-76-231, July 2.

The Navy's method of recording and reporting financial data in successor accounts and related surplus fund accounts—used to record net balances of unpaid obligations and accounts receivable for expired appropriations—needs to be improved. FGMSD-76-45, July 2.

The Defense Supply Agency should study its use of magnetic disk space—an expensive aspect of computer hardware—and make any excess space available to other Government activities. LCD-76-121, July 7.

Need to recover full cost of military training and technical assistance services provided to Iran. FGMSD-76-64, July 13.

Veterans Administration justification for establishing four regional computer centers for its planned Target System, a communications-based system to modernize VA's benefit claims processing. HRD-76-145, July 13.

Does the Military Airlift Command need to keep personnel on duty in its distinguished visitors' lounges 24 hours a day, 7 days a week? LCD-76-236, July 14.

Procurement operations at the Homestead Air Force Base commissary. PSAD-76-157, July 15.

The Air Force should install standard radios on the F-15 aircraft, instead of expensive UHF and tactical air navigation radios which will not meet future communications requirements. PSAD-76-159, July 20.

How does the Community Services Administration evaluate how well the Community Action Agencies provide services to the poor? HRD-76-151, July 20.

The General Services Administration should encourage Federal agencies to use life cycle costing, a procurement technique for evaluating the total cost of a product over its useful life. PSAD-76-160, July 23.

Controls over admittance to and distribution of expendable items need to be strengthened at the Pentagon's self-service supply centers, PSAD-76-164, July 26.

Does the Defense Department's Base Labor Agreement with the Republic of the Philippines discriminate against U.S. citizens in employment? FPCD-76-79, July 28.

Effects of new Environmental Protection Agency regulations for procuring architect-engineer services on the municipal waste treatment construction grant program. RED-76-112, June 1.

Cost effectiveness of the Air Force's proposal to centralize its equipment allowance program at Warner Robins Air Logistics Center. LCD-76-434, June 1.

Safety program at construction sites for Washington, D.C.'s METRO subway. PSAD-76-147, June 25.

General Dynamics and Pratt & Whitney received contract payments for the Air Force F-16 project greater than those normally allowed. PSAD-76-152, June 25.

Savings possible by changing regulations for printing identical bills introduced in the House of Representatives. RED-76-104, May 12.

Accounting and other financial practices of the Panama Canal organization. FOD-76-15, May 17.

How the Navy selected the US-3A aircraft for the carrier onboard delivery (COD) mission. PSAD-76-144, May 20.

Defense plans to combine functions of the Defense Contract Administration Services' Camden, New Jersey, district office with the Philadelphia district office. LCD-75-339, April 17.

Conditions at the Indian Health Service Hospital at Shiprock, New Mexico. MWD-76-108, March 15.

Exaggerated mail volume and overstaffed operations at the Washington, D.C. City Post Office. GGD-76-41, January 20.

Standards for selecting engineering firms for federally assisted capital projects. LCD-75-320, January 10, 1975.

Safety, and operations and maintenance and cost data for the military services' CH-46 and CH-47 helicopters. LCD-75-411, January 22, 1975.

Investigation of contract award by the Corps of Engineers to the Ranger Construction Company of Atlanta, Georgia, in spite of the firm's termination for default on a Bureau of Prisons contract. PSAD-76-59, January 30, 1975.

Information on Postal Service's sale of printed return address envelopes. GGD-75-62, February 13, 1975.

Handling of Federal funds by the Ohio Bureau of Vocational Rehabilitation. MWD-75-70, March 3, 1975.

Answers to questions on a GAO report on controls needed over equipment provided to the Republic of Vietnam armed forces. LCD-75-227, April 1, 1975.

Information on the cancellation of a planned family housing project at Fort Eustis, Virginia. LCD-75-338, April 3, 1975.

Cost of the Secretary of State's children accompanying him on official trips overseas. ID-75-55, April 9, 1975.

Cost data on gifts given to foreign officials by U.S. Presidents since 1970. B-181244, April 15, 1975.

Investigation of allegations that an Army officer stationed at Aberdeen Proving Ground, Maryland, used military flights for personal convenience. LCD-75-225, April 15, 1975.

Evaluation of the Navy's reported $2,269 billion deficit in its shipbuilding and conversion accounts. PSAD-75-81, April 24, 1975.

Do VA hospitals have adequate medical staffs? MWD-75-83, May 5, 1975.

Effects of oil price increases on small business contracts. PSAD-76-72, May 22, 1975.

Constituent's proposal that military personnel replace civilian field buyers in procuring fresh fruits and vegetables for the Department of Defense. FPCD-75-157, June 23, 1975.

Information on unsolicited mailing of material by the Treasury to members of the American Economic Association. GGD-75-106, July 18, 1975.

Relocation of the Food and Drug Administration district office from Newark to East Orange, New Jersey. LCD-76-301, August 5, 1975.

Army's cost estimate for planned FY 1975 purchase of M60A1 tanks from the Chrysler Corporation. PSAD-76-9, August 11, 1975.

Review of Selective Service System contract to Kenneth J. Coffey. FPCD-76-17. September 30, 1975.

Air Force's indicator repair contracts with Pantronics, Inc. PSAD-76-31, October 7, 1975.

Use of appropriated funds to finance lobbying activities by the Citizens Advisory Council on the Status of Women on behalf of the Equal Rights Amendment. MWD-76-43, October 14, 1975.

Information on the Administration of the Federal Insured Student Loan program in Colorado. B-164031(1), October 15, 1974.

Information on cost reductions expected to result from relocating the Benet Weapons Laboratory, Watervliet Arsenal, New York. LCD-76-418, November 19, 1975.

Alleged deficiencies in Army maintenance practices in Europe and the Air Force shelter program. LCD-76-417, December 22, 1975.

Delivery times for airmail and first-class mail. B-114874, December 17, 1974.

The monthly list of GAO reports and/or copies of the full texts are available from the U.S. General Accounting Office, room 4522, 441 G Street NW., Washington, D.C. 20548. Phone (202) 275-6241.

Summaries of significant legal decisions and advisory opinions of the Comptroller General issued in July 1976 are also available as follows:

Federal Procurement Law Decides Grant Complaint. B-185790, July 9.

Prorating Fees for Jury Duty in Federal and State Courts. B-70371, July 13.

GAO Decides Protest on Subcontract Award. B-185178, July 15.

Travel Entitlement Under Change of Home Port. B-167022, July 12.

Exchange of Similar Items Under the Federal Property Act. B-163084, B-180675, July 15.

Local Regulations May Not Curb Sick Leave Usage by "First 40 Hours" Employees. B-171947.76, July 9.

Quarters Allowance for Female Military Members after Marriage. B-185813, July 13.

Extra Travel Costs When Aeroclub Plane Has Mechanical Problems. B-185099, July 6.

Reenlistment Bonus—Credit for Period of Excess Leave. B-183824, July 6.

Waiver of Excess Payments Under Survivor Benefit Plan. B-182704, July 2.

If you need further information regarding these or other decisions, please call (202) 275-5308 or write to the General Counsel, U.S. General Accounting Office, Washington, D.C. 20548.

TERROR IN ARGENTINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 10 minutes.

Mr. KOCH. Mr. Speaker, I am deeply concerned about what at present is happening in Argentina. It is a haunting specter of rampant anticlericalism and anti-Semitism, of right-wing thugs murdering Catholic priests and terrorizing those whose policies are simply democratic, while the Argentine Government tacitly approves these actions. Argentina is embroiled in a near civil war, and many innocent persons are being caught in a crossfire of leftist guerrilla warfare and government-sponsored counterterrorism.

Eleven Roman Catholic priests have been arrested in Argentina in the last few months, apparently because their nonviolent work for social justice is considered "subversive" by the government. Tragically, at least three other priests have been murdered by right-wing gunmen. It was particularly outrageous to Americans when an American Roman Catholic priest, Rev. James Martin Weeks of the La Salette Novitiate was arrested, beaten, and held for 10 days along with five seminarians in Argentina. Thanks to the efforts of the State Department and my good friend and colleague, JOE EARLY, Father Weeks was released and flown to the United States, but many have been left behind who are in danger of death.

Nazi publications are flourishing in Argentina. There is widespread distribution of "Mein Kampf" and the fraudulent anti-Semitic tract, Protocols of the Elders of Zion. Rightist magazines are characterizing Hitler as the "Savior of the West." Such material has been distributed in the schools. The Argentine Government piously says that it is not condoning this practice, but it has taken no steps to prevent its distribution. All of this is happening at a time when all democratically oriented literature—always denounced as leftist—has been banned. There is no freedom of expression in Argentina, and by its silence in the face of Neo-Nazi propaganda, the Government of Argentina has legitimized that virulent philosophy.

Perhaps most threatened are the thousands of South American refugees who have fled political persecution in Chile, Brazil, Uruguay, and elsewhere. The Argentine Government has already determined that these refugees are not compatible with the nation's security. The U.N. High Commissioner on Refugees has appealed to member nations to take 1,000 refugees from Argentina, terming the situation as "grave." Some have already been killed, and many more have been terriorized. The level of violence has not yet reached its crescendo and continues to escalate. The world was shocked by the discovery of 47 more people slaughtered by right-wing groups and Argentine security forces only last weekend.

What has the United States done in reaction to this situation. I perceive a genuine revulsion on the part of the State Department with regard to developments in Argentina. I am appending a letter I received today from the State Department which I feel is quite strongly worded. I also believe it imperative that the United States reevaluate its military aid program to Argentina. A government which abandons the rule of law and uses terrorism to maintain itself does not deserve our support, economic or military. While at present we are not providing economic assistance to Argentina, we are furnishing over $49 million in military assistance.

Aside from that consideration, the United States can do something constructive and compassionate, and we can do it right now. We should take our fair share of those political refugees endangered in Argentina.

The State Department has requested that the Attorney General establish a parole visa program to allow South American refugees now in Argentina into the United States. That request was sent to the Attorney General in late July and there it has sat for a month, and still sits. I need not belabor my colleagues as to the desperate nature of the situation. All of us in Congress who support this program should speak out now. I suggest that they write to Attorney General Levi, urging him to establish this program immediately.

I have written to Attorney General Levi on this issue today. Along with the State Department letter, I am appending my letter to Attorney General Levi:

DEPARTMENT OF STATE,
Washington, D.C., August 24, 1976.

HON. EDWARD I. KOCH,
House of Representatives.

DEAR MR. KOCH: The Secretary has asked me to reply to your letter of July 21 regarding the safty of political refugees in Argentina.

Political violence in Argentina, which has been going on several years, has escalated in the past few months since the establishment of the new Argentine Government. This violence has been carried out by terrorist forces of both the left and the right. There have been repeated charges that the Argentine Government, if not encouraging or participating in counter-violence, is not actively suppressing right wing groups with the same energy that it pursues the left. The Argentine Government, however, states that it deplores the activities of all vigilante groups and is trying to bring violence perpetrated by the right and left under control.

We have discussed our concern over this

escalating pattern of violence and some of its tragic consequences with high-level Argentine officials both in Washington and Buenos Aires, and we have informed the Argentine Government of the nature and level of concern which is being expressed in the United States Congress and by private citizens. In this context, we have also discussed specifically with Argentine officials the case of the thirty Uruguayan refugees who recently disappeared.

Regarding the status of refugees in Argentina, the Argentine Government has stated that it will not forcibly repatriate refugees for political or ideological reasons. As you are aware, Argentina currently has a large colony of expatriate refugees chiefly from Uruguay and Chile, some of whom have been targets of assassination by terrorist groups. Both the UN High Commissioner for Refugees and the Government of Argentina have appealed to us and to other governments for assistance in relocating refugees in other countries. We are deeply concerned over this problem and are aware of the resolutions on this subject which have been submitted to the Congress by you and Senator Kennedy. The Executive Branch currently has this question under urgent consideration.

We will send copies of this correspondence to our Embassy in Buenos Aires so that they may express your concern to the Argentine authorities.

Sincerely yours,

ROBERT J. MCCLOSKEY,
Assistant Secretary for Congressional Relations.

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 26, 1976.

HON. EDWARD LEVI,
Attorney General, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: Along with Senator Edward Kennedy and Congressman Donald Fraser, I am the prime sponsor of H. Con. Res. 656, introduced on June 15, 1976, which calls for the establishment of a parole visa program for South American refugees endangered in Argentina. I understand that in late July the State Department requested that your Department establish such a program.

I am certain that I do not have to detail the litany of horrors being perpetrated in Argentina today. The fact sheet I am enclosing gives background information on the need for the program. Since July 1, events have only confirmed the need for the program. 30 Uruguayans were kidnapped, roughed up, and later released; Roman Catholic priests have been arrested and some have been murdered; Nazi propaganda flourishes; people are killed (47 last week) by Argentine security forces in reprisal for left-wing terrorism.

I urge you in the strongest possible manner to expedite this program. I would appreciate being apprised of developments with regard to this program and want you to know that I am willing to help in whatever way possible. I believe that we all would like to avoid the tortuous delays that accompanied the Chilean parole visa program. With as volatile a situation as there is in Argentina, we simply cannot afford those kinds of delays.

Sincerely,

EDWARD I. KOCH.

PROVIDING FOR THE INCLUSION OF LICENSED PRACTICAL NURSES UNDER THE MEDICARE AND MEDICAID PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 5 minutes.

Mr. MATSUNAGA. Mr. Speaker, I am introducing today legislation which provides for the inclusion of licensed practical nursing services under the medicare and medicaid programs. Similar in intent and function to my proposal introduced in this Congress and in the previous Congress to provide for the inclusion of registered nursing services under the medicare and medicaid programs, this new proposal will recognize for the first time on the Federal level the important contributions which licensed practical nurses have made throughout the years in our Nation's health and medical care delivery systems.

Some 447,000 strong in 1974, according to the latest Division of Nursing, U.S. Public Health Service estimates, licensed practical nurses can be found in a wide variety of work settings. While the majority of licensed practical nurses work in hospitals, clinics, homes for the aged, and nursing homes, they can also be found working in doctor's offices, schools, public health agencies, and in private homes.

The medical duties of a licensed practical nurse are as varied as their settings. An LPN can provide direct patient care at the bedside in relatively stable nursing situations such as found in hospitals, extended care units, nursing homes, and in private homes in administering treatment and medication prescribed by a physician or dentist. LPN's can also perform nursing functions in semicomplex situations such as found in hospital nursing service units, recovery rooms, and labor rooms, and in more complex situations found in intensive care and coronary care units and in emergency rooms.

In the area of health care delivery, LPN's assist other members of the health care delivery team in the promotion of personal and community health by promoting and carrying out preventive measures in community health facilities such as well baby clinics and outpatient clinics.

Mr. Speaker, licensed practical nurses have made and will continue to make valuable contributions to our health and medical care delivery systems. By virtue of their training, LPN's are able to provide much-needed basic nursing services in a wide variety of patient settings at a significantly lower average cost than a charge for similar services provided by a registered nurse.

It is, therefore, apparent, Mr. Speaker, that in a multitiered, cost controlled health and medical care delivery proposal such as comprehensive national health insurance, licensed practical nurses will play an important role in the delivery of basic health and medical care to our Nation's citizenry. I am introducing this proposal today to assist in the recognition of that fact by providing a mechanism in the medicare and medicaid programs which will demonstrate the importance of licensed practical nursing services along with physician services, registered nursing services, and all the other health and medical care professional services which together comprise the health and medical care systems of the United States.

Mr. Speaker, I urge my colleagues to give thoughtful consideration and support to this proposal in connection with comprehensive medicare reform and comprehensive national health insurance legislation. The text of my proposal is hereby submitted for inclusion in the RECORD for the reference of any interested parties or individuals:

H.R. —

A bill to amend the Social Security Act to provide for inclusion of the services of licensed practical nurses under medicare and medicaid

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1861(s) of the Social Security Act is amended by inserting immediately before the matter following paragraph (13) the following: "The term 'medical and other health services' also means medical care, or any other type of remedial care recognized under State law, furnished by licensed practical nurses within the scope of their practice as defined by State law.".

SEC. 2. (a) Section 1905(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (16);

(2) by inserting "and" at the end of paragraph (17);

(3) by adding immediately below paragraph (17) the following new paragraph:

"(18) medical care, or any other type of remedial care recognized under State law furnished by licensed practical nurses within the scope of their practice as defined by State law;".

(b)(1) Section 1902(a)(13)(B) of such Act is amended by inserting after "through (5)" the following: "and (18)".

(2) Section 1902(a)(13)(C)(i) of such Act is amended by inserting immediately after "through (5)" the following: "and (18)".

(3) Section 1902(a)(13)(C)(ii)(I) of such Act is amended by inserting immediately after "through (16)" the following: "and (18)".

(4) Section 1902(a)(14)(A)(i) of such Act is amended by striking out "and (7)" and inserting in lieu thereof ", (7), and (18)".

SEC. 3. The amendments made by this Act shall be effective with respect to payments under titles XVIII and XIX of the Social Security Act for calendar quarters commencing with the first calendar quarter beginning after the date of enactment of this Act.

A FAIR DEAL FOR THE SMALL SAVER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota, Mr. FRASER is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, our colleague Henry Reuss has written an excellent article on the increasing problems small savers have in getting a fair return on their savings. In our concern over monetary policy, we must keep in mind that the Federal Reserve policies affect not only borrowers, but also savers who provide the funds for credit.

Chairman REUSS gives several examples of this discrimination against small savers: Lower interest rates being paid on passbook accounts, Treasury bills being sold only in high denominations, service charges imposed on small sav-

ings accounts, and proposed restrictions on pooled funds for purchasing large certificates of deposits bearing high interest rates. Practices such as these can discourage savings and make borrowing even more difficult.

If we are to correct these problems, Congress will have to look carefully at a whole range of alternatives to make the money markets more flexible. We cannot afford to continue shutting the small saver out of more lucrative opportunities.

I would like to share with my colleagues Chairman REUSS' article "A Fair Deal for the Small Saver" from the September issue of Money magazine:

A FAIR DEAL FOR THE SMALL SAVER

(By Henry S. Reuss)

The virtue of thrift has been extolled as part of the American ethic ever since Benjamin Franklin moralized that "a penny saved is two pence clear." Given half a chance, most Americans will save with Calvinist zeal.

Unfortunately, between the government and our financial institutions, we do just about everything we can to discourage a couple of hundred million Americans—all but the rich—from saving money.

When interest rates start rising, the rich can plunk their money into high-yielding Treasury bills that sell only in minimum denominations of $10,000, or into $100,000 "jumbo" certificates of deposit (CDs) that pay market rates. But the small saver can earn only the maximum 5% at a commercial bank or 5¼% at a savings and loan association. For a time in 1974, for example, a $10,000, 91-day Treasury bill yielded 9.9%—almost double what a small saver could get with a passbook account.

LOST $30 BILLION

The government sets this ceiling (called Regulation Q) on small savings accounts for the laudable purpose of "helping housing." In 1966, an interest-rate war developed among S&Ls and other savings institutions, which were competing with each other and with money-market instruments that were beginning to pay more than the S&Ls; Congress became concerned with the soundness of the thrift institutions—and with their ability to continue making the housing loans in which they specialize. So a ceiling was imposed on the interest rates these institutions could pay, although they could still pay a little more than commercial banks.

Since 1966, savers have lost an estimated $30 billion as a result of Regulation Q—the difference between what they earn on their savings accounts and what they could have earned at competitive market interest rates.

Inflationary periods are especially tough on small savers. While their savings are earning low interest in passbook accounts, the cost of living climbs. The modest saver ends up with savings that actually shrink in terms of purchasing power. During 1974, for instance, inflation was whirling away at 12%, while passbook accounts were paying 5¼%. Thus the small saver was actually losing almost 7% a year.

Right now the difference between passbook accounts and the market is not nearly as large as a couple years ago, when Treasury bills and notes were paying 9% to 10% interest. Six-month Treasury bills, for instance, are paying less than 6%, one-year Treasury bills 6¼%, two-year notes just under 7%. But the next time the Federal Reserve clamps down on the money supply, the small saver will be right back in the same fix.

These restrictions on the small saver naturally spur efforts to get around them. Mutual funds, for instance, have been created that attract small investments and pool the money to buy the $100,000 CDs and other money-market instruments formerly the province of the rich. Seeing this loophole for the small saver, the Federal Reserve recently set out to make it tougher for the funds to serve him. The Fed proposed stopping the banks from selling their jumbo CDs to the funds. Even if adopted, this proposal would not destroy the mutual funds, because they could still invest in other money-market instruments outside the Fed's reach. But it is indicative of a "small saver be damned" attitude.

COMING OUT EVEN

What can the small saver do to escape the second-class citizenship to which all these regulations confine him? There are some ways out, but they all have drawbacks.

Credit unions pay higher interest on savings than do banks or S&Ls. Federally chartered credit unions are currently paying an average 5½% but are allowed to pay 7%, and do so when money gets tight. To belong to a credit union, however, the saver must belong to some group like a church, labor union or neighborhood organization that meets the "common bond" requirement for forming such an institution.

Banks and S&Ls offer smaller denomination CDs than the market-rate jumbos. But their interest rates are still limited by Regulation Q, based on the maturity of the certificates. Currently, banks can pay 5½% on maturities with a 90-day minimum, 6% on one-year maturities and 6½% on 2½-year maturities. S&Ls also offer these CDs and can pay a quarter of a percentage point more on them.

The highest yielding investment of this type offered by federally insured institutions is a six-year $1,000 CD that pays 7¾% at S&Ls. Stretched out over a period of assumed economic ups and downs, this instrument gives the small saver a fair chance of coming out even with inflation. But the small saver is trapped in another way with these certificates: there is a severe penalty for withdrawing funds before maturity. If the holder cashes in before maturity, he may end up with less than he would have earned in a savings account. Holders of jumbo CDs, by contrast, suffer no such penalty, because they can sell these certificates in secondary markets any time.

LINES AROUND THE BLOCK

Congress and the Treasury Department must come to the rescue of the small saver.

Treasury bills and notes should be offered in lower denominations. Before 1970, and again for a while in 1974, the Treasury did offer $1,000 short-term notes, and people lined up around the block to buy them. But under pressure from the thrift institutions, the Treasury today refuses to make available bills in less than $10,000 units.

As for U.S. Savings Bonds, their present 6% return is competitive in today's market. But in periods of higher interest rates, savings bond holders are always left behind. One solution would be to set a "floating" rate on the interest paid, allowing it to rise and fall with the market. An interest ceiling could be established to keep the bonds from becoming a sudden burden to the government, and a floor to insure holders a fair minimum return. Or savings bonds could be pegged to purchasing power; the investor's return would be fixed at a set percentage, plus an allowance for any rise in the consumer price index.

But the basic question remains: Is is fair to ask the small saver to subsidize other people's home mortgages by forcing him to keep his savings in low-yielding accounts? In practice, this can mean that an $8,000-a-year family is "taxed"—by an artificially low rate of return—so that an $80,000-a-year family may enjoy a lower interest payment on its home mortgage.

Besides Regulation Q doesn't even work very well. The big savers still pull out when interest rates rise, draining money out of the mortgage market.

Interest-rate ceilings ought to be abolished. The banks and the thrift institutions ought to compete for the saver's dollar.

If Regulation Q is to be abolished, something must be done for the S&Ls and other thrift institutions to enable them to continue focusing on housing loans. My ill-fated Financial Reform bill of 1976, a major preoccupation of the House Banking Committee for most of this Congress, was designed to meet the problem in two ways.

First, the federal government would stand ready, during periods of tight money, to lend mortgage funds to the thrift institutions at the prevailing government borrowing rate. The funds would be repaid to the Treasury when money markets return to normal and funds flow back into savings.

Second, federally chartered S&Ls and other thrift institutions would be allowed to do other kinds of business than simply taking in savings and making mortgages. If they were allowed to offer checking accounts, as some state-chartered savings banks now do, they would have more money in the till from which to make mortgage loans. And if they were allowed to use part of their funds to make more diversified consumer loans, that would help them stay profitable during periods of tight money without driving mortgage rates up. With checking account funds to add to saving accounts, they could do more consumer lending and still have as much as they have now to put out in mortgages.

This liberalization of what the thrifts may legally do would also generate a healthy note of competition in financial services. Banks, S&Ls, mutual savings banks and credit unions would all compete for the little guy's business.

UNSTUCK

Unfortunately, the reform bill died in committee this year, after some intensive lobbying by the American Bankers Association. But the problem will not go away, and the new Congress will have to readdress itself to reform.

When it does, it will undoubtedly reconsider another device to permit the thrift institutions to survive ups and downs of interest rates and still stay in the housing market. That device is the variable rate mortgage (VRM), on which interest rates rise and fall in tune with interest rates on other things. That way, the institutions could offer mortgages freely, at market rates, during low interest periods without fear of getting "stuck" with a 7% mortgage when interest rates rise to 9%. (See "Mortgages with Changing Monthly Payments," *Money*, September 1975.)

Congress last year rebuffed a proposal to allow federally chartered institutions to offer variable rate mortgages. Meanwhile, California and some of the New England states are experimenting with the VRM. In adopting this idea nationally, there must be assured safeguards for the consumer—such as requiring lenders to offer fixed-rate mortgages as well.

Of course, government policy is not the only source of grief for the small saver. Many banks give him short shrift as well. Just recently, the second biggest bank in Washington, D.C., the American Security & Trust Co., announced it was placing a $1-a-month service charge on savings accounts of $500 or less. Other financial institutions threaten to follow suit. One Washington youngster who has just opened a new savings account with $50 earned this summer mowing lawns now faces a $1-a-month service charge—24% per annum on an account that earns only 4½% interest! How's that for encouraging young people to get into the saving habit early?

MORE THAN JUSTICE

I view skeptically the claim of some banks that they lose money on small accounts, and so are justified in discouraging them. Other businesses, like department stores, don't charge a customer more for an item because he does a small amount of business. Furthermore, $500 is not that small an account. It should be good business to attract young people as customers before they become big customers. Financial institutions are given a charter—and legal protection from too much competition—to meet the needs of the public. That would include even the youngster with his $50 account.

Altogether, small savers are not treated very well in our present financial system. We hear from all sides that more savings are needed to finance the nation's investment needs. As John Calvin said, "We ought not to prevent people from being diligent and frugal; we must exhort all . . . to save all they can."

Letting the small saver earn market interest rates is not only social justice. It would be economic good sense.

CONGRESSIONAL CLEARINGHOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BEDELL) is recognized for 5 minutes.

Mr. BEDELL. Mr. Speaker, I want to share with my colleagues a brief description of the congressional clearinghouse on the future, an informal information network formed in April of this year. Ten other Members and myself decided to establish the clearinghouse at that time to share materials with each other about futures research and citizen participation projects.

Our Advisory Committee consists of the Honorable BERKLEY BEDELL, the Honorable JAMES BLANCHARD, the Honorable LINDY BOGGS, the Honorable JOHN BRECKINRIDGE, the Honorable MILLICENT FENWICK, the Honorable TIM HALL, the Honorable JACK HIGHTOWER, the Honorable JOHN JENRETTE, the Honorable HENRY REUSS, the Honorable CHARLIE ROSE, and the Honorable GLADYS SPELLMAN. Anne W. Cheatham is our coordinator.

The idea for the clearinghouse grew out of a series of sessions led by noted futurists and interested individuals who encouraged us and our staffs to look more carefully at ways we can anticipate our problems.

In early September, 1975, Alvin Toffler, author of "Future Shock," and the Ad Hoc Committee on Anticipatory Democracy organized a seminar called "Outsmarting Crisis: Futures Thinking in Congress" sponsored by Representative CHARLIE ROSE, Representative JOHN HEINZ, and Senator JOHN CULVER. Hazel Henderson of the Center for Alternative Futures in Princeton, N.J., and Ted Gordon of the Futures Group in Glastonbury, Conn., joined Mr. Toffler in urging us to look at alternatives to current problems by involving citizens in the planning process.

As a result of the interest generated during that event, Senator CULVER and Representative ROSE invited Mr. Toffler and Mr. Gordon to speak to Senators and Members of the House in early 1976. Shortly after that meeting, we came together to form the clearinghouse.

Our goals have been developed and they are:

First. To assist Members as they become aware of the ways in which the future is affected by today's decisions.

Second. To help committee members implement the foresight provision by holding foresight hearings as well as oversight hearings by identifying witnesses, suggesting questions, helping to organize meetings.

Third. Help Members foresee the impact of legislation on State and local governments so that legislation will have foresight.

Fourth. Let Members know what citizens' groups are eager to work in the planning process of government and give Members new methods of citizen involvement to use with their constituents.

Our first efforts were to publish a monthly newsletter called "What's Next" and circulate it to offices which expressed interest in these ideas. We now have over 250 offices on our mailing list. In April and May, we sponsored seminars led by Robert Theobald of the Northwest Regional Foundation and Dr. Edward Lindaman and John Osman of the Alternatives for Washington in Washington State. In both instances, we sought to identify ways in which Members could involve citizens in the decisionmaking processes of government.

Future plans for clearinghouse activities include bimonthly seminars, presentations to delegation meetings about State and local citizen activity, and addresses by distinguished guests on issues related to the future of the country and the world. An index of futures-related information found in the RECORD will be added to our monthly newsletter as well.

Mr. Speaker, we believe that the information we are sharing is of much importance to the Congress and to our democratic form of government. In this time of rapid change, we must anticipate if we are to survive. As C. P. Snow said in 1961, "The sense of the future is behind all good politics. Unless we have it, we can give nothing either wise or decent to the world."

THE PLIGHT OF THE KOGAN FAMILY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. COLLINS) is recognized for 5 minutes.

Ms. COLLINS of Illinois. Mr. Speaker, all of the nations which signed the Helsinki accords, including the Soviet Union, pledged to do everything possible to reunite families separated by political boundaries.

Because the Soviet Union is not living up to this obligation, Members of Congress are conducting a vigil on behalf of Russian families that remain separated.

A case history of these families, who are referred to as "Orphans of the Exodus," dramatically details this tragic problem. At this time I would like to bring to the attention of my colleagues the situation of the Kogan family.

Faina Lvovna Kogan wrote to me on behalf of her husband and herself who wish to emigrate from the Soviet Union to Israel to join their son. Mrs. Kogan, who in writing stressed the importance of International Women's Year and the safeguarding of human rights, details a sad story of Soviet abuse.

Both Mrs. Kogan and her husband are elderly and are not in good health. As a result of their attempts to leave the Soviet Union and reunite their family, they have encountered both government insensitivity and antagonism.

For example, for a long time these elderly people have been denied telephone service without reason. They have been frustrated in all attempts to induce any official government action to correct this. It is my understanding that the disruption of phone service is not an uncommon suffering for those in the Soviet Union who seek exit visas to Israel.

The Helsinki accord not only advances the reunification of families, but the agreement pays special attention to the reunion of the old and the ill. In view of the accord, the Soviet Union is obligated to respond positively to requests by its citizens to emigrate.

The character of the Soviet Union is sadly revealed in this account of the Kogan case. I know my colleagues join me in promising to keep a serious and persistent vigil on human rights. Without such diligence the rights of people are frequently abridged by insensitive forces and in final analysis it may be said that the United States has not done all that it could to insure humane actions in world politics.

DISTRICT OF COLUMBIA REGULATIONS ILLEGALLY PASSED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman for Michigan (Mr. DINGELL) is recognized for 30 minutes.

Mr. DINGELL. Mr. Speaker, I am pleased by the prompt and positive action which the Senate took yesterday on H.R. 12261 to reinforce the language of the District of Columbia Self-Government and Governmental Organization Act. Both Houses now have passed the bill with an amendment making it absolutely clear that the District of Columbia City Council was without authority to enact the new gun control regulations it recently passed.

Under section 602(a)(9) of the act, the Council is prohibited from passing any legislation "with respect to any provision of any law codified in title 22" of the District of Columbia Code. Title 22 relates to criminal offenses.

If signed into law by the President, H.R. 12261 would extend that prohibition, due to expire in January 1977, for 2 more years.

The new language simply emphasizes that the injunction against Council action "with repect to" title 22 was intended to encompass any act "with respect to any criminal offense pertaining to articles subject to regulation under chapter 32 of title 22." Chapter 32 covers weapons, including firearms.

H.R. 12261 would not, of course, affect the current District of Columbia regula-

tions enacted by the old city council in 1969. But it would automatically strike down the new council's Gun Control Act which was passed on July 23 of this year, by foreclosing any claim of authority which the council might assert through some contorted interpretation of section 602(a)(9).

It also should be noted that the language of the District of Columbia Home Rule Act itself precludes the council from passing any such legislation for the 24—now to be extended to 48—"full calendar months immediately following the day on which the members of the council first elected pursuant to this act take office," which is to say, beginning on January 2, 1975.

Since this definite, ascertainable time period already was specified in the statute, it is manifest that the prohibition extended by the Congress this week operates retroactively to January 2, 1975.

Furthermore, it is highly doubtful that the council had any statutory jurisdiction to pass its July 23 regulations in the first place.

Although the council characterized its action as an amendment to the police regulations, authority for which is found in title I of the District of Columbia Code, in truth the regulations are de facto amendments to title 22.

When the council enacts a law making it a crime to possess any handgun except those now registered in the District, and making it a crime to be in possession of a loaded firearm even in one's own home, it is ridiculous for the council to suggest that these are not amendments to the criminal code.

I therefore requested the American Law Division of the Congressional Research Service to examine the council's action to see whether it was a valid exercise of authority under title 1, or was in violation of section 602(a)(9) of the District of Columbia Home Rule Act. I now have received the results of that research, and I would like to share it with my colleagues.

In an exhaustive discussion, the Library of Congress attorney, Mr. Charles Doyle, states:

Congress could not have therefore intended to prohibit amendments to Titles 22, 23 and 24 covering things like firearms control, rape, assault, etc. but permitting the identical provisions to be validly enacted under the authority of (Title 1).

He concludes:

An examination of the arguments suggests that the Firearms Control Regulations Act exceeds the legislative authority delegated to the City Council. Congress in enacting section 602(a)(9) intended to freeze those areas of criminal law and procedure contained in titles 22, 23 and 24. The fact that gun control legislation for the District of Columbia was then contained in title 22 makes it inconceivable that Congress did not intend to preserve the status quo in the area of weapons control.

I include this material in the RECORD at this point:

FIREARMS CONTROL REGULATIONS ACT OF 1975: VALID EXERCISE OF THE AUTHORITY GRANTED BY SECTIONS 1-224, 1-226, 1-227 (REGULATION OF FIREARMS, EXPLOSIVES AND WEAPONS) OF THE D.C. CODE OR VIOLATION OF SECTION 602(a)(9) OF THE DISTRICT OF COLUMBIA SELF-GOVERNMENT AND GOVERNMENT REORGANIZATION ACT. 87 STAT. 894-95(1973)

INTRODUCTION

The Firearms Control Regulations Act of 1975, D.C. Act No. 1-142, approved July 23, 1976 raises questions as to whether the Act is the valid exercise of authority granted by D.C. Code Sec. 1-227, 1-226, 1-224 or a violation of the limitation imposed on the legislative authority of the D.C. City Council by section 602(a)(9) of the District of Columbia Self-Government and Government Reorganization Act, 87 Stat. 894-95(1973), D.C. Code Sec. 1-147(a)(9)(Supp. II). The conclusion of this report is that the Act is not valid.

Section 602(a)(9) provides:

The Council shall have no authority . . . to—

* * * * *

(9) enact any act, resolution, or rule with respect to any provision of title 23 (relating to criminal procedure), or with respect to any provision of any law codified in title 22 or 24 (relating to crimes and treatment of prisoners) during the twenty-four full calendar months immediately following the day on which the members of the Council first elected pursuant to this Act take office.

Sections 1-227, 1-226 and 1-224 of the D.C. Code state:

Section 1-227 Regulations relative to firearms, explosives, and weapons.

The District of Columbia Council is hereby authorized and empowered to make, and the Commissioner of the District of Columbia is hereby authorized and empowered to enforce, all such usual and reasonable police regulations, in addition to those already made under sections 1-224, 1-225, and 1-226 as the Council may deem necessary for the regulation of firearms, projectiles, explosives, or weapons of any kind in the District of Columbia.

Section 1-226 Regulations for protection of life, health, and property.

The District of Columbia Council is hereby authorized and empowered to make, and the Commissioner of the District of Columbia is hereby authorized and empowered to enforce, all such reasonable and usual police regulations in addition to those already made under sections 1-224, 1-225, as the Council may deem necessary for the protection of lives, limbs, health, comfort and quiet of all persons and the protection of all property within the District of Columbia.

Section 1-224 Police regulations authorized in certain cases.

The District of Columbia Council is hereby authorized and empowered to make and modify, and the Commissioner of the District of Columbia is hereby authorized and empowered to enforce, usual and reasonable police regulations in and for said District as follows:

First. For causing full inspection to be made, at any reasonable times, of the places where the business of pawnbroking, junkdealing, or second-hand clothing business may be carried on.

Second. To regulate the storage of highly inflammable substances in the thickly populated portions of the District.

Third. To locate the places where licensed vendors on streets and public places shall stand, and change them as often as the public interests require, and to make all necessary regulations governing business.

* * * * *

Ninth. To regulate or prohibit loud noises with horns, gongs, or other instruments, or loud cries, upon the streets or public places, and to prohibit the use of any fireworks or explosives within such portions of the District as it may think necessary to public safety.

* * * * *

Eleventh. To prescribe reasonable penalties for the violation of any of the regulations in this section mentioned; and said penalties may be enforced in any court of the District of Columbia having jurisdiction over minor offenses, and in the same manner that such minor offenses are now by law prosecuted and punished.

BACKGROUND

Congress enacted legislation governing the carrying and selling of firearms in the District in 1892. 27 Stat. 116. Several years later it passed legislation governing the "killing of wild birds and wild animals in the District of Columbia," 34 Stat. 808(1906) which included language similar to that currently contained in D.C. Code Sec. 1-227.

When the basic provisions of title 22, chapter 32 of the D.C. Code replaced the 1892 legislation, the District's regulatory authority under the 1906 Act was left unchanged, 47 Stat. 650(1932), as amended, D.C. Code secs. 22-3201 to 22-3217.

In 1968, the District promulgated police regulations covering the possession, registration and sale of firearms and destructive devices, D.C. Police Regs. arts. 50-55. The Maryland and District of Columbia Rifle and Pistol Association challenged the validity of the '68 regulations on the grounds that in enacting D.C. Code secs. 22-3201 to 22-3217 Congress had preempted the field and withdrawn the delegation of legislative authority granted by D.C. Code sec. 1-227. They contended, alternatively, that the regulations exceeded the authority granted by the 1906 legislation which they argued should be read narrowly to permit only regulations associated with hunting of wild birds and animals.

The United States Court of Appeals rejected both of these arguments, *Maryland and District of Columbia Rifle and Pistol Association, Inc.* v. *Washington*, 442 F. 2d. 123(D.C. Cir. 1971). It noted that broad language contained in section 1-227 does not suggest the narrow interpretation offered and that by subsequently repealing all of the 1906 statute except the firearm regulation provision Congress intended section 1-227 to be interpreted as broadly as its language. The Court also observed with respect to the preemption issue:

The important consideration, we think, is not whether the legislature and municipality have both entered the same field, but whether in doing so they have clashed. Statutory and local regulation may coexist in identical areas although the latter, not inconsistently with the former, exacts additional requirements, or imposes additional penalties. The test of concurrent authority, this court indicated many years ago, is the absence of conflict with the legislative will. . . .

We find, too, from the fact that section 1-224 was not repealed, either in 1932 when the gun control law was passed or in 1958 when the 1906 wildlife legislation was repealed, a satisfying assurance that Congress, having dealt with some aspects of weapons control, left others for regulation by the District. Indeed, as we have pointed out, we cannot fathom any other purpose to be achieved by leaving section 1-227 in force. We are aware of a brief observation in the legislative history of the 1932 act that it would effect a "comprehensive program of [gun] control," but we cannot accept that

as an expression of intent to preempt the entire field. Examination discloses that the 1932 act is not comprehensive with respect to rifles and shotguns, and the regulations under review demonstrate a clear design to leave the areas preempted by the statute unaffected. Id. at 130-32.

When Congress delegated broad general legislative authority to the City Council in the District of Columbia Self-Government and Government Reorganization Act, it restricted its grant by providing that:

The Council shall have no authority . . . to—

* * * * *

(9) enact any act, resolution, or rule with respect to any provision of title 23 (relating to criminal procedure), or with respect to any provision of any law codified in title 22 or 24 (relating to crimes and treatment of prisoners) during the twenty-four full calendar months immediately following the day on which the members of the Council first elected pursuant to this Act take office. 87 Stat. 804-05 (1973), D.C. Code Sec. 1-147(a)(9).

This subsection was added to the bill by House sponsors during debate, 119 Cong. Rec. 33353 (1973). Under its provisions, one of the sponsors noted, "the City Council is prohibited from making any changes in the criminal law applicable to the District. The conference committee, "agreed to transfer authority to the Council to make changes in Titles 22, 23 and 24 of the District of Columbia Code, effective January 2, 1977. . . . It is the intention of the Conferees that their respective legislative committees will seek to revise the District of Columbia Criminal Code prior to the effective date of the transfer of authority referred to." H.R. Rep. No. 93-702, 93d Cong., 1st Sess. 75(1973). We have been unable to locate any further express indication of legislative intent as to the meaning of section 602(a)(9). Other than the language or section 404(a) there is no express indication as to whether the limitation applies to D.C. Code Sec. 1-227:

Subject to the limitations specified in title VI of this Act [which includes sec. 602(a)(9)], the legislative power granted to the District by this Act is vested in and shall be exercised by the Council in accordance with this Act. In addition, except as otherwise provided in this Act all functions granted to or imposed upon, or vested in or transferred to the District of Columbia Council, as established by Reorganization Plan Number 3 of 1967, shall be carried out by the Council in accordance with the provisions of the Act. 87 Stat. 787(1973).

ARGUMENTS THAT THE ACT IS BEYOND THE AUTHORITY OF THE COUNCIL

Congress reserved to itself legislative jurisdiction over criminal law and procedure in the District of Columbia until January 2, 1977 by enactment of section 602(a)(9). This fact is established by the legislative history cited above and the statements contained in this year's House committee report on the bill to extend that date, H.R. Rep. No. 94-1418, 94th Cong., 2d Sess. (1976). Any act which prohibits under criminal penalty the control, transfer, offer for sale, sale, gift or delivery of destructive devices such as explosives, poison gas bombs, tear gas, and lasers; the manufacture of firearms within the District of Columbia; and the possession of pistols acquired after the effective date of the Act involves the exercise of criminal legislative jurisdiction.

By enacting section 602(a)(9) Congress imposed a moratorium over the Council's legislative authority over matters covered by titles 22, 23 and 24 so that the Congress could revise the District's criminal law and procedure including especially those matters currently contained within the three titles. The District of Columbia weapons control statutes are currently all found within title 22 including provisions for licensing weapons dealers, licensing those who carry pistols and prohibiting possession of certain firearms and weapons. This is the law which Congress intended to freeze by enacting section 602(a)(9). Enactment of the Firearms Control Act alters the law with respect to those areas which Congress intended to examine in revising the D.C. criminal law and is therefore within the limitation of that section and beyond the legislative authority of the D.C. City Council until January 2, 1977.

The Firearms Control Regulations Act is an act with respect to title 22 because it is an act containing "general and permanent laws relating to the District of Columbia" which will have to be placed in the D.C. Code, 1 U.S.C. Sec. 203, and the most, in fact only, logical repository for those provisions is chapter 32 of title 22.

The Firearms Control Regulations Act is an act with respect to title 22 because it deals with many of the same subject matters contained in chapter 32 of title 22: circumstances under which a pistol may be lawfully possessed, compare D.C. Code sec. 22-3202 with D.C. Act No. 1-142, sec. 201, 202(d), 202(c), 706; licensing of those who deal in weapons, compare D.C. Code secs. 22-3209, 22-3210 with D.C. Act No. 1-142 secs. 401-409; regulation of the transfer of firearms compare D.C. Code secs. 22-3208 with D.C. Act No. 1-142 secs. 501, 502.

The Firearms Control Regulations Act is an act with respect to title 22 because it replaces and repeals D.C. Police Regulations Acts, 50-51 which deals with the same subject matter as chapter 32 of title 22, *Maryland and District of Columbia Rifle and Pistol Association, Inc.* v. *Washington*, 442 F. 2d 123(D.C. Cir. 1971).

The Firearms Control Regulations Act is an act with respect to title 22 because the City Council intended it to supplement chapter 32 of title 22 as is evidenced by a comparison of the findings and purpose of the Act with the title of the 1932 Act which became chapter 32 of title 22: compare, "An Act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia . . ." 47 Stat. 650(1932) with D.C. Act No. 1-142, sec. 2.

The Firearms Control Regulations Act is an act with respect to title 22 because even if the Council could have passed regulations containing the same provisions as an exercise of municipal legislative authority under D.C. Code secs. 1-224, 1-226, 1-227 it chose to enact a statute under legislative authority first delegated in the District of Columbia Self Government and Government Reorganization Act, 87 Stat. 774 (1973), D.C. Code sec. 1-124 (Supp. II).

The Firearms Control Regulations Act is an act with respect to title 22 because no argument to the contrary is tenable. As noted earlier, even if the Act could have been promulgated as police regulations under the authority of D.C. Code secs. 1-224, 1-226 and/or 1-227, the Council did not elect that approach. However, it seems more reasonable to conclude that section 602(a)(9) limits the authority granted by D.C. Code secs. 1-224, 1-226, 1-227. The legislative history indicates that section was intended to freeze D.C. criminal law until Congress could work a general revision. Congress could not have therefore intended to prohibit amendments to titles 22, 23 and 24 covering things like firearms control, rape, assault etc. but permitting the identical provisions to be validly enacted under the authority of D.C. Code secs. 1-224, 1-226, 1-227. Moreover, in spite of the fact that the language used in the Act, "An Act to protect the citizens of the District from loss of property, death, and injury . . . in order to promote the health, safety and welfare of the people of the District of Columbia . . ." suggests that the authority of D.C. Code sec. 1-226, ". . . police regulations . . . for the protection of lives, limbs, health, comfort and quiet of all persons and the protection of all property within the District of Columbia" was used, the Council's selection of penalties in excess of those permitted for regulations enacted under D.C. Code secs. 1-226, 1-224 negates any argument that the Act was passed pursuant to authority vested by those sections. (D.C. Code Sec. 1-224a provides that the maximum penalties established for violation of D.C. Code secs. 1-224, 1-226 may exceed imprisonment for 10 days; second and subsequent offenders of D.C. Act No. 1-142 are punishable by imprisonment for not more than 90 days, D.C. Act No. 1-142, sec. 706). The Act cannot be classified as primarily regulatory with only those criminal provisions which would be necessary to enforce any regulatory scheme because in its regulatory aspects the Act by and large simply reproduces the Police Regulations found in Articles 50-55 onto which new criminal prohibitions have been grafted, *e.g.*, prohibitions against various and sundry destructive devices, against possession of pistols by D.C. residents acquired after the effective date of the Act, and against manufacturing firearms within the District. Finally, the validity of the Act cannot be supported by reference to *Maryland and District of Columbia Rifle and Pistol Association, Inc.* v. *Washington*, 442 F. 2d. 123(D.C. Cir. 1971). That case arose prior to the Home Rule Act and dealt with the issue of whether in the absence of an express limitation Congress had preempted the District's municipal legislative authority. The Firearms Control Regulations Act's validity turns on the applicability of section 602(a)(9), an express reservation of the legislative authority the District would otherwise have been delegated.

ARGUMENTS THAT THE ACT IS WITHIN THE COUNCIL'S AUTHORITY

The limitation of section 602(a)(9) is a restriction on the legislative authority, most comparable to that exercised by a state legislature, which the Home Rule Act vested in the City Council. It does not restrict the Council's authority to enact municipal ordinances. If it did, Congress could have and would have made that clear either in the Act or its legislative history.

The Firearms Control Regulation Act is regulatory in nature, not criminal. Most regulatory schemes provide minor criminal penalties for violation. Two of the principal differences between regulatory and criminal provisions are the extent of noncriminal matter included and the severity of the penalties imposed. The basic thrust of the Firearms Act is administrative, regulatory. Maximum penalties of 10 days and $300 are the kind of sanctions that support the administrative dealings of a municipality with its businessmen and citizens; they are not the kind of penalties one establishes as a crime control measure.

Section 602(a)(9) restricts amendments to titles 22, 23 and 24. The Firearms Act does not amend any of those sections.

Finally, if Congress fails to disallow the Act, it would serve as a further indication that section 602(a)(9) was not intended to restrict D.C. Code Sec. 1-227 or even gun control regulation under its general legislative powers.

CONCLUSION

An examination of the arguments suggests that the Firearms Control Regulations Act

exceeds the legislative authority delegated to the City Council. Congress in enacting section 602(a)(9) intended to freeze those areas of criminal law and procedure contained in titles 22, 23 and 24. The fact that gun control legislation for the District of Columbia was then contained in title 22 makes it inconceivable that Congress did not intend to preserve the status quo in the area of weapons control.

Of course, Congress could enact the provisions of the Firearms Control Regulations Act, or in the absence of federal legislation the City Council could enact them after January 2, 1977.

CHARLES DOYLE,
Legislative Attorney,
American Law Division.

THE LOCKHEED LOAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, in the light of the past year's disclosures regarding the Lockheed Aircraft Corp.'s longstanding practice of paying substantial bribes to influential persons both in and out of numerous governments, I have introduced a bill to provide for the termination of any loan guarantee made pursuant to the Emergency Loan Guarantee Act, better known as the Lockheed loan guarantee.

To date, our Government has provided little more than the silence in which the echoes of toppling foreign governments and parties, most notably the Liberal Democrats of Japan, the Christian Democrats of Italy, and the royal family of the Netherlands, could resound.

While the impetus for investigations which have led to developments such as the imprisonment of former Prime Minister Tanaka, among numerous others, came from the revelations of our own Senate Subcommittee on Multinational Corporations, we have taken little substantive action against the corporation which paid the bribes; nor has there been any inquiry made as to whether the banks which made available to Lockheed the depositor's moneys necessary for these payments adequately exercised their fiduciary responsibilities.

Thus, in addition to introducing legislation, I have requested that hearings be undertaken by Chairman REUSS' Committee on Banking, Currency and Housing, the Federal Reserve Board, and the Comptroller of the Currency to consider these matters.

I have also written to Secretary Simon informing him of my request to Chairman REUSS for a review of the performance of the Emergency Loan Guarantee Board, of which the Secretary is Chairman, with regard to its oversight of Lockheed's financial transactions and business activities, as well as with regard to its willingness to continue guaranteeing $160 million worth of loans to Lockheed in light of what has become a matter of public record; namely, the corporation's payment of $22 million in bribes to foreign government and business officials.

Below are copies of the three letters which together provide only an outline of Lockheed's legerdemain. The detail and scope, both in terms of the incidents themselves and the participants involved, have yet to be established. I urge that efforts be undertaken to adduce the facts regarding that which remains unexplained, and that action be taken against those who may be held accountable for overt illegal activity or negligence in the performance of their responsibilities.

H.R. —

A bill to provide for the termination of any loan guarantee made under the Emergency Loan Guarantee Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Emergency Loan Guarantee Board shall provide for the termination, no later than 90 days after the date of enactment of this Act and on such terms and conditions as will preserve and protect the interests of the United States, of any loan guarantee made under the Emergency Loan Guarantee Act.

AUGUST 25, 1976.

Hon. HENRY S. REUSS,
Chairman, Committee on Banking and Housing, RHOB, Washington, D.C.

DEAR CHAIRMAN REUSS: In 1971, the Congress passed the Emergency Loan Guarantee Act which was designed primarily to avert the impending bankruptcy of the government's largest defense contractor, Lockheed Aircraft Corporation.

Pursuant to the Act, the federal government guaranteed $250 million worth of loans to Lockheed, $160 million worth or which remains outstanding. The legislation also stipulated that an oversight mechanism, the Emergency Loan Guarantee Board, be created.

The Board was mandated, in part, to determine management's responsibility for Lockheed Aircraft Corporation's imminent bankruptcy, and was authorized to require that the corporation make such management changes as the Emergency Loan Guarantee Board deemed necessary to give Lockheed a sound managerial base before guaranteeing any loan.

In the course of House and Senate hearings on the merits of guaranteeing loans to Lockheed, it became apparent that the corporation had displayed managerial incompetence in the conduct of at least five major programs: th C-5A military aircraft project, the SRAM subcontract, the Cheyenne helicopter, the Tristar L-1011 commercial jet program, and the case of the Lockheed Shipbuilding and Construction Company's $62 million claims settlement.

It was against this background that the Emergency Loan Guarantee Board came into existence and commenced what were intended to be its oversight responsibilities. In order to carry out its mandate, the Board was granted access to all accounts, records, memoranda, correspondence and other documents of the Lockheed Aircraft Corporation. In effect, the Board had access to those same documents which the Senate Subcommittee on Multinational Corporations later relied upon in its own investigations—investigations which revealed the payment of $22 million in bribes during the course of five years.

Lockheed's activities in Japan, involving the payment of $12 million in bribes, $2 million of which went to Japanese government officials, are only the most widely publicized incidents of a more general practice employed by this corporation. Lockheed officials, under oath before the Senate Subcommittee on Multinational Corporations, stated that since the late 1950's, Lockheed has engaged in activities similar to those carried out in Japan, both without NATO allies and others.

Between 1961 and 1962, $1.2 million was paid to Prince Bernhard of the Netherlands in order to establish a favorable climate in Europe for Lockheed's products. A decade later, the Prince received $100,000 in connection with Lockheed's efforts to sell the F-104 Starfighter in Germany.

In Italy, in 1970, a former Italian air force chief of staff, along with two other prominent Italian politicians, received $1.6 million in connection with the sale of 14 C-130 Hercules cargo planes.

In Indonesia, in 1971, a $100,000 commission was paid for persuading the Indonesian military to award the contract for an American military sales program item to Lockheed.

In further attempts to market the F-104, Lockheed channeled $8,000 to German political parties during the early '70s.

In Turkey, during this same period, a Lockheed affiliate allegedly paid Turkey's air force commander $80,000 in order to ensure the sale of 40 F-104s. An additional $800,000 was expended to buy influence in high places.

During the period spanning 1970 through 1975, Lockheed used $400,000 and the talents of Adman Khashoggi to pay off a high Saudi Arabian government official. Mr. Khashoggi is currently being investigated by government prosecutors with regard to an account he kept in Mr. Charles G. Rebozo's bank in Key Biscayne. Two cash withdrawals from the account, a $100,000 withdrawal in May 1972 and a withdrawal for the same amount in November 1972, could never be fully traced.

It can be argued that the Emergency Loan Guarantee Board stands in relation to the American taxpayer in much the same way that Lockheed's board of directors is responsible to its shareholders, i.e., the respective boards knew or should have known of the aforementioned improprieties. What we have seen instead has been the continuing guarantee of loans extended to a corporation currently undergoing investigation by three agencies, the SEC, IRS and Justice Department, and by eight foreign governments—Mexico, Japan, Italy, the Netherlands, Belgium, Greece, Columbia, and Nigeria. In my view, the performance of the Emergency Loan Guarantee Board should be reviewed and the tacit endorsement which the loan guarantee constitutes should be ended. Toward this end, I have introduced a bill to provide for the termination of any loan guarantee made under the Emergency Loan Guarantee Act.

A meeting of the Emergency Loan Guarantee Board has been tentatively scheduled for September 8, 1976, to review the loan renegotiation agreed upon by Lockheed and a consortium of 24 banks in June of this year. The new agreement entails, in part, the extension of $560 million in loans to the corporation, $160 million worth of which are covered by government guarantee. Before we once again find ourselves confronted with a situation in which the Executive has created a state of affairs regarding which there has been neither Congressional consent nor comment, I would urge that the Committee call before it the members of the Emergency Loan Guarantee Board so that we may be apprised of the assessments made both by the Board and by the lending banks rgarding the possible ramifications of the investigations cited above.

With regard to another aspect of the Lockheed case, I have written to Chairman Burns of the Federal Reserve Board and Mr. James E. Smith, Comptroller of the Currency, requesting agency determinations as to whether the loan renegotiation agreement entered into by the bank consortium and Lockheed constituted an unsafe and unsound banking practice, given the fact that

the corporation is currently under investigation for possible criminal activity.

I have asked the Chairman and the Comptroller to undertake hearings to determine whether cease and desist orders should be issued against the banks, as their decision to make loans of this size to a corporation in this situation may constitute a practice which "is likely to cause insolvency or substantial dissipation of assets or earnings of the bank, or is likely to otherwise seriously prejudice the interest of its depositors . . ." 12 USC 1818(c)(1).

It seems to me that these banks have burdened their depositors with an added risk by extending loans to a corporation whose ability to secure contracts needed to repay these loans may have been substantially diminished due to having its reputation tainted in this fashion.

These are only some of the questions that arise regarding Lockheed's dealings in our own private and public sectors, as well as in those of foreign countries. Enclosed is a memorandum which details numerous Lockheed-related incidents which, in my opinion, should be probed in the course of hearings. Your cooperation in this effort would be appreciated.

Yours sincerely,

MICHAEL J. HARRINGTON.

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 26, 1976.

To: The Honorable Henry Reuss
From: Michael J. Harrington
Re: Lockheed's Activities at Home and Abroad

In addition to the issue of Lockheed's questionable practices in the business sector as cited in the body of my letter, there are a number of other questions that go to the government's seemingly historic special handling of incidents and activities involving Lockheed, a corporation which does approximately 90 percent of its business with the government.

It has been alleged that in the late 1950's, the Washington headquarters of the CIA was fully informed of bribery payments Lockheed was making to Japanese officials in connection with the sale of the F-104 Starfighter. If this was, in fact, the case, why didn't the CIA report such activity to the Justice Department, the SEC or IRS? If it did, why was no action taken by these agencies, given the fact that throughout the period during which bribes were being paid Lockheed may have deducted these expenses in the guise of commissions and agents fees for federal income tax purposes; deductibility is precluded where such payments are illegal under foreign law, as was the case in several instances.

Lockheed's secret agent in Japan was Yoshio Kodama, an influential right-wing militarist. It is alleged that the CIA has maintained a relationship with Mr. Kodama which dated back to 1948, the year Kodama was released from a Japanese prison after serving a three-year term as a war criminal. There is additional speculation that the relationship between the CIA and Kodama may have stemmed from their collaborative efforts in the creation of Japan's Liberal Democratic Party. Between 1970 and 1975, Mr. Kodama received $7 million in cash and bearer checks. A review of the money flows to Kodama reveals a substantial increase in the amount he received in 1972, the year that the Japanese Lower House elections, as well as our own Presidential election, were held. Kodama received $180,000 in 1969, $100,000 in 1970, $400,000 in 1971, and $2,240,000 in 1972.

The U.S. government's handling of the foreign bribery payments investigation is itself suggestive of the special consideration given Lockheed, as the following examples indicate.

In December of last year, Secretary Kissinger invoked foreign policy considerations, no doubt shared by Lockheed's chief attorney, former Secretary of State and Former Attorney General William Rogers, in his "suggestion of interest" to the Federal District Court in the SEC-Lockheed dispute over release of information. Secretary Kissinger recommended that documents relating to bribery payments remain in the custody of the court, to be made available to the SEC on a loan basis. One rationale behind the proposal was that of precluding an eventual disclosure under the Freedom of Information Act.

In March of this year, another government agreement related to Lockheed was announced, namely, the adoption of "Procedures of Assistance in Administration of Justice in Connection with the Lockheed Aircraft Corporation Matter." The agreement, which has been entered into by eight countries—Mexico, Japan, Italy, the Netherlands, Belgium, Greece, Colombia, and Nigeria—restricts the use of information for the exclusive purposes of investigations conducted by agencies with law enforcement responsibilities. Under the agreement, information shall not be disclosed to other government agencies having no law enforcement authority. Thus, investigatory committees of legislative bodies are denied access to information in the possession of the executive.

In addition to making payments to foreign government officials, Lockheed has allegedly claimed bribes and political contributions as legitimate business expenses against U.S. government-subsidized projects. The Defense Contract Audit Agency discovered that during fiscal year 1972, Lockheed had improperly charged the government $36.6 million for contributions, advertisements, sales promotions and entertainment. An additional $2 million was claimed for questionable overhead costs. In DCAA's estimate, the corporation had taken in $83 million in improper profits. Had it not been for the dissent of one member of the Pentagon's Renegotiation Board, Lockheed's illegitimate claims would have been granted summary approval.

Another episode involving Lockheed occurred at the time of the U.S. embargo of arms sales to Turkey. As you may recall, Congress imposed a limited embargo on December 17, 1974 which suspended all military assistance and sales. However, the President exercised his authority to lift the suspension until February 5, 1975. On February 5, eighteen F-104's were transferred from Italy to Turkey, with State Department approval.

This past May, in the midst of these controversies, Secretary Rumsfeld proposed converting a commercial transaction, involving a $250 million sale of P-3 Orion patrol planes to Japan, into a government-to-government sale. The Secretary reportedly indicated to Japanese officials that the United States was prepared to guarantee the financial ability of Lockheed to deliver the planes. In the case of the 1971 loan guarantee, a similar pledge was made to the British government.

As stated in my letter, I think that these matters should be reviewed in light of the Emergency Loan Guarantee Board's apparently unfulfilled oversight responsibility and would appreciate your assistance in this regard.

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 26, 1976.

Mr. WILLIAM SIMON,
Chairman, Emergency Loan Guarantee Board, Department of the Treasury, Washington, D.C.

DEAR MR. SECRETARY: On August 26, 1976, I introduced legislation to provide for the termination of any loan guarantee made pursuant to the 1971 Emergency Loan Guarantee Act.

As you know, the Act authorized the federal government to guarantee $250 million in loans to Lockheed Aircraft Corporation, $160 million worth of which remain outstanding. In light of the past year's disclosures regarding the corporation's long-standing practice of paying substantial bribes to influential persons both in and out of numerous foreign governments, it seems to me that this tacit endorsement by loan guarantee should be ended.

In addition to introducing legislation, I have requested that Chairman Reuss' Committee on Banking, Currency and Housing, review the performance of the Emergency Loan Guarantee Board, especially with regard to the Board's execution of that part of its mandate which calls for an assessment of the soundness of the corporation's managerial base and a management reorganization if such is deemed necessary, before making any guarantee.

Given the significant instances of managerial incompetence which become apparent during the course of House and Senate hearings held in the summer of 1971 on the merits of guaranteeing loans to Lockheed, one would think that this aspect of the Board's responsibilities would have received more careful consideration. However, it was not until after the disclosures that emerged from the Senate Foreign Relations Subcommittee on Multinational Corporations, revealing that high-level personnel authorized bribes, that a fundamental change in the composition of Lockheed's management was effected.

Other revelations issuing from the Subcommittee's investigations give further evidence of what would seem to be negligence on the part of the Board in the performance of its oversight responsibilities. For example, in 1972, the year of the Japanese Lower House elections and our own presidential election, $2,240,000 was paid to Lockheed's secret agent in Japan, Yoshio Kodama. This payment was a substantial increase over what Mr. Kodama had previously received: Kodama was paid $180,000 in 1969, $100,000 in 1970, $400,000 in 1971, and then $2,240,000 in 1972. The Emergency Loan Guarantee Board, however seemingly failed to take note of or inquire further into this inordinate commission fee. If it did, no action appears to have been taken to curb such practices, nor did the Board make public its concern regarding such payments.

With regard to another aspect of the Lockheed case, I have written to Chairman Burns of the Federal Reserve Board and Mr. James E. Smith, Comptroller of the Currency, requesting agency determinations as to whether the loan renegotiation agreement entered into by a consortium of 24 banks and Lockheed Aircraft Corporation in June of this year constituted an unsafe and unsound banking practice, given the fact that Lockheed is currently under investigation by the SEC, IRS, and Justice Department for possible criminal activity.

I have asked the Chairman and the Comptroller to undertake hearings to determine whether cease and desist orders should be issued against the banks involved in the consortium, as their decision to make loans of this size to a corporation in this situation may constitute a practice which "is likely to cause insolvency or substantial dissipation of assets or earnings of the bank, or is likely to otherwise seriously prejudice the interests of its depositors. . . ." 12 U.S.C. 1818(c)(1).

It seems to me that these banks have burdened their depositors with an added risk by extending loans to a corporation whose ability to secure contracts needed to repay these loans may have been substantially diminished by having its reputation tainted in this fashion.

Although I am aware that federal investigations are ongoing, I am nevertheless

puzzled that given the sufficiency of documentation as established in the testimony taken before the Senate Subcommittee on Multinational Corporations, the Board, assigned as it is to oversee Lockheed's activities and to protect the interests of the American taxpayer, has yet to take any substantive action or to make public expression of its position on these matters.

As to the Emergency Loan Guarantee Board's activities in this regard, it is my understanding that the Board is scheduled to meet September 8 to review the loan renegotiation agreement. I also understand that representatives of Lockheed and the bank consortium have been invited to discuss with the Board, in private, the details of the agreement prior to the Board's deliberations. Given the past reluctance of all the parties presently involved to consider Lockheed's bribes abroad—and their implications for ensuring reasonable protection to the United States, as specified in the Emergency Loan Guarantee Act—it appears that the proceedings will not offer a balanced discussion of these critical matters.

Under these circumstances, I hereby request an opportunity to personally appear before the Board during its September 8 meeting. I wish to bring to the Board's attention the matters I have discussed as they relate to the Board's oversight mandate in considering the loan renegotiation agreement. I am prepared to submit a written statement five business days prior to the meeting, in accordance with the Board's rules of procedure. However, I feel that a representative of the Congress which created the Board should be entitled to make a personal presentation on the same basis as the other parties presently involved. As I understand that the Board's rules currently have no provision addressing this point, I trust you will take this opportunity to affirm that the public's representatives have an equal right to be heard on a decision affecting a potential commitment of taxpayer's funds.

Yours sincerely,

MICHAEL J. HARRINGTON.

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 26, 1976.

Mr. ARTHUR F. BURNS,
Chairman, Board of Governors of the Federal Reserve System, Federal Reserve Building, Washington, D.C.

DEAR CHAIRMAN BURNS: In June of this year, a consortium of 24 banks entered into a financial restructuring agreement with Lockheed Aircraft Corporation which involved the extension of $560 million in loans to the corporation, $160 million worth of which are covered by government guarantee.

In the course of hearings held by the Senate Foreign Relations Subcommittee on Multinational Corporations in February of this year, it became a matter of public record that officials of Lockheed either authorized or engaged in the payment of bribes to officials both in and out of numerous foreign governments. Since there was some question as to whether these payments were taken as illegal deductions on Lockheed's Income Tax returns and were not adequately accounted for in reports filed with the Securities and Exchange Commission, investigations were undertaken by the IRS, SEC and Justice Department.

I would appreciate your providing me with a determination as to whether granting loans of this size to a corporation under investigation by three agencies for possible criminal activity constitutes an unsafe or unsound banking practice, or whether any Federal Reserve System law, rule, regulation, or other condition may have been violated by any of the 24 banks involved in the consortium, all of which are members of the Federal Reserve System, in making these loans. (Attached is a list of the banks participating in the 1971 Credit Agreement.)

As I understand it, the Federal Reserve Board may order a bank to cease and desist from any practice which "is likely to cause insolvency or substantial dissipation of assets or earnings of the bank, or is likely to otherwise seriously prejudice the interests of its depositors . . ." (12 USC 1818 (c)(1)).

It seems to me that these banks have burdened their depositors with an added risk by extending loans to a corporation whose ability to secure contracts needed to repay these loans may have been substantially diminished due to having its reputation tainted in this fashion. I would urge that the Federal Reserve Board hold hearings to determine whether an order to cease and desist should issue against the 24 banks.

Yours sincerely,

MICHAEL J. HARRINGTON.

INTRODUCES BILL TO AUTHORIZE CORPS OF ENGINEERS TO CONSTRUCT FLOOD CONTROL FACILITIES ON CHEHALIS RIVER AT ABERDEEN AND COSMOPOLIS, WASH.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BONKER) is recognized for 5 minutes.

Mr. BONKER. Mr. Speaker, I am today introducing a bill which would authorize the Corps of Engineers to construct certain flood control facilities on the Chehalis River at Aberdeen and Cosmopolis, Wash., as recommended by the corps' board on rivers and harbors in its report of June 15, 1976.

I understand that the corps will be testifying on the project, among others, on August 26 before the Water Resources Subcommittee of the Public Works Committee. It is my strong hope that the subcommittee will favorably consider this project and authorize it.

I insert in the RECORD at this point the report of the board on rivers and harbors of June 15.

DEPARTMENT OF THE ARMY,
Fort Belvoir, Va., June 15, 1976.

Subject: Feasibility Report on Chehalis River at South Aberdeen and Cosmopolis, Washington.

Chief of Engineers,
Department of the Army,
Washington, D.C.

1. *Authority.*—This report is in partial response to the following resolution adopted 19 April 1946:

Resolved by the Committee on Flood Control, House of Representatives, That the Board of Engineers for Rivers and Harbors, created under Section 3 of the Rivers and Harbor Act approved June 13, 1902, be and is hereby requested to review the report on the Chehalis River and tributaries, Washington, submitted in House Document numbered 494, Seventy-eighth Congress, second session, with a view to determining whether any modification of the recommendations contained therein should be made at this time.

2. *Description.*—The Chehalis River drainage basin in western Washington covers 2,114 square miles. The Chehalis River, about 125 miles in length, rises in the Willapa Hills southeast of Aberdeen and flows northeast, then northwest, emptying into Grays Harbor at Aberdeen. The basin uplands include the Willapa Hills, the western flank of the Cascade Mountains, and the southern part of the Olympic Mountains. Grays Harbor is approximately 15 miles long and 6 miles wide, and provides ocean vessel access to the Aberdeen-Hoquiam-Cosmopolis area. The area considered is the flood plain along the left bank of the Chehalis River from Devonshire Slough upstream to the main business district of Cosmopolis. It consists of about 1,560 acres and includes that part of the city of Aberdeen referred to as south Aberdeen, the town of Cosmopolis, and unincorporated areas in Grays Harbor County. The terrain is generally flat, but in the southern part rises gently and then sharply near the south city boundaries. The five sloughs which drain the area have elevations ranging from mean sea level to 525 feet above mean sea level. Mill Creek is the primary drainage channel. It emerges from a relatively steep, narrow canyon at Cosmopolis and passes through the flat residential area in a series of open channel sections connected by culverts.

3. *Economic development.*—The economic area tributary to south Aberdeen and Cosmopolis is Grays Harbor County, which covers about 1,900 square miles, or about half of the Chehalis River basin. Approximately 90 percent of the land is commercial forest, 6 percent is used for agriculture and grazing, 2 percent is urbanized, and the remaining 2 percent is covered by marshes, lakes, and noncommercial forest. Of the 2,260 acres in south Aberdeen and Cosmopolis, 65 percent is in public ownership or zoned residential, 10 percent is zoned for commercial uses, and 25 percent is zoned for industrial uses. The processing of wood products is the primary industrial activity in Grays Harbor County. Approximately 64 percent of the 1970 population of 59,633 is located in incorporated areas, with the remainder concentrated in rural areas adjacent to the Chehalis River and its tributaries. The contiguous cities of Aberdeen-Hoquian-Cosmopolis have a total population of about 30,600 with the flood plain under study having about 3,500. Between 1940 and 1970, the population of Grays Harbor County increased at an average annual rate of 0.4 percent. In contrast, during the last 7 years the flood plain has experienced a more rapid population growth with an average annual rate of 1.5 percent. The economic base of Grays Harbor County will continue to be related to developing forest resources with an increasing share directed toward log export, pulp, paper, plywood, prefabricated homes, and decorative wood products manufacturing. Trade and service industries are expected to grow due to expansion of sport fishing, tourism, and other recreational activities near Grays Harbor.

4. *Existing or authorized improvements.*—Local interests have provided flood protection improvements in south Aberdeen, and the Corps of Engineers has constructed a navigation channel between Grays Harbor and Cosmopolis. Wynoochee Dam, a multipurpose storage project on the Wynoochee River, a tributary of the Chehalis River, was completed by the Corps in 1972. This dam has no appreciable effect on Chehalis River stages at south Aberdeen and Cosmopolis.

5. *Problems and needs.*—The flood plain encompasses about 1,560 acres on the Chehalis River left bank at Aberdeen and Cosmopolis, Washington. Floods in south Aberdeen and Cosmopolis result from combinations of high Chehalis River discharges and high tides, aggravated by severe storms with low barometric pressure, strong onshore winds, and heavy precipitation in the Chehalis basin. Flooding of low interior areas occurs when high water in the Chehalis River backs up into Mill Creek. Consequently, the existing non-Federal levees are overtopped and portions fail. The highest recorded stages at Aberdeen occurred in 1912, 1913, 1923, 1933, and 1934. A recurrence of the flood of record, December 1933, at 1973 conditions and prices, would cause an estimated $4,431,000 in damages. Eighty-four percent of the damages would be residential, 5 percent would be commercial or industrial, and the

remaining 11 percent would include damages to public utilities, roads, bridges, and agriculture.

6. *Improvements desired.*—At public meetings and workshops in Aberdeen, participants discussed nonstructural alternatives, including flood plain management and floodproofing, as well as structural alternatives such as various levee alignments. Evaluation of environmental effects and engineering and economic data led to a general conclusion that some form of levee protection should be provided.

7. *Plan of improvement.*—The District Engineer finds that the most practical plan for flood protection would consist of 4.2 miles of embankment, 0.4-mile of floodwall, and 5 pumping plants at locations where the levee crosses existing natural drainage channels. The improvements would protect 1,288 acres of property in south Aberdeen and Cosmopolis from flood damages.

8. *Economic evaluation.*—The District Engineer estimates the initial first cost of the proposed improvement, based on 1973 price levels, to be $7,525,000, of which $7,160,000 would be Federal and $365,000 would be non-Federal. He estimates future Federal first costs to be $800,000. Annual charges, based on a 100-year period for economic analysis and an interest rate of 5⅞ percent, are estimated at $485,000, including $30,000 for operation and maintenance. Of this amount, $433,500 would be Federal and $51,500 would be non-Federal, including $30,000 for operation and maintenance. Present worth of the future Federal investment for pumping facilities is $192,000, while the associated non-Federal annual operation and maintenance costs are estimated at $1,000. Total project benefits, incorporating elimination of future damages to existing developments and elimination of future floodproofing costs, would be $922,000, resulting in a benefit-cost ratio of 1.9. Use of the 6⅛ percent interest rate would result in annual charges of $503,000, with annual benefits of $923,000, and benefit-cost ratio of 1.8.

9. *Recommendations of the reporting officers.*—The District Engineer recommends authorization of improvements for flood control at south Aberdeen and Cosmopolis, Washington, generally in accordance with plans described in his report and subject to certain items of local cooperation. The Division Engineer concurs.

10. *Public notice.*—The Division Engineer issued a public notice stating the recommendations of the reporting officers and affording interested parties an opportunity to present additional information to the Board. No communications have been received.

VIEWS AND RECOMMENDATIONS OF THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS

11. *Views.*—The Board of Engineers for Rivers and Harbors concurs in general in the views and recommendations of the reporting officers. However, the reporting officers recommend that the Federal Government assume responsibility for installation of interior drainage facilities, and they note that these facilities may not be required until 25 years after initial project operation. The results of investigations by the Board show there is a lack of basic hydrologic data of the interior drainage watersheds for reasonable identification of the need for these future facilities. The Board notes that project operating experience and actual growth rates of future development are also factors that will influence the need for these future facilities. If additional control over future increases in interior drainage runoff is warranted, it should be the responsibility of local interests to meet these future needs through implementation of structural or nonstructural measures.

12. The Board agrees that protection against a 200-year flood event represents the economically optimum plan of development. However, the flood plain is a highly urbanized area characterized by residential, commercial, industrial developments, and public facilities. Major flood events greater than the 200-year frequency, such as the standard project flood, may cause serious flooding in the project area. Overtopping of the proposed levees and floodwalls could result in loss of human life and extensive property damage due to high velocities of the floodwaters and lack of sufficient time to notify occupants located in the flood plain. As a result of these investigations by the Board, protection against the standard project flood is considered appropriate. The levee and floodwall alignment would remain essentially unchanged from the plan presented in the District Engineer's report. However, these structures would be approximately 0.8 and 1.4 feet higher at the downstream and upstream ends, respectively. Construction costs for protection against the standard project flood are estimated at $11,062,000. Based on January 1976 price levels, an interest rate of 6⅛ percent, and a 100-year period for economic analysis, annual benefits and costs are estimated at $1,218,000 and $713,000, respectively, resulting in a benefit-cost ratio of 1.7. Non-Federal costs associated with this degree of protection are presently estimated at $533,000 for lands, easements, and rights-of-way, and $34,000 annually for operation and maintenance of the project works.

13. The effects on regional development and social well-being were evaluated, and the Board believes that construction of levees and floodwalls would provide a significant contribution to the regional economy and result in an improvement of social well-being. The Board has also carefully considered the environmental effects, including those discussed in the Revised Draft Environmental Impact Statement dated April 1975, and notes that the improvements are expected to have little adverse environmental effect.

14. *Recommendations.*—Accordingly, the Board recommends that improvements for flood control be authorized for construction on the Chehalis River at south Aberdeen and Cosmopolis, Washington, generally in accordance with the plan of the District Engineer, and with such modifications thereof as in the discretion of the Chief of Engineers may be advisable, but modified to: (a) provide protection against the standard project flood, and (b) require local interests to assume responsibility for controlling future increases in interior drainage runoff. The first cost to the United States for these improvements is presently estimated at $10,529,000 for construction. These recommendations are made with the provision that, prior to commencement of construction, non-Federal interests agree to:

a. Provide without cost to the United States all lands, easements, and rights-of-way, including borrow areas and disposal areas for excavated material determined suitable by the Chief of Engineers and necessary for the construction of the project;

b. Accomplish without cost to the United States all alterations and relocations of buildings, transportation facilities, storm drains, utilities, and other structures and improvements made necessary by the construction;

c. Hold and save the United States free from damages due to construction works, not including damages due to the fault or negligence of the United States or its contractors;

d. Maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary of the Army;

e. Prescribe and enforce regulations to prevent obstruction or encroachment upon the project levees, floodwalls, channels, or ponding areas, that would be detrimental to the flood control purposes of the project and, if ponding areas or interior drainage channel capacities become impaired, or exceeded, promptly implement structural or nonstructural measures for control to restore the capability of the Federal project, without cost to the United States; and

f. Prevent encroachment on the rights-of-way of the works that would interfere with project operation and maintenance.

J. W. MORRIS,
Major General, USA, Chairman.

SUBCOMMITTEE ON MANPOWER, COMPENSATION, AND HEALTH AND SAFETY TO HOLD FIELD HEARINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. DOMINICK V. DANIELS) is recognized for 5 minutes.

Mr. DOMINICK V. DANIELS. Mr. Speaker, I wish to bring to the attention of my colleagues a press release issued by the Subcommittee on Manpower, Compensation, and Health and Safety, which I chair. This release describes a schedule for oversight hearings on the Comprehensive Employment and Training Act of 1973, and details the dates of the hearings, the cities where field hearings will be held, and the specific issues which the subcommittee will explore.

We have scheduled several days of hearings in Washington, and I know that many of my colleagues may wish to present testimony to the subcommittee or offer written statements for inclusion in our hearing record.

The subcommittee welcomes any contribution our colleagues wish to make, and I would request that interested colleagues contact the subcommittee staff at 225-6876.

The release follows:

DANIELS' SUBCOMMITTEE ANNOUNCES HEARINGS

WASHINGTON, D.C.—Representative Dominick V. Daniels, (D-NJ, 14th) today announced that the Subcommittee on Manpower, Compensation, and Health and Safety will conduct a series of field hearings on the Comprehensive Employment and Training Act of 1973 (CETA). These hearings will take the Subcommittee into seven cities between now and the end of the year. An additional five days of hearings have been scheduled in Washington.

CETA is a complex law which embodies our national policies for dealing with the problems of training and employment. The legislation provides funds to state and local governments for the operation of comprehensive manpower programs, provides funding for the operation of public service employment programs in areas of substantial unemployment, and authorizes the Secretary of Labor to operate manpower programs for special target groups. It also places the responsibility for operating the Job Corps within the Department of Labor. The last major provision of CETA, Title VI, provides for a nationwide public service employment program. Title VI was passed in 1974 in response to the nation's alarmingly high unemployment rate.

Congressman Daniels noted that the authorization for CETA expires May 15, 1977 and said his hearings will lay the groundwork for possible revisions of CETA during the next Congress.

He said he expects to take testimony from government officials in Washington and in the regional offices, other Members of Congress, national organizations involved in CETA, the prime sponsors who operate CETA programs, and other interested groups at the state and local level.

Mr. Daniels announced the following hearing schedule:

August 26, 1976, Washington, D.C.
September 16, 1976, Washington, D.C.
September 17-18, 1976, Los Angeles, California.
September 21, 1976, Washington, D.C.
September 23, 1976, Washington, D.C.
September 29, 1976, Washington, D.C.
October 7, 1976, Boston, Massachusetts.
November 8, 1976, Chicago, Illinois.
November 9, 1976, Minneapolis, Minnesota.
November 18-19, 1976, Portland, Oregon.
December 2, 1976, Denver, Colorado.
December 3-4, 1976, Phoenix, Arizona.

He said the Subcommittee will concentrate on a number of specific issues:

I. THE FEDERAL SUPERVISORY ROLE

CETA contemplated a decentralization of decision-making authority on program details, design and mix of services, with Federal review and supervision to ensure that the basic policies of the Act were carried out.

Has Federal review of prime sponsor plans and performance been effective in enhancing the achievement of CETA purposes? Has the Labor Department (and particularly the Regional Offices) interjected itself into program details? Has it developed review procedures that assess the adequacy of plans and performance against the statutory objectives. Has the Department been excessively concerned with management details rather than the value of the manpower program itself?

II. ADMINISTRATIVE EFFICIENCY

CETA has been described as a reaction to a multiplicity of categorical programs administered through about 10,000 individual contracts. Has the multiplicity of categorical programs disappeared from the national scene only to reappear at the local level? How many separate programs are prime sponsors operating? How many separate contracts? Is there better coordination of programs at the local level than there was when training programs were Federally operated? Is there less duplication of programs and services?

III. CATEGORICAL FUNDING

CETA was premised on the desirability of leaving decisions on program mix and clientele selection (with broad guidelines) to local decision-makers. With the assent of prime sponsor groups, Congress has reestablished categorical programs (Title VI) and categorical funding (summer youth and older workers programs). Is there a continued need for national decision-making on clientele and programs or can the decision on clientele to be served be left to local decision-makers?

IV. PROGRAM EFFECTIVENESS

CETA basically did not change the substance of the manpower programs but only their administration. The premise was that decentralized administration would make for "better" programs.

How do CETA programs compare to their predecessors? Are clients getting better jobs? More jobs? Is there more or less slippage between training and employment?

V. PERSONS SERVED

CETA provides that manpower services will be provided to those most in need of them. Who has received services under CETA? How do they compare with the recipients under earlier programs? Are the changes consistent with the statutory language?

VI. RELATION TO OTHER PROGRAMS

CETA is only one of a series of programs providing manpower services in a community. Has the new administrative structure made it easier or more difficult to coordinate manpower programs with related programs, especially the U.S. Employment Service, Vocational Education programs and the WIN program? Is the relation between the local prime sponsor and the state a satisfactory one?

VII. PUBLIC SERVICE EMPLOYMENT

Has the distinction between Title II and Title VI been maintained? Has there been a difference in the two titles in movement into unsubsidized employment? Does it make sense to have two separate public service employment and work experience programs?

What problems have there been with maintenance of effort and substitution of federal for state and local funds?

Daniels requested that all interested persons and organizations wishing to testify designate one spokesman to represent them where they have a common interest. Any interested individual or organization may file a written statement for consideration by the Subcommittee and for inclusion in the printed record of the hearing instead of appearing in person.

LAKESHORE PROTECTION EFFORTS NEED A BOOST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 5 minutes.

Mr. LAFALCE. Mr. Speaker, for the fourth straight year, the shoreline residents of Lake Ontario and the other Great Lakes have been faced with destructively high water levels. In tandem with strong northerly winds, the high water levels have resulted in extensive erosion of the Lake Ontario shoreline. Some of my constituents have informed me that they have lost considerable shoreline footage through the erosion process. I myself have made a number of trips to personally inspect the damages and I can verify the reports 100 percent.

Land that is lost in this way is lost not only for the present owners of the property, but for all posterity. I am tremendously concerned about the land and personal property that has been lost over the past few years, and I am doing everything I can to insure that extensive erosion does not hit us again for the next 4 years. I have introduced two pieces of legislation that attempt to deal directly with this problem which I would like to address today.

The first bill that I introduced, H.R. 14389, represents an attempt to map out a strategy to protect the Lake Ontario shoreline from the kind of erosion it has sustained for the last 4 years. The bill directs the U.S. Army Corps of Engineers to develop a plan for shoreline protection and control along Lake Ontario, and I would at this juncture like to make a copy of H.R. 14389 available for the RECORD:

H.R. 14389

A bill to protect the shoreline of Lake Ontario

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Lake Ontario Protection Act of 1976".

SEC. 2. The Secretary of the Army, acting through the Chief of Engineers, is directed to develop a plan for shoreline protection and beach erosion control along Lake Ontario, and report on such plan to the Congress as soon as practicable. Such report shall include recommendations on measures of protection and proposals for equitable cost sharing, together with recommendations for regulating the level of Lake Ontario to assure maximum protection of the natural environment and to hold shoreline damage to a minimum.

SEC. 3. Until the Congress receives and acts upon the report required under section 2 of this Act, all Federal agencies holding responsibilities affecting the level of Lake Ontario shall, consistent with existing authority, make every effort to discharge such responsibilities in a manner so as to minimize damage and erosion to the shoreline of Lake Ontario.

SEC. 4. There is authorized to be appropriated to carry out this Act such sums as may be necessary.

I introduced my second bill today, and it is a two-pronged effort to encourage shoreline residents to construct breakwalls and other protective edifices to guard against erosion; at the same time, it would extend favorable tax treatment to those individuals who build such structures to protect their property. It is my hope that the favorable tax treatment accorded individuals under my bill will encourage them to undertake the protective efforts they need, and that the combined efforts of numerous shoreline residents will add up to an extensive and long-lasting network of protection along those parts of the shore most susceptible to serious erosion.

As both incentive and legitimate compensation, favorable tax treatment should be accorded the protective efforts undertaken by shoreline residents. The costs of constructing protective walls and other devices that will serve their purpose long into the future can be prohibitive for the average citizen. H.R. 15299 would permit a deduction of 50 percent of the costs of qualified erosion prevention expenditures.

To insure that the favorable tax treatment would only be used for protective devices that would last long into the future, the bill permits a deduction only for those edifices which have a minimum useful life of 20 years or more. To insure that the revenue loss is no larger than absolutely necessary, the Corps of Engineers is designated to select only those portions of the shoreline along the Great Lakes that are most susceptible to erosion damage, such as the area on the southern shore of Lake Ontario in western New York State. There are a number of other sound provisions in the bill which work to insure that the legislation will have its intended effect of encouraging long-term protection against the hazards of erosion, and I insert a copy of H.R. 15299 for the RECORD at this time:

H.R. 15299

A bill to amend the Internal Revenue Code of 1954 to allow a deduction for property improvements designed to prevent shoreline erosion caused by high water levels in the Great Lakes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to itemized deductions for individuals and corporations) is amended by adding at the end thereof the following new section:

"SEC. 189. QUALIFIED EROSION PREVENTION EXPENDITURES.

"(a) IN GENERAL.—A taxpayer may elect, at such time and in such manner as the Secretary or his delegate may prescribe, to treat 50 percent of the qualified erosion prevention expenditures which are paid or incurred by him during the taxable year as expenditures which are not chargeable to

capital account. The expenditures so treated shall be allowed as a deduction.

"(b) QUALIFIED EROSION PREVENTION EXPENDITURES.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified erosion prevention expenditures' means expenditures made for improvements—

"(A) of real property within the United States which—

"(i) borders the Great Lakes, or

"(ii) is within any area designated by the Chief of Engineers of the United States Army as being susceptible to erosion caused by high water levels in any of such lakes or any of their tributaries or connecting waters,

"(B) designed to prevent or reduce shoreline erosion of such property,

"(C) which are of a type designated by such Chief of Engineers under subsection (c) and which meet the specifications established by him under such subsection,

"(D) which are placed in service after the date of the enactment of this section and before December 31, 1981,

"(E) which have a useful life of 20 years or more, and

"(F) with respect to which no subsidy, loan, loan guarantee, or other financial assistance is or has been provided under any other Federal, State, or local law.

"(2) CERTAIN EXPENDITURES IN EXCESS OF PRESCRIBED MAXIMUM.—

"(A) EXCLUSION.—The term 'qualified erosion prevention expenditures' does not include expenditures for any improvement to the extent such expenditures for such improvement exceed the maximum authorized cost for such improvement prescribed under subsection (c)(3).

"(B) JOINT OWNERSHIP, ETC.—In the case of any improvement expenditures for which are paid or incurred during any calendar year by two or more individuals—

"(i) the amount excluded under subparagraph (A) with respect to any of such individuals with regard to such improvement shall be determined by treating all of such individuals as one taxpayer whose taxable year is such calendar year; and

"(ii) the exclusion under subparagraph (A) with respect to each of such individuals for the taxable year in which such calendar year ends shall be an amount which bears the same ratio to the amount determined under clause (i) as the amount paid by such individual during such calendar year for such expenditures bears to the aggregate of the amounts paid by all of such individuals during such calendar year for such expenditures.

"(c) SPECIFICATIONS, ETC., TO BE PRESCRIBED BY ARMY CORPS OF ENGINEERS.—Not later than 180 days after the date of the enactment of this section, the Chief of Engineers of the United States Army shall, by regulation—

"(1) designate the type of improvements expenditures for which qualify for the deduction provided by this section,

"(2) prescribe specifications for each such type of improvement, and

"(3) establish the maximum cost which he considers reasonable for each such type of improvement.

"(d) REDUCTION OF BASIS.—The basis of any property shall not be increased by the amount of any qualified erosion prevention expenditures made with respect to such property to the extent of the amount of any deduction allowed under this section with respect to such expenditures."

I urge all of my colleagues to review the problems that each of the Great Lakes has been experiencing in the past few years, and I urge my colleagues to join me in an effort to enact meaningful legislation that addresses the problems of extensive shoreline erosion throughout the Great Lakes region.

ADDITIONAL JUDGES NEEDED IN SOUTH FLORIDA

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the right to a prompt and fair trial is granted to each American under our constitutional system of law. This is the bedrock underlying our entire democratic process, which emphasizes the rule of law and equal rights for every citizen.

Unfortunately, this right is endangered in the south Florida area which I am privileged to represent in Congress. The judicial system responsible for implementing the right to trial is burdened by a crushing load of cases that has all but halted the consideration of new matters.

This means that in the southern district of Florida, an American citizen who is aggrieved and seeks court action to redress his injury may be unable to obtain the remedy that our law promises is available.

In short, there may be a breakdown in the system of justice.

What is needed is additional Federal judges in the southern district of Florida to help handle the growing caseload. The few existing judges have been working tirelessly to process the heavy volume of cases, but it is a hopeless task unless more judges are provided.

The Subcommittee on Monopolies and Commercial Law of the House Committee on the Judiciary has been considering H.R. 4421, an omnibus judgeship bill that in its present form provides two more judges for the southern district. A comparable measure passed by the Senate includes one additional judgeship for the district.

Conservative studies of the need show that at least 5 additional judges are needed, along with trial and appellate judgeships. The middle district of Florida also has an urgent need for more judges, and two are provided in H.R. 4421.

In my testimony today to the subcommittee on this legislation, I pointed out that the southern district of Florida is the most heavily burdened urban district in the country, and the situation is worsening at an alarming rate.

It seems to me that Congress should act as promptly as possible to provide the additional judgepower needed in south Florida. We can do no less if we want to assure the continued availability to the citizens of this area the full rights and liberties accorded under our Constitution and legal system.

I include the following:

TESTIMONY BY HON. DANTE B. FASCELL BEFORE THE SUBCOMMITTEE ON MONOPOLIES AND COMMERCIAL LAW OF THE HOUSE COMMITTEE ON THE JUDICIARY, ON BEHALF OF LEGISLATION TO PROVIDE ADDITIONAL FEDERAL JUDGESHIPS FOR THE SOUTHERN DISTRICT OF FLORIDA, AUGUST 26, 1976

Mr. Chairman and members of the Subcommittee, I appreciate this opportunity to state my views on the omnibus judgeship bill, H.R. 4421.

For most of the requests you may hear for additional judgeships, the need is pressing.

For the Southern District of Florida, however, the need is an acute emergency.

The serious situation in this district goes to the very heart of our system of law. If we are not able to provide a fair trial in a reasonable period of time, the process of justice falls apart.

The Southern District of Florida is faced with the prospect of being completely overwhelmed by an escalating caseload that simply cannot be handled by the small number of judges available. The legal system is in danger of breaking down under the crushing burden of too many cases.

In the first half of fiscal year 1976, the Southern District had 2,336 civil cases and only 7 judges to handle them. By contrast, the Northern District of Illinois (Chicago) had 2,212 cases and 13 judges to handle them. The Eastern District of Pennsylvania (Philadelphia) had 1,883 cases and 19 judges.

The alarming fact is that the Southern District of Florida is the most heavily burdened metropolitan court in the country, and the situation is getting worse. The caseload increased by 91.8 percent in the first half of fiscal year 1976, as compared with the similar period in fiscal year 1975.

Florida is the most rapidly growing State in the nation in population, and that part of the State which makes up the Southern District is growing at a faster rate than the remainder of the State. Unless help is provided at an early date, our judges will be unable to cope with the load and it will become impossible to obtain a trial in a reasonable period of time.

Although civil cases increased by almost 92 percent and criminal case filings increased by 21 percent in the first six months of fiscal year 1976, the Southern District has prepared a *conservative* projection of minimum judgeship needs based on an increase of only 14 percent per year. This shows that the minimal need during the period 1976–1980 will be 12 additional judgeships, 5 of which are urgently needed at the present time.

This does not include any of the difficult and time consuming condemnation cases which will arise from the pending purchase of 570,00 acres of land in connection with the Big Cypress National Preserve project. This is the most massive eminent domain program ever instituted anywhere in the United States, and as many as 40,000 condemnation cases are expected to flood the Southern District court beginning almost immediately and continuing for the next six years.

Experience with the recent Biscayne National Monument project and Everglades National Park condemnations shows that these cases are both time consuming and tedious. Presently, some 70 cases from these two projects are on appeal from the Southern District court. This massive addition to the already formidable workload will probably be beyond the capacity of the court to deal with unless even additional judges, whether temporary or permanent, are assigned.

Already, hearings and trials in civil cases are being substantially delayed. Unless more judges are provided, it could become necessary to impose a virtual moratorium on new civil cases. If that should occur, it would not be possible for aggrieved persons to secure justice in Miami and South Florida. There would be no system of justice.

In view of the urgency of this matter, I respectfully urge that at least 5 judges be provided in the pending legislation, for the Southern District of Florida. Even this number would not solve the problem beyond the next two years or so. It would only give breathing time while we try to plan for meeting the growing judicial needs through 1980.

Thank you for your consideration of this request.

TRIBUTE FOR HON. WILLIS SARGENT

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, there are many occasions on which this great House has been asked to pause in posthumous reflection and tribute for men and women of distinction and significant merit for their contributions to our commonweal. No such observance is more poignant than when the remembrance is for one who embodied so much that is good in the human spirit and humble in its outward expression. I ask you to pause with me today in such a moment for such a man.

Onondaga County in upstate New York has been the fortunate beneficiary of the talent and dedication of one of the most respected and widely admired men to make themselves available for public service. I refer to County Legislator Willis Sargent who died this past Sunday.

The life of Willis Sargent spans almost fourscore years of our history and growth as a nation. Born in the 19th century, he became one of the apostles of the 20th century. Never forgetful of his roots in central New York, he ventured forth to the golden West to begin a new career at age 50, and then returned for a third fulfilling "new" life.

Indomitable, Willis lived life to the fullest measure, always with tact and discretion, compassion and appreciation for the frailty of human nature. To all who had occasion to meet him and experience his unique brand of seriousness and good humor there will be a lasting recollection of his even disposition and fair manner. Perhaps it was the experience of life which only comes with the life well lived that gave to Willis' temperament the fine patina of equanimity which was his hallmark.

Somehow, though, I have to believe that even as a young man growing up in those years around the turn of the century he displayed the inherent fairness and bull-dog determination which made his success in law and in public service a logical expectation.

So outstanding were these qualities of perseverance and fairness when wedded to talent and insight that the rare distinction of election to the State assemblies of two States—New York and California—was not astonishing to anyone who knew Willis Sargent.

It was my pleasure to know him, Mr. Speaker, and to point him out as a man worthy of emulation. Not that agreement was always the companion of our encounters, for just as he was tolerant of dissent so he was vigorous in his opinion and his defense of what he felt to be the truth.

Certainly, there are many in our community has had occasion to know Willis on a professional level, on a political level, and on a social level. And then there are those who worked with him as he spent the capital of his spirit and brilliance in the philanthropy of service to many agencies and groups which were concerned for the lives and futures of thousands of central New Yorkers.

The press accounts and television treatments of public men and women can only touch the surface of their real identities and often gives a flat and unidimensional aspect to their lives. Willis Sargent was able to get beyond that limitation of media by his personal dynamism and force of personality to show a man of substance and concern—a man who dignified the life of the politically active citizen and increased the repute for public service among all segments of our county.

Mr. Speaker, I join those leaders of central New York who unite in common voice and lament for the passing of Willis Sargent. We will miss him, but we will not forget him.

So too, I ask this House to join in expressing its sympathy to the family which survives Willis Sargent, his wife, Ann; two sons, Willis, Jr. and Richard H.; two daughters, Mrs. Sandra Holcomb and Mrs. Nancy Hunterton; two brothers, Paul and Frank Sargent; a stepsister, Mrs. Katherine Ackerman; and nine grandchildren.

I include at this point extracts from the news accounts of Mr. Sargent's passing:

TRIBUTE FOR HON. WILLIS SARGENT

Willis Sargent, 79, one of Onondaga County's most respected public servants, died yesterday of a heart attack.

Mr. Sargent, chairman of the County Legislature and a former member of the New York and California state assemblies, was stricken while visiting his summer home at Wellesley Island in the Thousand Islands.

Onondage County Executive, John Mulroy, contacted yesterday, called Mr. Sargent's death "a terrible loss" to the county.

Mulroy, who ordered county flags flown at half-staff in tribute to Mr. Sargent, said, "his passing leaves a void in the community that will be difficult to fill because his talents were many and varied.

"I consider it an honor to have known Willis personaly and to have availed myself of his wisdom, expertise and counsel in a variety of matters," Mulroy said. "I know I speak for those who knew him personally and the thousands who knew him by reputation in saying thanks, from a grateful community, for a job well done."

"MAN OF FAIR PLAY"

Michael J. Bragman, Democratic Floor Leader in the Legislature, called Mr. Sargent "a good and trusted friend."

"The citizens of this county have lost a uniquely dedicated representative, who always, and with no hesitancy, carried out his responsibilities in the public interest," said Bragman. "He was a man of fair play, imagination and vision. We will all miss him."

County Republican Party Chairman Richard J. Hanlon called Mr. Sergant "a unique man and a legislator of extraordinary ability."

He said Mr. Sargent "excelled as a conciliator, who worked hard at making friends of those with differing views."

"His keen mind and steady hand will be missed," said Hanlon.

Mayor Lee Alexander said "The loss of Willis Sargent is a deep personal wound to all of us who knew him. It is also a severe jolt to county government because Mr. Sargent was a great balancing element in the legislative dialogue.

"He was experienced, perceptive and compassionate. He was one of our finest public officials, an inspiring figure who will be remembered with affection and admiration."

"He was one of the oustanding men in the county," said William F. Fitzpatrick, Sr., a Syracuse attorney whose acquaintance with Mr. Sargent began as a law student in the 1920's.

TAUGHT LAW

Fitzpatrick was a pupil in an evidence course taught by Mr. Sargent at the Syracuse University College of Law.

"We were on opposing sides in a lot of lawsuits over the years, but he was always a fair, decent man, and an aggressive lawyer who had his client's best interests always in mind," said Fitzpatrick.

Born in Syracuse on Oct. 11, 1896, Mr. Sargent became a success in the practice of law in the military, and in political roles at the municipal, county, state and federal level.

A graduate of Yale University and the Harvard University Law School, Mr. Sargent was admitted to the New York State Bar Association in 1923.

He was elected to the State Assembly in 1925, and remained for eight years before winning a term as president of the Syracuse Common Council.

While in the State Legislature, Mr. Sargent was considered something of a political maverick—a reputation he was proud of and often referred to even in his later years.

UNSUCCESSFUL ATTEMPT

Although a Republican, he voted with Assembly Democrats in an unsuccessful attempt to amend the state's Prohibition Enforcement Act, and publicly counseled other Republicans to avoid the mistake of criticizing every suspect of Roosevelt's New Deal program.

After one term as Common Council president, Mr. Sargent moved to California, and pulled off a rare trick by becoming a member of that state's Assembly in 1948, one of a few Americans to hold State Legislature posts in two states.

Mr. Sargent had fought in World War I as a first lieutenant in a field artillery unit, but he enlisted in the Navy in 1943, and served with distinction as a captain who helped write the surrender terms for the Nazis and also aided in negotiations with the Russians and the British.

He also acted as an advisor to Ambassador John G. Winant in London, and as diplomatic deputy to Adm. Harold R. Stark.

His naval role won him the Legion of Merit.

HOOVER COMMISSION

After the war, Mr. Sargent was chairman of the speakers' bureau for the first Hoover Commission in Southern California, and chairman of the Upstate New York Committee to Enact the Second Hoover Commission Reforms in Federal Government.

During the 1950's he spent much of his time lecturing college law classes and representing business and industry in labor negotiations and court cases.

Moving back to the Syracuse area in the early fifties, he was active in civic affairs but did not re-enter the political arena until 1968, when he was elected to the County Legislature.

He was picked as majority leader in 1972, and became chairman this year.

Mr. Sargent, a devout Presbyterian, was president of the Syracuse Area Council of Churches for two terms during the sixties.

Throughout his adult life, he was an avid golfer and sports fan.

He remained vigorous until his illness earlier this year, and amazed his friends three years ago when, at the age of 76, he injured his achilles tendon playing softball at a Legislature clambake.

SPEARHEADED LEGISLATION

During his County Legislature career, Mr. Sargent spearheaded many important pieces of legislation. He was instrumental in opening up Legislature committee meetings to the public, headed a reapportionment commission, and fought in vain for giving county

school districts a share of the local sales tax revenues.

He three times headed the Legislature's special Budget Review Committee, and headed a special committee that pared millions of dollars from the cost of construction of the new Onondaga Community College campus.

Mr. Sargent is survived by his wife, Ann; two sons, Willis Jr. and Richard H. (a partner in his father's law firm); two daughters, Mrs. Sandra Holcombe (wife of Dist. Atty. Jon K. Holcombe) and Mrs. Nancy Humberton of Detroit, Mich.; two brothers, Paul of Boston and Frank Sargent of Pottstown, Pa.; a stepsister, Mrs. Katherine Ackerman of Devon, Pa.; and nine grandchildren.

Services will be at noon Wednesday at First Presbyterian Church, 620 W. Genesee St., the Rev. Robert B. Lee and the Rev. Gordon V. Webster officiating.

A private family service will precede the church service, according to Fairchild and Meech Funeral Home, which has charge of arrangements.

Mr. Sargent will be buried in Oakwood-Morningside Cemetery.

There will be no calling hours. Contributions in Mr. Sargent's memory may be made to the First Presbyterian Church Memorial Fund, or to a charity of one's choice, the family said.

MRS. BLANKA ROSENSTIEL

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, one of the great and lovely ladies of Miami and of America is Mrs. Blanka Rosenstiel, widow of the late businessman and philanthropist, Lewis S. Rosenstiel. One of the many outstanding organizations which Mrs. Rosenstiel heads is the American Institute of Polish Culture in Miami. Both Mrs. Rosenstiel and the American Institute of Polish Culture in Miami have made immeasurable contributions to Polish culture in America and to many other causes of educational, humanitarian, and cultural significance. On May 29 of this year Mrs. Rosenstiel was awarded an honorary degree by the International Fine Arts College in Miami. The citation for that degree reveals the inspiring background and work of Mrs. Rosenstiel. I ask that this citation appear in the body of the RECORD immediately following these remarks.

Earlier this year Mrs. Rosenstiel was signally honored by the Polish American magazine, Perspectives. Mrs. Rosenstiel, in accepting the Perspectives Achievement Award, delivered a very able and eloquent address explaining the work of the American Institute of Polish Culture in Miami, its contribution to the development of Polish culture, and her keen interest and dedicated service to the cultural development of the Greater Miami area and our whole Nation. Mrs. Rosenstiel is a shining example of what many people coming to this Nation from abroad have done in America not only to preserve their historic culture but to stimulate and develop our own. Mrs. Rosenstiel is an eminent leader of the cultural, spiritual, and humanitarian forces of our country. I am sure that the Members of the Congress not only applaud those who previously honored Mrs. Rosenstiel but wish to join also in paying the highest tribute and honor to her for what she has done and continues to do to make ours a more beautiful and better country.

Mr. Speaker, I include Mrs. Rosenstiel's acceptance of the Perspectives Achievement Award in the RECORD:

BLANKA ROSENSTIEL ACCEPTANCE OF PERSPECTIVES ACHIEVEMENT AWARD

I am greatly honored by the Award and I gratefully accept it with the understanding that it is not me, personally, who has been awarded but the American Institute of Polish Culture in Miami—an organization of more than four hundred Americans of different ethnic backgrounds and one common denominator: profound interest in and enthusiasm for the great cultural heritage of the Polish nation and its contribution to American civilization.

When some four years ago our Institute was born, it had a different name: "Polish-American Cultural Institute." We came to change the Institute's name, because our experience reflected a very important truth which can be helpful to all Polish cultural organizations in pursuit of their goals.

As our Institue expanded its activities and began to organize events which aroused a general interest in our community, more and more people came to me with these questions: "Why are you called a Polish-American Institute? Are you an exclusive Polish organization? Are you closed to others? I realized that the name should be changed; that it should reflect the basic fact that we were an American organization, open to all Americans, not only those interested in Polish culture but all those motivated by the urge to enrich the cultural life of their community. To be sure, love of the country of my fathers, of its magnificent heritage and history, constituted my main motivation when founding the Institute. But I soon came to realize that—in order to be really successful—a Polish cultural organization cannot remain a closed entity, isolated by a language barrier from its community, and, indeed, from its own youth.

In order to be successful in today's America, a Polish cultural organization *must be American!* While promoting the Polish culture, it must be an integral part of its community—and more—it must be a major creative force contributing in a significant way to the community's cultural life.

We must throw our doors wide open to our fellow Americans of other ethnic origins. They will come when they see that we all speak the same language. They will come because an American has a healthy urge to learn, to know more about other Americans and their backgrounds. Let's let them in.

How did our Institute achieve this goal? First, we established working contacts with local universities, civic and cultural organizations and our local Government. The University of Miami enthusiastically helped us to organize and sponsor the First National Frederic Chopin Piano Competition in Miami It also cooperated with us in organizing an International Conference on Joseph Conrad. The Miami Philharmonic and the University made their concert halls available for our musical events. The Miami Art Center cosponsored an exhibition of Polish graphics, tapestry and posters. The W.P.B.T.-T.V. educational channel has videotaped and televised the beautiful Harp Ensemble. It has also shown "The Ascent of Man" by Dr. Bronowski, a 13-hour program which we have underwritten twice for our community. We had "Mazowsze" just recently. Our annual balls are part of our community's life. The "Perspektywa Polska" exhibition, created at our Institute, is at present traveling throughout the United States, shown at universities and public libraries. This is just to mention a few. We always have support of our City and State Governments when applying to have Polish-American days proclaimed in Miami and in Florida. The Mayor of the city of Miami—the Honorable Maurice Ferre—is a member of the Board of Directors of our Institute.

Please, don't misunderstand me: I am far from implying that our work is an uninterrupted chain of success. We have had difficulties as well. But these don't change the basic rule which is: come out with daring and initiative, and you will get a response almost immediately. When organizing events try to cooperate with the established prestigious organizations—even if, at first, theirs will be the glory.

My experience teaches me that we should be more active in the field of Public Relations. Our Polish-American community has been underrating the importance of this area of activity. We don't have enough Polish-American journalists and writers in our national media. Our organizations and clubs are often excessively modest about the important work they are doing. It is time for us, Polish-Americans, to stand up and talk a bit louder about ourselves and our place in this nation.

Our Institute offers only one kind of scholarship—scholarships for Polish-American students of Public Relations. I think this Fact fully reflects the importance our organization attaches to this field.

Quite often I hear and read complaints about Polish-American youth. We are often disappointed by young people's lack of interest in our organizations. We blame them with indifference toward our club and social activities. Very often we hold it against them when they don't speak Polish.

Of course, it is impossible to penetrate and analyse every human situation. I am far from idolizing the youth; there are many cases when a young man or woman must be told an unpleasant truth. But, in general, I am very optimistic about our Polish-American young generation. We have a number of young people among our members. Actually, about 20% of our members are below 30. They joined the Institute because they wanted to learn more about their cultural and national background and because they want Polish culture to be better known. Most young Polish-Americans I know are strongly attracted by it, when it is offered in a form they understand and can be proud of. But let us not make a mistake about it: they are Americans. They feel and think American. And we should not complain about it but adapt our educational and cultural activities to this irreversible fact of life. A cultural organization—as opposed to a social club—should endeavor to abolish language and background barriers. We shall easily reach our young people when we speak to them in the language they understand and when we prove to them that our activities are not aimed at isolating ourselves from the mainstream of American life but, on the contrary, that they are a significant factor and an inspiration in the development of our common American culture.

Ladies and Gentlemen: The experience of our Institute, of all our struggles, setbacks and victories—and indeed the experience of my whole life—has taught me a vital lesson which can be summarized in these simple words: Let us think positive and adopt positive plans and we shall succeed, let us be more confident in ourselves and more comfortable with the world that surrounds us. We can influence it. Only first we must be an integral and active part of it.

BLANKA ROSENSTIEL

It is a privilege to name Blanka Rosenstiel who has been recommended by the Faculty of International Fine Arts College to receive the Doctor of Fine Arts Degree (Honoris Causa).

Born in Warsaw, Poland where she was

educated in the classical European manner, Blanka Rosenstiel soon realized that her many talents could best be developed by studying various forms of Art, Design and Music. She pursued her studies in Brussels, Belgium. From her art studies in Europe she made the difficult transition to the United States where she continued under private tutorship. Most of her work has been donated to public institutions where they are on permanent exhibit and have received artistic acclaim.

In 1967 she married the late Lewis S. Rosenstiel, a philanthropist and humanitarian who was the Chairman of Schenley Industries, a world-wide company. As the wife, confidante and associate of Lewis S. Rosenstiel, she contributed immeasureably to his internationally-renowned philanthropies. In 1972, both her artistic inclinations and a desire to propagate the culture of her homeland inspired her to found, in Miami, the American Institute of Polish Culture, which she currently serves as President.

The National Frederic Chopin Piano Competition, the International Joseph Conrad Conference, both held in Miami, as well as the "Perspektywa Polska" traveling exhibition, representing 1000 years of Polish history and culture, are just a few of the many culturally-oriented and educationally-enlightening projects realized under her guidance at the Institute.

Mrs. Rosenstiel is a member of the Board of Governors of the Museum of Science and a member of the Board of Directors of: WPBT TV Channel 2, Florida International University Foundation, Recording for the Blind, Council for International Visitors, Papanicolaou Cancer Research Center, Metropolitan Museum, Opera Guild, all of Miami, and the American Council of Polish Cultural Clubs of Washington, D.C., The International Chopin Society, Polish Assistance and the Kosciuszko Foundation in New York. In addition, Blanka Rosenstiel devotes her personal energies and financial assistance to many local charitable organizations such as the Welfare Society for Animals, Ballet Society, The International Center, The Crippled Childrens Society and is listed as a Major Founder for Mt. Sinai Hospital and Jackson Memorial Hospital.

Mrs. Rosenstiel attends to the annual Rosenstiel Award Dinner at Brandeis University, where she presents to the chosen scientists, in the field of basic medical sciences, the Award founded by her late husband. On March 12, 1976 she chaired in New York City the "Tribute to Artur Rubinstein", preceding the artist's last concert for the public.

For her leadership on an international level in the Arts, for her dedication to the propagation and understanding of the culture and history of Poland, for her devotion in carrying the torch of recognition to the world community of scientists, and for her friendship to this College and her students, this Degree is awarded.

HOUSE TAX REFORM BILL AND TAX CUT

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, as the second session of the 94th Congress nears its close, we have only a few weeks left to take final action on major legislative issues still unresolved.

Near the top of the list of bills that must be passed is extension of the temporary tax cut previously adopted. This is included in the tax reform bill passed by the House and Senate in radically differing forms.

Of the two versions, the House bill is far preferable since it closes loopholes and raises revenue, while the Senate bill opens new loopholes and would lose revenue. There have been suggestions that, in view of the defects in the Senate bill and the poor outlook for a decent bill to emerge from the Senate-House conference, the tax reform bill should be scrapped altogether and a new attempt made in the next Congress.

With the economy still shaky after the recent recession, this is no time to let the tax cut expire and cause a reduction in spendable income.

Today's edition of the Miami Herald contains an editorial making the point that the tax cut must be extended. It says in part:

. . . If Senate conferees cannot be persuaded to accept a bill close to the House version, then perhaps the best thing Congress can do is to extend the existing tax law, including last year's cuts, and wait until next year, when new leadership in the Congress and possibly the White House may be able to end the long stalemate.

I call the entire editorial to my colleagues' attention. I strongly believe it merits our consideration for action on tax reform and tax cut:

DESPITE ELECTION PRESSURES, CONGRESS MUST DO ITS DUTY

Congress is back in Washington, very much aware that its performance (or lack thereof) is already a major issue in the presidential campaign between Gerald Ford and Jimmy Carter.

Except for a brief Labor Day recess lawmakers will be in session from now until their scheduled adjournment Oct. 2, by which time those up for reelection hope to be busy campaigning.

The essential problem facing this election year Congress is to accomplish enough for a respectable record without making anybody mad. Unfortunately, certain issues are of the kind which are bound to make some voters angry no matter what Congress does. That is why veteran observers of the Capitol Hill scene will not be surprised if the lawmakers punt and try again later on issues such as abortion, gun control, and the reform of the criminal code.

Other pending issues—the reform of federal regulatory agencies, for example—are of the type that may be put off because, although they are important they don't excite many voters.

On the other hand, food stamp reform and creation of a "consumer protection agency" are widely perceived as issues with some impact on the electorate. Furthermore, there is reason to believe that the Democrats would not be sorry to provoke vetoes on those issues.

Already, Mr. Carter and President Ford have both made an issue of the vetoes. Democrats in Congress may very well wish to give their candidate some additional ammunition in support of his assertion that some of the Ford vetoes have "contributed to needless human suffering."

But apart from all the maneuvering for partisan political advantage in the congressional and presidential races, Congress has a duty to perform. Some issues will not go away. Some can not be postponed.

The tax bill is a prime example. This was supposed to be the year for passage of long-overdue reforms in the federal tax structure. Instead of tax reform, however, the Senate and House have come up with bills quite different from each other and from the ideal of reform.

Some tax legislation will have to be passed this fall. The tax accountants can't wait until next year some time to find out what next year's tax schedules are going to be like.

If Congress does act on tax reform, the House version is clearly superior to the Senate's cornucopia of loopholes and tax breaks for special interests. Moreover, it is estimated that the Senate version could cost the Treasury as much as $17 billion annually in lost revenue while the House version, though extending last year's tax cuts, would actually raise more revenue by closing loopholes.

But if Senate conferees cannot be persuaded to accept a bill close to the House version, then perhaps the best thing Congress can do is to extend the existing tax law, including last year's cuts, and wait until next year, when new leadership in the Congress and possibly in the White House may be able to end the long stalemate.

EXECUTIVE CHALLENGE FOR WOMEN

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on August 8 of this year Jayne B. Spain, senior vice president of public affairs at Gulf Oil Corp., gave a truly inspiring speech in Miami Beach, Fla. In her address to the Hemispheric Conference for Women '76, Ms. Spain pointed out the special problems women face in achieving job equality, and offered sound advice to help women develop self-confidence and succeed in their field, whatever it may be. Her thoughtful speech should be of interest to us all and I request permission to include it in the RECORD at this time:

EXECUTIVE DECISION-MAKING A CHALLENGE FOR WOMEN

(An address by Jayne Baker Spain, senior vice president for public affairs, Gulf Oil Corp., before the Hemispheric Conference for Women '76, Miami Beach, Fla., August 8, 1976)

"One afternoon, walking through a poor street in Temuco, I saw a quite ordinary woman sitting in the doorway of her hut. She was approaching childbirth, and her face was heavy with pain. A man came by and flung at her an ugly phrase that made her blush. At that moment I felt toward her all the solidarity of our sex, the infinite pity of one woman for another, and I passed on thinking, 'One of us must proclaim (since men have not done so) the sacredness of this painful, yet divine condition. If the mission of art is to beautify all in an immensity of pity, why have we not, in the eyes of the impure, purified this?' So I wrote these poems with an almost religious meaning."

The lines that I have just quoted, as I am sure many of you recognize, are those of the Chilean poet and Nobel Laureate, Gabriela Mistral. I can think of no more appropriate note on which to begin my remarks than by recalling those eloquent words of this distinguished woman of the Americas, and her plea for unity in womanhood.

It is in that spirit that I say to you how deeply honored I am to have been asked to participate with you in this Hemispheric Conference for Women. Its objectives are unquestionable: to explore the mutual development of women's goals; assess the dynamics of social change; and research and develop programs for future action that will improve the status of women throughout

the Americas. To be sure, there are significant differences in the status of women from country to country, as was recognized by the World Conference in Mexico City last year. Nevertheless, meetings such as this will do much to unite all women of the Americas in our mutual quest for equality—equality in dignity, in the law, and in opportunity.

One of the hurdles in achieving that goal is subtly reflected in the very title of the talk that I have been asked to give here today: "Executive Decision-Making—A Challenge For Women."

Believe me, after having spent many years in executive posts in industry and government, I can attest to the fact that executive decision-making is a challenge for anyone—regardless of sex.

Still, I must concede that the realities of the world are such that making and implementing executive decisions do present a special problem for women. The myth of female physical inferiority has begat the myth of female intellectual inferiority—which has in turn begat the myth that women cannot make up their minds—that is, can't make decisions. All of us—male and female alike—have been influenced by thousands of years of brainwashing that has assigned arbitrary roles to each gender.

From as far back as the dim dawn of primitive prehistory, both male and female have been subjected to generations of conditioning about the roles each is expected to play. Virtually all of our institutions—from the family through government and business, and, yes, even the church, as anyone familiar with the epistles of St. Paul can confirm—have conspired, often unknowingly, to relegate both men and women into preconceived patterns. And pity the poor women who departed from the role that society prescribed for them. I need only mention Jean D'Arc, and her trip to the stake, and Hester Prynne's ordeal in Nathaniel Hawthorne's "The Scarlet Letter."

Granted, some women have been able to rise above their environment with relative impunity, but their very notoriety is silent testimony to the "place" in which women were supposed to keep themselves. I am thinking here of women such as Gabriela Mistral, who not only was an internationally acclaimed poet and humanitarian, but also rose to important educational and diplomatic posts in various parts of the world. She dedicated an entire group of her poems to trying to correct some of the misunderstandings that have traditionally separated men and women.

Thus, what we are faced with is not really a woman's problem or a man's problem, but society's problem.

Nevertheless, the very fact that such a distinguished group of participants has come to this conference, reflects the historical significance of the conscience-raising that is taking place. In the early history of the U.S.A., when our nation was largely agricultural and rural, women played a far more important role in the economy. Anyone familiar with the American Indian knows, for instance, that in many tribes it was the women who not only kept the tepee fires burning, but also did the hard, physical labor in the village, while the braves were out hunting and fishing.

Later in the development of the United States, the pioneer women, in addition to childbearing, caring for the family, sewing, weaving, cooking, preserving food, and a myriad of other things, tilled the fields and helped harvest alongside the men. Later in history, when times were bad on the farm, the men would spend entire seasons away from home earning money in a nearby city while the women would run things at home. Would you say all these women did not make decisions—and important decisions?

Then there are the great contributions made by America's immigrant women of the turn of the last century, who, largely for economic reasons, were frequently not only breadwinners—sewing or taking in washing—but also made the really important family decisions and dominated the entire household. Would you say they were not decision makers?

These participatory roles for women were accompanied by great drudgery that had a simultaneous subjugating effect. It was not until the industrial revolution that women began being freed from the debilitating burdens that chained them to work in the household for so many generations. As Dr. Estelle Ramey, the noted physiologist and feminist of Georgetown University, has said: "What has liberated women most is cheap energy. The cheap energy that helped bring about industrialization has provided the power to reduce the labor to care for house and family, and has, thereby, freed women to use their physical and emotional energies elsewhere."

Cheap natural gas and electricity have made posible such labor-saving devices as the gas and electric stove, hot running water, washing machines, the electric iron, and the refrigerator. Gasoline has provided the housewife with the mobility that she had always lacked. Such luxuries, taken so much for granted today, were unheard-of in the past, and are still not in abundance in many developing countries. The typical women's life was toil from sun-up to sun-down.

Today, ironically, the very technological explosion that has helped liberate women, has been a major factor in their dissatisfaction and separation from one another. Many want to use their time and talents outside the home—some don't.

I hasten to emphasize that I am not downgrading the profession of being a housewife. Certainly one of the most pervasive and destructive rivalries among females is that between the housewife and the career woman. I have heard women say apologetically I am "just" a housewife:

If you are a housewife, and you are fortunate enough economically not to have to work, and you feel fulfilled and content being a housewife, then be glad and proud you're a housewife, and be the best housewife on the block. But don't look down upon the woman who has to work because of economics, or the woman who wants to work because she's trained professionally and/or needs to work outside her home in order to feel fulfilled.

The scarce human resource brainpower mandates the use of capable persons regardless of sex, race, age, religion and no nation can afford to put any of its brainpower on the shelf.

As a businesswoman, I am convinced that overcoming this unconscionable waste of human resources—resources that could be used to make the industry of the Americas more productive, more efficient, and more effective in meeting the needs of humanity—is one of the most important demands confronting all of us, male and female alike.

Attitudes in the U.S.A. are gradually changing. There have been numerous estimates that 9 out of 10 of today's young girls in the U.S.A. will be part of the work force at some point of their lives. Many of them will work full-time for 30 years or more.

But where will they work—and at what levels? That is the question. For there is no doubt today that more women will be knocking at the doors of business and industry. The issue still to be resolved is how these women will be received and what opportunities will they have.

Even today a woman often starts lower and rises more slowly than a professionally comparable man, and she frequently must be better qualified than her male competition to get even that far.

Why? Mainly because of the myths that men—and women too—have believed, attitudes so deeply ingrained that they have successfully barred many women from fulfilling their intellectual and professional potentials. I'm referring to myths such as: "A woman's place is in the home"; that women work only for "pin money"; that a woman cannot combine a business career with a family, although many women do it quite well; that women aren't reliable or emotionally stable; that men and women don't want to work for a woman. The list is long and so are the consequences for working women. As one woman in a middle-management position once said: "I feel like I'm forever the private in an Army where every man is at least a corporal."

There is nothing more difficult to erase than a myth, which is all the more reason why surmounting the myth of female inferiority will demand extraordinary effort. There has, all the same, been progress. This has included representation by women on increasing numbers of U.S. corporate boards of directors. Six years ago when I was elected to the board of Litton Industries, I was the second woman to be elected to a board of a large corporation. Today there's at least one woman on the board of most of the largest American corporations. Gradually more and more companies tried it and liked it—for they discovered that qualified women can make big decisions and can contribute greatly at board level.

But in the day-by-day operations of major companies, women are still fighting an uphill battle. A Business Week survey last year revealed that of 2,500 presidents, key vice presidents, and chairpersons directing the country's major corporations, women held only 15 top management positions. It is estimated that women represent only 15% of entry-level management, 5% of middle management—and 1% of top management.

Robert Townsend, that cheerful iconoclast who parlayed his unorthodox management techniques into a fortune, devoted a special section of his best-selling book, "Up The Organization," to what he termed: "A Guerrilla Guide for Working Women." Townsend advises us to—as he puts it—"Make every decision (from your first job as a receptionist or file clerk on up) in the light of this question: 'How would I do this job if I owned the company?' "

By putting ourselves in the boss's place—by, first and foremost, asking the right questions—we women can be more constructively competitive.

Seen in this light, decision-making harbors no mystery that is part of some special masculine mystique.

There are, for example, countless books on the subject from which women could benefit, even though you might have to ignore some of their sexist references.

Charles Kepner and Benjamin Tregoe list seven steps to effective decision-making, involving setting objectives, weighing alternatives, and necessary follow-through.

Yet, in my mind, the most important decision that every career-oriented female must make—whether she is an executive or not—has to do with what she can do for herself.

First of all—I believe women must decide to stop thinking of themselves as second-best. A woman should aspire to whatever she wants with as much zeal and dedication as her male counterpart. As Eleanor Roosevelt once said: "No one can make you feel inferior without your consent." Even if the woman doesn't make it, she'll undoubtedly be better off and happier with herself than the shrinking violet who simply folds her hands and sits back to accept whatever life decides to dole out to her.

Second, you should decide to pursue specialized training and/or an advanced degree if you don't already have it. One female business graduate working as a consultant has suggested: "Having professional training is an important asset for anyone, and particu-

larly for women. A woman without this advantage faces a more difficult road in the working world. Not only does she have more to learn on her own, but she also faces more intense discrimination because her professional potential has not been formally recognized—and is therefore easier to dispute."

Thirdly, a woman should plot a career path for herself, identifying the essential work experiences that are needed to move up the corporate ladder, and then make it a point to gain experience in those areas. The management skills most often noted as neglected in career development for women include an understanding of financial planning, the preparation of budgets, and general business planning.

Fourth, a woman should not be afraid—or too proud—to draw on the considerable body of resources and strengths already available to her. A majority of successful career women who are married, have indicated that they receive strong emotional support from their husbands. Both married and single professional women cite support from women's organizations and from female co-workers and supervisors.

Women should be supportive of each other. A South American woman once put it well when she said: 'The best wedge is one made of the same wood. Men know this, and women ought to recognize it and be supportive of other women."

Finally, women should realize that a good deal of self-confidence on the job can come from just having done it a few times. Another woman consultant, who's been in business for a number of years, says, "My job has helped me at least as much as any other force in my life. No other has been as consistent or as major a force, just by virtue of the amount of time one has to give to it."

It is important to see yourself developing your skills, and to see your portfolio of accomplishments start to accumulate, and to begin to get the kind of feedback that tells you: "That assignment was well done—I got through the whole project and it didn't blow up in my face." As they say, nothing succeeds like success—with others or with yourself.

Part of it, too, is simply the process of assimilation into traditionally male environments. This may be the toughest hurdle of all. We all know what it is like to work with some unreconstructed males in the business and professional worlds. Detecting and defeating sex discrimination on the job has become a refined art. Oh sure, we in the U.S. know the statistics and the legal remedies. But beyond the overt problems, there are the more subtle symptoms—the big buildups and the little put-downs; the roles that we are often still expected to play, of mother or daughter, office wife or temptress, grateful supplicant or "one of the boys." For instance, behavior condemned as compulsive and ugly in a woman is praised as "forceful" in a man. This means, I guess, that in some organization you can scream and bark commands all you want as long as you do so in a deep bass instead of a high soprano.

Still, assimilation into a predominantly male environment is possible. A female financial analyst, for example, says she's been assimilating now for twelve years. "It's getting easier every year," she reports, "not just because I've established some credibility, but because the attitudes of management toward women are slowly changing."

Now that I'm back in industry, I'm often asked whether I am going to be as concerned with equal opportunity for women and minorities in my country, as I was when I was with the government. Of course I am. And I'll be among the first to admit that business has a long way to go to offer equality of job opportunity.

My company, Gulf Oil, for example, had very few women on the scene until 25 years ago. Most file clerks, stenographers, and secretaries were male. Even today, female managers at Gulf are pretty much a conspicuous minority.

Yet, we are making progress at Gulf. Our Equal Opportunity program is only six years old, but, more importantly, we have the commitment from the Chief Executive Officer and the Board that is absolutely vital to any such effort.

We also have an active women's program, counseling, career planning, career ladders, training, upward mobility, etc.

This is a slow process but it is a sure process.

I have argued, and I will continue to argue, that we should never put a woman in a job that she is not qualified to do and do well. We can open the doors of opportunity, we can help provide training, and we can offer counseling services along the way. But when all is said and done, to run a business properly, as well as fairly, we are going to have to hire on the basis of entry-level qualifications, and promote and reward on the basis of consistent quality performance. That means the right person, male or female, minority member or non-minority member, for the right job.

This criterion may mean moving more slowly, but in the long run everyone will be better off—especially women and minority members themselves. Nothing is more destructive to the pursuit of equal opportunity than putting a woman or a minority person in a job for which he or she is not qualified.

Success calls for the same qualities in men and women. Those qualities include, but are not limited to: Intelligence, motivation, an attitude of cooperation, standards of excellence, and, perhaps most of all, hard work. Such characteristics will go a long way toward ensuring quality achievement.

But, of fundamental importance, women must believe that they can do it. Mike McGrady, who wrote the book "The Kitchen Papers—My Life as a Househusband," after exchanging traditional roles with his wife for a year, feels that many women are threatened by the thought of leaving the secure environment of the home and entering the business world. He challenges these women with: "Go ahead. There is a world out here, a whole planet of possibilities. The real danger is that you won't try it. Men have to go out on a limb, too. If Gutenberg had not taken a risk I might be writing these words with a quill pen. If Edison had not ventured, you might be reading them by an oil lamp."

Let me conclude by simply saying this: As women, our most important decision is to decide to believe in ourselves. To believe that we have the ability, the talent, the determination, and the strength to be as effective as any man.

Gabriela Mistral has expressed this need for self-confidence as only a Nobel Laureate could. I should like to close by reading a few verses from her famous poem "Those Who Don't Dance":

A crippled child once said,
"How can I dance?"
We told her that she should
Start her heart to dancing.

Then said the deformed one,
"How can I ever sing?"
We told her that she should
Start her heart to singing. . . .

God asked from above,
"How can I leave the sky?"
We told him to come down
and dance with us in the brightness.

All in the valley are dancing
Together beneath the sun,
May the heart of whoever is missing
Turn to dust and ashes.

When "All in the valley are dancing," when we begin to see sizeable numbers of females reviewing equality of satisfaction for equality of career performance, then jobs will become jobs rather than "Men's jobs" or Women's jobs."

If equal rights mean anything, it is simply the right of each individual, male or female, to choose his or her vocation and to fail or succeed.

Success will then become sexless, and all of society will be the beneficiary.

THE INTER-AMERICAN FOUNDATION: A BETTER WAY OF DOING THINGS

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, almost 7 years ago the Inter-American Foundation was established by Congress to provide an innovative approach to the problem of social and economic development in Latin America and the Caribbean as an alternative to the traditional bilateral and multilateral programs in which the United States has participated.

The Foundation conducts its programs through grants to indigenous private organizations in Western Hemisphere countries. Grants are made under guidelines established by the Board of Directors, whose members are appointed by the President subject to Senate confirmation.

Since the Foundation began operations it has obligated almost $48 million for 413 separate projects; $24 million came directly from congressionally appropriated funds and was used to finance 298 projects. Another $24 million was obligated from funds received from the social progress trust fund under an agreement with the Inter-American Development Bank and has been used to finance 115 projects.

Mr. Speaker, the August 18, 1976, issue of "The Times of the Americas," contained an excellent summary of the work of the Inter-American Foundation by a distinguished commentator on hemisphere affairs, Mr. Winthrop P. Carty. I want to take this opportunity to bring to the attention of Congress Mr. Carty's analysis of the Foundation's activities.

A CASE STUDY OF A "DECISION TO EXPERIMENT"

(By Winthrop P. Carty)

WASHINGTON.—The Inter-American Foundation, a bold experiment in U.S. foreign assistance, faces a critical period of re-examination.

The five-year-old avant-garde agency channels public money to private Hemisphere organizations for self-help projects on a no-strings basis. The IAF has expanded $55 million so far for projects considered out of the mainstream of the traditional aid program but now the whole operation will be tested on a variety of fronts:

A majority of the positions on the board are coming up for the Administration's selection and the Senate's ratification over the next couple of months. Some members will probably be renominated but it remains to be seen whether a newly constituted board will be as supportive as the present one;

If Jimmy Carter is elected as expected, the new administration will be sorely tempted to throw the IAS into the AID pot to make good the candidate's pledge to consolidate the sprawling Washington bureaucracy;

The agency must go to congress next session to replenish funds or peter out before decade's end.

A growing number of congressmen are interested in an IAF style program for Africa and the present foundation may be enlarged to become an umbrella for a multi-continental operation.

The IAF has received remarkably little public attention. In part the situation stems from a policy "to neither seek nor avoid publicity" and let the recipients announce the grants in their own way.

But another problem to public understanding is the sheer inability to categorize the hybrid agency. Among other anomalies, it is an administrative lending agency mandated by Congress to be free of the bureaucracy, and a predominantly private board dispenses public monies.

The IAF is best understood as a congressional reaction against the mounting deficiencies of the foreign aid program. In brief, the aid operation was perceived as wrapped in red tape, completely politicized, and remote from the impulses of both the average U.S. taxpayer and the Latin American needy.

More specifically, Congress was deeply concerned by the failure of the Alliance for Progress, and the role that aid was thought to play in the Vietnam tragedy. In both cases, many observers contended, AID mindlessly poured more and more men and money into programs to justify yesterday's bureaucratic and financial investment.

"After a process of elimination," says Rep. Dante Fascell, "something like the IAF became obvious. For 25 years we had operated on the theory that economic stability was needed for political stability, but the classical approach simply didn't work. We haven't reached the marginal people. In the agrarian sector, for example, we tried everything in Latin America—transfer of technology, farm-to-market roads, support of land reform and so on—but it was all just a dribble in the ocean.

"We decided to experiment, take nothing for granted. The IAF, problems notwithstanding, has done a fantastic job of implementing our intention. It has proven its worth to the most critical congressional examination."

Fascell, it should be noted, is the man most responsible for the creation of the innovative lending agency and its mentor in Congress. The Florida Democrat, however, is a pragmatist whose Miami constituency demands a tough-minded approach to Latin American matters.

The IAF was legislated by Congress in 1969, with a pervasive preoccupation with the errors, real or imagined, of the old way. To prevent a bureaucratic and financial overcommitment, the foundation maintains no staff abroad, recipients seldom are funded longer than a three-year period.

All financing is in the form of grants. And to avoid mixing international realpolitiks with social development, the grants are only made to non-official groups for self-help projects they have fashioned for themselves. Rather than getting into the business of nation-building, the IAF stresses manageable projects averaging $100,000 within a spectrum of $400 to $1.5 million.

And staff does handsprings to maintain conspicuous honesty about the operation. In contrast to the machinations of the Johnson and Nixon administrations, Congress' child has no secrets. Only the personnel files are under lock and key, and one can walk off the street to find out what's up.

The 70-man staff is constantly going through intellectual calisthenics—dialogues, challenges, self-examinations, etc.—to preserve team integrity. Many outsiders deride the exercise as "navel-gazing" and posturing but the fact remains that an honest question receives an honest answer at IAF headquarters.

Predictably, the staff is highly motivated and idealistic. The foundation president, William Dyals, is an ordained minister, and many staff members are drawn from the church, Peace Corps, foundations and the like. "We have no trouble with the truth," Dyals says matter-of-factly.

The 7-man board of unpaid directors is composed of four men from the private sector and three selections from the government. From the outset the board has been dominated by moderate Republicans like Augustin S. Hart of Quaker Oats, Charles A. Meyer of Sears and Roebuck and George C. Lodge of the Harvard Business School. The Republicans serve as a good foil for the reform-minded IAF staffers: the informed moderates are aware of the problems without presuming to have all the answers. A board of certified liberals, vice-president Csanad Toth points out, would be more inclined to impose its particular solutions to developmental issues without letting the IAF staff chart its own course.

Buttressed by a congressional demand to develop innovative techniques, a board willing to listen and a powerful shepherd on Capitol Hill (Dante Fascell), the IAF, since it began in April 1971, has had sweeping latitude. "I am surprised what the government lets us do," says Dyal frankly. Three grants make the point:

The Educational Broadcasting Corporation was given $76,000 to subsidize a one-hour show illustrating Caribbean social problems for the TV series called "Bill Moyers' Foreign Report." The TV program was for public TV and outages were used for Caribbean training films, but ordinarily the Congress would raise hob about public funds being spent on a foreign project which might influence domestic opinion;

A left activist, Rev. Phillip Wheaton, was paid to study consciousness-raising among U.S. marginals. During the heyday of "law and order," about the best the Wheatons of this world could expect from the U.S. government was a dirty trick;

A grant of $83,000 was made in Costa Rica "to develop a weekly newspaper supplement written for campesinos and delivered to them in rural areas." The Costa Rican government and some North American critics found the newspaper's editorial policy hostile and sharply challenged the introduction of U.S. public money into a local editorial operation.

The above examples, I hasten to add, illustrate the IAF's freedom to make mistakes, not its usual routine. Most of its grants go to a wide variety of Hemisphere groups and are safe bets. If a community has the yeast to band together and apply for a grant, it generally knows its goals and how, with a little help, to reach them.

The traditional bottleneck has been the international lending agencies bureaucratic inability to identify plausible social projects and then cut through the red tape to reach them.

Most any commercial banker will readily admit that small cooperatives faithfully repay their debts but that administering small loans on a wide scale represents impossible paperwork. The AID bureaucracy is far more burdened with an overwhelming checklist of needed approvals and specifications, largely applied by Congress. The IAF makes a definitive decision on a grant request within two or three months.

Does the IAF really fully justify itself? Not yet, but it certainly could. First and foremost the operation reassures the U.S. taxpayer and the average Latin American man that international assistance can be effective, dignified, and altruistic. Most Americans throughout the Hemisphere go along with the joke that foreign aid is what the poor people in rich countries give to rich people in poor countries.

The growing number of grant requests attest to the fact that the word is getting around Latin America that there is a Washington agency with no political ax to grind which lends directly to little people for social self-improvement.

The IAF has been less able to demonstrate its ability to transfer its experimental findings to the public and to other lending agencies. There are some examples of ideas proved out by the IAF and subsequently picked up in a larger way by the multinational lending banks but little impression has been made on U.S. administrators.

"We haven't delivered our experience to the market place of ideas," admits Toth. Like any Congressman, says Dante Fascell, "I always want 'more results.'"

Envious AID officials contend the young IAF staffers live in an unreal world and that the experimental agency has produced nothing which could be applied on a wide scale. In my opinion the IAF has amply demonstrated that the whole U.S. lending program could be modified to incorporate much of the fresh approach which has been acclaimed by Congress and Latin Americans.

Furthermore, some of the IAF personnel could be offered positions of leadership in the next administration. Some of the bright young idealists have been called too cocksure. "Sometimes we are arrogant," states Toth, "and it is a sign of immaturity." But the IAF is not rife with cynicism, the terminal disease of the AID bureaucracy.

In the coming months the experimental agency will be challenged by a critical reappraisal. Now the IAF must do what it expects of its grantees: strive in its community to make come true its special dream of a better way of doing things.

ESTATE TAX REFORM

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, when H.R. 14844, the Estate and Gift Tax Reform Act of 1976, comes before the House next week, I will offer an amendment to delete the "$1 million, one generation-skip" exception to the provision imposing a tax on generation-skipping trusts.

The question of generation-skipping trusts is one of the most complex in the Estate Tax Code. I realize that some of my colleagues who have not had the opportunity to sit through the weeks of hearings and markup on the bill may find the question somewhat baffling. For this reason, I am inserting the testimony of Prof. A. James Casner, professor of law at Harvard University, who presented to the Ways and Means Committee the most concise and understandable explanation of generation-skipping transfers that I have come across.

I strongly urge my colleagues to read Professor Casner's testimony before casting their vote on my generation-skipping amendment.

[A panel consisting of A. James Casner, Professor, A.L.I. reporter on estate and gift tax provisions, Harvard University, Cambridge, Mass.; Edward C. Halbach, Jr., Chairman, American Bar Association, Committee on Estate and Gift Taxes, Professor of Law School, University of California, Berkeley; Dr. Gerald R. Jantscher, Research Associate, Economic Studies Program, Brookings Institution, Washington, D.C.; and James Lewis, Paul Weiss, Rifkind, Wharton & Garrison, New York City]

STATEMENT OF PROF. A. JAMES CASNER

Mr. CASNER. Thank you very much, Mr. Chairman.

I am here in the capacity of the reporter for the American Law Institute project on estate and gift taxation. You will find in your printed booklet the material of the law institute. It begins on page 311.

This is a project that was carried out over a period of about 4 or 5 years, and the institute finally approved some 45 or 46 recommendations for changes in the estate and gift tax area. Among those recommendations was a change in relation to what we call generation skipping transactions, and also in regard to the marital deduction, and also in regard to unification.

The four of us on the panel this afternoon have divided this subject matter into separate parts, and we would like to present to you each of these parts, and open them up for any discussion you may want to have.

I am going to talk to you about generation skipping transactions. Mr. Halbach, on my left, will talk to you about the 100-percent marital deduction. Mr. Lewis will talk to you about unification, and Mr. Jantscher will talk to you about some of the economic effects of the adoption of these recommendations if they should be carried out.

The CHAIRMAN. Indeed, you are well organized and we appreciate it.

Mr. CASNER. Fine.

The CHAIRMAN. You may proceed.

Mr. CASNER. On the generation skipping transactions, if you will permit me it, since I am a teacher and cannot work without a blackboard, if you will permit me to go to the blackboard I would like to do that and tell you what is on my mind with regard to generation skipping.

I think it is important if we talk about generation skipping that you have a picture of what can be done in this regard under the present law. I would like to take you through a possible discussion that I might have with a client who comes in to see me and wants to pass on a rather substantial amount of his property to his son. His idea when he comes in might very well be that he wants to give the property outright to his son. I point out to him, of course, that if he does that he is going to subject his son to gift taxes, in moving it on to his own children. He is going to subject his son to estate taxes, as he moves that property on on his death and that he ought to consider setting this arrangement up for his son in a way that would avoid future estate and gift taxes in relation to the son handling the property.

He says, of course, well, that interests me. What do you have in mind? And I would tell him, well, he as the owner of the property can transfer the property to a trustee, and under the terms of the trust he can give the income to his son for life, and then on his son's death the property can go in accordance with the terms of the trust to the son's issue.

If he does that, then the son has the use and enjoyment of this property as long as he lives, that is the income from it, and then on his death it moves on to his issue without another tax. And he says, well, that is, of course, quite different from giving the property outright to my son, because he does not have access to the principal, he can't control where the corpus of the property goes, serious restraints will operate on him if we set the trust up in that form.

And I say, well, that is true, but what is it you would particularly like for him to have in addition to this life interest. And he says, well, at least I would like to have him be able to determine how it will go among his own family when he dies. And I say, if that is what you want, we will simply add to this trust arrangement a power in your son to appoint by will this property to anyone in the world except himself, his creditors, his estate, and creditors of his estate, and I don't see why he would want to appoint it anyway to his estate or creditors.

So he can appoint it to anyone he wants to, and he will have the same liberty of choice as to where the property will go on his death as he would have if he owned it outright.

And he says, you mean I can add on that power and still it will go on to the people to whom he may appoint it in his will, without another estate tax? The answer is yes, he can have that degree of dominion over the destination of the property when he dies, and no estate tax will be imposed at all.

In fact, when he appoints the property by his will, he can appoint it to the son's son, we will call him SS, for life, and then he can give that son the power to appoint it on his death by will to anyone but himself, his estate, his creditors or creditors of his estate, and we can keep on doing this for how long? Well, we can keep on doing this for what is the rule against perpetuities, which is 21 years after lives in being, and if you select 21 healthy babies from families with family longevity, and continue the trust until 21 years after they die, you can pretty well keep this up for over 100 years and no estate tax as they enjoy the trust for life and the power to move it on by will. The law says that is permissible.

But what about during the time the son is alive, he might want to give some of this property to his family, and here you have only arranged for it to go by will. Well, if that is what you are interested in, we will give the son another power, a power to appoint by deed during his lifetime to anyone but himself, his estate, his creditors, or creditors of his estate. He can then exercise that power during his lifetime to appoint to any members of the family, and no gift tax will be imposed.

You mean he can have the power to appoint by will to all these people, the power to appoint it by deed, and no gift tax? That is correct, under our present law, we can keep this property going on and on and on, making gifts within the family, making disposition by will, and no gift tax and no estate tax until we run up against the rule against perpetuities and there are two States which don't even have a rule against perpetuities and this can be done perpetually in those States.

Then he says, that is all right, that takes care of the family for some time outside of the gift and estate tax area, but during the lifetime of the son he might need some property.

Well, if that is what you want, we will give your son another power, a power to withdraw, annually, from the trust property $5,000 or 5 percent, whichever is greater. If he does not excerise the power of withdrawal, and the power lapses, that will mean that the property will stay in the trust and go on and on without any estate or gift taxes.

Of course, if he draws the property down to himself, then he will have it. But if he is going to draw down, it is probably because he is going to spend it, but as long as he leaves it there, and this power lapses every year and renews itself every year, there is no gift or estate tax as a consequence of the lapse of the power.

But he says, well, that is somewhat limited because that is limited to $5,000 or 5 percent, whichever is greater, and that is true. But we have another provision we can write in, we can give power to the son to withdraw any amount as long as the power is limited by standards measured by health and education, and so forth. So if he has doctor bills he can withdraw the amount to pay the doctor bill and the existence of that power will not cause the property to be taxable on his death and the power lapses because of the special provision that exists.

He says, well, that is fine, and now the son can do anything he wants by will; he can give it away without gift tax, he can draw it down if he needs it to pay certain medical bills, he can draw it down up to $5,000 or 5 percent and this won't cause him to be treated as the owner for estate and gift taxes? Yes, that is the situation as we now have it, and then we can keep this going on, you see, by everybody who has a power in his generation carrying out this same sort of arrangement.

Then he says, well, that is fine, but there is one thing that isn't here yet that he would have if he owned it, he could manage the property. Well, if that is what you are worrying about, we will make him the trustee of the trust, to manage the property.

Now, what kind of a nut would give property outright to anybody when you have a situation of this sort where you can go on and on?

In fact, we haven't got an estate tax, what we have, you pay an estate tax if you want to; if you don't want to, you don't have to.

It is a question of selection, because of the ability through these arrangements to keep the property, once you have set up the arrangement, to keep it out of taxation for 100 to 150 years.

Now, they say people don't do this, that they aren't doing this. Well, I don't know whether they are doing it, but clients of mine are getting the benefits of these arrangements.

As long as you leave the estate and gift tax in this way, they are going to set up trusts that will take advantage of this, and this is not illegal.

Mr. LEWIS. Jim, you don't have a monopoly on that.

Mr. CASNER. No. I think you do this once in a while; there are a few other people that know about this. I mean it is not a secret any more, that this can be done.

So when we say generation skipping, that is what we call this, we are setting up arrangements that avoid taxes for several generations.

We cannot say that sort of thing is not significant to consider and to face up to in the estate and gift tax area, it seems to me that until you face up to this you haven't got an estate and gift tax that really is a very significant factor.

Now, I will let one of my colleagues carry on from here. They can't talk as loud, and they can't use a blackboard, but they can go on.

Mr. LEWIS. You filled it up.

The CHAIRMAN. Very excellent, Professor Casner.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BUTLER) to revise and extend their remarks and include extraneous material:)

Mr. MILLER of Ohio, for 10 minutes, today.

Mr. KEMP, for 25 minutes, today.

Mrs. HECKLER of Massachusetts, for 5 minutes, today.

(The following Members (at the request of Mrs. SPELLMAN), to revise and extend their remarks, and to include extraneous matter:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. BROOKS, for 10 minutes, today.

Mr. KOCH, for 10 minutes, today.

Mr. MATSUNAGA, for 5 minutes today.

Mr. FRASER, for 5 minutes, today.

Mr. BEDELL, for 5 minutes, today.
Mrs. COLLINS of Illinois, for 5 minutes, today.
Mr. DINGELL, for 30 minutes, today.
Mr. HARRINGTON, for 5 minutes, today.
Mr. BONKER, for 5 minutes, today.
Mr. DOMINICK V. DANIELS, for 5 minutes, today.
Mr. LAFALCE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FASCELL to revise and extend his remarks in two instances and include extraneous matter.

Mr. BINGHAM and Mr. GIBBONS to revise and extend their remarks just prior to the vote on the Rangel amendment.

(The following Members (at the request of Mr. BUTLER) and to include extraneous material:)

Mr. KEMP in four instances.
Mr. BUTLER.
Mr. CONTE in two instances.
Mr. STEIGER of Wisconsin.
Mr. PAUL.
Mr. DERWINSKI in two instances.
Mr. SYMMS.
Mr. PRESSLER.
Mr. FRENZEL in three instances.
Mr. WYDLER.
Mr. BEARD of Tennessee.
Mr. HEINZ.
Mr. HILLIS.
Mr. CRANE.
Mrs. FENWICK.
Mr. LENT.
Mr. MCCLORY.

(The following Members (at the request of Mrs. SPELLMAN) and to include extraneous matter:)

Mr. GONZALEZ in three instances.
Mr. ANDERSON of California in three instances.
Mr. YOUNG of Georgia.
Mr. GIBBONS in two instances.
Mr. YATRON.
Mr. BOLLING.
Mr. LLOYD of California.
Mr. DINGELL.
Mr. FRASER in five instances.
Mr. ROE in two instances.
Mr. MCFALL.
Mr. ROGERS in five instances.
Mr. WAXMAN.
Mr. ROSENTHAL.
Mr. GAYDOS.
Mr. DE LUGO.
Mr. JOHN L. BURTON.
Mr. RANGEL.
Mr. OBERSTAR.
Mr. O'HARA in two instances.
Mr. WIRTH.
Mr. GINN.
Mr. BLANCHARD.
Mr. EDGAR.
Mr. DELANEY.
Mr. ZABLOCKI in two instances.
Mr. MCDONALD.
Mr. HARRINGTON.
Mr. NEAL.
Mr. MCKAY.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 400. An act to direct the Secretary of the Interior to conduct a one-year feasibility/suitability study of the Frederick Law Olmstead Home and Office as a national historic site; to the Committee on Interior and Insular Affairs.

S. 3146. An act for the relief of Leo J. Conway; to the Committee on the Judiciary.

S. 3394. An act to authorize the Secretary of the Interior to undertake the investigations, construction, and maintenance necessary to rehabilitate the Leadville Mine Drainage Tunnel, Colorado, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3419. An act to direct the Secretary of the Interior to conduct a one-year feasibility/suitability study of a National Museum of Afro-American History and Culture at or near Wilberforce, Ohio; to the Committee on Interior and Insular Affairs.

S. 3734. An act to approve the sale of certain naval vessels, and for other purposes; to the Committee on Armed Services.

ENROLLED BILLS SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3650. An act to clarify the application of section 8344 of title 5, United States Code, relating to civil service annuities and pay upon reemployment, and for other purposes.

H.R. 10370. An act to amend the Act of January 3, 1975, establishing the Canaveral National Seashore;

H.R. 11009. An act to provide for an independent audit of the financial condition of the government of the District of Columbia;

H.R. 12261. An act to extend the period during which the Council of the District of Columbia is prohibited from revising the criminal laws of the District;

H.R. 12455. An act to amend title XX of the Social Security Act so as to permit greater latitude by the States in establishing criteria respecting eligibility for social services, to facilitate and encourage the implementation by States of child day care services programs conducted pursuant to such title, to promote the employment of welfare recipients in the provision of child day care services, and for other purposes; and

H.R. 13679. An act to provide assistance to the Government of Guam, to guarantee certain obligations of the Guam Power Authority, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3542. An act to authorize the Secretary of the Interior to make compensation for damages arising out of the failure of the Teton Dam a feature of the Teton Basin Federal reclamation project in Idaho, and for other purposes.

ADJOURNMENT

Mrs. SPELLMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 23 minutes p.m.), under its previous order, the House adjourned until Monday, August 30, 1976, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3872. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize appropriations during the fiscal year 1977 and the transition quarter for procurement of aircraft, naval vessels, torpedoes and other weapons and research, development, test and evaluation for the Armed Forces, and for other purposes; to the Committee on Armed Services.

3873. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend section 651 of title 10, United States Code, to provide that female persons who become members of the Armed Forces shall have a 6-year statutory obligation and for other purposes; to the Committee on Armed Services.

3874. A letter from the Deputy Assistant Secretary of Defense (Military Personnel Policy), transmitting a supplemental report on defense-related employment of present and former Department of Defense personnel, pursuant to section 410(d) of Public Law 91-121; to the Committee on Armed Services.

3875. A letter from the Comptroller, Defense Security Assistance Agency, transmitting quarterly reports on foreign military sales direct credit and guaranty agreements, pursuant to subsections 36(a)(3) and (4) of the Foreign Military Sales Act, as amended; to the Committee on International Relations.

3876. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, submitting a report on locks and dam No. 26, Mississippi River, Alton, Ill. (H. Doc. No. 94-584); to the Committee on Public Works and Transportation and ordered to be printed with illustrations.

3877. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a report covering the quarter ended June 30, 1976, on grants approved by the Secretary for experimental, pilot, demonstration, or other projects all or any part of which are wholly financed with Federal funds under the Social Security Act, pursuant to section 1120(b) of the act [42 U.S.C. 1320(b)]; jointly, to the Committee on Interstate and Foreign Commerce, and Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

3878. A letter from the Comptroller General of the United States, transmitting a report on the management of a nuclear light water reactor safety project by the Nuclear Regulatory Commission and the Energy Research and Development Administration; jointly, to the Committee on Government Operations and the Joint Committee on Atomic Energy.

3879. A letter from the Comptroller General of the United States, transmitting a report on problems encountered by the Federal Aviation Administration in managing a prototype long-range radar system contract; jointly, to the Committee on Government Operations, and Public Works and Transportation.

3880. A letter from the Comptroller General of the United States, transmitting a report on the Department of Transportation's administration of laws pertaining to bridges across navigable waters; jointly, to the Committees on Government Operations, Merchant Marine and Fisheries, and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee of conference. Conference report on S. 5 (Rept. No. 94-1441). Ordered to be printed.

Mr. MEEDS: Committee of conference. Conference report on S. 217 (Rept. No. 94-1439). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. STRATTON: Committee on Armed Services. H.R. 14772. A bill to amend section 313 of title 37, United States Code, to pay variable incentive pay to medical officers who participated in the Berry plan, and for other purposes; with an amendment; referred to the Committee on Appropriations for a period not to exceed 15 legislative days with instructions to report back to the House as provided in section 401(b) of Public Law 93-344 (Rept. No. 94-1438, pt. I).

Mr. TEAGUE: Committee on Science and Technology. S. 1174. An act to reduce the hazards of earthquakes, and for other purposes; with an amendment; referred to the Committee on Interior and Insular Affairs for a period ending not later than September 6, 1976, for consideration of such provisions of the bill as fall within the jurisdiction of that committee under rule X, clause 1(j), and ordered to be printed (Rept. No. 94-1440, pt. I).

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK:

H.R. 15280. A bill to repeal the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. BRINKLEY:

H.R. 15281. A bill to amend the Federal Aviation Act of 1958, as amended, to broaden the power of the Civil Aeronautics Board to grant relief by exemption in certain cases, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. DENT:

H.R. 15282. A bill to provide for the establishment of the George W. Norris Home National Historic Site in the State of Nebraska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HAMMERSCHMIDT:

H.R. 15283. A bill to amend the Older Americans Act of 1965 to require the Commissioner on Aging to establish a special supplemental food program and medical examination and referral program for older Americans, and for other purposes; to the Committee on Education and Labor.

By Mr. LLOYD of California:

H.R. 15284. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NIX:

H.R. 15285. A bill to establish the National Diabetes Advisory Board and to take other actions to insure the implementation of the long-range plan to combat diabetes; to the Committee on Interstate and Foreign Commerce.

By Mr. OTTINGER:

H.R. 15286. A bill to amend the Immigration and Nationality Act to permit adoption of more than two alien children under certain conditions; to the Committee on the Judiciary.

By Mr. PRESSLER:

H.R. 15287. A bill to amend the act entitled "An Act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes", approved April 16, 1934 (48 Stat. 596; 25 U.S.C. 452 et seq.); to the Committee on Education and Labor.

H.R. 15288. A bill to amend title 18 of the United States Code to prohibit certain forms of economic coercion based on religion, race, national origin, sex, or certain other factors; to the Committee on the Judiciary.

By Mr. VIGORITO (for himself, Mr. BADILLO, Mr. BAUCUS, Mr. BYRON, Mr. MOTTL, Mr. NIX, Mr. PATTERSON of California, Mr. RODINO, and Mr. ROE):

H.R. 15289. A bill to treat the African elephant as an endangered species; to the Committee on Merchant Marine and Fisheries.

By Mr. YATRON:

H.R. 15290. A bill to authorize the Secretary of Housing and Urban Development to make grants to local agencies for converting closed school buildings to efficient, alternate uses, and for other purposes; to the Committee on Banking, Currency and Housing.

H.R. 15291. A bill to amend the Internal Revenue Code of 1954 to encourage businesses to purchase surplus school or hospital buildings from governmental and nonprofit entities by providing rapid amortization for such buildings; to the Committee on Ways and Means.

Mr. BEARD of Tennessee:

H.R. 15292. A bill to direct the Foreign Agricultural Service of the Department of Agriculture to study the effects of palm oil imports upon domestic processors of vegetable oils and to study methods of regulating the importation of palm oils in order to provide additional protection to domestic producers of agricultural commodities, and for other purposes; to the Committee on Agriculture.

By Mr. BONKER:

H.R. 15293. A bill providing for the construction of a flood control project on the Chehalis River, Wash.; to the Committee on Public Works and Transportation.

H.R. 15294. A bill to modify the project for navigation improvement of the Grays Harbor and Chehalis River and Hoquiam River, Wash.; to the Committee on Public Works and Transportation.

By Mr. HARRINGTON:

H.R. 15295. A bill to provide for the termination of any loan guarantee made under the Emergency Loan Guarantee Act; to the Committee on Banking, Currency and Housing.

By Mr. KELLY:

H.R. 15296. A bill to amend the Federal Noxious Weed Act of 1974 for the purpose of making such act apply to the water weeds hydrilla and hyacinth; to the Committee on Agriculture.

H.R. 15297. A bill to amend section 102 of the act of September 21, 1944, for the purpose of making such section apply to the water weeds hydrilla and hyacinth; to the Committee on Agriculture.

H.R. 15298. A bill to amend section 104 of the River and Harbor Act of 1958 for the purpose of making such section apply to the water weed hydrilla; to the Committee on Public Works and Transportation.

By Mr. LAFALCE:

H.R. 15299. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for property improvements designed to prevent shoreline erosion caused by high water levels in the Great Lakes; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 15300. A bill to authorize Federal payment, from sums appropriated for supplemental security income benefits under title XVI of the Social Security Act, of the cost of returning certain recipients of such benefits to their homelands; to the Committee on Ways and Means.

H.R. 15301. A bill to amend the Social Security Act to provide for inclusion of the services of licensed practical nurses under medicare and medicaid; to the Committee on Ways and Means.

By Mr. MILFORD (for himself, Mr. HAMMERSCHMIDT, Mr. GINN, Mrs. LLOYD of Tennessee, Mr. RONCALIO, Mr. HOWE, Mr. TAYLOR of Missouri, Mr. HENDERSON, Mr. BEARD of Tennessee, Mr. FORD of Tennessee, and Mr. KEMP):

H.R. 15302. A bill to amend the Federal Aviation Act of 1958, as amended, to broaden the power of the Civil Aeronautics Board to grant relief by exemption in certain cases, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. MURPHY of New York:

H.R. 15303. A bill to amend the Communications Act of 1934 to authorize the Federal Communications Commission to regulate terminal equipment and to direct the Commission to conduct a study on the costing of satellite common carrier communication services and a report on data common carrier competition; to the Committee on Interstate and Foreign Commerce.

By Mr. RUPPE:

H.R. 15304. A bill to expedite a decision on the delivery of Alaska natural gas to U.S. markets, and for other purposes; jointly, to the Committees on Interstate and Foreign Commerce and Interior and Insular Affairs.

By Mr. WHITTEN:

H.R. 15305. A bill to authorize construction of the project for Nonconnah Creek, Tenn. and Miss., and Horn Lake Creek, and tributaries, including Cowpen Creek, Tenn. and Miss.; to the Committee on Public Works and Transportation.

By Mr. CARNEY (for himself, Mr. POAGE, Mr. SPENCE, Mr. MANN, Mr. JENRETTE, Mr. ADDNOR, Mr. DUNCAN of Tennessee, Mr. ALLEN, Mr. FORD of Tennessee, Mr. ECKHARDT, Mr. PICKLE, Mr. WRIGHT, Mr. MAHON, Mr. KRUEGER, Mr. DOWNING of Virginia, Mr. SATTERFIELD, Mr. ROBINSON, Mr. YOUNG of Texas, Miss JORDAN, Mr. PAUL, Mr. WHITEHURST, Mr. BUTLER, Mr. FISHER, Mr. MOLLOHAN, and Mr. SLACK):

H.J. Res. 1063. A resolution authorizing the President to proclaim the week beginning October 3, 1976, and ending October 9, 1976, as "National Volunteer Firemen Week"; to the Committee on Post Office and Civil Service.

By Mr. CARNEY (for himself, Mr. MAZZOLI, Mrs. BOGGS, Mr. TREEN, Mr. WAGGONNER, Mr. BRECKINRIDGE, Mr. MOORE, Mr. BREAUX, Mr. LONG of Louisiana, Mr. BAUMAN, Mr. LONG of Maryland, Mr. SARBANES, Mr. BOLAND, Mr. EARLY, Mr. DRINAN, Mr. HARRINGTON, Mr. COHEN, Mrs. SPELLMAN, Mr. BYRON, Mr. MITCHELL of Maryland, Mr. GUDE, Mr. O'NEILL, Mr. MOAKLEY, Mrs. HECKLER of Massachusetts, and Mr. BURKE of Massachusetts):

H.J. Res. 1064. A resolution authorizing the President to proclaim the week beginning October 3, 1976, and ending October 9, 1976, as "National Volunteer Firemen Week"; to the Committee on Post Office and Civil Service.

By Mr. CARNEY (for himself, Mr. NICHOLS, Mr. BEVILL, Mr. RHODES, Mr. UDALL, Mr. ALEXANDER, Mr. MILLS, Mr. JOHNSON of California, Mr. JOHN L. BURTON, Mr. PHILLIP

BURTON, Mr. MILLER of California, Mr. DELLUMS, Mr. STARK, Mr. EDWARDS of California, Mr. RYAN, Mr. MINETA, Mr. MCFALL, Mr. KREBS, Mr. CORMAN, Mr. ROYBAL, Mr. HAWKINS, Mr. DANIELSON, Mr. CHARLES H. WILSON of California, Mr. ANDERSON of California, and Mr. DEL CLAWSON):

H.J. Res. 1065. A resolution authorizing the President to proclaim the week beginning October 3, 1976, and ending October 9, 1976, as "National Volunteer Firemen Week"; to the Committee on Post Office and Civil Service.

By Mr. CARNEY (for himself, Mr. YOUNG of Georgia, Mr. MATSUNAGA, Mr. PEPPER, Mr. FLYNT, Mr. STUCKEY, Mr. STEPHENS, Mr. PRICE, Mr. MADDEN, Mr. FITHIAN, Mr. BRADEMAS, Mr. ROUSH, Mr. MEZVINSKY, Mr. GRASSLEY, Mr. SIMON, Mr. MYERS of Indiana, Mr. HAYES of Indiana, Mr. SHARP, Mr. SMITH of Iowa, Mr. HARKIN, Mr. BEDELL, Mrs. KEYS, Mr. WINN, Mr. HUBBARD, and Mr. NATCHER):

H.J. Res. 1066. A resolution authorizing the President to proclaim the week beginning October 3, 1976, and ending October 9, 1976, as "National Volunteer Firemen Week"; to the Committee on Post Office and Civil Service.

By Mr. CARNEY (for himself, Mr. LLOYD of California, Mrs. PETTIS, Mr. COTTER, Mr. DODD, Mr. SIKES, Mr. CHAPPELL, Mr. JOHNSON of Colorado, Mr. SARASIN, Mr. MOFFETT, Mr. GIBBONS, Mr. HALEY, Mr. METCALFE, Mr. MURPHY of Illinois, Mr. DERWINSKI, Mr. FARY, Mrs. COLLINS of Illinois, Mr. MIKVA, Mr. ANNUNZIO, Mr. SHIPLEY, Mr. ROGERS, Mr. GINN, Mr. MATHIS, Mr. BRINKLEY, and Mr. LEVITAS):

H.J. Res. 1067. A resolution authorizing the President to proclaim the week beginning October 3, 1976, and ending October 9, 1976, as "National Volunteer Firemen Week"; to the Committee on Post Office and Civil Service.

By Mr. CARNEY (for himself, Mr. NIX, Mr. EILBERG, Mr. SCHULZE, Mr. YATRON, Mr. STEED, Mr. DUNCAN of Oregon, Mr. WEAVER, Mr. EDGAR, Mr. MCDADE, Mr. FLOOD, Mr. MURTHA, Mr. MOORHEAD of Pennsylvania, Mr. ROONEY, Mr. GAYDOS, Mr. DENT, Mr. MORGAN, Mr. VIGORITO, Mr. BEARD of Rhode Island, Mr. DAVIS, Mr. DERRICK, Mr. HOLLAND, Mr. QUILLEN, Mrs. LLOYD of Tennessee, and Mr. CHARLES WILSON of Texas):

H.J. Res. 1068. A resolution authorizing the President to proclaim the week beginning October 3, 1976, and ending October 9, 1976, as "National Volunteer Firemen Week"; to the Committee on Post Office and Civil Service.

By Mr. CARNEY (for himself, Mr. CLANCY, Mr. WHALEN, Mr. GUYER, Mr. LATTA, Mr. HARSHA, Mr. BROWN of Ohio, Mr. KINDNESS, Mr. ASHLEY, Mr. MILLER of Ohio, Mr. DEVINE, Mr. MOSHER, Mr. SEIBERLING, Mr. WYLIE, Mr. REGULA, Mr. ASHBROOK, Mr. HAYS of Ohio, Mr. JAMES V. STANTON, Mr. STOKES, Mr. VANIK, Mr. MOTTL, Mr. AUCOIN, and Mr. ULLMAN):

H.J. Res. 1069. A resolution authorizing the President to proclaim the week beginning October 3, 1976, and ending October 9, 1976, as "National Volunteer Firemen Week"; to the Committee on Post Office and Civil Service.

By Mr. CARNEY (for himself, Mr. ZEFERETTI, Mr. MURPHY of New York, Mr. KOCH, Mr. RANGEL, Mr. BADILLO, Mr. BINGHAM, Mr. OTTINGER, Mr. GILMAN, Mr. MCHUGH, Mr. STRATTON, Mr. PATTISON of New York, Mr. HANLEY, Mr. WALSH, Mr. LAFALCE, Mr. JONES of North Carolina, Mr. NEAL, Mr. PREYER, Mr. NOWAK, Mr. KEMP, Mr. LUNDINE, Mr. ROSE, Mr. HEFNER, Mr. TAYLOR of North Carolina, and Mr. GRADISON):

H.J. Res. 1070. A resolution authorizing the President to proclaim the week beginning October 3, 1976, and ending October 9, 1976, as "National Volunteer Firemen Week"; to the Committee on Post Office and Civil Service.

By Mr. CARNEY (for himself, Mr. THOMPSON, Mr. FORSYTHE, Mr. MAGUIRE, Mr. ROE, Mr. HELSTOSKI, Mr. RODINO, Mr. MINISH, Mr. LUJAN, Mr. PIKE, Mr. DOWNEY of New York, Mr. AMBRO, Mr. LENT, Mr. WYDLER, Mrs. MEYNER, Mr. DOMINICK V. DANIELS, Mr. PATTEN, Mr. RUNNELS, Mr. WOLFF, Mr. ADDABBO, Mr. DELANEY, Mr. BIAGGI, Mr. SCHEUER, Mr. SOLARZ, and Mr. RICHMOND):

H.J. Res. 1071. A resolution authorizing the President to proclaim the week beginning October 3, 1976, and ending October 9, 1976, as "National Volunteer Firemen Week"; to the Committee on Post Office and Civil Service.

By Mr. CARNEY (for himself, Mr. CONYERS, Mr. VANDER VEEN, Mr. CARR, Mr. TRAXLER, Mr. VANDER JAGT, Mr. RUPPE, Mr. O'HARA, Mr. DIGGS, Mr. NEDZI, Mr. FORD of Michigan, Mr. BRODHEAD, Mr. BLANCHARD, Mr. FRENZEL, Mr. WHITTEN, Mr. MONTGOMERY, Mr. CLAY, Mr. NOLAN, Mr. OBERSTAR, Mr. FLORIO, Mr. HOWARD, Mrs. FENWICK, Mr. MELCHER, Mr. CLEVELAND, and Mr. HUGHES):

H.J. Res. 1072. A resolution authorizing the President to proclaim the week beginning October 3, 1976, and ending October 9, 1976, as "National Volunteer Firemen Week"; to the Committee on Post Office and Civil Service.

By Mr. CARNEY (for himself, Mr. RONCALIO, Mr. MCCORMACK, Mr. HICKS, Mr. STAGGERS, Mr. KASTENMEIER, Mr. ZABLOCKI, Mr. HAMMERSCHMIDT, and Mr. MITCHELL of New York):

H.J. Res. 1073. A resolution authorizing the President to proclaim the week beginning October 3, 1976, and ending October 9, 1976, as "National Volunteer Firemen Week"; to the Committee on Post Office and Civil Service.

By Mr. HARRINGTON (for himself, Mrs. CHISHOLM, Mr. CONTE, Mr. DIGGS, Mr. FRASER, Mr. BERGLAND, Mr. COHEN, Mr. MCHUGH, and Mr. MCCLOSKEY):

H.J. Res. 1074. A resolution with respect to the promotion and use of infant formula in developing nations as it relates to basic nutrition in such nations; to the Committee on International Relations.

By Mr. ROE:

H.J. Res. 1075. A resolution designating September 19 as "National Family Day" during the celebration of our Nation's Bicentennial Year; to the Committee on Post Office and Civil Service.

By Mr. MURPHY of New York (for himself, Mr. CHARLES H. WILSON of California, Mr. BOB WILSON, Mr. ADAMS, Mr. BEVILL, Mr. YOUNG of Texas, Mr. WRIGHT, Mr. HELSTOSKI, Mr. RYAN, Mr. MINISH, Mr. JOHNSON of California, Mr. DU PONT, Mrs. FENWICK, Mr. BROWN of Michigan, Mr. FISH, and Mr. BOWEN):

H. Con. Res. 724. A resolution expressing the sense of Congress that the President take steps to place on the agenda of the United Nations Organization the threat to the peace created by the murder of two American Army officers by members of the North Korean Armed Forces; to the Committee on International Relations.

By Mr. HENDERSON:

H. Res. 1497. A resolution authorizing appointment of a special counsel to represent the Sergeant at Arms in the case of *Pressler v. Simon et al.*; to the Committee on House Administration.

By Mr. MURPHY of New York (for himself, Mr. CHARLES H. WILSON of California, Mr. BOB WILSON, Mr. ADAMS, Mr. BEVILL, Mr. YOUNG of Texas, Mr. WRIGHT, Mr. HELSTOSKI, Mr. RYAN, Mr. MINISH, Mr. JOHNSON of California, Mr. DU PONT, Mrs. FENWICK, Mr. BROWN of Michigan, Mr. FISH, and Mr. BOWEN):

H. Res. 1498. A resolution condemning the treacherous acts of North Korea; to the Committee on International Relations.

By Mr. MURPHY of New York (for himself, Mr. CHARLES H. WILSON of California, Mr. BOB WILSON, Mr. ADAMS, Mr. BEVILL, Mr. YOUNG of Texas, Mr. WRIGHT, Mr. HELSTOSKI, Mr. RYAN, Mr. MINISH, Mr. JOHNSON of California, Mr. DU PONT, Mrs. FENWICK, Mr. BROWN of Michigan, Mr. FISH, and Mr. BOWEN):

H. Res. 1499. A resolution instructing the Committee on the Armed Services to study and report on the murder of two American Army officers by members of the North Korean armed services; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

448. By the SPEAKER: A memorial of the Legislature of the State of Alabama, relative to allowing food stamp recipients to use part of their stamps to buy seeds and supplies to grow their own food; to the Committee on Agriculture.

449. Also, a memorial of the Legislature of the State of Alabama, relative to general revenue sharing; to the Committee on Government Operations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. JOHN L. BURTON:

H.R. 15306. A bill for the relief of Teresa Rodriquez De La Torre; to the Committee on the Judiciary.

By Mr. CARTER:

H.R. 15307. A bill for the relief of Sgt. Leonard B. Decker; to the Committee on the Judiciary.

By Mr. TREEN:

H.R. 15308. A bill for the relief of Mr. and Mrs. Hugh Mapp; to the Committee on the Judiciary.

By Mr. WAMPLER:

H.R. 15309. A bill for the relief of Granwel Aquino Esteban; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

568. The SPEAKER presented a petition of Leon Hess, chairman of the board, Amerada Hess Corp., New York, N.Y., relative to creating a U.S. customs oil zone within the property lines of the Hess Oil Virgin Islands Corp.'s refinery on St. Croix, which was referred to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 12112

By Mr. BLOUIN:

On page 105 (which is part of the Banking, Currency and Housing Committee Amendment), strike all on line 17 through the period at the end of line 26 on page 106.

On page 106 (which is part of the Banking, Currency and Housing Committee Amendment), after the period on line 12, insert the following:

"The Administrator may not enter into any agreement under this subsection with any person who receives any other financial assistance under this section or sections 7 and 8 of this section without specific authorization by Congress enacted after the date of enactment of this section."

On page 106 (which is part of the Banking, Currency and Housing Committee Amendment), strike all on line 13 through the period on line 17 and insert therein the following:

"(3) Subsections (c)(5), (c)(7), (d), (e), (i), (k), (m), and (p) through (z) shall apply to agreements or contracts under this subsection."

By Mr. MOFFETT:

On page 36 (which is part of the Science and Technology Committee Amendment), line 4, strike "thirty" and insert therein "twenty".

On page 35 (which is part of the Science and Technology Committee Amendment), line 6, strike all through the semi-colon on line 11 and insert the following:

"(2) the amount guaranteed with respect to any demonstration facility may not at any time exceed 75 per centum of the total cost incurred as of such time with respect to such facility (as determined by the Administrator), except if the total cost incurred with respect to a demonstration facility exceeds the project cost estimated by the Administrator at the time the loan guarantee was issued, the amount guaranteed may not exceed 75 per centum of such estimated project cost and 60 per centum of such excess. In determining the cost incurred with respect to a facility—

"(A) there shall be excluded any cost incurred for facilities and equipment used in the extraction of a mineral to be converted to synthetic fuel, unless the Administrator determines that such facilities and equipment are not capable of producing any marketable fuel other than synthetic fuel.

"(B) property or services obtained for the facility in a transaction with a person who has or will have a substantial ownership or profits interest in the facility shall be valued at the cost to the borrower or fair market value, whichever is less;".

On page 73 (which is part of the Banking, Currency and Housing Committee Amendment), line 10, strike all through the semicolon on line 25 and insert the following:

"(2) the amount guaranteed with respect to any demonstration facility may not at any time exceed 75 per centum of the total cost incurred as of such time with respect to such facility (as determined by the Administrator), except if the total cost incurred with respect to a demonstration facility exceeds the project cost estimated by the Administrator at the time the loan guarantee was issued, the amount guaranteed may not exceed 75 per centum of such estimated project cost and 60 per centum of such excess. In determining the cost incurred with respect to a facility—

"(A) there shall be excluded any cost incurred for facilities and equipment used in the extraction of a mineral to be converted to synthetic fuel, unless the Administrator determines that such facilities and equipment are not capable of producing any marketable fuel other than synthetic fuel.

"(B) property or services obtained for the facility in a transaction with a person who has or will have a substantial ownership or profits interest in the facility shall be valued at the cost to the borrower or fair market value, whichever is less;".

By Mr. TEAGUE:

(Substitute amendment.)

Strike out all after the enacting clause and insert in lieu thereof the following:

That (a) section 7(a) of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5906) is amended—

(1) by striking out "and" after the semicolon at the end of paragraph (5),

(2) by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and", and

(3) by adding at the end thereof the following new paragraph:

"(7) Federal loan guarantees and commitments thereof as provided in section 19.".

(b) The Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901, et seq.) is further amended by adding at the end thereof the following new section:

"LOAN GUARANTEES FOR DEMONSTRATION FACILITIES

"SEC. 19. (a) It is the purpose of this section—

"(1) to assure adequate Federal support to foster a demonstration program to produce synthetic fuels from coal, oil shale, and other domestic resources, to employ biomass and renewable and geothermal energy sources to produce synthetic fuels and other desirable forms of energy, and to assure the availability of energy-efficient industrial equipment and facilities;

"(2) to authorize assistance, through loan guarantees under subsection (b) for construction and startup and related costs and through price guarantees under subsection (z), to demonstration facilities (A) for the conversion of domestic coal, oil shale, biomass, and other domestic resources into synthetic fuels; (B) for the demonstration of synthetic fuels and other desirable forms of energy from renewable and geothermal sources; and (C) for the demonstration of energy-efficient industrial equipment and facilities; and

"(3) to gather information about the technological, economic, environmental, and social costs, benefits, and impacts of such demonstration facilities.

"(b)(1) Except as provided in paragraph (5) of this subsection, the Administrator is authorized, in accordance with such rules and regulations as he shall prescribe after consultation with the Secretary of the Treasury, to guarantee and to make commitments to guarantee, in such manner and subject to such conditions (not inconsistent with the provisions of this Act) as he deems appropriate, the payment of interest on, and the principal balance of, bonds, debentures, notes, and other obligations issued by, or on behalf of, any borrower for the purpose of (A) financing the construction and startup costs of demonstration facilities for the conversion of domestic coal, oil shale, biomass, and other domestic resources into synthetic fuels, including, but not limited to, such synthetic fuels from coal as high Btu gaseous fuels compatible for mixture and transportation with natural gas by pipeline; gaseous, liquid, and solid fuels suitable for boiler use in compliance with applicable environmental requirements; liquid fuels for transportation uses; and petrochemicals: *Provided*, That no loan guarantee for a full sized oil shale facility shall be provided under this section until after successful demonstration of a modular facility producing between six and ten thousand barrels per day, taking into account such considerations as water usage, environmental effects, waste disposal, labor conditions, health and safety, and the socioeconomic impacts on local communities: *Provided further*, That no loan guarantee shall be available under this clause for the manufacture of component parts for demonstration facilities eligible for assistance under this clause; (B) financing the construction and startup costs of demonstration facilities to generate desirable forms of energy (including synthetic fuels) from direct solar, wind, ocean thermal gradient, bioconversion, or other renewable energy resources; (C) financing the purchase, construction, installation, and startup costs of energy-efficient industrial equipment and facilities for demonstration by small business concerns and others for general use; and (D) further implementing the financing of geothermal resource development under the Geothermal Energy Research, Development, and Demonstration Act of 1974 (30 U.S.C. 1101, et seq.). The amount of obligations authorized for any guarantee or commitment to guarantee under this subsection is $3,500,000,000 for the following fiscal years, 1977 and 1978: *Provided*, That the indebtedness guaranteed or committed to be guaranteed which may be outstanding at any time in any fiscal year shall not exceed the aggregate of the total amount authorized pursuant to this section for that fiscal year and all preceding fiscal years. With regard to such limitation the Administrator shall make no new commitments for loan guarantees after September 30, 1984, and shall furnish no guarantees after September 30, 1986. The authorized indebtedness to be guaranteed under clauses (A), (B), and (C) of this paragraph shall be allocated by the Administrator so that no more than 50 per centum is for high Btu coal gasification, no more than 30 per centum for other fossil based synthetic fuels, and no more than 50 per centum for renewable energy resources, including biomass, urban and other waste, direct solar, wind, ocean thermal gradient, bioconversion, and for industrial energy conservation. All guarantees or commitments to guarantee authorized by this section shall be made only for demonstration facilities constructed within the United States or in waters contiguous to its territory. None of the amounts authorized for guarantee under this section shall be committed until the studies already initiated by the Administrator concerning the synthetic fuels demonstration program authorized by this subsection are completed and a report of each such study is submitted to the Speaker of the House of Representatives and the House Committee on Science and Technology and the President of the Senate and the Senate Committee on Interior and Insular Affairs. Loan guarantees for geothermal resource development under clause (D) of this paragraph shall be carried out pursuant to the authority and provisions of the Geothermal Energy Research, Development, and Demonstration Act of 1974: *Provided*, That paragraphs (2) and (4) of this subsection, and subsections (g)(2), (h), (n), and (u) of this section, shall also apply to such guarantees: *Provided further*, That the limitations in section 201(c) of the Geothermal Energy Research, Development, and Demonstration Act of 1974 (30 U.S.C. 1141(c)) shall not apply to such guarantees.

"(2) An applicant for any financial assistance under this section shall provide information to the Administrator in such form and with such content as the Administrator deems necessary.

"(3) Prior to issuing any guarantee under this section the Administrator shall obtain the concurrence of the Secretary of the Treasury with respect to the timing, interest rate, and substantial terms and conditions of such guarantee. The Secretary of the Treasury shall insure to the maximum extent feasible that the timing, interest rate, and

substantial terms and conditions of such guarantee will have the minimum possible impact on the capital markets of the United States, taking into account other Federal direct and indirect securities activities.

"(4) The full faith and credit of the United States is pledged to the payment of all guarantees issued under this section with respect to principal and interest.

"(5) (A) The Administrator is authorized, in the case of a facility for the conversion of oil shale to synthetic fuels which is determined by the Administrator pursuant to the proviso in paragraph (1)(A) of this subsection, to be constructed at a modular size, to enter into a cooperative agreement with the applicant in accordance with section 8 of this Act and the other provisions of this Act to share the estimated total design and construction costs, plus operation and maintenance costs, of such modular facility. The Federal share shall not exceed 75 per centum of such costs. All receipts for the sale of any products produced during the operation of the facility shall be used to offset the costs incurred in the operation and maintenance of the facility. The provisions of subsections (d), (e), (k), (m), (p), (s), (t), (u), (v), (w), (x), and (y) shall apply to any such modular facility. The provisions of this section shall apply to any loan guarantee for such modular facility.

"(B) After successful demonstration of the modular facility, as determined by the Administrator, the facility is eligible for financial assistance under this section for purposes of expansion to a full sized facility and the applicant may purchase the Federal interest in the modular facility as represented by the Federal share thereof by means of (i) a cash payment to the United States, or (ii) a share of the product or sales resulting from such expanded operation, as determined by the Administrator. If expansion of such facility is determined not to be warranted by the Administrator, he may, at the option of the applicant, dispose of the modular facility to the applicant at not less than fair market value, as determined by the Administrator as of the date of the disposal, or otherwise dispose of it, in accordance with applicable provisions of law, and distribute the net proceeds thereof, after expenses of such disposal, to the applicant in proportion to the applicant's share of the costs of such facility.

"(6) To the extent possible, loan guarantees shall be issued on the basis of competitive bidding among guarantee applicants in a particular technology area.

"(c) The Administrator, with due regard for the need for competition, shall guarantee or make a commitment to guarantee any obligation under subsection (b) only if—

"(1) the Administrator is satisfied that the financial assistance applied for is necessary to encourage financial participation;

"(2) the amount guaranteed to any borrower at any time does not exceed—

"(A) an amount equal to 75 per centum of the project cost of the demonstration facility as estimated at the time the guarantee is issued, which cost shall not include amounts expended for facilities and equipment used in the extraction of a mineral other than coal or shale, and in the case of coal only to the extent that the Administrator determines that the coal is to be converted to synthetic fuel; and

"(B) an amount equal to 60 per centum of that portion of the actual total project cost of any demonstration facility which exceeds the project cost of such facility as estimated at the time the loan guarantee is issued;

"(3) the Administrator has determined that there will be a continued reasonable assurance of full repayment;

"(4) the obligation is subject to the condition that it not be subordinated to any other financing;

"(5) the Administrator has determined, taking into consideration all reasonably available forms of assistance under this section and other Federal and State statutes, that the impacts resulting from the proposed demonstration facility have been fully evaluated by the borrower, the Administrator, and the Governor of the affected State, and that effective steps have been taken or will be taken in a timely manner to finance community planning and development costs resulting from such facility under this section, under other provisions of law, or by other means;

"(6) the maximum maturity of the obligation does not exceed twenty years, or 90 per centum of the projected useful economic life of the physical assets of the demonstration facility covered by the guarantee, whichever is less, as determined by the Administrator;

"(7) the Administrator has determined that, in the case of any demonstration or modular facility planned to be located on Indian lands, the appropriate Indian tribe, with the approval of the Secretary of the Interior, has given written consent to such location;

"(8) the obligation provides for the orderly and ratable retirement of the obligation and includes sinking fund provisions, installment payment provisions or other methods of payments and reserves as may be reasonably required by the Administrator. Prior to approving any repayment schedule the Administrator may consider the date on which operating revenues are anticipated to be generated by the project. To the maximum extent possible repayment or provision therefor shall be required to be made in equal payments payable at equal intervals; and

"(9) the obligation provides that the Administrator shall, after a period of not less than ten years from issuance of the obligation, taking into consideration whether the Government's needs for information to be derived from the project have been substantially met and whether the project is capable of commercial operation, determine the feasibility and advisability of terminating the Federal participation in the project. In the event that such determination is positive, the Administrator shall notify the borrower and provide the borrower with not less than two nor more than three years in which to find alternative financing. At the expiration of the designated period of time, if the borrower has been unable to secure alternative financing, the Administrator is authorized to collect from the borrower an additional fee of 1 per centum per annum on the remaining obligation to which the Federal guarantee applies.

"(d) Prior to submitting a report to Congress pursuant to subsection (m) of this section on each guarantee and cooperative agreement, the Administrator shall request from the Attorney General and the Chairman of the Federal Trade Commission written views, comments, and recommendations concerning the impact of such guarantee or commitment or agreement on competition and concentration in the production of energy and give due consideration to views, comments, and recommendations received: *Provided*, That if either official, within sixty days after receipt of such request or at any time prior to the Administrator submitting such report to Congress, recommends against making such guarantee or commitment or agreement, the proposed guarantee or commitment or agreement shall be referred to the President, and the Administrator shall not do so unless the President determines in writing that such guarantee or commitment or agreement is in the national interest.

"(e)(1) As soon as the Administrator knows the geographic location of a proposed facility for which a guarantee or a commitment to guarantee or cooperative agreement is sought under this section, he shall inform the Governor of the State, and officials of each political subdivision and Indian tribe, as appropriate, in which the facility would be located or which would be impacted by such facility. The Administrator shall not guarantee or make a commitment to guarantee or enter into a cooperative agreement under subsection (b) of this section, if the Governor of the State in which the proposed facility would be located recommends that such action not be taken, unless the Administrator finds that there is an overriding national interest in taking such action in order to achieve the purpose of this section. If the Administrator decides to guarantee or make a commitment to guarantee or enter into a cooperative agreement despite a Governor's recommendation not to take such action, the Administrator shall communicate, in writing, to the Governor reasons for not concurring with such recommendation. The Administrator's decision, pursuant to this subsection, shall be final unless determined upon judicial review initiated by the Governor to be unlawful by the reviewing court pursuant to 5 U.S.C. 706(2) (A) through (D). Such review shall take place in the United States court of appeals for the circuit in which the State involved is located, upon application made within ninety days from the date of such decision. The Administrator shall, by regulation, establish procedures for review of, and comment on, the proposed facility by States, local political subdivisions, and Indian tribes which may be impacted by such facility, and the general public.

"(2) The Administrator shall review and approve the plans of the applicant for the construction and operation of any demonstration and related facilities constructed or to be constructed with assistance under this section. Such plans and the actual construction shall include such monitoring and other data-gathering costs associated with such facility as are required by the comprehensive plan and program under this section. The Administrator shall determine the estimated total cost of such demonstration facility, including, but not limited to, construction costs, startup costs, costs to political subdivisions and Indian tribes by such facility, and costs of any water storage facilities needed in connection with such demonstration facility, and determine who shall pay such costs. Such determination shall not be binding upon the States, political subdivisions, or Indian tribes.

"(3 There is hereby established a panel to advise the Administrator on matters relating to the program authorized by this section, including, but not limited to, the impact of the demonstration facilities on communities and States and Indian tribes, the environmental and health and safety effects of such facilities, and the means, measures, and planning for preventing or mitigating such impacts, and other matters relating to the development of synthetic fuels and other energy sources under this section. The panel shall include such Governors or their designees as shall be designated by the Chairman of the National Governors Conference, Representatives of Indian tribes, industry, environmental organizations, and the general public shall be appointed by the Administrator. The Chairman of the panel shall be selected by the Administrator. No person shall be appointed to the panel who has a financial interest in any applicant applying for assistanace under this section. Members of the panel shall serve without compensation. The provisions of section 106(e) of the Energy Reorganization Act of 1974 (42 U.S.C. 5816(e)) shall apply to the panel.

"(f) Except in accordance with reasonable terms and conditions contained in the written contract of guarantee, no guarantee issued or commitment to guarantee made under this section shall be terminated, can-

celed, or otherwise revoked. Such a guarantee or commitment shall be conclusive evidence that the underlying obligation is in compliance with the provisions of this section and that such obligation has been approved and is legal as to principal, interest, and other terms. Subject to the conditions of the guarantee or commitment to guarantee, such a guarantee shall be incontestable in the hands of the holder of the guaranteed obligation, except as to fraud or material misrepresentation on the part of the holder.

"(g)(1) If there is a default by the borrower, as defined in regulations promulgated by the Administrator and in the guarantee contract, the holder of the obligation shall have the right to demand payment of the unpaid amount from the Administrator. Within such period as may be specified in the guarantee or related agreements, the Administrator shall pay to the holder of the obligation the unpaid interest on, and unpaid principal of, the guaranteed obligation as to which the borrower has defaulted, unless the Administrator finds that there was no default by the borrower in the payment of interest or principal or that such default has been remedied. Nothing in this section shall be construed to preclude any forebearance by the holder of the obligation for the benefit of the borrower which may be agreed upon by the parties to the guaranteed obligation and approved by the Administrator.

"(2) If the Administrator makes a payment under paragraph (1) of this subsection or section 202(b) of the Geothermal Energy Research, Development, and Demonstration Act of 1974 (30 U.S.C. 1142(b)), the Administrator shall be subrogated to the rights of the recipient of such payment (and such subrogation shall be expressly set forth in the guarantee or related agreements), including the authority to complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to such guarantee or related agreements, or any other property of the borrower (of a value equal to the amount of such payment) to the extent that the guarantee applies to amounts in excess of the estimated project cost under subsection (c)(2)(B), without regard to the provisions of the Federal Property and Administrative Services Act of 1949, as amended, except section 207 of that Act (40 U.S.C. 488), or any other law, or to permit the borrower, pursuant to an agreement with the Administrator, to continue to pursue the purposes of the demonstration facility if the Administrator determines that this is in the public interest. The rights of the Administrator with respect to any property acquired pursuant to such guarantee or related agreements, shall be superior to the rights of any other person with respect to such property.

"(3) In the event of a default on any guarantee under this section, the Administrator shall notify the Attorney General, who shall take such action as may be appropriate to recover the amounts of any payments made under paragraph (1) including any payment of principal and interest under subsection (h) from such assets of the defaulting borrower as are associated with the demonstration facility, or from any other security included in the terms of the guarantee.

"(4) For purposes of this section, patents, including any inventions for which a waiver was made by the Administrator under section 9 of this Act, and technology resulting from the demonstration facility, shall be treated as project assets of such facility. The guarantee agreement shall include such detailed terms and conditions as the Administrator deems appropriate to protect the interests of the United States in the case of default and to have available all the patents and technology necessary for any person selected, including, but not limited to the Administrator, to complete and operate the defaulting project. Furthermore, the gurantee agreement shall contain a provision specifying that patents, technology, and other proprietary rights which are necessary for the completion or operation of the demonstration facility shall be available to the United States and its designees on equitable terms, including due consideration to the amount of the United States default payments. Inventions made or conceived in the course of or under such guarantee, title to which is vested in the United States under this Act, shall not be treated as project assets of such facility for disposal purposes under this subsection, unless the Administrator determines in writing that it is in the best interests of the United States to do so.

"(h) With respect to any obligation guaranteed under this section, the Administrator is authorized to enter into a contract to pay, and to pay, holders of the obligations, for and on behalf of the borrowers, from the fund established by this section or from the Geothermal Resources Development Fund, as applicable, the principal and interest payments which become due and payable on the unpaid balance of such obligation if the Administrator finds that—

"(1) the borrower is unable to meet such payments and is not in default; it is in the public interest to permit the borrower to continue to pursue the purposes of such demonstration facility; and the probable net benefit to the Federal Government in paying such principal and interest will be greater than that which would result in the event of a default;

"(2) the amount of such payment which the Administrator is authorized to pay shall be no greater than the amount of principal and interest which the borrower is obligated to pay under the loan agreement; and

"(3) the borrower agrees to reimburse the Administrator for such payment on terms and conditions, including interest, which are satisfactory to the Administrator.

"(i) Regulations required by this section shall be issued within one hundred and eighty days after enactment of this section, except as provided in subsection (t) of this section. All regulations under this section and any amendments thereto shall be issued in accordance with section 553 of title 5, of the United States Code.

"(j) The Administrator shall charge and collect fees for guarantees of obligations authorized by clauses (A), (B), (C), and (D) of subsection (b)(1), in amounts which (1) are sufficient in the judgment of the Administrator to cover the applicable administrative costs, and (2) reflect the percentage of projects costs guaranteed. In no event shall the fee be less than 1 per centum per annum of the outstanding indebtedness covered by the guarantee. Nothing in this subsection shall be construed to apply to community planning and development assistance pursuant to subsection (k) of this section.

"(k)(1) In accordance with such rules and regulations as the Administrator in consultation with the Secretary of the Treasury shall prescribe, and subject to such terms and conditions as he deems appropriate, the Administrator is authorized, for the purpose of financing essential community development and planning which directly result from, or are necessitated by, one or more demonstration facilities assisted under this section to—

"(A) guarantee and make commitments to guarantee the payment of interest on, and the principal balance of, obligations for such financing issued by eligible States, political subdivisions, or Indian tribes,

"(B) guarantee and make commitments to guarantee the payment of taxes imposed on such demonstration facilities by eligible non-Federal taxing authorities which taxes are earmarked by such authorities to support the payment of interest and principal on obligations for such financing, and

"(C) require that the applicant for assistance for a demonstration facility under this section advance sums to eligible States, political subdivisions, and Indian tribes to pay for the financing of such development and planning: *Provided*, That the State, political subdivision, or Indian tribe agrees to provide tax abatement credits over the life of the facilities for such payments by such applicant.

"(2) Prior to issuing any guarantee under this subsection, the Administrator shall obtain the concurrence of the Secretary of the Treasury with respect to the timing, interest rate, and substantial terms and conditions of such guarantee. The Secretary of the Treasury shall insure to the maximum extent feasible that the timing, interest rate, and substantial terms and conditions of such guarantee will have the minimum possible impact on the capital markets of the United States, taking into account other Federal direct and indirect securities activities.

"(3) The amount of obligations authorized for any guarantee and commitment to guarantee under paragraph (1) of this subsection is $150,000,000 for each of the following fiscal years 1977 and 1978: *Provided*, That such obligations guaranteed or committed to be guaranteed which may be outstanding at any fiscal year shall not exceed the aggregate of the total amount authorized pursuant to this subsection for that fiscal year and all preceding fiscal years, and shall be included in the limitation on outstanding indebtedness set forth in subsection (b)(1) of this section.

"(4) In the event of any default by the borrower in the payment of taxes guaranteed by the Administrator under this subsection, the Administrator shall pay out of the fund established by this section such taxes at the time or times they may fall due, and shall have by reason of such payment a claim against the borrower for all sums paid plus interest.

"(5) If after consultation with the State, political subdivision, or Indian tribe, the Administrator finds that the financial assistance programs of paragraph (1) of this subsection will not result in sufficient funds to carry out the purposes of this subsection, then the Administrator may—

"(A) make direct loans to the eligible States, political subdivisions, or Indian tribes for such purposes: *Provided*, That such loans shall be made on such reasonable terms and conditions as the Administrator shall prescribe: *Provided further*, That the Administrator may waive repayment of all or part of a loan made under this paragraph, including interest, if the State or political subdivision or Indian tribe involved demonstrates to the satisfaction of the Administrator that due to a change in circumstances there will be net adverse impacts resulting from such demonstration facility that would probably cause such State, subdivision, or tribe to default on the loan; or

"(B) require that any community development and planning costs which are associated with, or result from, such demonstration facility and which are determined by the Administrator to be appropriate for such inclusion shall be included in the total costs of the demonstration facility.

"(6) The Administrator is further authorized to make grants to States, political subdivisions, or Indian tribes for studying and planning for the potential economic, environmental, and social consequences of demonstration facilities, and for establishing related management expertise.

"(7) At any time the Administrator may, with the concurrence of the Secretary of the Treasury, redeem, in whole or in part, out of the fund established by this section, the debt obligations guaranteed or the debt obli-

gations for which tax payments are guaranteed under this subsection.

"(8) When one or more States, political subdivisions, or Indian tribes would be eligible for assistance under this subsection, but for the fact that construction and operation of the demonstration facilities occurs outside its jurisdiction, the Administrator is authorized to provide, to the greatest extent possible, arrangements for equitable sharing of such assistance.

"(9)(A) Such amounts as may be necessary for direct loans and grants pursuant to this subsection shall be available as provided in annual authorization Acts and shall be requested in fiscal year 1977, and in subsequent fiscal years.

"(B) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1976, and the transition period $2,000,000 for grants to be used to carry out the purposes of this subsection.

"(10) The Administrator, if appropriate, shall provide assistance in the financing of up to 100 per centum of the costs of the required community development and planning pursuant to this subsection.

"(11) In carrying out the provisions of this subsection, the Administrator shall provide that title to any facility receiving financial assistance under this subsection shall vest in the applicable State, political subdivision, or Indian tribe, as appropriate, and in the case of default by the borrower on a loan guarantee made or committed under subsection (b) of this section, such facility shall not be considered a project asset for the purposes of subsection (g) of this section.

"(l)(1) The Administrator is directed to submit a report to the Congress within one hundred and eighty days after the enactment of this section setting forth his recommendations on the best opportunities to implement a program of Federal financial assistance with the objective of demonstrating production and conservation of energy. Such report shall be updated and submitted to Congress at least annually for the duration of the program authorized by this section and shall include specific comments and recommendations by the Secretary of the Treasury on the methods and procedures set forth in subparagraph (B)(viii) of this subsection, including their adequacy, and changes necessary to satisfy the objectives stated in this subsection. This report shall include—

"(A) a study of the purchase or commitment to purchase by the Federal Government, for use by the United States, of all or a portion of the products of any synthetic fuel facilities constructed pursuant to this program as a direct or an alternate form of Federal assistance, which assistance, if recommended, shall be carried out pursuant to section 7(a)(4) of this Act; and

"(B) a comprehensive plan and program to acquire information and evaluate the environmental, economic, social, and technological impacts of the demonstration program under this section. In preparing such a comprehensive plan and program, the Administrator shall consult with the Environmental Protection Agency, the Federal Energy Administration, the Department of Housing and Urban Development, the Department of the Interior, the Department of Agriculture, and the Department of the Treasury, and shall include therein, but not be limited to, the following:

"(i) information about potential demonstration facilities proposed in the program under this section;

"(ii) any significant adverse impacts which may result from any activity included in the program;

"(iii) the extent to which it is feasible to commercialize the technologies as they affect different regions of the Nation;

"(iv) proposed regulations required to carry out the purposes of this section;

"(v) a list of Federal agencies, governmental entities, and other persons that will be consulted or utilized to implement the program;

"(vi) the methods and procedures by which the information gathered under the program will be analyzed and disseminated;

"(vii) a plan for the study and monitoring of the health effects of such facilities on workers and other persons, including, but not limited to, any carcinogenic effect of synthetic fuels; and

"(viii) the methods and procedures to insure that (1) the use of the Federal assistance for demonstration facilities is kept to the minimum level necessary for the information objectives of this section, (2) the impact of loan guarantees on the capital markets of the United States is minimized, taking into account other Federal direct and indirect securities activities, and any economic sectors which may be negatively impacted as a result of the reduction of capital by the placement of guaranteed loans, and (3) the granting of Federal loan guarantees under this Act does not impede movement toward improvement in the climate for attracting private capital to develop synthetic fuels without continued direct Federal incentives.

"(2) The Administrator shall annually submit a detailed report to the Congress concerning—

"(A) the actions taken or not taken by the Administrator under this section during the preceding fiscal year, and including, but not be limited to (i) a discussion of the status of each demonstration facility and related facilities financed under this section, including progress made in the development of such facilities, and the expected or actual production from each such facility, including byproduct production therefrom, and the distribution of such products and byproducts, (ii) a detailed statement of the financial conditions of each such demonstration facility, (iii) data concerning the environmental, community, and health and safety impacts of each such facility and the actions taken or planned to prevent or mitigate such impacts, (iv) the administrative and other costs incurred by the Administrator and other Federal agencies in carrying out this program, and (v) such other data as may be helpful in keeping Congress and the public fully and currently informed about the program authorized by this section; and

"(B) The activities of the funds referred to in subsection (n) of this section during the preceding fiscal year, including a statement of the amount and source of fees or other moneys, property, or assets deposited into the funds, all payments made, the notes or other obligations issued by the Administrator, and such other data as may be appropriate.

"(3) The annual reports required by this subsection shall be a part of the annual report required by section 15 of this Act, except that the matters required to be reported by this subsection shall be clearly set out and identified in such annual reports. Such reports and the one-hundred-and-eighty-day report required in paragraph (1) of this subsection shall be transmitted to the Speaker of the House of Representatives and the House Committee on Science and Technology and to the President of the Senate and the Committee on Interior and Insular Affairs of the Senate.

"(m) Prior to issuing any guarantee or commitment to guarantee or cooperative agreement pursuant to subsection (b) of this section or entering into any price guarantee contract pursuant to subsection (aa) of this section, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Interior and Insular Affairs of the Senate a full and complete report on the proposed demonstration facility and such guarantee, agreement, or contract. Such guarantee, commitment to guarantee, cooperative agreement, or contract shall not be finalized under the authority granted by this section prior to the expiration of ninety calendar days (not including any day on which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain) from the date on which such report is received by such committees: *Provided*, That, where the cost of a demonstration facility to be assisted with a guarantee or cooperative agreement pursuant to subsection (b) of this section exceeds $200,000,000 such guarantee or commitment to guarantee or cooperative agreement shall not be finalized if prior to the close of such ninety-day period both Houses pass a resolution stating in substance that the Congress does not favor the making of such guarantee or commitment or agreement.

"(n)(1) There is hereby created within the Treasury a separate fund (hereafter in this section called the 'fund') which shall be available to the Administrator without fiscal year limitation as a revolving fund for the purpose of carrying out the program authorized by clauses (A), (B), and (C), of subsection (b)(1) and subsections (g), (h), and (k) of this section. The Geothermal Resources Development Fund established by the Geothermal Energy Research, Development, and Demonstration Act of 1974 shall be available for the purpose of carrying out the geothermal loan guarantee program as established by that Act and as further implemented by this section.

"(2) There are hereby authorized to be appropriated to the fund for administrative expenses for the fiscal year ending June 30, 1976, $1,000,000, and for the period beginning July 1, 1976 and ending September 30, 1976, $1,000,000, and from time to time such other amounts as may be necessary to carry out the purposes of the applicable provisions of this section, including, but not limited to, the payments of interest and principal and the payment of interest differentials and redemption of debt. All amounts received by the Administrator as interest payments or repayments of principal on loans which are guaranteed under this section, fees, and any other moneys, property, or assets derived by him from operations under this section shall be deposited in the fund or in the Geothermal Resources Development Fund, as applicable.

"(3) All payments on obligations, appropriate expenses (including reimbursements to other government accounts), and repayments pursuant to operations of the Administrator under this section shall be paid from the funds subject to appropriations or from the Geothermal Resources Development fund, as applicable. If at any time the Administrator determines that moneys in the fund exceed the present and reasonably foreseeable future requirements of the fund, such excess shall be transferred to the general fund of the Treasury.

"(4) If at any time the moneys available in the fund or in the Geothermal Resources Development Fund are insufficient to enable the Administrator to discharge his responsibilities as authorized by subsections (b)(1), (g), and (h) of this section, or the Geothermal Energy Research, Development, and Demonstration Act of 1974 (30 U.S.C. 1101), as the case may be, the Administrator shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be made by the Administrator from appropriations or other moneys available under paragraph (2) of this subsection for loan guarantees authorized by clauses (A), (B), and (C) of subsection (b)(1) and subsections (g), (h), and (k) of this section, and from

appropriations or other moneys available under section 204 of the Geothermal Energy Research, Development, and Demonstration Act of 1974 for loan guarantees described in clause (D) of subsection (b)(1) of this section. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, which shall be not less than a rate determined by taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection.

"(5) The provisions of this subsection do not apply to direct loans or planning grants made under subsection (k) of this section.

"(o) For the purposes of this section, the term—

"(1) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, or any territory or possession of the United States,

"(2) 'United States' means the several States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa, and

"(3) 'borrower' or 'applicant' shall include any individual, firm, corporation, company, partnership, association, society, trust, joint venture, joint stock company, or other non-Federal entity.

"(p)(1) An applicant seeking a guarantee or cooperative agreement under subsection (b) of this section must be a citizen or national of the United States. A corporation, partnership, firm, or association shall not be deemed to be a citizen or national of the United States unless the Administrator determines that it satisfactorily meets all the requirements of section 802 of title 46, United States Code, for determining such citizenship, except that the provisions in subsection (a) of such section 802 concerning (1) the citizenship of officers or directors of a corporation, and (2) the interest required to be owned in the case of a corporation, association, or partnership operating a vessel in the coastwise trade, shall not be applicable.

"(2) The Administrator, in consultation with the Secretary of State, may waive such requirements in the case of a corporation, partnership, firm, or association, controlling interest in which is owned by citizens of countries which are participants in the International Energy Agreement.

"(q) No part of the program authorized by this section shall be transferred to any other agency or authority, except pursuant to Act of Congress enacted after the date of enactment of this section.

"(r) Inventions made or conceived in the course of or under a guarantee authorized by this section shall be subject to the title and waiver requirement and conditions of section 9 of this Act.

"(s)(1) Each officer or employee of the Energy Research and Development Administration who—

"(A) performs any function or duty under this section; and

"(B)(i) has any known financial interest in any person who is applying for or receiving financial assistance for a demonstration facility under this section; or

"(ii) has any known financial interest in property from which coal, natural gas, oil shale, crude oil, or other energy resources is produced in connection with any demonstration facility receiving financial assistance under this section,

shall, beginning on February 1, 1977, annually file with the Administrator a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statement shall be available to the public.

"(2) The Administrator shall—

"(A) act within ninety days after the date of enactment of this Act—

"(i) to define the term 'known financial interest' for purposes of paragraph (1) of this subsection; and

"(ii) to establish the methods by which the requirement to file written statements specified in paragraph (1) will be monitored and enforced, including appropriate provisions for the filing by such officers and employees of such statements and the review by the Administrator of such statements; and

"(B) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

"(3) In the rules prescribed in paragraph (2) of this subsection, the Administrator may identify specific positions within the Administration which are of a nonpolicy-making nature and provide that officers or employees occupying such positions shall be exempt from the requirements of this subsection.

"(4) Any officer or employee who is subject to, and knowingly violates, this subsection shall be fined not more than $2,500 or imprisoned not more than one year, or both.

"(t) Nothing in this section shall be construed as affecting the obligations of any person receiving financial assistance pursuant to this section to comply with Federal and State environmental, land use, water, and health and safety laws and regulations or to obtain applicable Federal and State permits, licenses, and certificates.

"(u) The information maintained by the Administrator under this section shall be made available to the public subject to the provision of section 552 of title 5, United States Code, and section 1905 of title 18, United States Code, and to other Government agencies in a manner that will facilitate its dissemination: *Provided*, That upon a showing satisfactory to the Administrator by any person that any information, or portion thereof obtained under this section by the Administrator directly or indirectly from such person would, if made public, divulge (1) trade secrets or (2) other proprietary information of such person, the Administrator shall not disclose such information and disclosure thereof shall be punishable under section 1905 of title 18, United States Code: *Provided further*, That the Administrator shall, upon request, provide such information to (A) any delegate of the Administrator for the purpose of carrying out this Act, and (B) the Attorney General, the Secretary of Agriculture, the Secretary of the Interior, the Federal Trade Commission, the Federal Energy Administration, the Environmental Protection Agency, the Federal Power Commission, the General Accounting Office, other Federal agencies, or heads of other Federal agencies, when necessary to carry out their duties and responsibilities under this and other statutes, but such agencies and agency heads shall not release such information to the public. This section is not authority to withhold information from Congress, or from any committee of Congress upon request of the Chairman. For the purposes of this subsection, the term person' shall include the borrower.

"(v) Notwithstanding any other provision of this section, the authority provided in this section to make guarantees or commitments to guarantee or enter into cooperative agreements under subsection (b)(1), to make guarantees or commitments to guarantee, or to make loans or grants, under subsection (k), to make contracts under subsection (h) or (z), and to use fees and receipts collected under subsections (b) and (j) of this section, and the authorities provided under subsection (n) of this section, shall be effective only to the extent provided, without fiscal year limitation, in appropriation Acts enacted after the date of enactment of this section.

"(w) No person in the United States shall on the grounds of race, color, religion, national origin, or sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with assistance made available under this section: *Provided*, That Indian tribes are exempt from the operation of this subsection: *Provided further*, That such exemption shall be limited to the planning and provision of public facilities which are located on reservations and which are provided for members of the affected Indian tribes as the primary beneficiaries.

"(x) In carrying out his functions under this section, the Administrator shall provide a realistic and adequate opportunity for small business concerns to participate in the program to the optimum extent feasible consistent with the size and nature of each project.

"(y)(1)(A) Recipients of financial assistance under this section shall keep such records and other pertinent documents, as the Administrator shall prescribe by regulation, including, but not limited to, records which fully disclose the disposition of the proceeds of such assistance, the cost of any facility, the total cost of the provision of public facilities for which assistance was used, and such other records as the Administrator may require to facilitate an effective audit. The Administrator and the Comptroller General of the United States or their duly authorized representatives shall have access, for the purpose of audit, to such records and other pertinent documents.

"(B) Within 6 months after the date of enactment of this section and at 6-month intervals thereafter, the Comptroller General of the United States shall make an audit of recipients of financial assistance under this section. The Comptroller General may prescribe such regulations as he deems necessary to carry out this subparagraph.

"(2) All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with assistance under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a-5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276(c)).

"(z)(1) In addition to providing assistance through loan guarantees under the preceding provisions of this section, the Administrator is authorized to provide assistance in the form of payments made in support of synthetic fuel prices after September 1977 under price guarantee contracts entered into with persons proposing to construct facilities for the manufacture of synthetic fuels, with the objective of encouraging the construction and operation of such facilities by guaranteeing that the price received for such fuels will remain at levels which make such construction and operation economically feasible whenever the market price of competing fuels falls below such levels.

"(2) Any price guarantee contract entered into under paragraph (1) shall be for a term not exceeding the projected useful life of the facility involved; and the level (of the

market price of competing fuels) at which price support payments become payable thereunder, which shall be specified in the contract, shall be determined in accordance with regulations prescribed by the Administrator in such manner as will realistically reflect the actual costs of manufacture in the facility involved as well as both the current and projected prices of competing fuels.

"(3) To the extent provided in the regulations prescribed by the Administrator under subsection (1), the provisions of this section relating to loan guarantees shall apply also with respect to assistance in the form of price guarantee contracts under this subsection.

"(4) The total amount of the Federal obligation to make price support payments under contracts entered into under this subsection shall not at any time exceed $500,000,000; except that (notwithstanding any other provision of this section) the Administrator may utilize any portion of the amount which is authorized for loan guarantees under subsection (b)(1), but which is not needed for such guarantees, for the purpose of entering into additional price guarantee contracts under this subsection.".

SEC. 2. AMENDMENT TO INTERNAL REVENUE CODE OF 1954.

(a) TAXABILITY OF INTEREST ON CERTAIN FEDERALLY GUARANTEED OBLIGATIONS.—Part II of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically included in gross income) is amended by adding at the end thereof the following new section:

"SEC. 85. CERTAIN FEDERALLY GUARANTEED OBLIGATIONS.

"(a) IN GENERAL.—Gross income includes interest on any obligation of any State or local government—

"(1) the interest or principal (or both) of which is guaranteed in whole or in part under section 19 of the Federal Nonnuclear Energy Research and Development Act of 1974, or

"(2) the payment of the interest or principal (or both) of which is to be supported by tax payments to such government which are guaranteed in whole or in part under section 19 of such Act.

"(b) STATE OR LOCAL GOVERNMENT DEFINED.—For purposes of this section, the term 'State or local government' means a State, a possession of the United States, any political subdivision of any of the foregoing, and the District of Columbia."

(b) TECHNICAL AND CLERICAL AMENDMENTS.—

(1) Section 103(f) of such Code is amended by striking out the period at the end of paragraph (23) and inserting in lieu thereof "; and", and by adding at the end thereof the following:

"(24) Certain federally guaranteed obligations, see section 85."

(2) The table of sections for part II of subchapter B of chapter 1 of such Code is amended by adding at the end thereof the following:

"Sec. 85. Certain federally guaranteed obligations."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

H.R. 13636

By Mr. BUTLER:

On page 23 beginning with line 17, strike out all down through line 3 on page 29, and insert in lieu thereof the following:

(c)(1) No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any program or activity funded in whole or in part with funds made available under this title.

(2)(A) Whenever there has been—

(i) receipt of notice of a finding, after notice and opportunity for a hearing and appeal, by a Federal court (other than in an action brought by the Attorney General) or State court, or by a Federal or State administrative agency (other than the Administrator under subparagraph (ii)), to the effect that there has been a pattern or practice of discrimination in violation of subsection (c)(1); or

(ii) a determination after an investigation by the Administrator (prior to a hearing under subparagraph (E) but including an opportunity for the State government or unit of local government to make a documentary submission regarding the allegation of discrimination with respect to the funding of such program or activity, with funds made available under this title) that a State government or unit of general local government is not in compliance with subsection (c)(1);

the Administrator shall, within 10 days after such occurrence, notify the chief executive of the affected State, or the State in which the affected unit of general local government is located, and the chief executive of such unit of general local government, that such program or activity has been so found or determined not to be in compliance with subsection (c)(1), and shall request each chief executive, notified under this subparagraph with respect to such violation, to secure compliance. For purposes of subparagraph (i) a finding by a Federal or State administrative agency shall be deemed rendered after notice and opportunity for a hearing if it is rendered pursuant to procedures consistent with the provisions of subchapter II of chapter 5, title 5, United States Code.

(B) In the event the chief executive secures compliance after notice pursuant to subparagraph (A), the terms and conditions with which the affected State government or unit of general local government agrees to comply shall be set forth in writing and signed by the chief executive of the State, by the chief executive of such unit (in the event of a violation by a unit of general local government), and by the Administrator and the Attorney General. On or prior to the effective date of the agreement, the Administrator shall send a copy of the agreement to each complainant, if any, with respect to such violation. The chief executive of the State, or the chief executive of the unit (in the event of a violation by a unit of general local government) shall file semiannual reports with the Administrator detailing the steps taken to comply with the agreement. Within 15 days of receipt of such reports, the Administrator shall send a copy thereof to each such complainant.

(C) If, at the conclusion of 90 days after notification under subparagraph (A)—

(i) compliance has not been secured by the chief executive of that State or the chief executive of that unit of general local government; and

(ii) an administrative law judge has not made a determination under subparagraph (E) that it is likely the State government or unit of local government will prevail on the merits; the Administrator shall notify the Attorney General that compliance has not been secured and suspend further payment of any funds under this title to that program or activity. Such suspension shall be limited to the specific program or activity cited by the Administration in the notice under subparagraph (A). Such suspension shall be effective for a period of not more than 120 days, or, if there is a hearing under subparagraph (F), not more than 30 days after the conclusion of such hearing, unless there has been an express finding by the Administrator after notice and opportunity for such a hearing, that the recipient is not in compliance with subsection (c)(1).

(D) Payment of the suspended funds shall resume only if—

(i) such State government or unit of general local government enters into a compliance agreement approved by the Administrator and the Attorney General in accordance with subparagraph (B);

(ii) such State government or unit of general local government complies fully with the final order or judgment of a Federal or State court, or by a Federal or State administrative agency, if that order or judgment covers all the matters raised by the Administrator in the notice pursuant to subparagraph (A), or is found to be in compliance with subsection (c)(1) by such court; or

(iii) after a hearing the Administrator pursuant to subparagraph (F) finds that noncompliance has not been demonstrated.

(E) Prior to the suspension of funds under subparagraph (C), but within the 90-day period after notification under subparagraph (C), the State government or unit of local government may request an expedited preliminary hearing by an administrative law judge in order to determine whether it is likely that the State government or unit of local government would, at a full hearing under subparagraph (F), prevail on the merits on the issue of the alleged noncompliance. A finding under this subparagraph by the administrative law judge in favor of the State government or unit of local government shall defer the suspension of funds under subparagraph (C) pending a finding of noncompliance at the conclusion of the hearing on the merits under subparagraph (F).

(F)(i) At any time after notification under subparagraph (A), but before the conclusion of the 120-day period referred to in subparagraph (C), a State government or unit of general local government may request a hearing, which the Administration shall initiate within 30 days of such request.

(ii) Within 30 days after the conclusion of the hearing, or, in the absence of a hearing, at the conclusion of the 120-day period referred to in subparagraph (C), the Administrator shall make a finding of noncompliance, the Administrator shall notify the Attorney General in order that the Attorney General may institute a civil action under subsection (c)(3), terminate the payment of funds under this title, and, if appropriate, seek repayment of such funds.

(iii) If the Administrator makes a finding of compliance, payment of the suspended funds shall resume as provided in subparagraph (D).

(G) Any State government or unit of general local government aggrieved by a final determination of the Administrator under subparagraph (F) may appeal such determination as provided in section 511 of this title.

(3) Whenever the Attorney General has reason to believe that a State government or unit of general local government has engaged or is engaging in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in an appropriate United States district court. Such court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other order, as necessary or appropriate to insure the full enjoyment of the rights described in this section. The bringing of a civil action by the Attorney General shall suspend further administrative proceedings under this title and under any other applicable provision of law.

(4)(A) Whenever a State government or

unit of local government, or any officer or employee thereof acting in an official capacity, has engaged or is engaging in any act or practice prohibited by this Act, a civil action may be instituted after exhaustion of administrative remedies by the person aggrieved in an appropriate United States district court or in a State court of general jurisdiction.

(B) In any action instituted under this section to enforce compliance with section 518(c)(1), the Attorney General, or a specially designated assistant for or in the name of the United States, may intervene upon timely application if he certifies that the action is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action.

H.R. 14238

By Mr. PRESSLER:

Page 2, line 15, strike the period and insert a colon and the following language: *"Provided,* That none of the funds in this Act shall be used to pay any Member of the House of Representatives, Delegate to the House of Representatives, or the Resident Commissioner from Puerto Rico, at an annual rate of pay which is in excess of the annual rate of pay in effect with respect to such individual on September 30, 1976."

Page 3, line 4, strike the period and insert a colon and the following language: *"Provided,* That none of the funds in this Act shall be used to pay the majority leader or minority leader of the House of Representatives, or the Speaker of the House of Representatives, at an annual rate of pay which is in excess of the annual rate of pay in effect with respect to such individual on September 30, 1976."

FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Service pursuant to clause 5(d) of House rule X. Previous listing appeared in the CONGRESSIONAL RECORD of August 25, 1976, page 27777.

HOUSE BILLS

H.R. 14916. July 28, 1976. Education and Labor. Amends the National Labor Relations Act to provide that an employee shall not be required to join or support a labor organization as a condition of employment if it is contrary to his religion.

H.R. 14917. July 28, 1976. Education and Labor. Amends the Elementary and Secondary Education Act of 1965 to authorize the Commissioner of Education to make grants to, and enter into contracts with, schools of medicine, dentistry, and osteopathy for the purpose of offering regional three-year demonstration programs introducing secondary students from disadvantaged backgrounds to the health professions.

H.R. 14918. July 28, 1976. Education and Labor. Amends the Higher Education Act of 1965 to direct the Commissioner of Education to make annual grants to schools of medicine, dentistry, and osteopathy for the purpose of offering regional medical academic summer enrichment programs for undergraduate students from deprived educational or economic backgrounds.

H.R. 14919. July 28, 1976. Education and Labor. Directs the Secretary of Health, Education, and Welfare to make annual grants to schools of medicine, osteopathy, and dentistry for the support of education programs of such schools relating to the special needs of students from disadvantaged backgrounds enrolled in such schools.

H.R. 14920. July 28, 1976. Education and Labor. Amends the National Labor Relations Act to provide that an employee shall not be required to join or support a labor organization as a condition of employment if it is contrary to his religion.

H.R. 14921. July 28, 1976. Agriculture. Prohibits the importation of palm oil and palm oil products unless the Secretary of Agriculture certifies that such products are pure and wholesome and meet sanitation standards. Authorizes the Secretary to establish such standards, and to inspect such imports. Requires that such imports meet the packaging and labeling requirements in effect in the United States and specify the country of origin. Makes all palm oil in the United States subject to the Federal Food, Drug, and Cosmetic Act. Sets forth labeling requirements for palm oil in the United States. Prescibes penalties for violation of this Act.

H.R. 14922. July 28, 1976. Education and Labor. Makes Federal financial assistance available, under the Emergency School Aid Act, for programs and projects for: (1) the construction of "magnet" and "neutral site" schools, and education parks; (2) the pairing of schools and programs with colleges and universities and with leading businesses; and (3) education programs to improve the quality of education in inner city schools and the general use of "education magnetism."

H.R. 14923. July 28, 1976. Rules. Requires review of Federal programs to determine if they warrant continuation. Directs the President to conduct such review of the programs covered by the annual budget. Requires Congress to make such review every four years.

H.R. 14924. July 28, 1976. Banking, Currency and Housing; Government Operations. Establishes the Minority Business Development and Assistance Administration in the Department of Commerce. Creates the position of the Assistant Secretary of Commerce for Minority Business Development and Assistance to direct such administration. Enumerates the powers of the Administration. Provides for the transfer (from existing agencies) of functions pertaining to minority business enterprises.

H.R. 14925. July 28, 1976. Ways and Means. Amends the Internal Revenue Code to establish graduated corporate income tax rates. Increases the estate tax exemption and establishes a new rate schedule for the estate tax. Increases the gift tax exclusion and exemption and establishes a new gift tax rate. Provides special treatment for the sale of stock in a closely held corporation when sold to pay estate taxes. Redefines a subchapter S corporation. Allows tax credits for the hiring of new employees. Redefines section 1244 stock (small business stock, losses on which are treated as ordinary losses).

H.R. 14926. July 28, 1976. Education and Labor. Amends the Occupational Safety and Health Act of 1970 to provide that any employer who successfully contests a citation or penalty under such Act shall be awarded a reasonable attorney's fee and other reasonable litigation costs.

H.R. 14927. July 28, 1976. Education and Labor. Amends the Occupational Safety and Health Act of 1970 to provide that any employer who successfully contests a citation or penalty under such Act shall be awarded a reasonable attorney's fee and other reasonable litigation costs.

H.R. 14928. July 28, 1976. Agriculture. Amends the Agricultural Act of 1949 to provide increased disaster relief benefits to farmers who plant wheat, feed grans, cotton or rice in excess of their allotments with respect to the 1976 and 1977 crops of such commodities.

H.R. 14929. July 28, 1976. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 14930. July 28, 1976. Ways and Means. Amends the Internal Revenue Code to extend for two years that provision allowing depreciation of expenses relating to rehabilitation of low income rental housing over a 60 month period (rather than the useful life of the property).

H.R. 14931. July 28, 1976. Interior and Insular Affairs. Conveys specified Federal-owned land known as the Yardeka School land to the Creek Nation of Oklahoma.

H.R. 14932. July 28, 1976. Interstate and Foreign Commerce. Amends the Regional Rail Reorganization Act of 1973, the Railroad Revitalization and Regulatory Reform Act of 1976, the Rail Passenger Service Act, and the Interstate Commerce Act with respect to railroad financing, employees claims, rail property purchase options ,and acquisitions and rail abandonment procedures.

H.R. 14933. July 28, 1976. Ways and Means. Amends the Medicare and Medicaid programs of the Social Security Act to include rural health facilities of 100 beds or less within the definition of the term "hospital."

H.R. 14934. July 28, 1976. Interior and Insular Affairs. Revises the boundaries of (1) Manassas National Battlefield Park, Virginia; (2) George Washington Birthplace National Monument, Virginia; and (3) Olympic National Park, Washington.

Renames Monocacy National Military Park, Maryland, as Monocacy National Battlefield. Revises the boundaries of such park. Amends specified provisions relating to park administration.

Authorizes the Secretary of the Interior to (1) accept the donation of lands for addition to Pecos National Monument, New Mexico, and (2) acquire specified lands for addition to Bandelier National Monument, New Mexico.

H.R. 14935. July 28, 1976. Interior and Insular Affairs. Revises the boundaries of (1) Manassas National Battlefield Park, Virginia; (2) George Washington Birthplace National Monument, Virginia; and (3) Olympic National Park, Washington.

Renames Monocacy National Military Park, Maryland, as Monocacy National Battlefield. Revises the boundaries of such park. Amends specified provisions relating to park administration.

Authorizes the Secretary of the Interior to (1) accept the donation of lands for addition to Pecos National Monument, New Mexico, and (2) acquire specified lands for addition to Bandelier National Monument, New Mexico.

H.R. 14936. July 28, 1976. Ways and Means. Authorizes and directs the Secretary of Labor, through the Bureau of Labor Statistics, to prepare, as part of the Consumer Price Index, the Consumer Price Index for the Aged and Other Social Security Beneficiaries designed to reflect the relevant price information for individuals, as a group, who are 65 years of age or older or are otherwise entitled to monthly benefits under the program of Old-Age, Survivors, and Disability Insurance of the Social Security Act.

H.R. 14937. July 28, 1976. Ways and Means. Authorizes semiannual computation of cost-of-living increases in Old Age, Survivors and Disability Insurance benefits under the Social Security Act.

H.R. 14938. July 28, 1976. Armed Services. Specifies the rental charge for quarters occupied by a certain employer of an executive agency stationed in the United States until the expiration of his current employment contract.

SENATE—*Thursday, August 26, 1976*

The Senate met at 10 a.m. and was called to order by Hon. JOHN C. CULVER, a Senator from the State of Iowa.

PRAYER

Dr. Stanley M. Wagner, rabbi, Beth Ha Medrosh Hogodol Congregation, Denver, Colo., offered the following prayer:

Lord of the Universe, Father of all men:

We thank Thee for the miracle which is America.

It is the miracle of a beautiful and bounteous land which Thou hast provided as our inheritance.

It is the miracle of a culturally, racially and religiously kaleidoscopic society that Thou, O God, has helped forge into a harmonious and unified nation.

It is the miracle of a system inspired by Thee in which the fruits of industry and enterprise of the strong are rewarded, and the rights of the weak are protected, and their prerogatives unlimited.

It is the miracle of Thy Divine Spirit working through men of integrity, honor, and sincerity, statesmen who regard the welfare of the American people above all else, and who have led America and continue to lead America in the paths of justice and righteousness.

For these miracles are we humbly grateful.

Continue, we pray, to extend Thy providence over us, to the end that we shall ever be blessed by Thy beneficence and goodness. Guide our destiny and make us Thine instrumentality in the shaping of a better and happier world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 26, 1976.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JOHN C. CULVER, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. CULVER thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, August 25, 1976, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 1095 and 1098.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATIONS FOR THE UINTAH UNIT RECLAMATION PROJECT, UTAH

The Senate proceeded to consider the bill (S. 3395) to authorize appropriations for the construction of the Uintah unit of the central Utah project, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert the following:

Pursuant to the authorization for construction, operation, and maintenance of the Uintah unit, central Utah project, Utah, as provided in section 1 of the Act of April 11, 1956 (70 Stat. 105), as amended by section 501(a) of the Colorado River Basin Project Act (82 Stat. 897), there is authorized to be appropriated for fiscal year 1978 and thereafter, for the construction of said Uintah unit, the sum of $90,247,000 (based on January 1976 price levels) plus or minus such amounts, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indexes applicable to the type of construction involved.

SEC. 2. Notwithstanding any other provision of law, lands held in a single ownership which may be eligible to receive water from, through, or by means of the Uintah works shall be limited to one hundred and sixty acres of class I land or the equivalent thereof in other land classes, as determined by the Secretary of the Interior.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NEW HAMPSHIRE-VERMONT INTERSTATE SEWAGE WASTE DISPOSAL FACILITIES COMPACT

The bill (H.R. 9153) granting the consent of Congress to the New Hampshire-Vermont Interstate Sewage Waste Disposal Facilities Compact, was considered, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the calendar under "New Reports."

There being no objection, the Senate proceeded to the consideration of executive business.

THE JUDICIARY

The second assistant legislative clerk read the nomination of Marion J. Callister, of Idaho, to be a U.S. district judge for the district of Idaho.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. PAROLE COMMISSION

The second assistant legislative clerk read the nomination of Dorothy Parker, of Virginia, to be a Commissioner of the U.S. Parole Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

SENATE RESOLUTION 523—AUTHORIZING SENATE STUDY OF U.S. SECURITY AND FOREIGN POLICY MATTERS

Mr. MANSFIELD. Mr. President, one of the most important issues to face the Senate during the next Congress will be the development of a policy to cope with the worldwide proliferation of atomic reactors. It is probable that the U.S. Senate will be asked to make judgments on the possible sale of nuclear reactors to certain countries such as Iran, Israel, and Egypt in the Middle East. As time goes on, there will undoubtedly be other requests as this sophisticated technology becomes more prevalent.

A potent byproduct from a nuclear reactor is plutonium, and this element can be utilized to develop nuclear weapons. For this reason, it is imperative that appropriate safeguards and security procedures are designed to prohibit the misuse of plutonium and other by-products of an atomic reactor.

Concerning this subject within the Senate, there are proper jurisdictional questions which involve several committees. I have in mind the Joint Committee on Atomic Energy, chaired by the dis-

tinguished Senator from Rhode Island, Mr. PASTORE, and assisted by the ranking minority member, Senator BAKER of Tennessee; the Government Operations Committee under the chairmanship of the distinguished Senator from Connecticut, Mr. RIBICOFF, and the ranking minority member, Senator PERCY of Illinois; and the Foreign Relations Committee, under Senators SPARKMAN and CASE.

In order for the Senate to properly exercise its legitimate oversight function, it is essential that select designated Members be authorized to visit certain countries in the Middle East and elsewhere to conduct a study on U.S. security and foreign policy interests in those areas with particular emphasis on the question of worldwide nuclear proliferation.

With this in mind, the distinguished minority leader (Mr. HUGH SCOTT) and I submit a resolution for immediate consideration. This resolution has been cleared with the distinguished chairman of the Rules Committee, (Mr. CANNON) and the ranking minority member of that committee (Mr. HATFIELD).

The PRESIDING OFFICER. The resolution will be stated.

The resolution (S. Res. 523) was read, considered by unanimous consent, and agreed to as follows:

S. RES. 523

Resolved, That the President of the Senate is authorized to appoint a special delegation of Members of the Senate to visit certain countries in the Middle East, Europe, and other areas as needed to conduct a study on United States security and foreign policy interests in those areas with particular emphasis on world-wide nuclear proliferation and to designate the co-chairmen of said delegation.

SEC. 2. (a) The expenses of the delegation, including staff members designated by the co-chairmen to assist said delegation, shall not exceed $35,000, and shall be paid from the contingent fund of the Senate upon vouchers approved by the co-chairmen of said delegation.

(b) The expenses of the delegation shall include such special expenses as the co-chairmen may deem appropriate, including reimbursements to any agency of the Government for (1) expenses incurred on behalf of the delegation, (2) compensation (including overtime) of employees officially detailed to the delegation, and (3) expenses incurred in connection with providing appropriate hospitality.

(c) The Secretary of the Senate is authorized to advance funds to the co-chairmen of the delegation in the same manner provided for committees of the Senate under the authority of Public Law 118, Eighty-first Congress, approved June 22, 1949.

Mr. MANSFIELD subsequently said: Mr. President, on the resolution agreed to earlier this morning concerning the appointment of a special delegation on U.S. security and foreign policy interests, I omitted the usual language in such resolutions on the appointment of the Senate delegation. I ask unanimous consent that the phrase "upon the recommendation of the majority and minority leaders," be added after "The Senate" in the second line of the resolution.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 523) as modified, is as follows:

Resolved, That the President of the Senate is authorized to appoint a special delegation of Members of the Senate upon the recommendation of the majority and minority leaders to visit certain countries in the Middle East, Europe, and other areas as needed to conduct a study on United States security and foreign policy interests in those areas with particular emphasis on worldwide nuclear proliferation and to designate the cochairmen of said delegation.

SEC. 2. (a) The expenses of the delegation, including staff members designated by the cochairmen to assist said delegation, shall not exceed $35,000, and shall be paid from the contingent fund of the Senate upon vouchers approved by the cochairmen of said delegation.

(b) The expenses of the delegation shall include such special expenses as the cochairmen may deem appropriate, including reimbursements to any agency of the Government for (1) expenses incurred on behalf of the delegation, (2) compensation (including overtime) of employees officially detailed to the delegation, and (3) expenses incurred in connection with providing appropriate hospitality.

(c) The Secretary of the Senate is authorized to advance funds to the cochairmen of the delegation in the same manner provided for committees of the Senate under the authority of Public Law 118, Eighty-first Congress, approved June 22, 1949.

POSTWAR SOUTHEAST ASIA—A SEARCH FOR NEUTRALITY AND INDEPENDENCE

Mr. MANSFIELD. Mr. President, 1 year ago, on behalf of the Committee on Foreign Relations, I visited three nations in Southeast Asia, Thailand, the Philippines, and Burma, to study regional and local developments after the ending of U.S. involvement in Indochina. Upon my return, I reported to the committee that:

Throughout Southeast Asia, nations are now making reassessments of their relationships. Nationalism and neutrality, mixed with a budding interest in regional co-operation, are the driving forces at work.

I ask unanimous consent that pertinent portions of this report be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. During the recent congressional recess, I returned to Southeast Asia to make an up-to-date reappraisal of the situation there, visiting Thailand, Burma, and Laos. A confidential report has already been submitted to the President as a result of that trip. This is my report to the Senate.

Winds of change still sweep the area, continuing to move the region toward cohesion and an easing of tensions. The U.S. role in this movement is limited and must remain so. It is not for this Nation, nor is it possible for this Nation to tell the nations of Southeast Asia what is in their interest. If we have learned anything from our sad experience in Indochina, it is that the future of Southeast Asia is for the nations of the area to decide and without outside interference.

The Philippines, Thailand, Malaysia, Singapore, and Indonesia, through the Association of Southeast Asian Nations, ASEAN, have taken small but positive steps toward regional cooperation. In February, the heads of state of the five ASEAN members met at their first summit conference to produce a treaty of amity and cooperation and other agreements looking toward closer collaboration on problems of common concern. There remained, however, an uneasy uncertainty about what course Vietnam, now a powerful, unified nation of 40 million people, would take in regional affairs.

Twenty-two years after the Geneva cease-fire agreement which temporarily divided the nation, the two parts of Vietnam have become one. After three decades of isolation and civil war, Vietnam has entered the regional political scene. The ASEAN States and Vietnam have launched a major program of détente, which has already produced an atmosphere of regional friendship. During July, Vietnam's Deputy Foreign Minister Phan Hien made a goodwill visit to several of the ASEAN countries as well as to Burma and Laos. The five ASEAN countries have established diplomatic relations with Vietnam. All signs indicate that Vietnam has set out to prove to its neighbors and the world that it is determined to pursue an independent course, free from domination by either the Soviet Union or China.

These important steps toward regional amity should be welcomed by the United States. A regional organization composed of the ASEAN nations, the states of Indochina, and Burma, dedicated to peaceful intercourse, would be a significant force in maintaining stability and promoting economic progress in this volatile area. Thai officials assured me of their strong support for this concept. While endorsing a regionwide organization in principle, Burma has lingering historical suspicions.

I will describe briefly some current aspects of U.S. relations with Thailand, Burma, and Laos and then discuss the drug situation, a problem of particular concern to this Nation, as it involves Burma and Thailand.

THAILAND

In Thailand, Prime Minister Seni Pramot presides over a shaky parliamentary government. Although the ruling coalition is composed of only 4 parties, compared with 17 in the previous government led by his brother, Kukrit Pramot, there is serious dissension within the coalition. In addition, there is the ever-present threat of a military coup. While I was in the country, a crisis arose as a result of the surreptitious return to Bangkok from Taiwan of the former military strongman, Field Marshal Praphas Charasathien, who was exiled when the military government was ousted in 1973. It was widely assumed that his return was designed to stimulate overthrow of the civilian government by the military. The government's handling of the affair aroused strong passions on both the left and the right. Although Praphas was forced to leave the country, the incident has probably given encour-

agement both to opposition elements within the government and to antidemocratic elements in the Military Establishment.

It is said that the military, much of which is opposed to Thailand's commitment to regional détente with Vietnam, Laos, and Cambodia, is convinced that the country's experiment with democracy will fail. Although it is making a valiant attempt to survive, the future of Thailand's fledgling democratic system is less than assured. On the other hand, prospects for survival of parliamentary government are aided significantly by a reasonably bright economic picture and vivid public memories of the oppressive tactics of previous military governments. Insurgencies in the North and Northeast, and to a lesser extent in the South, continue but the problem appears little changed from last year. And the picture is not likely to improve as long as there is no firm dedication by the Bangkok Government to bringing about real economic progress in neglected regions.

The withdrawal in July of the last regular U.S. military forces, leaving only a 250-man advisory unit, was a significant factor in creating favorable conditions for the establishment 2 weeks later of diplomatic relations between Thailand and Vietnam. Americans should not interpret the Thai demand for the withdrawal of U.S. forces as an unfriendly gesture. It should be seen for what it was, an inevitable adjustment to the new realities which both countries face in Southeast Asia.

Under the withdrawal agreement the United States will have certain aircraft transit rights at the Takli air base. The abuse of this privilege should be scrupulously avoided, lest it exacerbate the tenuous political situation in Thailand. Both military and economic assistance to Thailand continue, although nonconcessional economic aid, other than that for population control and antidrug programs, will terminate next year. Military grant aid will end in 1977 also as a result of the general phaseout voted by the Congress. Consistent with Thailand's desire to stand on its own two feet, U.S. bilateral aid programs for population and antidrug activities should be terminated also if the responsibility for programs in these fields can be shifted to the United Nations.

The current Thai Government favors continuation of the SEATO treaty relationship with the United States. Drawn up following the 1954 Geneva Conference on Indochina as a device to stop the spread of communism in Southeast Asia, the SEATO treaty is no longer a viable multilateral security agreement. It has practical application only to Thailand. Although I strongly approve of Thailand's desire to maintain close ties to the United States, I do not believe that trying to breathe life into the SEATO treaty, a relic of the errors of past policy, is in the best interests of either country. Sound bilateral trade and economic relations are far more important to Thai-United States friendship than a lifeless scrap of paper. Undue emphasis on military matters would be an anachronism, inconsistent with the current interests of both countries. It is, however, important that America continue to demonstrate its desire for close, friendly relations with Thailand in ways that will promote regional cooperation and heal the wounds left by the recent war.

BURMA

The situation in Burma has changed little since last year. Burma continues rigorously to pursue a nonalined course, keeping its distance from all of the major powers. Seven years ago in a report to the Senate, I wrote:

> The Burmese government continues to go its own way as it has for many years. It is neither overawed by the proximity of powerful neighbors nor overimpressed by the virtues of rapid development through large infusions of foreign aid. Burma's primary concern is the retention of its national and cultural identity and the development of an economic system preponderantly by its own efforts and along its own lines.

That analysis continues to be valid.

In July, a coup plot against President Ne Win's government, instigated by a number of low-ranking, but well-connected, army officers, was discovered. Although the attempt may signify eroding confidence in Ne Win's leadership within the army, it did not deter the President from leaving for Europe in mid-August for medical treatment. On the positive side, there are reliable reports that the event stimulated the government to take more aggressive action to cure the ills of Burma's stagnant and inefficient economy. A World Bank consultative group is being formed to aid in stimulating economic growth but, thus far, the United States has refused to join, seeking assurances of economic changes in advance of participation.

Insurgencies continue in Burma's remote mountainous regions but, according to observers, the government has made some progress within the last year in controlling the problem. Although the country's economy is notoriously mismanaged, it is a country rich in assets, both in natural resources and people. "No one dies of starvation in Burma," one top official put it. That says a great deal about the situation.

The United States owns some $12 million in Burmese currencies which are wasting away through inflation. My visit to Burma a year ago came several weeks after a devastating earthquake had seriously damaged or destroyed many Buddhist temples in historic Pagan. It required 5 months of prodding within the Government in Washington to get an Embassy request approved for a token gift of $10,000 of these currencies to aid in the restoration work at Pagan, approval that came long after all major nations had made even more substantial contributions. An Embassy request is now pending in the State Department for use of a modest amount of this U.S.-owned local currency to make needed improvements in Embassy staff apartments. I hope that not only will the Embassy's request be approved but also that a study be made of other appropriate ways to make effective use of the U.S.-owned holdings.

LAOS

With the approval of the Government of Laos, I flew from Bangkok to Vientiane in a small aircraft attached to the U.S. Embassy in Thailand, the first U.S. aircraft of any type allowed into Laos in more than a year. I view the Laotian Government's approval of my flight as a gesture of good will toward the United States.

The new government has taken steps to improve relations with Thailand, although deep suspicions remain from the period when Thailand was used as a base for military operations against Laos. Agreement in principle was reached early this month to open several border crossings on the Mekong to facilitate trade between the two countries.

In the course of a long conversation with me, the Acting Foreign Minister, Khamphay Boupha, repeatedly made allegations that the United States was supporting anti-Lao elements in Thailand. I assured him that, according to the best information available to me, the United States was not engaged in any operations in Thailand directed against Laos.

The Lao Government seeks assistance from all sources, to repair the damage inflicted on its people and resources during many years of civil and international war. Acting Foreign Minister Khamphay told me that 500,000 Laotians were forced to leave their homes because of the war—a United Nations representative in Vientiane said that the number was as high as 700,000—and that 100,000 were killed and tens of thousands wounded, a terrible toll for a country of only 3 million people. Significant United Nations programs are underway to aid refugees and restore agricultural productivity.

Minister Khamphay assured me that his government "wants to maintain good relations with the United States on the basis of mutual respect for each other's independence, sovereignty, and territorial integrity." The Laotian Government, he said, had two objectives for its relations with the United States: First, to bring a halt to any support by the United States for what he termed the "reactionary traitors" working against Laos; and second, to obtain assistance for healing the wounds of the war.

As I noted above, on the basis of official information, I was able to assure the Laotian Deputy Foreign Minister that we were no longer involved in the internal affairs of Laos. It would be my hope that such would continue to be the case. There would be no point at this time in the United States giving any support, directly or indirectly, to anti-Laotian elements inside or outside of that country, under any circumstances. As to foreign aid, I believe that, at an appropriate time, consideration should be given to providing relief aid through the United Nations or other international auspices, not as war reparations, but as a decent gesture to a poor country in a great need through little fault of its own.

One problem of concern to many Americans very much on my mind in traveling to Laos, was to seek cooperation in determining the fate of the some 300 U.S. servicemen missing in action from

aircraft which went down in Laos. When I raised this matter, Minister Khamphay said to me:

> The Lao have a long tradition of adhering to humanitarian principles. . . . The government has ordered the people throughout the country to look for crash sites and if the people find any they are to report to us and the information will be passed to the United States.

In a speech on Pacific policy on December 7, 1975, President Ford said that U.S. policy toward the new regimes in Indochina will be "determined by their conduct toward us. We are prepared to reciprocate gestures of goodwill—particularly the return of remains of Americans killed or missing in action or information about them." I hope that this cooperative gesture by the Laotian Government will produce helpful information. It might well be matched by a gesture on our part.

In this connection, it seems to me that the United States should send an ambassador to Laos, a country with which we still maintain formal diplomatic relations. The nomination of Galen Stone to be Ambassador to Laos was confirmed by the Senate nearly 15 months ago but he has yet to be sent to take up his post. Either he or a replacement should be sent to Vientiane. The present course smacks of a petty petulence.

NARCOTICS

The United States is making a major effort in Thailand and Burma, at a cost of several millions of dollars each year, to lessen the flow of narcotics to the United States from the Golden Triangle. The United Nations also operates antinarcotics programs in both countries. After an investment of $8.5 million in equipment and advisers, plus the cost of an additional $2.6 million annually for regional U.S. Drug Enforcement Administration operations, there is little to show in Thailand for the American investment.

Although the growing of opium in Thailand has been illegal since 1959, the law is not enforced. According to experienced observers, a more fundamental problem is that a revolving door system under which arrested drug traffickers are quickly released is still the rule. Hong Kong authorities, who must cope with the flow of drugs from the Bangkok connection, are making significant progress in local antidrug programs but are critical of the Thai Government's laxity in dealing with drug traffickers. The authorities of other nations are also highly critical of the failure of the Thai Government to police its side of the border and of the corruption reputed to exist in the Thai police system.

To be sure, the Thai Government has to deal with many problems. Stopping the Bangkok drug traffic, however, is a major headache. Until there is a much greater commitment to deal with the problem, putting more millions of American money into buying helicopters, radios, jeeps, and other fancy equipment for the Thai antinarcotics police will not have the desired effect.

According to U.S. officials, Burma is making effective use of 12 helicopters the United States has provided within the last year for antinarcotics operations. Six more are yet to be delivered. The Burmese Army has begun a program of physically destroying opium poppy fields, which, according to estimates, has reduced this year's potential crop from 470 tons to 343 tons, compared with an estimated 440 tons produced in Burma last year. It is said, optimistically perhaps, that Burma's opium production can be virtually eliminated within 3 or 4 years, if an effective herbicide eradication program is initiated and crop substitution schemes now being planned have appeal to the traditional opium growers. Efforts have been made to establish a U.S. Drug Enforcement Agency presence in Burma, a move resisted in Burma. In my judgment, the arguments against bringing DEA personnel into Burma are fully tenable and there is no reasonable justification for such an expansion of the bureaucracy.

Laos is not a factor in the external opium trade, according to most experts. The current Lao Government is taking drastic measures to cure drug addicts, sending them to an island in the middle of the Mekong for intensive treatment. As to China, all U.S. officials within the area agree that it is not a source of narcotics for the outside world, producing only as much opium as is required for internal medical needs.

In my report last year, I expressed concern over involvement by U.S. narcotics operatives in police actions abroad. As a result, Congress adopted a proposal which prohibits any U.S. personnel abroad from participating in any foreign policy arrest actions in connection with narcotics operations. The Drug Enforcement Administration has issued guidelines for implementation of this provision and I have been assured by Mr. Peter Bensinger, the DEA Administrator, that both the letter and the spirit of the law will be strictly enforced.

In view of the fact that the drug problem is international in scope, I also recommended last year that the United States channel assistance to other countries for antinarcotics efforts through the United Nations. Congress has directed the President to make a study of how to achieve this objective. In both Thailand and Burma, for example, the United Nations already conducts crop substitution and other antidrug programs. Burma, intent on maintaining its distance from all major powers, has indicated keen interest in obtaining through the United Nations assistance of the kind we now provide on a bilateral basis. I believe that leaders of the Thai Government would also be more comfortable if the United Nations took the lead from the United States in this field.

The Committee on Foreign Relations should make a thorough study of the foreign operations of the antinarcotics program. It is an expensive program, costing $37.5 million for direct aid alone in the last fiscal year. It is also an administrative nightmare involving the operations abroad of at least five Departments and agencies—the DEA, AID, CIA, the Department of Agriculture, and the Department of State, which, through our ambassadors, is supposed to be in charge of the entire operation. Pending submission of the Presidential report on shifting emphasis to the United Nations or regional programs, the committee should make a careful study of the management and cost effectiveness of all current drug operations abroad.

NONALINED CONFERENCE

While I was in Southeast Asia, an event of significance took place in Sri Lanka, the Fifth Conference of the Non-Alined Nations. The delegates at Colombo represented two-thirds of the nations of the world and one-third of its inhabitants, a three-fold increase from the 28 nations represented at the founding meeting at Bandung two decades ago. Much of the rhetoric that came out of the conference hall in Colombo was not very palatable to us. Nevertheless, it is in our national interest to pay close attention to the Third World, to what the leaders of these countries think and seek. The United States is rapidly becoming a have-not Nation in regard to basic resources on which we and other industrial nations are dependent. The Third World straddles a good share of the world's supply of these resources and can no longer be ignored.

I returned from my visit to Southeast Asia with a firm conviction that, in general, developments in the region are moving in the right direction, both for the nations concerned and for the United States. The Southeast Asian countries appear determined to pursue an independent path, free of outside domination by any power. There are encouraging signs that, on a parallel tract, most also seek to further regional understanding, or, at a minimum, to join hands in preventing undue interference from outsiders.

Vietnam, contrary to many predictions, is demonstrating a desire to live in peace with its neighbors. It has now applied for membership in the United Nations. I hope that the United States will not again veto its application. Our relations with the nations of Indochina should be shaped to fit reality. The reality is that new governments are in firm control in Vietnam, Cambodia, and Laos.

Seven years ago the Senate approved a resolution, offered by Senator CRANSTON, which stated that—

> When the United States recognizes a foreign government and exchanges representatives with it, this does not of itself imply that the United States approves of the form, ideology, or policy of that government.

In other words, the Senate has said that diplomatic recognition is simply a recognition of de facto and de jure control. That should be the basis for U.S. policy toward the new governments of Indochina.

Americans are a generous people, willing to bury the mistakes of the past and look to the future. A generation ago our Nation was locked in a life and death struggle with Germany and Japan. Today they are allied with us. National interests are not immutable. Interests, and the policies to further them, must reflect a changing world. We should look to the past for wisdom, to learn how to shape

the future, not for the purpose of perpetuating animosity or bitterness.

I urge the next President to make a thorough review of U.S. policy in Asia with a view to wiping the slate clean. It is not easy for bureaucracies or individuals to shake off the habits or associations of decades. Much of the Government foreign affairs bureaucracy, from State Department policymakers to CIA operatives, appear to me to be still too closely attuned to policies of the past.

There are deep suspicions in the region that remnants of operations related to the old policies continue, particularly as to CIA operations. It may be that intelligence gathering, for example, has not yet been keyed to the new situation in Indochina and to the goal of normalizing relations with China. In any event, I hope that the Select Committee on Intelligence will make a thorough review of current intelligence operations in Asia to insure that they are consistent in all respects with long-range national objectives.

In closing, I add a short postscript to my recent report to the Committee on Foreign Relations concerning Japan and Korea.

Both en route to and on return from Southeast Asia, I stopped in Tokyo to receive a briefing on recent developments from officers of the U.S. Embassy. The Lockheed scandal continues to dominate Japanese political affairs as the Watergate affair did here for so long. Prime Minister Miki's determination to bring out all of the facts, regardless of where the chips might fall, has created great controversy within his own party but has met with widespread public and news media approval. It is to be hoped that the matter will be handled in such a way that neither the confidence of the Japanese people in their governmental processes nor that nation's political stability will be damaged.

As to the incident in Korea, the brutal killing of two American officers in the joint security area of the Korean demilitarized zone, and subsequent actions have aroused passions on both sides, underlining what I said in my report scarcely a month ago: "Korea is a time bomb which has yet to be defused."

This is not the first inflammatory incident to occur in the nearly quarter of a century since the cease-fire agreement that ended the Korean war. And it will not be the last. When fighting men are placed in close proximity to the enemy on a daily basis, incidents are bound to happen. It takes only a match to start a conflagration.

The President is to be commended for having insisted that U.S. officials keep cool in the recent tragedy because under existing circumstances U.S. Forces will be involved inevitably in any outbreak of fighting in Korea. The swift dispatch to Korea of additional U.S. attack aircraft and a carrier task force demonstrate that under current contingency plans, U.S. military forces will be involved from the outset in any resumption of hostilities, despite the constitutional responsibility of Congress to declare war.

The United States is in a vise in Korea from which it must eventually extricate itself by a phased withdrawal of forces while simultaneously seeking a permanent solution to the conflict. It is to be hoped that the recent incident will not delay U.S. initiatives in that direction.

Exhibit 1

EXCERPTS FROM WINDS OF CHANGE—EVOLVING RELATIONS AND INTERESTS IN SOUTHEAST ASIA

I. THREE VARIATIONS ON NEUTRALISM

President Nixon's visit to Peking in 1972 released strong winds of change in the international relationships of Asia. The collapse in South Vietnam and Cambodia intensified these currents. Visible changes already include the restoration of contact between the United States and China looking in the direction of normalcy after many years of acrimonious confrontation. This shift has been a key factor in enabling us to reduce the U.S. military presence in Asia from some 650,000 at the height of the Indochina war to less than 60,000 at present. Moreover, a further reduction will take place in the months ahead as U.S. forces are withdrawn from Thailand.

U.S. policy, in short, is beginning to reflect the fact that the United States is a Pacific nation, but not a power on the Asian mainland. The waters of the Pacific touch the shores of the United States on the West Coast, at Hawaii, Alaska, the territory of Guam and the U.S. trust territories. They also beat against the coastlines of seven nations to which we have made security commitments—Japan, South Korea, Taiwan, the Philippines, Thailand, Australia and New Zealand—as well as the shores of the Soviet Union and China. What takes place in this vast region is of deep concern to this nation. However, concern and capacity to influence are quite different. What we began to perceive in Korea and saw very clearly in Indochina is that our capacity to influence the flow of history on the Asian Mainland itself is quite limited on the basis of any rational input of manpower and resources.

After the birth of the Peoples Republic of China in 1949, we established a policy of containment of Communist China. It was a policy which sought to line up nations on an either "for or against" basis with "neutralism" regarded as something to be spurned. A ring of treaties was engineered in an effort to use U.S. power and influence to choke off what were held to be China's aggressive designs on its neighbors. In Southeast Asia, both Thailand and the Philippines linked their foreign policy directly to what became a U.S. crusade against communism on the Asia Mainland. Burma and Cambodia, each in its own way, tried to walk the tight rope of non-involvement. The former did so throughout the Indochina war, in part, by rejecting U.S. and other forms of foreign aid. Under Prince Norodom Sihanouk, Cambodia also held the line of non-involvement successfully for many years. When the Prince was overthrown by a military coup, however, the Khmers paid the cost in five years of bloody war. The overthrow of Sihanouk also added more U.S. casualties and billions to U.S. costs in Indochina as this nation went from non-involvement to the aid of the successor military regime in Phnom Penh.

Throughout Southeast Asia, nations are now making major reassessments of their relationships. Nationalism and neutrality, mixed with a budding interest in regional cooperation, are the driving forces at work. Neutralism takes on different characteristics in each of the Southeast Asian nations. Burma is a study of traditional neutrality with a heavy accent on isolationism. Thailand, the only nation in the region to remain free of colonial rule before World War II, is engaged in writing another chapter in its long history of seeking to balance its independence amidst shifting political currents. Three decades after close alinement with and vestigial dependency on the United States, the Republic of the Philippines is moving into the more open waters of international relations and accelerating its efforts to achieve a fully independent identity.

As new relationships evolve in Southeast Asia, new problems are emerging among the nations in the area and in their relations with the United States. Changes in an old order always carry a degree of painful adjustment. It is to be hoped, however, that out of the old, eventually will emerge a new spirit of self-reliance and regional cooperation. In that fashion, the independent nations of the region may be able to live together in a zone of peace respected by all of the great powers. That is the goal towards which each nation visited, in its own way and to some degree, all of them together, seemed to be moving.

The Asian nations are very likely to call for adjustments of all of the relationships with the West which grew out of a previous state of dependency. We should do our best in our own interests to accommodate to changes of this kind. They involve, in many cases, as in Indochina, the lightening of an excessive and one-sided burden which has been maintained for decades by the people of the United States. From our own point of view, it would be desirable to subject the Southeast Asia Collective Defense Treaty, the so-called Manila Pact, to critical reexamination. The treaty seems to me of little relevance to the security of this Nation in the contemporary situation. In fact, it may be more a liability than an asset to all of the signatories. As for our relations with Indochina, it would seem to me helpful in dealing with the vestigal problems of the war and in paving the way for a peaceful future to establish direct contact with the successor governments in Vietnam and Cambodia at an appropriate time.

It would be unfortunate if out of indignation or disillusionment we should turn our backs on Asia. More in line with our interests would be to seek to understand more clearly what is transpiring on that continent. Our young people, in particular, need as much exposure as possible to the changes in Asia since they will experience in the years ahead most of the consequences. Through diplomacy and cultural contacts we should be able to harmonize our reasonable national interests in security, trade and cultural cross fertilization with the emerging situation in Southeast Asia. The present transition need not be a source of anxiety if it is approached in that fashion. Indeed, we could be on the verge of a new era which could bring great benefits both to the Asian countries and to this Nation.

II. BURMA

Neutrality and nonalinement

Under President Ne Win, Burma has navigated a course of neutralism and nonalinement for many years. Its relations with the great neighboring states of China and India are correct and formal and the same is true for the Soviet Union and the United States. Burma has no intimates and seeks none. It has sought to avoid foreign entanglements. Although it was an early member of the United Nations, only in 1973 did the nation even join the World Bank and the Asian Development Bank. In the United Nations and other international forums, Burma has abstained on many divisive issues. For years it has recognized both Koreas and both Vietnams.

Burma was an observer of what happened to the Indochinese nations when they were drawn into great power rivalries. Their tragic experience was such as to provide proof to the Burmese government of the correctness of its own policy. Whatever its shortcomings, this policy has served to keep Burma out of the conflicts which have beset others in Southeast Asia. Furthermore, isolated by na-

tural mountain barriers on the east, west, and north the Burmans have been able to preserve to a greater degree than most nations in the region, their traditional culture.

Speculation in Burma is to the effect that its doors may soon open wider, evidencing, some say, a change in attitude towards the outside world. One Burmese official observed to me, however, that what has happened is "not that Burma has changed but that the world has changed." He went on to explain that a U.S. policy of détente with the Soviet Union and the new U.S. relationship with China significantly altered the framework of Burma's neutralism and made foreign contacts, notably with the United States, more feasible.

Foreign observers, when discussing Burma's economy, generally describe it as "stagnant" or "sick." While it is obvious to a visitor that there is a great deal of poverty, the usual economic yardsticks are not exact or even very relevant when applied to a rice-based agrarian society. The extremes of poor and rich, for example, are not seen in Burma as in many other countries. Burma's economy is not rocketing ahead but neither as in Indochina has the land been devastated and hundreds of thousands killed and maimed by warfare. Also avoided so far have been the cultural upheavals and environmental despoliation which are often associated with economic development via heavy influxes of outside capital and foreign aid.

Nevertheless, there are manifestations of political dissatisfaction from time to time which center in Rangoon and are probably directed in part, at least, at the lack of economic progress and opportunity. Three major anti-government demonstrations by workers and students have occurred during the last year and a half. Colleges and universities have been closed from time to time and leaders of workers demonstrations have been sentenced to long prison terms.

Although a new Burmese Constitution was adopted last year, the government remains based on army leadership. Sixteen of 18 cabinet officers are military or ex-military men. While farming is still on a private basis, as are many shops and stores, the government runs much of the rest of the economy. Staples, such as rice, oil, and cloth are rationed, with scanty allotments. This system, plus a shortage of consumer goods generally undergirds a so-called "shadow economy" or black market. Although stable until the last year or so, prices ar now rising. Rice stocks available for export, the country's principal source of foreign exchange, are dwindling due to lack of substantial increases in output coupled with population growth. In the last thirty years, the population has almost doubled to 30 million. The government is considering new incentives to raise rice production and recently increased the price paid to the farmer by 30 percent. As yet, however, policies have not been devised to surmount the dilemma of a dwindling per capita food supply as against what is seen as a possible loss of security and national identity which might be occasioned by limiting population growth in the midst of towering neighbors.

One way to help alleviate this dilemma, at least for the immediate future, would be by the discovery of petroleum in exportable quantities. After years of rejecting private investment, last year, Burma leased offshore tracts to two American oil companies, Exxon and Cities Service, and two companies from other countries. While the drilling has not yet yielded results, the Burmese believe the prospects are good. Burma is also seeking by its own efforts to extend present onshore oil fields which supply 70 percent of the nation's modest current needs. The government has not shown any interest in foreign involvement in the exploration for minerals, with which, according to technical reports, Burma is generously endowed.[1]

A part of Burma's imports are presently being financed by loans from the World Bank and the Asian Development Bank and by bilateral agreements with West Germany and Japan. Three small Asian Development Bank projects are now underway. While the U.S. has not provided new dollar assistance to Burma since 1963, a consortium arrangement under the World Bank and the International Monetary Fund which involve foreign aid contributions by the United States, Japan, and Western European countries is under consideration.

The Burmese are in the process of repairing the severe damage cause by an earthquake in early July at Pagan, an area of historical significance and the site of numerous edifices and shrines dating from the 11th Century. They are hampered by lack of funds which are being raised through public subscription. Various nations have made contributions through their embassies in Rangoon for this very worthwhile endeavor. Shortly before I arrived, U.S. Embassy officials had asked Washington for permission to make a small monetary contribution to assist in the repair of the damage at Pagan. The request was denied, apparently on some semantic or obscure basis and the matter was buffeted from pillar to post in the bureaucracy. It is amazing to find that in an Executive Branch which frequently finds ways unknown even to the Congress to rush tens of millions in aid to shore up a sinking regime as in the closing days of the Cambodian debacle, is unable to find a basis for a modest human gesture in the face of a natural disaster such as occurred in Burma last summer. One can only note that if more authority is necessary to act in a situation such as this, why has it not long since been requested?

The drug trade and insurgents along the Burmese border create a dangerous mixture. Twenty groups, most of them based on ethnic divisions and some quite small and of little contemporary significance, are now in various degrees of insurrection or insurbordination with regard to the government in Rangoon. It is possible to divide the factions into three basic groupings. The first type seeks to replace the existing government and is exemplified by the Burma Communist Party, the largest single dissident element. Typified by the Kachin Independence Army (KIA), a second group seeks autonomy in ethnic areas. The third consists simply of out-and-out drug traffickers and bandits, some of whom are remnants or descendants of the forces associated with the National Government which fled from China in 1949 and which, for a time, were supported from Taiwan.

Opium is a traditional crop in the hill areas of Northeast Burma. It is estimated that the crop may reach 440 metric tons this year even though the price is currently depressed because of the loss of the South Vietnamese market. All the insurgent groups are believed to be financed, at least in part, through the drug traffic. The Chinese (Nationalist) Irregular Force which is still organized into the 3rd and 5th divisions is the most important group involved in the drug traffic. Another element is the Shan United Army, which operates in the Northern Shan states.

Each organization has its own "turf" in the remote and scarcely accessible border areas as well as its own methods of operations. In simplified form, the cycle of operations, runs as follows: the trafficker buys the crude opium from the grower, transports it to the Thai border, sells it, uses the proceeds to buy arms or other goods, brings the arms and goods back into Burma, sells them on the black market. The cycle is completed when the proceeds from the black market sales are used to buy more opium.

The Burmese government is concerned with the drug traffic both because of the growing consumption of drugs in the country and because suppression of the trade is seen as an essential element in dealing effectively with the insurgency problem. After an initial reluctance, Burma has agreed to accept eighteen helicopters which are available under the U.S. narcotics control program. Four helicopters have been delivered, on a trial basis, and, if results are mutually satisfactory, the remainder will be turned over, in due course, to the Burmese government.

In addition to this arrangement, there have been some small Burmese purchases of U.S. military related goods. The Burmese government, however, has indicated no interest in renewal of military aid program or in obtaining military training for its forces in the United States.

A note of caution is indicated in regard to cooperation in drug suppression. The zeal of U.S. enforcement officials in trying to get at the sources of drugs is understandable and merits much applause. Nevertheless, there are other questions involved in Burmese-U.S. relations. For too long in the administration of U.S. policies, we have tended to assume responsibility for problems which are more properly those of other nations or of the international community. One form of involvement in the internal affairs of other nations can lead very rapidly to other forms, as the bitter Indochina experience should have taught us.

In my judgment, therefore, any further U.S. assistance to foreign countries for their internal use in anti-drug problems, if warranted at all, would seem more appropriately to be funneled through international bodies. Whatever funds Congress thinks justified for this activity might well go as a contribution to the U.N.'s Narcotics Control program. Moreover, any activity of U.S. narcotics agents in Burma or any other nation in Southeast Asia, for that matter, must remain under the strict supervision and firm control of the U.S. Ambassador who is in the best position to know what practices are or are not possible in the light of our total relationship with the country concerned.

After my visit to Burma six years ago, I wrote: "The Burmese government continues to go its own way as it has for many years. It is neither overawed by the proximity of powerful neighbors nor over-impressed by the virtues of rapid development through large infusions of foreign aid. Burma's primary concern is the retention of its national and cultural identity and the development of an economic system preponderently by its own efforts and along its own lines."

These are still the major pre-occupations of the Ne Win government. The nation has succeeded in maintaining its national and cultural identity. Its economic situation, however, is still very tenuous.

As for our relations with Burma, while some strengthening of cultural and technical exchange either on a bilateral or multilateral basis may be desirable and possible, my view is that we would be well-advised to avoid scrupulously any inclinations towards a deepening involvement in Burmese affairs. Such inclinations would not be welcomed in Burma as in its best interests. Clearly, too, they would not be in the best interest of this nation.

III. THAILAND

After four decades of military rule, Thailand is attempting anew to forge a democratic system. At the same time, there is underway a major revision in foreign relationships. Following student uprisings, in

[1] A map depicting petroleum exploration throughout Asia is included in the appendix.

October 1973, the military government of Field Marshall Thanom Kittikachorn was ousted and Thanom and other government leaders fled the country. This development, coupled with the rapidly changing situation in Asia, initiated by President Nixon's trip to Peking, and culminating in the collapse in Indochina, has brought about a sweeping reappraisal by Thailand of its foreign policy.

Until the fall of the Thanom government, Thailand had maintained a close relationship—some termed it a "client-state" relationship—with the United States. Now that has changed, with Thailand moving away from the long intimacy with the United States and, at the same time, seeking better relations with its neighbors in Indochina and Asia. How this land of 44 million people handles the turn towards political democracy and a new foreign policy will have far-reaching consequences for the over-all relationships in and around the Asian continent.

Political and economic situation

Prime Minister Khukrit Pramot, leader of the Social Action Party, has governed Thailand since mid-March with a coalition of eight parties. His own party, with only 18 seats, is a distant third in terms of party strength in the Parliament. While the Thai King, Phumiphon Adunyadet, serves primarily as the symbol of national unity, the monarchy is still a factor in state affairs, particularly, in times of crisis. The present Thai political system is based on a Parliament consisting of 269 seats in an elected Lower House and a 100-member appointed Upper House. Elections earlier this year attracted 42 parties and 2,191 candidates. Predictably, the results were inconclusive. There are now representatives from 23 parties sitting in the Parliament which, when I visited it, was meeting in a joint session and engaged in spirited debate over an aspect of ASEAN. Despite earlier predictions of a short and unhappy life, the Parliamentary structure is managing to hold together and is serving as a vehicle for operative government.

The Khukrit cabinet, apart from the difficulties inherent in any coalition and, especially in one emerging from the trauma of an abrupt shift from military authoritarianism, is subject to three basic pressures; a volatile student movement; long-standing insurgencies in the north, the northeast and the south; and the ever present possibility of a military coup.

The student movement wields influence, as is often the case in Asian nations, far beyond numbers. There is a working relationship between the students and labor on most issues and this coalition constitutes the most potent force in current Thai politics. It may be less of a factor, however, than it was two years ago at the time of the ousting of the dictatorship. Public reaction in Bangkok to past excesses, it is said, has caused student leaders to be more discriminating in choosing issues on which to exert their pressure.

One personal incident was instructive. When I arrived for an appointment with the Prime Minister, hundreds of out of work Thai guards at U.S. military bases, who are being discharged as the bases are phased out, were engaged in a demonstration demanding final pay adjustments. The guards were not on U.S. payrolls but, rather, were paid indirectly on the basis of U.S. contracts with Thai military leaders of the previous regime, some of whom apparently have fled the country. Since the demonstration was taking place in front of the Prime Minister's offices, it was necessary to postpone the meeting lest the presence of a visiting American official trigger more serious difficulties.

Ever present in the background of Thai politics is the potential for a military coup. While the government appears to command the loyalty of the armed forces, rumors of possible coups abound in Bangkok. Perhaps, the principal deterrent is the public revulsion with the rampant corruption of the previous military regime and the possibility that a coup at this time would again bring on a militant student-labor reaction.

The role of the military has been deemphasized by the present government which appears to want to direct its energies towards social and economic needs. Heretofore much of the government's interest centered on Bangkok. With 4 million people, Bangkok is Thailand's only major city and it is scarcely representative of the nation. The gap between Bangkok and the rest of the country is great. Per capita income in the capital, for example, is $600 per year, but it is only about $200 nationally, and it is, perhaps, not more than $75 per year in the most troublesome insurgent area, the northeast. There has been little spread of commerce and industry from Bangkok to the countryside. The city, in some respects, is like a foreign land to most Thais. Its traffic jams, westernized practices and political maneuvering are quite alien to the villagers who make up the vast majority of the country's population.

Neglect of the villages is a major factor in fueling the insurgency movements. In the north the insurgents are ethnic groups often involved in the drug traffic. In the northeast, the problem is pesant discontent and Thai against Thai. In the south, it is largely Malay Muslim or Chinese against Thais.

Over the years, there have been any number of anti-insurgency campaigns launched by Bangkok, all liberally financed with U.S. funds and, often, abetted with advice from various U.S. agencies. None has brought any appreciable results. The insurgent movements have continued to grow, with a total of perhaps 8,500 now under arms in the northeast alone. The Khukrit government seems to be aware that the problem cannot be solved unless there is more effective contact between a heretofore remote government in Bangkok and the people in the localities. It is trying new approaches which include a form of revenue sharing to channel funds to the poorest areas. Also recognized is the need to change the attitudes of the underpaid and corrupt bureaucracy in the insurgent areas. While it may be difficult to persuade soldiers and police who have reaped much of the financial benefit of past anti-insurgent campaigns to become benefactors of villagers, at least an effort is being made to bring about a reorientation. The government's five year plan also emphasizes economic growth in the rural areas and reduction in income disparities. It remains to be seen whether the benefits will actually reach the people.

The Thai economy has weathered the oil crisis, the world recession, and the phaseout of U.S. military involvement in Indochina. Although the rate of inflation was 20 percent in 1974, up from an average of 4 percent in the years before, it has been falling and will probably be down to about 10 percent for 1975. Increased earnings from agricultural exports have been a prime factor in countering oil price increases. The impact of both the recession and the uncertainty over political developments in the region have been felt in the slackening of foreign investment. Tourism, too, is down. Nevertheless, Thailand enjoyed a $400 million surplus in its over-all balance of payments in 1974 in the face of a deficit of $657 million in trade. The difference was made up by foreign aid, oil concession payments, tourism and capital inflows.

The United States has given Thailand large amounts of economic aid over the years, much of it in the last decade for the so-called counter-insurgency programs. Thus far, a total of $672 million in economic aid has been provided by the United States. For fiscal year 1976, $12 million has been requested.

In an economy as formidable as Thailand's, $12 million must be regarded as relatively inconsequential. The government's political and economic policies are the critical factors in shaping the nation's future. There would appear, therefore, to be little relevance to either country in the continuance of the bilateral aid program. Indeed, the time seems very propitious to end this vestige of "client-ism" and to place the relationship of the two nations on a firm plane of mutual respect, with accent on mutually beneficial exchange.

Petroleum

There are prospects for major offshore petroleum strikes in the Gulf of Siam on Thailand's east coast and in the Andaman Sea west of the Kra Isthmus. Twenty-five wells have been drilled by American companies in the Gulf of Siam. Oil has been found, but the potential is not yet ascertainable. There could be international difficulties in some areas since most Thai concessions, overlap in part, territory also claimed by Cambodia. Thus far, however, there has not been any drilling in disputed areas. Some concessions have also been issued for the Andaman Sea but work there is not likely to start until next year. Thailand has already received more than $75 million for drilling rights from foreign prospectors. Renewed consideration is also being given by the Thai government to a proposal to join with Japan in constructing a major pipeline stretching across the Kra Isthmus, and terminating in a large refinery which would refine Persian Gulf crude for shipment to Japan.

Drugs

Thailand is a major site in the international drug problem, not so much as a producer but as the route of transshipment of opium brought in from elsewhere in Southeast Asia. Estimates indicate that about 40–45 tons of opium per year are actually produced in Thailand. This level is sufficient only to meet local demand.

Although some Thai officials may still be parties to the drug trade, the level of involvement is reported to be much lower than in the past. Contrary to the situation in Burma, drugs do not seem to be a significant source of financial support for insurgents but, rather, a means for personal or syndicate enrichment.

Thailand receives equipment from the United States under the narcotics control program. In fiscal year 1975, $4.8 million was provided, with $3.7 million more programmed for FY 1976. Bangkok is a regional headquarters for the U.S. Drug Enforcement Agency (DEA) which is active throughout Southeast Asia. The agency has a regional budget of $500,000, but the figure does not include assistance to other governments which runs into the millions. There are 26 U.S. agents in Thailand and they are involved in operational actions as well as intelligence gathering. The day before my arrival, for example, U.S. agents and Thai police had carried out a joint raid on an opium refinery.

This sort of U.S. anti-drug activities in Thailand seems to be highly dubious. Quite apart from the expenditure of U.S. funds, the direct participation by U.S. agents in police activities within Thailand amounts to involvement in internal Thai affairs. While it undoubtedly is meritorious in objective, it is a foot-in-the-door, a point of entry which could lead to extensions and in the end, renewed entrapment in the internal affairs of that nation at renewed cost to the people of the United States. The sorry history of military and economic aid and

other activity in Indochina and Thailand over the past two decades should serve as a precaution in this respect. Police actions, including local drug enforcement, are functions of indigenous governments. If there is a U.S. role, it should be limited to the exchange of information and intelligence with appropriate Thai or other officials. Beyond that point, U.S. financial assistance for anti-drug operations at whatever level may be set by the Congress, in my judgment, is best channeled through international or regional organizations.

Foreign policy and U.S.-Thai relations

President Nixon's trip to Peking and the end of U.S. involvement in Indochina have created a new milieu for Thai foreign policy. From direct links and intimate cooperation with the United States in matters of security, Thailand has moved towards a neutral position. An effort is now being made by Bangkok to assure good relations with all the major powers. A case in point was Prime Minister Khukrit's visit to Peking in July which resulted in the establishment of diplomatic relations with China. So, too, was the official protest to the United States over the use of Thai bases in the Mayaguez affair. That incident, moreover, was followed by a demand for the complete withdrawal of U.S. forces from Thailand.

The outcome of the Indochina war was not only a factor in the new Thai approach to China, it also resulted in intensified interest in closer association with the Southeast Asian nations. Within five months after taking office, Khukrit visited not only Peking but all of the ASEAN countries. Thailand joined in support of the proposal to create in Southeast Asia a zone of "peace, freedom, and neutrality" which would be guaranteed by the great powers. There is no indication thus far, however, that this grouping will include any type of joint security arrangement. In that sense it would not be a substitute for the SEATO Organization which Prime Minister Khukrit and President Ferdinand Marcos of the Philippines have urged should be "phased out to make it accord with new realities in the region." This proposal, it should be noted, relates only to the organized activities under the Southeast Asian Treaty and the large headquarters staff in Bangkok. It does not involve a renunciation of the actual treaty, the so-called Manila Pact. Thailand is the only signatory in the area, however, to which the Pact now has practical application insofar as a U.S. security commitment is concerned. Pakistan renounced the treaty several years ago and the Philippines, Australia, and New Zealand, are tied to the United States by other defense arrangements.

The security relationship between the United States and Thailand is complicated by the existence of the 1962 Rusk-Thanat communique in which the obligations of the Manila Pact were held to be both joint and several. Under that interpretation, it would seem the multilateral SEATO treaty would also amount to a bilateral U.S.-Thai treaty. Thus, the treaty, potentially, has far more significance than the "scrap of paper," as it is often called today. An attack for example, by an enemy in Southeast Asia could conceivably lead on a Thai call on the United States to come to its aid notwithstanding the disinclination of any other of the signatories to do so.

The fact is that the Manila Pact was born of an old and now altered view of China. It is of no current relevance to U.S. interests in Asia. Left in abeyance it is, perhaps, a source of potential mischief or embarrassment. We would be well-advised, therefore, to reexamine this agreement forthwith, with a view to its termination.

It should be noted in this connection that Prime Minister Khukrit has called for the complete withdrawal of the 19,000 U.S. military forces in Thailand by the end of March 1976. Some references, however, have been made to the possible retention of a standby capacity at the U Taphao Base, manned by a small caretaker force.

For more than a decade, my view has been that the United States in its own interests should withdraw militarily from the Southeast Asian mainland, "lock, stock and barrel." It remains my judgment that it is not in the interest of this nation nor, probably, in the interest of Thailand to have a U.S. capacity retained at any of the installations in Thailand. There should be no toe-hold which would serve as a potential source of reinvolvement of U.S. military forces on the Southeast Asian Mainland.

LAOS—THE SANDS RUN OUT

It has been said that in Laos the French laid foundations of sand and that we tried to build on them. As seen from Thailand, the sands have run out. Since the fall of Cambodia and South Vietnam, the Pathet Lao have rapidly expanded their control of Laos. The advance occurred without much resistance or bloodshed, with the opposition tending to evaporate or flee the country. Three of the five government military commanders had left the country by early August and another left shortly afterwards.

In the capital of Vientiane, the Pathet Lao have also extended their control of the coalition central government. Prime Minister Souvanna Phouma is still in nominal command but he is reported to be virtually powerless. The King remains on the throne but is said not to play a political role. Laos is now described as a "Democratc People's Kingdom."

U.S. relations with Laos are strained and minimal following the forced closing of U.S. aid operations last June. The size of the U.S. mission dropped from 800 (including dependents) in April 1975 to 32 by mid-August. It is estimated that there are also some 50 other Americans without official status remaining in Laos. U.S. assistance is not being provided to Laos as a result of a prohibition contained in the continuing appropriations resolution for FY 1976. The new U.S. Ambassador to Laos has been confirmed by the Senate, but as of late-summer had not yet been ordered to his post. In this fashion, a U.S. involvement of 22 years which cost billions of dollars and many lives, is drawing to a close.

Exactly twenty years ago, in 1955, on the occasion of a third visit to Laos, I reported to the Committee as follows:

"* * * military aid policies which seek to do more than bulwark the security forces to the point where they can cope with armed minorities and stop occasional border sallies seem to me to be highly unrealistic. By the same token economic aid programs which attempt to move an ancient pastoral country overnight from the age of the oxcart to that of the airplane are equally unsound to say the least. Both, in attempting to do too much, in my opinion, can do incalculable harm.

"In Laos as in Cambodia, there has been an enormous increase in United States activity and in the size of the (U.S. official) mission during the past year. At the time of my first visit to Vientiane in 1953, there were two Americans in the entire country. Now (1955) there are some 45. Accordingly, I recommend that the Executive Branch, as in the case of Cambodia, review the extent of our activity in Laos and the size of the mission with a view to keeping both within the realm of the reasonable."

ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR., ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Monday next the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) be recognized for not to exceed 15 minutes after the joint leaders have been recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the distinguished minority leader seek recognition?

Mr. HUGH SCOTT. Mr. President, I yield back my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Alabama (Mr. ALLEN) is recognized for not to exceed 15 minutes.

NO AID FOR MARXIST REGIME IN MOZAMBIQUE

Mr. ALLEN. Mr. President, the Reverand Armand Doll is still a prisoner of the Government of Mozambique. Senators will recall that during consideration of the foreign military aid authorization bill (H.R. 13680) in the early part of June, I offered an amendment which would have barred aid to Mozambique pending Rev. Doll's release. The House version of that bill contained a categoric ban on aid to Mozambique presumably because the House of Representatives recognized the pro-Communist dictatorial character of the present regime in that country and saw little purpose in expending taxpayer funds on a government openly hostile to the United States and its people.

Nevertheless, Mr. President, the Senate and House conferees in their wisdom saw fit to remove both the Senate and House bans on aid to the Mozambican regime stating in the conference report that Rev. Doll's release could be more easily obtained without making aid to the Mozambican Marxist dictatorship contingent on that citizen's release.

Mr. President, I say again for the benefit of those Senators who may not have the latest information on this subject, Rev. Doll is still a prisoner in a Mozambican concentration camp, and I ought not to have to remind Senators that Rev. Doll is not alone. Literally thousands of individuals have been imprisoned by the Machel dictatorship, and hundreds of thousands have been forced to flee Mozambique as a direct result of the repressive and criminal behavior of Machel's government.

Yet, Mr. President, Secretary Kissinger presumably with the consent of the President of the United States proposes to reward Machel's criminal conduct by handing over to him millions of dollars in American taxpayer funds for the express purpose of aiding this newly established Soviet satellite in its efforts to overthrow one of the few remaining stable governments in Africa—the Government of Rhodesia.

Senators heard or read on April 27, 1976, the Secretary of State of this country pledge to the dictator of Mozambique the sum of $12.5 million, apparently in payment for the Machel's regime decision to close the Mozambique-Rhodesia border and to step up terrorist attacks in Rhodesia. Some of us here in the Senate

were rather disturbed at the Secretary's action—especially since, so far as was known, the House of Representatives had not appropriated the money the Secretary planned to give away. But the State Department in the administration of the vast and costly foreign aid program of this country, is usually able to find funds somewhere even if it is far from clear that Congress ever intended those funds to be used for the purpose for which they are expended.

So, Mr. President, what the Department of State is planning to do in this particular case—and there will be opposition in Congress; if the whole Congress does not oppose it, there will be opposition, and the Senator from Alabama will give opposition to that—in order to circumvent the possible opposition of Congress to Federal support for a Marxist dictator is to use an authorization contained in a bill passed long before the present situation in Mozambique had developed, which authorized $30 million:

To provide development assistance . . . and rehabilitation assistance to countries and colonies in Africa which were prior to April 25, 1974, colonies of Portugal.

Mr. President, I am referring to section 314 of Public Law 94-161, the International Development and Food Assistance Act of 1975. I doubt that a single Senator here present or, for that matter, a single Member of the House of Representatives had any idea whatsoever at the time the International Development and Food Assistance Act of 1975 was enacted that an authorization for development or for relief and rehabilitation assistance for former Portuguese colonies in Africa would be utilized by the Department of State to fund the Department's commitment to assist the Machel regime in its terrorist efforts against Rhodesia. I do not believe that was contemplated by Congress when that bill was passed.

Mr. President, I might note parenthetically that I believe the Department of State will, in fact, be acting without the authority of Congress if it does continue in its present plan to expend $10 million during the transition quarter under the authorization contained in the Food Assistance Act. I believe the Department of State would be acting contrary to law simply because the authorization contained in that act is for fiscal year 1976 only. When it stretches that year out for 3 months, I do not believe that the original appropriation would cover the transition period. A much smaller amount is authorized for the transition quarter and certainly not a sufficient amount to cover the proposed $10 million expenditure in the transition quarter.

But, Mr. President, I am digressing from the main point that I wish to emphasize to the Senate and that point is that in spite of our efforts in this body, in spite of the assurances of the Senate-House conferees on the foreign military aid bill, and in spite of the repeated assurances to my staff that progress is being made in securing the release of Reverend Doll, a citizen of the United States and a resident of the State of Pennsylvania—I wish the distinguished Republican leader were in the Chamber at this time; I believe he would voice some opinions on the right of the Mozambique Government to imprison this minister from the State of Pennsylvania—despite these assurances, Reverend Doll remains in prison, without trial, without a hearing, without even being informed of the charges against him.

What is his crime? What is the crime of this Reverend Doll of the State of Pennsylvania? Simply this: Reverend Doll chose to attempt to practice his religion according to the dictates of his conscience and his interpretation of God's holy word. He attempted to practice his religion in the face of the Machel dictatorship's announced religious policy. That is the offense that this man is charged with, and this is the type of government that would be aided by this foreign assistance bill that has remained dormant for some weeks, and I dare say will continue to remain dormant, as a result of the statement of the Senator from Alabama that he is going to oppose that measure here in this Chamber. I hope the matter will not be brought up to further complicate the crowded logjam of legislative activities we now have on the schedule.

Mr. President, it seems to me that in a country founded in large measure on the principle of religious freedom and toleration, there ought to be no toleration for the intolerant and no aid from our Treasury to encourage repression.

Mr. President, we have been hearing for many years how our largesse expended on dictatorial regimes will cause those regimes to see reason and to behave more responsibly toward this country and its citizens. Well, Mr. President, it just has not worked, and it is time for this body to recognize its error and to begin conserving the tax revenues of this country, the taxpayers' money, and not to expend it on nations which abuse our citizens and insult our Nation.

Mr. President, from the end of World War II through the end of fiscal year 1975 we have expended $170 billion in foreign countries, primarily so-called third world nations. Sadly, a large proportion of this expenditure has gone to prop up Socialist dictatorships professing to have the interest of the poor at heart but, in fact, interested only in self-perpetuation, self-aggrandizement, and the subjugation of the great mass of people not in privity with the governing elite.

These so-called third world nations have just concluded a meeting held in the Indian Ocean nation of Sri Lanka, formerly Ceylon. As Senators know, these so-called nonaligned nations have been holding summit meetings since 1955, and at each of the meetings down through the years the main target of attack has been the United States. We are branded as aggressors for saving South Korea from subjugation by Communist North Korea; we are called imperialists because our territories extend to such areas as Puerto Rico and the Virgin Islands; we are called a colonial giant because we support governments which the Communists seek to overthrow; and we are told that we must give up the Panama Canal Zone and our naval base in Guantanamo Bay, Cuba.

Radical leaders of the nonaligned group for several years have threatened to withhold their natural resources from the industrial nations in order to demand high prices not in any way connected with the law of supply and demand. Not only do they seek to blackmail us into paying higher prices for their goods but also they want us to mark off their past debts to us.

Mr. President, since World War II, we have given away hundreds of billions of dollars in foreign aid to help these people develop their countries, but too often have leaders of those countries taken our money and bought weapons and luxury goods, leaving their people in squalor and poverty. In my judgment, Samora Machel, dictator of Mozambique, living in a multimillion dollar palace in his capitol, is a poor risk if we expect the millions proposed to be given to him to be utilized for relief and rehabilitation assistance. Somehow I believe Dictator Machel's interpretation of relief and rehabilitation may be different from yours and mine.

Senators will also, I believe, be interested to know that Mozambique has already been dipping into the till. In fiscal year 1975 some $5 million was expended in Angola, Guinea-Bissau, and Mozambique supposedly for refugee relocation assistance, agricultural assistance and teacher training. A large portion of this money was expended in Mozambique, much of it funneled through the U.N. High Commissioner for refugee assistance.

As I pointed out, the State Department is planning without clear congressional authorization to spend in the next few weeks $10 million under the seemingly innocuous heading "relief and rehabilitation assistance." H.R. 14260, the foreign assistance and related programs appropriation bill of 1977, contains, secreted in its general provisions, the sum of $20 million authorized but not specifically earmarked by earlier congressional action in our adoption of the International Security Assistance and Arms Export Control Act (Public Law 94-329).

I would like to know just how much money the State Department does plan to funnel to the Machel regime in fiscal year 1977. I would also like to know why this item cannot be spelled out in clear language so the Senate can know exactly what it is acting on. Is there some embarrassment in stating clearly where this appropriation is intended to be used?

Mr. President, the American people are entitled to know what the Senate's position on this issue is. My position is clear, and I am not afraid to state it. I urge that if this body does consider the foreign aid appropriation before adjournment, any appropriation to the Marxist dictatorship in Mozambique be stricken.

Mr. President, I ask unanimous consent to have printed in the RECORD a table of recent expenditures in southern Africa. I hope Senators will examine that table and ask themselves what good we have done for the people of southern Africa and what advantage has accrued to the United States as a result of the massive infusion of taxpayer dollars in that region.

I also ask unanimous consent to have printed in the RECORD a newspaper item published in the Washington Post of Wednesday, August 25, 1976, entitled "Rhodesian Leader Hits U.S. Views as 'Illogical.'"

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Fiscal year—	Zaire	Southern Africa regional (Zambia, Botswana, Lesotho, Malawi, and Swaziland)	Former Portuguese colonies (Angola, Mozambique, Guinea-Bissau, Cape Verde, Suo Tome, and Principe)	Mozambique
1946-75	$664,300,000	$129,500,000	[1] $10,000,000	$5,000,000 [2] (fiscal year 1975).
1976 and transition quarter	53,300,000	6,400,000	22,600,000	$10,000,000 [3] (plus $2,500,000 in Public Law 480, title II grants).
1977, planned or authorized	63 500,000	45,000,000	30,800,000	$20,000,000.

[1] Prior to Independence U.S. foreign aid to Portuguese territories in Africa was included in a package deal in which the government of Portugal received $517,100,000 during the period indicated.
[2] A portion of this sum was expended in fiscal year 1975 in Angola and Guinea-Bissau.
[3] Not yet expended but planned for expenditure in transition quarter.

Note: Figures are rounded to nearest $100,000 and are based on the latest available documents furnished to Congress by the Department of State.

RHODESIAN LEADER HITS U.S. VIEWS AS "ILLOGICAL"

(By Robin Wright)

SALISBURY.—Rhodesian Prime Minister Ian Smith says that the Rhodesian government, despite an eagerness to have the United States "take the lead" in finding a settlement to his country's 11-year-old constitutional crisis, will not agree to black majority rule in two years.

A British plan for majority rule in two years was recently endorsed by the U.S. government in new negotiations under American sponsorship.

In an interview here, Smith denounced the plan, saying: "This question of quick majority rule is a facile, superficial argument to our plan. I want to assure you that not only the whites in Rhodesia but the majority of black people in Rhodesia oppose that sort of thing.

"I think it would be unfortunate if they [the United States] simply accepted the views of the present British government because I believe those are far removed from reality . . . I would have thought the U.S. government was a little more realistic and pragmatic than to fall for that kind of thing because it is so illogical."

Smith maintained that majority rule has been the "ultimate goal" of Rhodesian constitutions since 1923, but that there could be no such thing as a timetable for transition since it could be measured only by achievement, "not by a clock or calendar."

Observers in Salisbury feel that the Rhodesian government fears that a definite transition date would lead to an accelerated exodus of the white population, as happened when the Portuguese fled Mozambique and Angola before independence last year.

Despite the serious divergence in the U.S. and Rhodesian positions, Smith said he had communicated "indirectly" his interests in discussions with U.S. State Department officials.

He said that the United States, as leader of the free world, has an obligation to take an interest in the problems of southern Africa to counter the growing Communist influence in the area.

Smith added: "We find ourselves in the incredibly stupid position that we are fighting against other members of the free world more than we are fighting our natural enemies, the Communist world.

"Countries like Britain and the United States are leading the campaign against us in posing sanctions and trying to destroy us economically. So clearly we must try to overcome this ridiculous, this stupid position in which we have got ourselves to see if we cannot get back to normality."

The prime minister said he would offer "quite a few new proposals" if negotiations are organized. But he would not outline them because he does "not negotiate in public."

The proposals, however, do not appear to include the issue reported by diplomatic sources to be of prime importance to the countries involved in backing new negotiations: A common voters' roll leading to one man, one vote.

Under the current Rhodesian electoral system, blacks gain the vote only after meeting one of two requirements.

A minimum income of about $600 with property holdings worth $1,000.

A minimum income of $400, property holdings worth $800, and completion of two years of secondary education.

There are approximately 85,000 voters in the white population of 270,000 compared to approximately 6,000 voters in a population of 6.1 million Africans.

Although Smith said he is willing to discuss details of qualifications for voting, he is adamantly opposed to lowering standards.

"You can't expect people to take over and govern and run a country without some preparation. Otherwise we're going to have chaos and pandemonium such as we have in Mozambique today or in Angola where there is far greater misery, tragedy and disaster than there was before the Portuguese pulled out."

During the interview, Smith indicated that he intends to take a strong stand against any pressure by the United States, Britain and South Africa.

He also appears to be counting on Secretary of State Henry A. Kissinger's anger about the continued Cuban presence in Angola flowing over to the rapidly escalating guerrilla war in Rhodesia.

Diplomatic sources in Mozambique have confirmed that there are a few hundred Soviet, Cuban and East European technicians advising the Rhodesian guerrilla forces based in Mozambique.

The guerrilla war is already closing in on Rhodesia. Government sources admit that they expect 4,000 guerrillas to be operating here by the end of September, compared to approximately 1,500 now.

Rhodesian forces are already strained by the opening of three new fronts and the spread of fighting from the borders to areas deep inside the country.

Thus, from a Rhodesian standpoint the timing for American involvement could not be better. With Soviet and Cuban support committed to two vital areas in southern Africa and beginning to threaten a "free world member," the Rhodesians are hoping that the United States will end up taking even more than "the lead."

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from New York (Mr. JAVITS) is recognized for not to exceed 15 minutes.

SENATE RESOLUTION 524—SUBMISSION OF A RESOLUTION REGARDING THE RECENT TERRORIST ATTACK AT ISTANBUL AIRPORT

(Referred to the Committee on Foreign Relations.)

Mr. JAVITS (for himself, Mr. BEALL, Mr. BENTSEN, Mr. BUCKLEY, Mr. CASE, Mr. GRIFFIN, Mr. HUDDLESTON, Mr. HUMPHREY, Mr. JACKSON, Mr. MONDALE, Mr. KENNEDY, Mr. MCGEE, Mr. NELSON, Mr. PELL, Mr. RIBICOFF, Mr. HUGH SCOTT, Mr. PERCY, Mr. STEVENSON, Mr. SYMINGTON, and Mr. TAFT) submitted the following resolution:

S. RES. 524

Whereas the August 11 attack at Yesilkoy airport in Istanbul, Turkey resulted in the death of four innocent civilians, including a member of the United States Senate staff; and

Whereas this victimization of innocent civilians is but the most recent of a long and outrageous history of comparable terrorist attacks allegedly political in nature but causing the deaths and wounding of many Americans and other nationals having nothing to do with the political struggle; threatening the interdiction of international air transportation; and constituting a transgression against human rights and civilized values by a new form of armed aggression; and

Whereas the perpetrators of the August 11 attack have stated that they were provided arms and instructions in Libya for this attack and other terrorists have been provided arms and aid for previous comparable terrorist attacks, as well, by, through, or with the complicity of the government or governments of a nation or nations with which the United States has commercial relations; and

Whereas the actions of such transgressor nations constitute a threat to the facility of free movement thereby necessitating that appropriate unilateral United States and international measures be taken to protect international air transportation from such threat: Now, therefore, be it

Resolved, That it is the sense of the Senate that:

(1) the President of the United States is urged to direct United States ambassadors abroad to seek the consideration by foreign governments of their suspension of their air service to any foreign nation aiding or abetting terrorism until the international community, in implementing the Helsinki accords, has been assured that the nation in question has ceased such activity;

(2) the President should undertake in a timely fashion international discussions and negotiations which would strengthen the current minimum safety standards established pursuant to the Convention on International Civil Aviation; or, should take any other actions he deems appropriate to improve airport security in those nations with direct air links to any transgressor nation and in other airports servicing international air transportation;

(3) the President under his authority pursuant to sections 1114 and 1115 of Public Law 93-366, the Antihijacking Act of 1974, is urged to take such appropriate measures as to:

(a) deny the right of any United States air carrier to engage in foreign air transportation between the United States and any other foreign nation whose government is in violation of such act;

(b) suspend the air service rights of any foreign air carrier, which may pose a threat to international air transportation by servicing such foreign nation, by engaging in air transportation between the United States and any such foreign nation; and

(c) direct the Secretary of Transportation, with the approval of the Secretary of State, to withhold, revoke, or impose conditions on the operating authority of any airline or or airlines of any foreign nation that does not maintain transportation security sufficient to meet the minimum security standards established pursuant to the Convention on International Civil Aviation; and be it further

Resolved, That the Senate urges the President to conduct a comprehensive review of all U.S. trade and diplomatic relations to determine what further appropriate actions including specific sanctions may be taken to discourage any further support of international terrorism.

Mr. JAVITS. Mr. President, today I am introducing with 19 cosponsors a Senate resolution by way of lesson and memorial of the recent August 11 terrorist attack at Yesilkoy Airport in Istanbul, Turkey, and I am calling on President Ford to take action as appropriate under the Anti-Hijacking Act. As we all know, this incident is only one of the most recent of a long and terrible history of terrorist attacks victimizing totally innocent civilians.

In this attack, 4 were killed and 17 were injured. I am sure that my colleagues know from the news coverage of this incident that one of those killed at Yesilkoy Airport was Harold W. Rosenthal, who since January had been working in the Foreign Relations Committee as a special assistant for foreign relations. Hal was a brilliant, totally committed young man with a complete dedication to his work. Ironically, at the time of his murder, he was on his way to the Van Leer Institute in Israel to take part in a program dealing with the issues of securing peace in the Middle East. Incidents such as his murder, and other terrorist attacks, only deepen the divisions in the Middle East and retard the process of peace.

And, the scourge of terrorism is spreading. This was dramatically demonstrated last Monday by the hijacking of an airliner in Egypt—and another rescue, this time by Egypt. It is abundantly clear that no location and no person is safe from the perpetrators of these murderous attacks. Unless civilized nations want to live in a world where international air transportation—and many other aspects of modern life—become increasingly insecure from hijacking, sabotage, and bombings, decisive and effective action will have to be taken against terrorists and those organizations—and those national governments—which aid and abet them.

The Senate's passage of the resolution I am introducing today with other Senators should be taken as an indication that the United States does not intend to tolerate the continued activities of terrorists and their accomplices. The preamble of this resolution characterizes the Istanbul terrorist attack, and the other attacks which preceded it as "threatening the interdiction of international air transportation; and constituting a transgression against human rights and civilized values by a new form of armed aggression." The preamble then points out that, according to the terrorists, arms and instructions to facilitate this attack were provided in Libya. The preamble concludes that "such transgressor nations" that aid or abet terrorism in any way "constitute a threat to the facility of free movement"—"to facilitate freer movement" being one of the objectives of the final act of the Conference on Security and Cooperation in to the facility of free movement—to necessitating that appropriate unilateral United States and international measures be taken to protect international air transportation" from the threat of terrorists and their accessories.

Accordingly, the operative section of the resolution, following the provisions of the Anti-Hijacking Act, urges the President to:

(1) direct United States ambassadors abroad to seek the consideration by foreign governments of their suspension of their air service to any foreign nation aiding or abetting terrorism until the international community, in implementing the Helsinki accords, has been assured that the nation in question has ceased such activity;

(2) undertake in a timely fashion international discussions to strengthen the current minimum safety standards established pursuant to the International Convention on Civil Aviation or any other action he deems appropriate to improve airport security in those nations maintaining air service with nations aiding or abetting terrorism;

(3) consider exercising his authority under the Anti-Hijacking Act of 1974 to:

(a) deny authority for any U.S. air carrier to service any foreign nation violating the Act by aiding or abetting terrorism:

(b) suspend the air service rights in the U.S. of any foreign air carrier servicing any such nation;

(c) suspend the air service rights in the U.S. of any foreign air carrier whose national airports do not meet the minimum security standards established pursuant to the Convention on International Civil Aviation; and

(4) "conduct a comprehensive review of all U.S. trade and diplomatic relations to determine what further appropriate actions including specific sanctions may be taken to discourage any further support of international terrorism."

As the resolution points out, at a minimum the relatively permissive ICAO airport security standards should be considerably strengthened.

Another glaring deficiency in the antiterrorism efforts is demonstrated by the fact that this attack seemingly did not violate any international law. There are three international conventions dealing with aircraft hijacking and sabotage: the Tokyo, Hague, and Montreal Conventions; but all three of these are triggered only when the attack occurs on an aircraft the doors of which are closed for flight. In this incident, the attackers never attempted to enter a plane in the carrying out of their attack. Therefore, none of the antihijacking conventions appear to have been violated. A convention dealing with attacks in airports—or any other transportation facility for that matter—and airport security is clearly needed to close these loopholes.

None of the antihijacking conventions contains any sanctions against nations that aid, abet, or provide sanctuary for terrorism and terrorists, and there does not exist any international convention that deals with forms of terrorism other than air hijacking and sabotage. In 1972, then Secretary of State William Rogers proposed just such a convention to the United Nations, but it was argued and studied to death—largely by third world countries on the completely erroneous notion that it had something to do with self-determination. I am not at all sanguine that any such convention, even if again put forward to the United Nations, would be seriously considered. However, there are alternatives. I hope the President and Secretary of State will consider bilateral and regional negotiations to help fill the existing need.

In addition, there is the avenue of implementing existing law and passing new legislation. As the resolution I am introducing states, it is now time for the President to implement the air service boycott provisions of the Anti-Hijacking Act of 1974, Public Law 93-366. It is also time for Congress to consider other possible legislative remedies, and for that purpose I intend to ask for hearings in the Senate Committee on Foreign Relations of which I am a member.

Mr. President, the civilized world must not fail to respond effectively and decisively to the scourge of international terrorism. While the resolution I am introducing today is just that, a Senate resolution expressing the sense of the Senate, I hope we shall proceed to take the steps that are necessary, in concert with our allies and by ourselves, in order to deal with this new dread terror and scourge upon the civilized world.

Mr. President, I ask unanimous consent that there be printed in the RECORD with my remarks certain press reports and a short history compiled by my staff of the Istanbul terrorist attack, this history being developed from these reports and other sources by my staff.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STAFF SUMMARY HISTORY OF ISTANBUL TERRORIST ATTACK, AUGUST 11, 1976, FROM PRESS AND OTHER SOURCES

The two perpetrators of the Istanbul attack, members of what is known as the Wadi Haddad faction of the Popular Front for the Liberation of Palestine, had been fighting for the PFLP in Lebanon when they were ordered to report to Tel el Zataar refugee camp where they were given initial instructions and plans for their attack. They were then ordered to report to Tripoli, Libya, where they were given two automatic weapons, ammunition, hand grenades, false Kuwaiti passports, airline tickets for Bagdad via Rome and Istanbul and their final instructions, which were to (1) "kill as many Israelis as possible", (2) not to hijack the El Al flight to Tel Aviv but to attack the passengers as they enplaned, (3) to take no hostages, and (4) to surrender after the attack.

The terrorists proceeded to Rome and then to Istanbul. At Yesilkoy Airport in Istanbul, the terrorists waited in a transit lounge, through which earlier had passed a Libyan delegation on its way to the Non-Aligned Conference in Columbo, Sri Lanka. They waited as the lines of passengers to the attacked El Al flight to Tel Aviv and the flight the terrorists were ticketed to take

to Bagdad converged at the Turkish security check point. As they approached the security check point, the terrorists commenced their attack, throwing hand grenades down stairs the El Al passengers were taking to a bus which would in turn take them to their flight and then fired their weapons into the crowd. Four were killed and twenty-four injured. The terrorists surrendered shortly thereafter to Turkish security guards and have now been turned over to the Turkish courts for prosecution.

As additional information, below are a listing of the statements of officials of the Government of Libya concerning this and other terrorist incidents and a July 16, 1976 New York Times article, titled "Libyans Arm and Train World Terrorists."

(1) "We in the Libyan Arab Republic take a clear line—that fedayeen action must emanate from all fronts without restriction." President Qaddafi in Tripoli, Libyan State Radio, October 7, 1972.

(2) After Black September terrorists who murdered 11 Israeli athletes at the Munich Olympics were given asylum in Libya, West Germany asked for their extradition. Libyan Foreign Minister Mansour Rashid Kikhiya replied:

"The fedayeen asked for political asylum here and they got it. They will naturally not be brought before a court . . . We Libyans will support in this phase every Palestinian commando operation. I stress: every operation." Quoted in Stern (West Germany), November 11, 1972.

(3) Referring to the 1972 massacre of 26 persons at Israel's Lod Airport by Japanese Red Army members working for the PFLP, President Qaddafi said:

"We demand that fedayeen action be able to carry out operations similar to the operation carried out by the Japanese." Quoted over Libyan State Radio, October 7, 1972.

(4) After the raid at Qiryat Shemona, in which 18 Israeli youth were murdered by Arab terrorists, President Qaddafi said:

"This operation is a step in the right direction, stressing the true meaning of fedayeen operations." Quoted over Libyan State Radio, April 11, 1974.

(5) A week after the PFLP attack which killed four persons and wounded 24 in Istanbul, President Qaddafi told the Conference of Non-aligned Nations that if the Palestinian "struggle is terrorism, then we accept the accusation and it is an honor to us." Quoted in Washington Post August 10, 1976.

[From the New York Times, July 16, 1976]

LIBYANS ARM AND TRAIN WORLD TERRORISTS

(By Bernard Wimraub)

LONDON, July 15.—A broad terrorist network, stretching from the Middle East to Africa and Europe, is being trained, armed and financed by Libya's leader, Col. Muammar el-Qaddafi, according to diplomats in Europe, the Middle East and the United States. This zealous adventure, starting early in the 1970's, is said to be designed to unite Arab countries into a radical Islamic union.

Although Colonel Qaddafi seeks to crush Israel and undermine, if not destroy, the leaderships of countries such as Egypt, the Sudan, Tunisia, Jordan, Lebanon and Morocco, the efforts of the 34-year-old colonel reach far beyond the Arab world.

He has sent Soviet-made arms to the Irish Republican Army in Northern Ireland, to Moslem guerrillas in the Philippines and Thailand and to rebels in Chad and Ethiopia, according to European sources.

Arab leaders, including President Anwar el-Sadat of Egypt, view Colonel Qaddafi as an unpredictable and volatile threat to Middle East stability and a central figure underwriting the campaign of hijackings and terrorism.

Moreover, according to diplomats, Mr. Sadat and others are convinced that Colonel Qaddafi is fueling revolutionary groups for assault and assassination campaigns against Arab leaders and embassies of countries seeking settlement with Israel.

Beyond this, Colonel Qaddafi, supported by a burgeoning Soviet weapons arsenal and oil money, has involved himself in some of the most publicized terrorist attacks in recent years. Sources in London said that the terrorists who murdered members of the Israeli team at the Olympic games in Munich four years ago had been trained in Libya, had their arms smuggled into Munich by Libyan diplomatic couriers—a common means of arms smuggling—and were later given large rewards by Colonel Qaddafi.

It is known that a gang that included the terrorist called "Carlos" took refuge in Libya despite the death of a Libyan minister, last December after a raid on the Vienna headquarters of the Organization of Petroleum Exporting Countries. Arab and Western diplomats are convinced that Libya, and possibly Iraq and Algeria, helped plan the raid, whose aim was partly to attract publicity for a newly formed militant group, the Arm of the Arab Revolution.

TERRORIST LIVES IN LIBYA

The group's leader is said to be Wadi Haddad, a leading member of the Popular Front for the Liberation of Palestine, who now resides in Libya. Israeli sources have identified him as the planner of the recent hijacking of the Air France plane whose hostages were flown to Entebbe Airport and in Uganda and later freed in a daring Israeli commando raid.

An assault at Rome airport in December 1973, in which 32 people died, was also planned in Libya with the aim of wrecking the Geneva peace talks between Israel and Egypt, according to diplomatic sources here. The initial plan was to assassinate Secretary of State Henry A. Kissinger in Beirut by an attack on his aircraft with submachine fire and hand grenades, but Lebanese authorities foiled the plot and the plane was diverted to a military airport east of Beirut.

Colonel Qaddafi has recently set up a guerrilla squad under his personal control, trained at a closed camp at the former United States Air Force base near Tripoli, whose missions included assassination attempts on President Sadat of Egypt, an attempt to kidnap one of Colonel Qaddafi's disaffected aides who had sought refuge in Cairo and a plot to blow up the residence of the Egyptian military commander of the Western Desert, Gen. Saad Maamoun.

Mr. Sadat declared Colonel Qaddafi was "100 percent sick and possessed of a demon."

Shah Mohammed Riza Pahlevi of Iran has reportedly called him "that crazy fellow."

Last week, the Sudan's President, Gafaar al-Nimeiry, furiously blamed Libya for a coup attempt and said: "Qaddafi has a split personality—both of them evil."

Colonel Qaddafi, who was born in 1942 in a tent in the Sirte Desert as the German tanks advanced across Libya towards Egypt, has never enunciated his views in a single coherent doctrine. Since he and 11 other young officers unseated King Idris in a coup in 1969—only four remain with him now, others have been arrested or have fled—Colonel Qaddafi has waged a revolution in the name of Islam and Arab supernationalism and opposed to what are viewed as moderate forces.

OIL MONEY FOR ARMS

Coupled with this, Colonel Qaddafi supports "liberation" movements outside the Middle East, movements with links to Islam or, as in Northern Ireland, a struggle against "occupation and injustice," words used by a Libyan official recently about Ulster.

Aided by a huge income—oil revenues last year produced a balance of payment of $1.7 billion—Libya has rapidly acquired large amounts of military equipment. According to military sources in London, the country of 2.3 million people now has 141 combat aircraft, including more than 100 French-made Mirages, and has doubled its supply of Soviet tanks in the last year.

Last year, Colonel Qaddafi concluded an $800 million arms deal with the Soviet Union, and the bulk of his weapons are Soviet-made. Many of the weapons are smuggled outside Libya. British soldiers, for example, seizing Irish Republican Army equipment, have found Soviet-made rocket launchers in Londonderry with desert sand still inside. Nonetheless, security officials in London have concluded that the flow of arms from Libya has been minimal.

There are few specific estimates on the amount of money that Colonel Qaddafi has spent on international terrorism and assistance abroad. It is believed that Libya's contribution to leftist forces in Lebanon has reached $50 million, although the figure could be far higher.

There were reports last year that Colonel Qaddafi had allocated at least $100 million to Black September, the clandestine terrorist wing of al Fatah, and $40 million to other guerrilla groups.

Libyan aid has also reportedly gone to the Eritrean Liberation Front in Ethiopia and to opposition groups in Yemen, Somalia, Syria, Tunisia, Morocco, the Philippines and Panama. There are rumors of Libyan support for black militant groups in the United States but they can't be confirmed.

TERRORIST TRAINING CENTER

According to officials, Libya now serves as the main training center in the Middle East for international terrorists—a network whose training bases spread from Tripoli to North Korea, Cuba, East Germany and the Soviet Union. It is in these bases, according to officials, that links are forged between Palestinians as well as such groups as the Japanese Red Army, the Baader-Meinhof gang in West Germany and the terrorists led by Ilich Ramirez, or "Carlos," the Jackal. In Libya, the terrorists are supplied with forged passports, cash, documents, contacts and weapons.

Recently, Libya has stepped up its own internal terrorist unit and has sent men to Rome and Cairo to try to kill two former members of the ruling Revolutionary Command Council who fled the country. One of them, Maj. Abdel Moneim el-huni, was in a Rome clinic.

In the Rome incident three men were seized at the Fumicino Airport on March 6 after arrival from Cairo. The three were carrying Libyan diplomatic passports, but the briefcase of one failed to pass a metal detector test. It contained three pistols and a hand grenade.

[From the Washington Post, Aug. 12, 1976]

FOUR KILLED IN ATTACK ON EL AL PASSENGERS

ISTANBUL, TURKEY, August 11.—At least four persons were killed and 24 were wounded when terrorists attacked passengers preparing to board an El Al flight to Israel at the international airport here tonight.

After several minutes of shooting, Turkish security forces captured two terrorists.

One of the dead, a Japanese youth, was thought to be a terrorist. The other three dead—two Israelis and a Spaniard—were passengers on the El Al flight.

The Japanese Foreign Ministry in Tokyo later identified the dead youth as Yutaka Hirano, a 20-year-old tour guide. The Japanese consulate general in Istanbul said he was leading a group of 10 tourists. Police said that they had thought he was one of the terrorists because he had been found with a pistol in his shirt. There was no explana-

tion for the presence of the pistol on Hirano's body.

Some reports said five person have died—four passengers and a terrorist.

Witnesses said the terrorists set off a bomb or grenade and fired on passengers with machine guns.

The captured terrorists, traveling on false Kuwaiti passports, were identified by police as supporters of the Popular Front for the Liberation of Palestine. They reportedly told police Libya had financed their operation.

The El Al Boeing 707 later arrived safely in Tel Aviv with 82 passengers aboard, six of them with minor shrapnel wounds. The more seriously wounded remained in Istanbul.

Two injured American women were aboard the plane. Margaret Shearer, 40, was hospitalized with a bullet wound in the ankle, and her companion Lucille Washburn, was slightly injured. Their hometowns were not reported.

Israeli Transport Minister Gad Yacobi called the attack "another attempt to disrupt Israeli's international air connections."

"There is no guarantee that there will not be more attacks and we are alert to this," he added.

The attack came a month after Israeli commandos raided Entebbe airport in Uganda to free more than 100 hostages who had been aboard a plane hijacked by pro-Palestinian terrorists.

Prime Minister Yitzak Rabin said today, "After our operation at Entebbe, I warned Israelis that we had won a battle and that others would follow. It did not take long for that prediction to happen."

Rabin added: "Today, many days since Entebbe, I can't say that the international community has done anything in terms of better and more effective cooperation to cope with terror."

Yacobi said that following the Entebbe raid he had urged the governments of Turkey, France, the United States, Italy, Britain, Cyprus and Greece to tighten up security at their airports.

He said Turkey had "replied favorably" to the Israeli request. Security had been tightened at Istanbul's airport. Teams of policemen were posted at doors and plainclothes agents mingled with passengers.

Turkish police said the two captured men said they flew from Libya's capital, Tripoli, to Rome this morning, then boarded an Alitalia flight to Istanbul, carrying grenades and other weapons in their suitcases.

They were booked from Istanbul on a Pakistani Airlines flight to Baghdad, Iraq, and waited in the transit lounge with passengers for the El Al flight until they attacked.

There were varying reports of how long the battle between police and terrorists went on. Some witnesses reported between five and 15 minutes of shooting. Other reports from Istanbul said the terrorists took a Turkish policewoman hostage and bargained with authorities—including Istanbul Governor Namik Kemal Senturk—for about an hour before being apprehended.

"In Tel Aviv, Clara Mizrahi, a passenger wounded by flying glass, said: "I was in the terminal before going down to the boarding bus when I heard a bomb and the roof fell down . . . I was so frightened I couldn't see."

Dr. Mustafa Turkel, the physician on duty at the airport, said the terrorists "were shooting on police and passengers from the duty free shop just above the stairs descending to the exits doors. The passengers came under fire just as they were descending the stairs. That is why most of them got wounded in the head."

[From the New York Times, Aug. 13, 1976]

TURKS GIVE DETAILS OF GUERRILLA ATTACK AND ATTEMPT TO HIJACK AN EL AL JETLINER

ISTANBUL, Turkey, Aug. 12.—Turkish policeman and intelligence officers today questioned two Palestinian guerrillas who directed bombs and guns at passengers at the Istanbul airport after having failed to hijack an Israeli airliner.

Four persons died, including an aide to Senator Jacob K. Javits of New York, when the Palestinians set off explosions last night and raked an airport departure hall with automatic fire. More than 30 people were injured.

Legal sources said that the state prosecutor's office might demand the death penalty when the two guerrillas came to trial.

The attack was widely regarded as revenge for the Israeli rescue raid on Uganda's Entebbe airport last month, but it appeared curiously unsophisticated in view of the sweeping security precautions always mounted here for planes of the Israeli airline, El Al.

NOT BOOKED ON EL AL

The police said that the two gunmen, who might have been aided by a third, had not been booked aboard the Tel Aviv-bound flight. They were transit passengers supposedly waiting to fly to Baghdad.

The Governor of Istanbul, Manik Kamal Senturk, said the Palestinians had not taken into account El Al's security measures.

Being transit passengers, they evidently hoped to get to where the plane was waiting, without body and baggage searches.

The Governor said that only when they realized that they could not avoid detection at a special checkpoint did the gunmen decide to end their mission with random violence. He denied reports that the guerrillas had tried to take hostages before setting off their bombs.

FOURTH NOT IDENTIFIED

The four who died included Senator Javit's aide, Harold W. Rosenthal, 29 years old, of Philadelphia, a Japanese tourist guide, Yutaka Hirano, and an Israeli identified as Sano Sholomo.

The badly mutilated body of the fourth person has not been identified. The police said he might have been a member of the guerrilla group.

The police gave the names of the two captured guerrillas as Mehti Mohanned Zilh, 22, and Hussein Mohammed al-Rashid, 23, but they said these could be aliases. They traveled from Libya to Istanbul via Rome on Kuwaiti passports.

REPRISAL PLAN REPORTED

ISTANBUL, August 12.—The pro-Palestinian guerrillas who killed four persons in an attempt to hijack an Israeli plane here were quoted today as having said they had been instructed to kill "as many Israelis as we can" in reprisal for Israel's raid at Entebbe.

The prosecutor, Nejat Ulgen, said the two guerrillas contended that their attack was a reprisal for the Israeli commando raid, in which more than 100 mostly Israelis, hostages, from a hijacked Air France plane were rescued.

Mr. Ulgen said the terrorists had described themselves as "active warriors" of the Palestine Liberation Organization. They said they had joined the group six months ago and were on their first assignment, he reported.

[From the New York Times, Aug. 13, 1976]

SECURITY TERMED LAX

TEL AVIV, Aug. 12.—Israeli officials said today that Arab guerrillas were exploiting the laxity of security checks on transit passengers in international airports. They called for international cooperation to tighten supervision.

Prime Minister Yitzhak Rabin said that the terrorists who attacked waiting El Al passengers in Istanbul last night used the same tactic as those who hijacked an Air France plane in Athens in June. Both groups timed their arrivals to catch planes being prepared for takeoff.

Speaking to antiterror units of the Israeli border police, Mr. Rabin said the Istanbul raiders had planned to murder, while the Athens hijackers had been seeking live hostages to be bartered for terrorist imprisoned in Israel. But he said the attempts to free imprisoned guerrillas were also calculated to further murders of Israelis.

Government sources here said that the Foreign Ministry had set up a team to enlist international cooperation for an antiterrorist drive.

Six slightly injured passengers who were flown here from Istanbul last night have been released from Israeli hospitals. More wounded are expected to be flown home from Istanbul tomorrow. Relatives of those who still remain in Turkish hospitals were offered flights to Istanbul by El Al.

NOTABLE REPUTATION

Harold Wallace Rosenthal, an administrative assistant on foreign affairs to Senator Javits, had achieved a notable reputation as an aide to law makers.

He was going to Jerusalem to represent Senator Javits at a two-week conference on the Middle East and Israel at the Van Leer Institute when he was killed in the terrorist attack in Turkey.

Describing Mr. Rosenthal's death as "a stunning, awful and senseless tragedy," Senator Javits said he would urge the Republican Party to adopt a "strong plank against terrorism."

Mr. Rosenthal joined Senator Javit's staff eight months ago after having been a staff assistant on the international economic program of the Rockefeller Brothers Fund.

ONCE AIDED CAREY

Mr. Rosenthal began his Washington career as a legislative assistant to Hugh L. Carey, then a Democratic Congressman from New York and now Governor. Mr. Rosenthal was an administrative assistant to Senator Walter F. Mondale, Democrat of Minnesota, before joining the Rockefeller organization.

A native of Philadelphia and unmarried, Mr. Rosenthal received a bachelor of arts degree from Temple University in 1968, a master of arts degree in international affairs and economics from Cambridge University in 1969 and another master of arts in the same field from the Fletcher School of Law and Diplomacy at Tufts University.

He leaves his parents, Mr. and Mrs. Sidney Rosenthal of Philadelphia. Arrangements were being made yesterday to fly the body to the United States.

[From the New York Times, Aug. 13, 1976]

TURKEY TO ASK DEATH FOR 2 GUERRILLAS AFTER ATTEMPT TO HIJACK EL AL JETLINER

ISTANBUL, TURKEY, August 12.—Two Palestinian guerrillas will face the death penalty in a Turkish court on charge stemming from their attack at the Istanbul airport after a vain attempt to hijack an Israeli airliner, a state prosecuter said tonight.

Four men, including an aide to Senator Jacob K. Javits of New York, died in the explosions and automatic fire that raked an airport departure hall last night. More than 30 people were wounded.

The prosecutor, Nejat Ulgen, interviewed

on television, said he intended to bring charges under an article that provides for the death penalty for murder or attempted murder.

The attack was widely regarded as revenge for the Israeli rescue raid on Uganda's Entebbe airport last month, but it appeared curiously unsophisticated in view of the sweeping security precautions always mounted here for planes of the Israeli airline, El Al.

NOT BOOKED ON EL AL

The police said that the two gunmen, who might have been aided by a third, had not been booked aboard the Tel Aviv-bound flight. They were transit passengers supposedly waiting to fly to Baghdad.

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FOURTH NOT IDENTIFIED

The four who died included Senator Javit's aide, Harold W. Rosenthal, 29 years old, of Philadelphia, a Japanese tourist guide, Yutako Hirano, and two Israelis identified as Soloman Weisbeck and Ernest Elias.

The badly mutilated body of the fourth person has not been identified. The police said he might have been a member of the guerrilla group.

The police gave the names of the two captured guerrillas as Mehti Mohanned Zilh, 22, and Hussein Mohammed al-Rashid, 23, but they said these could be aliases. They traveled from Libya to Istanbul via Rome on Kuwaiti passports.

Mr. CASE. Mr. President, the resolution introduced today urging additional steps against international terrorists and their supporters in Libya speaks for itself. But it also is an attempt to express our hopes that no more voices will be stilled by the bullets and hand grenades of terrorists.

For too long, the international community has taken only partial steps to combat terrorism. Half-hearted measures and slipshod security suggest that for some nations oil and fashionable slogans of so-called freedom fighters are more important than the blood of innocent civilians.

Now, however, even some of those who have given a degree of moral as well as material support of terrorists are discovering the nature of the monster they helped nurture. The recent explosions and aircraft hijacking in Egypt, which have been blamed on the Libyans, show that terrorists cannot be expected to keep to their original targets.

There is overwhelming evidence that the Libya Government has aided and abetted terrorists and may have even abused the use of diplomatic pouches and privileges to do so.

It is time for the world to treat the Qaddafi government as one deals with an infected animal—by imposing a quarantine.

Thus, we urge the President in this resolution to encourage nations maintaining direct air links with Libya to suspend their service until Libya no longer assists terrorists.

Indeed, the resolution calls attention to a 1974 law, Public Law 94-336, which allows the President to suspend landing right in the United States of airlines which provide service to countries aiding and abetting terrorists.

Another way of encouraging tighter security might be to impose even more stringent than usual security checks on planes and passengers of airliners serving Qaddafi government as one deals with Libya and also landing in the United States. These airlines should be charged a heavy fee, perhaps a very heavy one, until they prove they have taken additional steps to tighten their security, for passengers in transit as well as those boarding planes in their home countries.

It may be that a kick in the wallet is the only way to get tightened security in the world's airports.

Mr. President, I ask unanimous consent to have printed in the RECORD two editorials on this subject.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 26, 1976]

WHAT PRICE QADDAFI?

In his long speech at the nonaligned summit meeting in Colombo last week, Libya's Col. Muhammar el-Qaddafi emphatically denied supporting any terrorist activities except those involving "the struggle of a people for independence." He blamed "imperialism, international Zionism and racialism" for the charges that he uses oil revenues to back hijacking, kidnaping and subversion.

Four days after his eloquent denial, Arab gunmen hijacked an Egyptian airliner and ordered the pilot to fly it to Libya. After Egyptian paratroops thwarted the attempt and released 80 hostage passengers, authorities reported the captured hijackers as saying they had acted on orders of Colonel Qaddafi who promised them $250,000 if they forced the plane to land at Benghazi.

The aborted hijacking was the third act of terrorism in Egypt in a fortnight attributed to Libya. Egyptian officials believe Colonel Qaddafi has allocated a million dollars for a coup against President Anwar el-Sadat. Qaddafi unquestionably helped arm, train and bankroll the forces that tried to overthrow President Gaafar al-Nimeiry of the Sudan in July. In fact, the Colonel has supported attempts to undermine the governments of five of Libya's six neighbors in the last six months.

Arab governments may find it convenient to look the other way when Palestinian terrorists, after hurling grenades and firing tommyguns at El Al passengers in Istanbul airport, tell Turkish captors their orders issued in Libya were to "kill as many Israelis as you can." But can the other Arab governments ignore indefinitely the indisputable fact that Colonel Qaddafi intends to use Libya's oil money to overthrow every one of them that falls short of his extremist blueprint for the Arab revolution?

Colonel Qaddafi is everlybody's problem; but for reasons of geography and their own eloquent commitments to Arab unity, the Arab governments cannot forever escape a share of the responsibility for halting his aggressions.

[From the Washington Post, Aug. 22, 1976]

AN EXPERT ON TERRORISM

One of the highlights of the fifth summit conference of non-aligned nations, just concluded in Sri Lanka, was a discourse on terrorism by Muammar Kadafi, the Libyan leader. Even though Colonel Kadafi held back much of what he knows about international violence, the occasion in Colombo was noteworthy because he felt it appropriate to defend in general terms his own role as a sponsor of terrorist activity.

The Kadafi defense, predictably, was that he supported good causes (like national independence and racial justice) against evil forces. The latter, he argued, are more deserving of the terrorist label than such victims of injustice as the Palestinians. The plea by the 34-year-old Libyan fanatic must have drawn cynical chuckles from representatives of at least some of the governments that have been objects of his revolutionary zeal.

Colonel Kadafi's targets by now span the globe, and include neighboring Arab nations with which he is technically allied as well as more distant enemies. With ample oil revenues and supplies of Soviet arms, the colonel supports Palestinian extremists in outrages against Israel, and Moslem guerrillas in the Philippines, Thailand and Ethiopia. But these are among the more understandable Kadafi causes, given his Islamic ardor. He also is believed seeking to destroy fellow Arab and/or Islamic leaders, in Egypt, the Sudan, Tunisia, Iran, Jordan and Morocco. And when the IRA in Northern Ireland is found to have Soviet weapons containing desert sand, fingers reasonably point to Colonel Kadafi. Libya is believed to be the training center for a diverse group of international terrorists—the meeting ground of such as the Japanese Red Army and the Baader-Meinhof Gang.

Explanations for Colonel Kadafi's extremist hyper-activity vary. The shah of Iran was reported as calling him "that crazy fellow" and President Sadat of Egypt has pronounced him "100 per cent sick and possessed of a demon." In other views, he is intelligent and dedicated to his version of Arab unity and all-embracing Islam, allowing of no peace with Israel. What is not in dispute is that the causes he promotes threaten stability and innocent lives in many parts of the world.

The mystery of his performance in Colombo is why he dared to show up at all, exposing himself to the possible vengeance of several of those he has sought to overthrow. Colonel Kadafi showed some awareness that he might not be universally popular. His arrival in Sri Lanka was preceded by that of 73 Libyan policemen (a score of them without proper passports), and he brought dozens more guards with him. A young leader of Third World opinion cannot be too careful these days.

Mr. HUDDLESTON. Mr. President, I am pleased to join with Senator JAVITS, Senator HUMPHREY and other Members of this body in cosponsoring Senate Resolution 524 which urges the President to use and expand his authority governing air service among nations to discourage hijackings and related terrorist activities.

In recent weeks, we have seen again the senseless and outrageous acts of those who seek a moment of attention in violence and destruction without concern for innocent victims who become pawns in this deadly game.

Each shocking incident leads to denunciations and expressions of concern. But, again and again the incidents return to plague us. While we have made some significant moves in terms of our own increased security at airports, and while there is greater cooperation in a number of areas, clearly we have not done enough.

Air service is important to any nation. It is a lifeline to the outside world, a means of bringing in both people and things. But, if a nation is unwilling to cooperate in efforts to protect that service, to protect those who provide it and those who might use it, then they have no right to it. If nations allow either their own citizens or nationals of other countries to utilize their air facilities for terrorist activities, then they simply cannot expect their actions to be without sanction among the rest of the world.

Terrorism must be fought on many fronts, in many ways, with many different weapons. We obviously have no one easy solution at hand. We have no magic wand to wave to rid our world of the threats and dangers of fanatic groups and individuals. But, we do have a broad arsenal of diplomatic and economic pressures which can be brought to bear on countries which provide a sanctuary or haven for terrorists.

It is, consequently, a timely period for new initiatives, new efforts. This resolution sets out a number of those areas where productive moves might be undertaken—it requests the President to direct our Nation's ambassadors to seek consideration by those countries in which they serve of suspension of air service to third nations until the international community has been assured that those third nations will no longer serve as a staging area or haven for terrorist operations; it recommends new international discussions designed to strengthen security at airports which have direct links to nations which have harbored terrorists and it urges use of appropriate measures pursuant to the Antihijacking Act of 1974 to restrict or deny air service rights where such action might contribute to preventing or discouraging hijacking and terrorist activity.

Mr. President, any action which gives aid, comfort or sanctuary to international hijackers must be met with appropriate sanctions. This resolution is a positive step in that direction, and I am pleased to associate myself with it.

ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief period for the conduct of morning business, with a time limitation on statements of 5 minutes attached thereto.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Roddy, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:03 a.m., a message from the House of Representatives delivered by Mr. Berry, one of its clerks, announced that the Speaker has signed the enrolled bill (S. 3435) to increase an authorization of appropriations for the Privacy Protection Study Commission, and to remove the fiscal year expenditure limitation.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. CULVER).

At 11:05 a.m., a message from the House of Representatives delivered by Mr. Hackney, one of its clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 14262) making appropriations for the Department of Defense for the fiscal year ending September 30, 1977, and for other purposes; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. MAHON, Mr. SIKES, Mr. FLOOD, Mr. ADDABBO, Mr. MCFALL, Mr. FLYNT, Mr. GIAIMO, Mr. CHAPPELL, Mr. BURLISON of Missouri, Mr. EDWARDS of Alabama, Mr. ROBINSON, Mr. KEMP, and Mr. CEDERBERG, were appointed managers of the conference on the part of the House.

At 2:25 p.m., a message from the House of Representatives delivered by Mr. Berry announced that the House has passed the bill (H.R. 15194) making appropriations for public works employment for the period ending September 30, 1977, and for other purposes, in which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 3650. An act to clarify the application of section 8344 of title 5, United States Code, relating to civil service annuities and pay upon reemployment, and for other purposes;

H.R. 10370. An act to amend the act of January 3, 1975, establishing the Canaveral National Seashore;

H.R. 11009. An act to provide for an independent audit of the financial condition of the government of the District of Columbia;

H.R. 12261. An act to extend the period during which the Council of the District of Columbia is prohibited from reviewing the criminal laws of the District;

H.R. 12455. An act to amend title XX of the Social Security Act so as to permit greater latitude by the States in establishing criteria respecting eligibility for social services, to facilitate and encourage the implementation by States of child day care services programs conducted pursuant to such title, to promote the employment of welfare recipients in the provision of child day care services, and for other purposes; and

H.R. 13079. An act to provide assistance to the Government of Guam, to guarantee certain obligations of the Guam Power Authority, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

At 5:22 p.m., a message from the House of Representatives delivered by Mr. Hackney announced that the House disagrees to the amendment of the Senate to the bill (H.R. 8603) to amend title 39, United States Code, with respect to the organizational and financial matters of the U.S. Postal Service and the Postal Rate Commission, and for other purposes; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. HENDERSON, Mr. UDALL, Mr. NIX, Mr. HANLEY, Mr. FORD of Michigan, Mr. DERWINSKI, and Mr. JOHNSON of Pennsylvania were appointed managers of the conference on the part of the House.

At 6:30 p.m., a message from the House of Representatives delivered by Mr. Berry announced that the House has passed the bill (H.R. 14070) to extend and amend part B of title IV of the Higher Education Act of 1965, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 3542. An act to authorize the Secretary of the Interior to make compensation for damages arising out of the failure of the Teton Dam a feature of the Teton Basin Federal reclamation project in Idaho, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. METCALF).

HOUSE BILLS REFERRED

The following House bills were read twice by their titles and referred as indicated:

H.R. 14070. An act to extend and amend part B of title IV of the Higher Education Act of 1965, and for other purposes; to the Committee on Labor and Public Welfare; and

H.R. 15194. An act making appropriations for public works employment for the period ending September 30, 1977, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, August 25, 1976, he presented to the President of the United States the enrolled bill (S. 3435) to increase an authorization of appropriations for the Privacy Protection Study Commission, and to remove the fiscal year expenditure limitation.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

APPROVAL OF REA-INSURED LOAN

A letter from the Acting Administrator of the Rural Electrification Administration transmitting a statement in connection with the approval of an REA-insured loan to Chugach Electric Association, Inc., of Anchorage, Alaska (with accompanying papers); to the Committee on Appropriations.

REPORT OF THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT

A letter from the Secretary of Housing and Urban Development transmitting, pursuant to law, a report to the Congress on the Emergency Homeowners' Relief Act (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

REPORT OF THE DISTRICT OF COLUMBIA BAIL AGENCY

A letter from the Director of the District of Columbia Bail Agency transmitting, pursuant to law, a report of the Agency for the calendar year 1975 (with an accompanying report); to the Committee on the District of Columbia.

REPORTS OF THE COMPTROLLER GENERAL

Three letters from the Comptroller General of the United States, each transmitting, pursuant to law, a report entitled (1) "Using Independent Public Accountants To Audit Public Housing Agencies—An Assessment"; (2) "Difficulties of the Federal Aviation Administration in Acquiring the ARSR-3 Long Range Radar System"; and (3) "Increased Attention Needed To Insure That Bridges Do Not Create Navigation Hazards" (with accompanying reports); to the Committee on Government Operations.

FOLLOW-UP REPORTS OF THE OFFICE OF MANAGEMENT AND BUDGET

Two letters from the Deputy Director of the Office of Management and Budget, each transmitting, pursuant to law, a follow-up report on (1) Final Report of the National Advisory Council on Supplementary Centers and Services, and (2) a report on Electric Utilities by the President's Labor-Management Committee (with accompanying reports); to the Committee on Labor and Public Welfare.

REPORTS OF THE CIVIL SERVICE COMMISSION

A letter from the Chairman of the Civil Service Commission transmitting, pursuant to law, the 53rd and 54th annual reports of the Board of Actuaries of the Civil Service Retirement System (with accompanying reports); to the Committee on Post Office and Civil Service.

PROPOSED LEGISLATION BY THE SECRETARY OF THE ARMY

A letter from the Secretary of the Army transmitting a draft of proposed legislation to authorize certain construction of locks and dams in the Mississippi River (with accompanying papers); to the Committee on Public Works.

REPORT OF THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

A letter from the Acting Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report concerning grants approved which are financed wholly with Federal funds (with an accompanying report); to the Committee on Finance.

REPORT OF THE COMMISSION ON CIVIL RIGHTS

A letter from the Chairman and members of the Commission on Civil Rights transmitting, pursuant to law, a report containing the Commission's evaluation of school desegregation in a variety of school districts throughout the country (with an accompanying report); to the Committee on Labor and Public Welfare.

FINANCIAL STATEMENT OF THE LEGION OF VALOR

A letter from the Corporation Agent for the Legion of Valor, Inc., transmitting, pursuant to law, the financial statement of the corporation for the fiscal year ending April 30, 1976 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the Vice President of the National Railroad Passenger Corporation transmitting, pursuant to law, a report on the operations of Amtrak for the month of May 1976 (with an accompanying report); to the Committee on Commerce.

PROPOSED LEGISLATION BY THE DEPARTMENT OF DEFENSE

Two letters from the General Counsel of the Department of Defense transmitting drafts of proposed legislation to amendment section 651 of title 10, U.S.C., relating to female persons who become members of the armed forces; and to authorize appropriations during the fiscal year 1977 for the procurement of aircraft for the Armed Forces (with accompanying papers); to the Committee on Armed Services.

REQUEST FOR SECRET SERVICE PROTECTION

A letter from the Secretary of the Treasury transmitting, pursuant to law, a request for Secret Service protection for Mrs. Carter and Mrs. Mondale (with an enclosed letter); to the Committee on Finance.

PETITIONS

The ACTING PRESIDENT pro tempore laid before the Senate the following petitions, which were referred as indicated:

A resolution relating to the disposal of nuclear waste material adopted by the board of commissioners of Alpena County, Mich.; to the Joint Committee on Atomic Energy.

House Joint Resolutions 6-208 and 6-212, adopted by the Congress of Micronesia; ordered to lie on the table:

SIXTH CONGRESS OF MICRONESIA, HOUSE JOINT RESOLUTION NO. 6-208, H.D. 1

A House joint resolution congratulating the Honorable Hiram Leong Fong, United States Senator from the State of Hawaii, for his long and distinguished service in the Senate and his efforts on behalf of the people of Micronesia, and cordially inviting him to visit Micronesia at any time in the future

Whereas, throughout the period of the Trusteeship Agreement, the people of Micronesia have been grateful for the programs and support given to them through the understanding, patience, and efforts of concerned and knowledgeable members of the Congress of the United States; and

Whereas, one of the foremost friends of Micronesia in the past two decades has been Senator Hiram Leong Fong of the State of Hawaii; and

Whereas, Senator Fong has a long, distinguished, and varied career both in Hawaii and in the U.S. Senate, where he serves on several important committees including the Senate Appropriations Committee which oversees funding for the civil administration of the Trust Territory of the Pacific Islands; and

Whereas, it is with regret that the Congress and people of Micronesia have learned that Senator Fong intends not to run for reelection to his seat upon completion of nearly 18 years of devoted and dedicated service to his constituents in the U.S. Senate; and

Whereas, it is the sense of the Congress of Micronesia that due recognition ought to be given the distinguished Senator from the State of Hawaii for his efforts on behalf of the people of Micronesia; now, therefore,

Be it resolved by the House of Representatives, Sixth Congress of Micronesia, Second Special Session, 1976, the Senate concurring, that the Honorable Hiram Leong Fong, United States Senator from the State of Hawaii, is hereby congratulated for his long and distinguished service in the United States Senate and for his efforts and interest on behalf of the people of Micronesia; and

Be it further resolved that the Honorable Hiram Fong is hereby cordially extended an invitation to visit Micronesia at any time in the future to meet with the many Micronesian friends he has made over the past years, and to provide the opportunity for the people of Micronesia to demonstrate their hospitality to a fellow islander; and

Be it further resolved that certified copies of this House Joint Resolution be transmitted to the Honorable Hiram Leong Fong, to the President of the United States Senate, to the Governor and the Legislature of the State of Hawaii, and to the High Commissioner.

Adopted: July 31, 1976.

SIXTH CONGRESS OF MICRONESIA, HOUSE JOINT RESOLUTION NO. 6-212, H.D. 1

A House joint resolution extending congratulations to the Government and people of the United States on the occasion of its Bicentennial Year and expressing gratitude and thanks from the Government and people of Micronesia for the economic, social, and political development and progress that has been made during the tutelage period of Micronesia under United States administration

Whereas, on July 4, 1976, the United States of America celebrated and commemorated its 200th Anniversary as a free nation committed and dedicated to the self-evident truths of the equality of all men, of all men being endowed by their Creator with certain inalienable rights, that among these are life, liberty, and pursuit of happiness; and

Whereas, based on these political principles as eloquently pronounced by the founding fathers of the United States of America, first in the Declaration of Independence of the United States of America on July 4, 1776, and again in the substance of the United States Constitution, the constitutional government system of the United States has endured for two hundred years, starting as colonies and becoming the "arsenal" of democracy and the mightiest nation of the world; and

Whereas, moved by its humanitarian idealism, the United States Government assumed as "sacred trust" and an international obligation to develop, promote, and advance the economic, social, educational, and political development of the islands of Micronesia under a trusteeship arrangement with the United Nations; and

Whereas, pursuant to its trusteeship obligations, the United States as the Administering Authority has spent, and continues to spend, in and for the people and Government of Micronesia, millions of dollars and continues to provide necessary administrative and other civil service personnel in order to insure uninterrupted administration of the Trust Territory; and

Whereas, despite much criticisms and allegations of maladministration, it must be admitted that the United States has made much progress in Micronesia in the development and advancement of the people and Government of Micronesia as they move closer toward the day the trusteeship system is terminated; and

Whereas, Micronesians and their own government must not overlook or appear ungrateful for what progress and growth Micronesia has achieved as a result of the administration of the Trust Territory by the United States; now, therefore,

Be it resolved by the House of Representatives of the Sixth Congress of Micronesia, Second Special Session, 1976, the Senate concurring, that by means of this House Joint Resolution and on behalf of the people and Government of Micronesia this Congress hereby extends congratulations and wishes a happy Bicentennial Year to the people and Government of the United States of America; and

Be it further resolved that such a congratulatory word be coupled with the hope that the people and Government of the United States long endure; and that the 200th Anniversary be even the best of commemorations ever; and

Be it further resolved that sincere gratitude and thanks be extended to the people and Government of the United States of America for their continuing efforts to assist and help Micronesia develop economically, socially, and politically and for the progress and sig-

nificant growth thus far realized during this tutelage period in Micronesian history; and

Be it further resolved that certified copies of this House Joint Resolution be transmitted to the President of the United States, the President of the United States Senate and the Speaker of the House of Representatives of the United States Congress, the Secretary of the United States Department of the Interior, and the High Commissioner of the Trust Territory.

Adopted: July 31, 1976.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHILES, from the Committee on Appropriations with amendments:

H.R. 15193. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1977, and for other purposes (Rept. No. 94-1167).

By Mr. RIBICOFF, from the Committee on Government Operations, with amendments:

H.R. 3884. An act to terminate certain authorities with respect to national emergencies still in effect, and to provide for orderly implementation and termination of future national emergencies (Rept. No. 194-1168).

THE FEDERAL JUDICIAL SYSTEM—REPORT NO. 94-1169

Mr. BURDICK, from the Committee on the Judiciary, submitted a special report entitled "The Federal Judiciary System," pursuant to Senate Resolution 72, 94th Congress, 1st session, which was ordered to be printed.

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 3651. A bill to amend the Alaska Native Claims Settlement Act to provide for the withdrawal of lands for the village of Kiukwan, Alaska (Rept. No. 94-1170).

By Mr. LONG, from the Committee on Finance, without amendment:

H.R. 1386. An act for the relief of Smith College, Northampton, Mass. (Rept. No. 94-1171).

H.R. 3052. An act to amend section 512(b)(5) of the Internal Revenue Code of 1954 with respect to the tax treatment of the gain on the lapse of options to buy or sell securities (Rept. No. 94-1172).

H.R. 8656. An act to amend the Tariff Schedules of the United States in order to provide for the duty-free importation of loose glass prisms used in chandeliers and wall brackets (Rept. No. 94-1173).

H.R. 11321. An act to suspend until July 1, 1978, the duty on certain elbow prostheses if imported for charitable therapeutic use, or for free distribution, by certain public or private nonprofit institutions (Rept. No. 94-1174).

H.R. 12254. An act to suspend the duties on certain bicycle parts and accessories until the close of June 30, 1978 (Rept. No. 94-1175).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. LONG, from the Committee on Finance:

Thomas L. Lias, of Iowa to be an Assistant Secretary of Health, Education, and Welfare.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

LEAVE OF ABSENCE

Mr. HATHAWAY. Mr. President, I ask unanimous consent, under rule V, that I be granted a leave of absence for 2 days, to attend the funeral of a friend in northern Maine.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BARTLETT (for himself and Mr. BELLMON):

S. 3771. A bill to authorize and direct the Secretary of the Interior to convey the mineral interest of the United States to Oklahoma State University to certain lands in Oklahoma, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BENTSEN:

S. 3772. A bill to provide for the establishment and enforcement of security and accountability procedures necessary to protect weapons and munitions of the Department of Defense against theft and loss, and for other purposes. Referred to the Committee on Armed Services.

By Mr. BELLMON:

S. 3773. A bill to authorize the Secretary of the Army and the Secretary of the Interior to convey to the State of Oklahoma certain interests of the United States in and to Fort Gibson Dam and Reservoir Project. Referred, by unanimous consent, to the Committee on Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BARTLETT (for himself and Mr. BELLMON):

S. 3771. A bill to authorize and direct the Secretary of the Interior to convey the mineral interest of the United States to Oklahoma State University to certain lands in Oklahoma, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. BARTLETT. Mr. President, I am introducing for my colleague Mr. BELLMON and myself a bill to transfer to Oklahoma State University the mineral interests reserved by the United States in certain lands in the vicinity of Lake Blackwell, Okla.

In December 1954 the U.S. Government transferred to Oklahoma State University the surface and one-fourth of the mineral rights held by the United States at that time in the subject lands. The remaining three-fourths of the mineral rights were reserved by the United States.

The regents of the university desire to manage all of its properties in a coordinated and efficient manner. The property transfer accomplished by this bill would facilitate prudent management of these lands by the university and would enhance the timely development of any mineral resources which might underlie them.

Any revenues which might accrue to the university because of oil or gas development would, of course, be used to enhance the quality of higher education at the university, in Oklahoma, and in the United States.

The benefits which would result from the coordinated management and timely development of these lands will more than offset any potential revenue loss to the United States if the remaining, reserved mineral rights are retained.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey to Oklahoma State University, by patent or such other document as he deems appropriate, all interest in minerals reserved to the United States in the following described lands located in the State of Oklahoma:

(1) Township Eighteen North, Range One East of the Indian Base Meridian

Section Two: Northwest quarter, South half,

Section Three: Entire,

Section Four: Northeast quarter, Southwest quarter of the northwest quarter. All of lot four in the northwest quarter excepting a tract in the northwest corner of lot four more particularly described as follows: Commencing at the northwest corner thereof, about 26 rods to the east boundary of the tract owned by the M. E. Church; thence south along the east boundary of the church property 15 rods; thence west about 26 rods to the west line of said lot four; thence north 15 rods to the place of beginning, South half,

Section Nine: Northwest quarter,

Section Ten: North half, Southeast quarter,

Section Eleven: North half, Southeast quarter,

Section Twelve: West half, Southeast quarter;

(2) Township Nineteen North, Range One East of the Indian Base Meridian

Section Three: West half,

Section Four: Entire,

Section Five: Entire,

Section Six: Entire,

Section Seven: Entire,

Section Eight: Entire,

Section Nine: Entire,

Section Ten: West half,

Section Fifteen: A parcel of land in the northwest corner of the northeast quarter of the northwest quarter described as follows:

Beginning at the northwest corner, thence south 466.69 feet, thence east 466.69 feet, thence north 466.69 feet, thence west 466.69 feet to the point of beginning, containing five acres, more or less; Northwest quarter of northwest quarter,

Section Sixteen: Entire,

Section Seventeen: Entire,

Section Eighteen: Entire,

Section Nineteen: North half; Southwest quarter,

Section Twenty: Entire,

Section Twenty-one: Entire,

Section Twenty-two: West half,

Section Twenty-six: North half of northeast quarter, North twenty-one rods of the south half of the northeast quarter, Northwest quarters,

Section Twenty-seven: North half, Southeast quarter,

Section Twenty-eight: Northwest quarter,

Section Twenty-nine: North half except one acre in the northeast corner preserved for school purposes,

Section Thirty-two: Southwest quarter,

Section Thirty-four: Northeast quarter; South half,

Section Thirty-five: Northeast quarter;

(3) Township Eighteen North, Range Two East of the Indian Base Meridian

Section Seven: North half of southwest quarter;

(4) Township Nineteen North, Range One West of the Indian Base Meridian

Section One: Entire section except one acre in southwest corner,

Section Two: Northeast quarter, South half,

Section Three: South half,

Section Four: Southeast quarter,

Section Ten: North half,

Section Eleven: Entire, less twelve acres in the southwest corner thereof described as follows: Beginning at the southwest corner of section eleven; thence north along the section line 578.65 feet, thence east 903.5 feet; thence south 579.2 feet to the section line; thence west along the section line 903.5 feet to point of beginning, containing 148 acres, more or less,

Section Twelve: Entire,

Section Thirteen: North half, Southeast quarter,

Section Twenty-four: East half,

Section Twenty-five: North half of the north half of the northeast quarter;

(5) Township Twenty North, Range One East of the Indian Base Meridian

Section Thirty-one: South half of northwest quarter, South half.

Section Thirty-two: South half of northeast quarter, Northwest quarter; South half except one acre in square out of southeast corner of lot five for cemetery purpose,

Section Thirty-three: Lots one, two, three, four, six, seven, and eight of north half.

SEC. 2. Mineral exploration and development of the lands described in this Act shall be considered a use for public purpose as required in subsection (c), section 32, Title III, Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012(c)), as amended, if the funds derived from such exploration and development are used by Oklahoma State University for public purposes.

By Mr. BENTSEN:

S. 3772. A bill to provide for the establishment and enforcement of security and accountability procedures necessary to protect weapons and munitions of the Department of Defense against theft and loss, and for other purposes. Referred to the Committee on Armed Services.

Mr. BENTSEN. Mr. President, I am today introducing legislation which I believe is a much-needed and long overdue step toward meeting a problem of potentially wide-ranging and enormously serious dimensions, both internationally and domestically, but one of which all too few Americans are aware. I refer to the continuing incidence of losses, frequently through theft, of military weapons from U.S. facilities and the direct connection between those losses and clandestine operations abroad.

Mr. President, subcommittee hearings on this subject in the House of Representatives over the past 9 months have developed evidence which must be of concern to all of us. They illustrate that the Defense Department has lost 18,576 military weapons during the last decade; subsequent recoveries reduced the net loss of 10,604 weapons for that decade, although actual losses were probably much higher since losses were not always reported. In addition, substantial quantities of weapons were frequently written off as inventory errors without benefit of investigation to determine whether there had in fact been theft or loss.

Such losses may not seem substantial spread out over the course of a decade but it is striking to note that they are more than enough to equip 10 combat battalions. Of equal concern to me are the numbers of automatic rifles and machine guns that have been lost or stolen, weapons which clearly are of little interest to the ordinary citizen but are in great demand by foreign clandestine crime and guerrilla organizations.

I find it shocking, Mr. President, that during the 1960's the Defense Department played only a minor role in developing weapons security policy. During that period it was the individual military departments themselves who largely developed their own security programs, if they developed them at all. It was not until 1970 that the Department of Defense even began to be aware of the substantial losses of weapons from its inventories, losses that not only adversely affect our own preparedness but also strengthen the hands of those clandestine groups which obtain them. The Defense Department's establishment of the Physical Security Review Board was the first real effort to coordinate and improve weapons security policy. It is important to note that as a result there have been reductions in numbers of weapons stolen. Nevertheless, the problem remains with us—more than 9,000 weapons have disappeared since the Board was established, a figure which is still far too high.

One of the explanations seems to lie in the failure of the individual services to implement the Board's policies, a failure which the Defense Department itself has recognized and admitted.

In addition, the structure of responsibility within the Department of Defense for monitoring and obtaining compliance is fragmented and ambiguous.

Consequently, Mr. President, the legislation I am introducing today would establish in the Department of Defense a Weapons and Munitions Security Office to be headed by an Assistant Secretary of Defense, to be responsible for formulating coordinating, and supervising a continuing program of security and accountability for Department of Defense weapons and munitions. Immediately upon enactment of the act, a review of weapons security shall be undertaken to determine the effectiveness of existing policy and to develop new procedures for meeting weaknesses in that policy. In addition, the Assistant Secretary is given the critical mandate of conducting periodic inspections to determine the extent of compliance by the individual services with Department of Defense weapons security policies.

A second problem which has been divulged has been the failure to report all weapons losses. Indeed the services have tended all too frequently to follow the practice of chalking up weapons losses to inventory error with little or no investigation. In spite of repeated Department of Defense urging of the services to investigate all weapons losses, however, the practice has continued and its existence was confirmed by a General Accounting Office report as recently as July 1975.

Consequently my bill requires that a thorough investigation be conducted upon each loss of weapons and no loss may be ascribed to inventory error unless the Department demonstrates that its investigation has conclusively excluded the possibility of theft or loss. In addition, each military department is required to submit to the Assistant Secretary quarterly reports on implementation of weapons security regulations and a description of all losses and recoveries of weapons by that department during the preceding quarter. The Secretary of Defense shall submit a report to the Congress each year summarizing the weapons and munitions losses and the recoveries made by each military department during the preceding year.

Finally, my bill requires the Defense Department to cooperate with Federal law enforcement officials in efforts to identify and protect weapons and munitions against threats of destruction or theft and in recovering any loss through theft. This provision is to secure a measure of cooperation between military officers and law enforcement agencies which has not always existed in the past.

In addition to inadequate security, Mr. President, there is another aspect of this issue of great concern to me and that is the destination of these stolen weapons. Available evidence indicates that there are two major groups of recipients: one, illegal narcotics traffickers; two, revolutionary organizations in Latin America, especially Mexico.

It is incomprehensible to me that the Defense Department either denies or minimizes the whole problem of weapons losses but also seems only remotely concerned over their delivery into the hands of those illegal groups. Various Federal agencies, including the Drug Enforcement Administration and Customs Bureau, among others, have documented evidence of U.S. military weapons and aircraft being used by those engaged in the illegal drug trade in Latin America. Mexico is the primary target country. Since these are largely automatic weapons not available on the U.S. commercial market, the source of origin is clear—U.S. military installations.

One drug trafficker told authorities he was buying surplus U.S. military aircraft and selling them to foreign nationals. These nationals would then load them with stolen weapons and fly them to another country to exchange for narcotics.

And late last year evidence was collected pointing to the existence of a gun-smuggling ring stealing weapons from U.S. military installations, a ring with contacts who exchange arms for narcotics.

At a time when 90 percent of the heroin available in the United States

originates in Mexico, Mr. President, when heroin addiction among our Nation's youth continues to be one of our most urgent social problems, I do not believe we can afford to ignore the assistance provided drug smugglers by U.S. weapons. When I see evidence of smugglers flying monthly into the United States with planeloads of heroin and returning with planeloads of M–16 automatic rifles, Mr. President, I am convinced that our faulty weapons security policy is not only a threat to our security, it is—indirectly—a threat to our moral fiber as well.

Also of concern to me, but more difficult to document, is the ease with which stolen U.S. weapons can enter the hands of antigovernment guerrilla organizations in neighboring nations to the south. A recent spate of terrorist incidents in Mexico, in particular, underlines the existence of radical elements in that country which are clearly well armed and may have access to the same sources of arms supplies as those involved in the illegal drug trade. Indeed many terrorist, guerilla groups barter heroin, cocaine, and marihuana for weapons and munitions. For example, a large cache of stolen M–14's from the Midwestern United States was traded in Mexico for marihuana to a Mexico drug trafficker connected with a now deceased Mexican guerilla leader. Other cases document efforts to use a subversive organization in Mexico to obtain marihuana in exchange for automatic weapons.

It goes without saying that it is imperative to our national security to share our 2,000-mile-long southern border with a strong, stable, democratic neighbor. If stolen arms are being provided illegal, extremist, clandestine groups in Mexico, then it is a threat not only to the people of that country but also to the United States—and it is a threat which we must work together to solve.

Therefore, Mr. President, I am convinced that the legislation I am introducing today is one urgently needed step that will not only strengthen our own national security but that of our neighbors as well.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3772

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 159 of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 2686. Weapons and munitions security and accountability procedures

"(a) There shall be established in the Department of Defense an office known as the Weapons and Munitions Security Office (in this section referred to as the 'Office'). The Office shall be responsible for formulating, coordinating, and supervising a continuing program of security and accountability for weapons and munitions of the Department of Defense. The Secretary of Defense shall designate an Assistant Secretary of Defense to serve as the head of the Office.

"(b) In carrying out the provisions of this section, the Assistant Secretary of Defense who is designated as head of the Office shall—

"(1) review all security and accountability procedures in effect on the date of enactment of this section with respect to weapons and munitions of the Department of Defense to determine whether such procedures provide effective accountability and physical security for such weapons and munitions wherever located, including, but not limited to, weapons and munitions in storage depots and weapons and munitions in transit;

"(2) modify such existing procedures or promulgate such new procedures as he deems necessary or appropriate to protect weapons and munitions of the Department of Defense against loss or theft and to provide for accurate and timely accountability for such weapons and munitions; and

"(3) conduct periodic inspections to determine the extent of compliance by the military departments with the security and accountability procedures applicable to weapons and munitions of the Department of Defense.

"(c) Whenever any military department suffers a loss of weapons or munitions, such department shall conduct a thorough investigation of such loss. In no case may a military department attribute a weapon or munition loss to inventory error unless such department demonstrates that its investigation has conclusively excluded the possibility of theft or loss.

"(d) Each military department shall submit to the Assistant Secretary of Defense designated as the head of the Office quarterly reports containing such information, as such Assistant Secretary shall prescribe, regarding security and accountability of all weapons and munitions under the jurisdiction of such military department. Such reports shall include, but shall not be limited to, a description of all losses and recoveries of weapons and munitions by such military department during the quarter for which the report is made.

"(e) The Secretary of Defense shall submit a report to the Congress each year summarizing the weapons and munitions losses suffered and the recoveries made by each military department during the preceding year.

"(f) The Secretary of Defense shall cooperate with Federal law enforcement officials in attempting to identify and protect weapons and munitions of the Department of Defense against threats of destruction or theft and in recovering any such weapons or munitions which have been lost or stolen.".

(b) The table of sections at the beginning of chapter 159 of such title is amended by adding at the end thereof.

"2686. Weapons and munitions security and accounting procedures.".

By Mr. BELLMON:

S. 3773. A bill to authorize the Secretary of the Army and the Secretary of the Interior to convey to the State of Oklahoma certain interests of the United States in and to Fort Gibson Dam and Reservoir Project. Referred by, by unanimous consent, to the Committee on Public Works.

Mr. BELLMON. Mr. President, today I am introducing a bill authorizing the transfer of certain elements of the Fort Gibson Reservoir in Oklahoma to State control. This reservoir was constructed by the Corps of Engineers and is now operated by the Interior Department.

Mr. President, the terms and purpose of this bill are not complicated. The bill provides authority for the Federal Government to negotiate with representatives of Oklahoma State government for the sale or transfer of Fort Gibson Reservoir to an agency of the State of Oklahoma. No price is set by the bill. The price is subject to negotiation.

The Fort Gibson Reservoir in Oklahoma represents a unique situation. In 1935, the Oklahoma State Legislature created the Grand River Dam Authority for the purpose of developing the water resources of the Grand River in Oklahoma. The first project, Pensacola Dam and Power Station, was completed in 1941. A second project, Markham Ferry—now known as Lake Hudson—was constructed in 1964.

The third site on the Grand River was taken over by the U.S. Corps of Engineers which constructed the Fort Gibson Dam and Power Station. The power generating elements of this project are now being operated by the Southwest Power Administration of the Department of Interior.

The principal purposes of the project are power generation, recreation flood control, and navigation. Under the terms of this legislation, the Corps of Engineers would continue management of the navigation and flood control operation of the project as is currently the case with Markham Ferry and Pensacola.

Mr. President, Congress and the administration have increasingly returned responsibilities and power to State and local governments. The transfer of the operation of Fort Gibson Reservoir in Oklahoma is another step in this direction. The successful negotiation of the transfer of this project to the appropriate State agency would serve as an example for other States to assume operations of similar projects which are now under Federal control.

Mr. President, it is anticipated that the terms of negotiation will protect the power requirements of the Southwest Power Administration's preference customers.

The U.S. Army Corps of Engineers is probably one of the world's finest construction teams. Throughout its history, it has carried on construction activities of a size and scope virtually unmatched by any other organization. The corps has accomplished its mission under extremely demanding and complex conditions. It has earned a reputation of excellence that is virtually unparalleled. It is not the intention of this legislation to in any way be critical of the corps or to lessen the corps' role as the principal construction agency of the U.S. Government for flood control, navigation, and similar projects.

There is some question, however, as to whether or not the housing chores associated with projects like Fort Gibson are a proper function of the corps. Once these projects are built, there is reason to believe that other entities can perform the day-to-day operational functions and coordinate nonflood control and nonnavigation functions more efficiently and effectively than an arm of the Federal Government.

Mr. President, the passage of this legislation will provide a means for determining whether or not it is necessary for the Corps of Engineers to continue in its present role both as the major con-

struction arm of the U.S. Government and a major housekeeper of projects once they are finished. In addition, it will provide a measure as to whether or not State agencies can perform the important management and housekeeping role with which the corps is presently saddled. I am convinced that the States can meet this responsibility and urge the prompt approval of this legislation.

Mr. President, I ask unanimous consent that this bill be referred to the Committee on Public Works.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL COSPONSORS

S. 1593

At the request of Mr. CRANSTON, the Senator from New Hampshire (Mr. DURKIN) was added as a cosponsor of S. 1593, to amend the Public Health Service Act.

S. 2468

At the request of Mr. GARY HART, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 2468, to provide for certain payments to local governments based on the amount of certain public lands within their boundaries.

S. 3182

At the request of Mr. TAFT, the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 3182, a bill to amend the Occupational Safety and Health Act of 1970.

S. 3221

At the request of Mr. DOMENICI, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 3221, to issue a certain oil and gas lease to the Ballard E. Spencer Trust, Inc., New Mexico.

S. 3516

At the request of Mr. BENTSEN, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 3516, relating to the suspension of assistance to certain countries.

S. 3663

At the request of Mr. GARY HART, the Senator from Colorado (Mr. HASKELL) was added as a cosponsor of S. 3663, to amend the Federal Water Pollution Control Act.

S. 3750

At the request of Mr. BARTLETT, the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of S. 3750, to amend the Walsh-Healey Act and the Contract Work Hours Standards Act.

AMENDMENT NO. 2114

At the request of Mr. TOWER, the Senator from New York (Mr. BUCKLEY) was added as a cosponsor of amendment No. 2114, intended to be proposed to S. 2304, a bill to strengthen the supervisory authority of the Federal banking agencies.

AMENDMENT NO. 2155

At the request of Mr. FANNIN, the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of amendment No. 2155, intended to be proposed to S. 2657, the education amendments of 1976.

AMENDMENT NO. 2219

At the request of Mr. MUSKIE, the Senator from Missouri (Mr. EAGLETON), the Senator from Indiana (Mr. BAYH), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of amendment No. 2219, intended to be proposed to H.R. 14846, the military construction authorization bill.

AMENDMENTS SUBMITTED FOR PRINTING

OUTER CONTINENTAL SHELF LANDS ACT AMENDMENTS OF 1976—S. 521

AMENDMENT NO. 2225

(Ordered to be printed and to lie on the table.)

Mr. JACKSON. Mr. President, on July 30, 1975, the Senate passed S. 521, the Outer Continental Shelf Lands Act Amendments of 1976, by a vote of 67 to 19. On July 21 of this year, the House of Representatives passed its amendment to S. 521 by a vote of 247 to 140.

I have reviewed the House amendment which is very similar to the Senate bill in its general approach. I believe that the Senate should accept the House amendment with some further amendments. This approach will give us the greatest opportunity to make these much needed changes in the law this year.

I have introduced amendment No. 2225 which would make these changes. All of them are designed to move the House amendment somewhat closer to the Senate-passed bill. No new or nongermane matter is involved. They are consistent with the Coastal Zone Management Act Amendments of 1976, which became law on July 26.

I believe that, if these amendments were adopted by the Senate and accepted by the House of Representatives, the bill which Congress would be sending to the President would be a fair compromise of the differences between the two Houses.

The ad hoc Select Committee on the Outer Continental Shelf has reviewed these amendments and is prepared to accept them. I intend to bring S. 521 before the Senate as soon as possible.

I ask unanimous consent that my amendment, together with a brief explanation of its 14 provisions and an analysis of the differences between the Senate bill and the House amendment, be printed in the RECORD.

There being no objection, the amendment and explanation were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 2225

1. Page 17: Strike all of lines 21–25, and on page 18 strike all of lines 1–24, and on page 19 strike lines 1–7 and insert in lieu thereof:

"(b) Section 4(a)(2) of such Act is amended by redesignating paragraph (2) as (2)(A) and adding at the end of that paragraph the following:

"The determination and publication of the projected lines defining the area shall be completed within one year after the date of enactment of this sentence."

2. Page 22: On line 3 strike "findings, purposes, and".

3. Page 34: Strike all of line 25 and insert:

"(ii) If, during the first year following enactment of this subsection, the Secretary finds that compliance with the limitation set forth in clause (i) would unduly delay development of the oil and gas resources of the Outer Continental Shelf, he may exceed that limitation after he submits to the Senate and the House of Representatives a report stating his finding and the reasons therefor. If, in any other year following the date of enactment of".

4. Page 41: On line 5 strike "would" and insert in lieu thereof "may".

5. Page 47: Strike line 6 and insert in lieu thereof: "and gas accumulations. The Secretary shall, by regulation, specify the length of time during which he will seek such applicants.".

6. Page 47. After line 6 add the following new subsection:

"(h) The Secretary is authorized and directed to contract for exploratory drilling on geological structures which the Secretary, in his discretion, determines should be explored by the United States Government for national security or environmental reasons or for the purpose of expediting development in frontier areas. Such exploratory drilling shall not be done in areas included in the leasing program prepared pursuant to section 18 of this Act."

7. Page 58 Strike lines 12–20 and insert in lieu thereof: "in a balanced manner, consistent with the policies of this Act. If the recommendations from State Governors or Regional Advisory Boards conflict with each other, the Secretary shall accept any of those recommendations which he finds to be the most consistent with the national interest. If the Secretary finds that he cannot accept recommendations made pursuant to this subsection, he shall communicate, in writing, to such Governor or such Board the reasons for rejection of such recommendations. The Secretary's determination that recommendations are not consistent with the national security or the overriding national interest shall be final and shall not, alone, be a basis for invalidation of a proposed lease sale or a proposed development and production plan in any suit or judicial review pursuant to Section 23 of this Act, unless found to be arbitrary or capricious."

8. Page 61 Strike lines 23 and 24 and lines 1–10 on page 62 and insert in lieu thereof:

"(A) Except as provided in subparagraph (B), such regulations shall be developed by the Secretary with the concurrence of the Administrator of the Environmental Protection Agency, the Secretary of the Army, and the Secretary of the Department in which the Coast Guard is operating.

"(B) Regulations for occupational safety and health shall be developed with the concurrence of the Secretary of Labor."

9. Page 62. On line 15, strike "economically achievable,".

10. Page 65 On line 23, strike "twice" and insert "once".

11. Page 67 Strike lines 9–13 and insert in lieu thereof:

"(e) The Secretary, or, in the case of occupational safety and health, the Secretary of Labor, shall consider any allegation from any person of the existence of a violation of a safety regulation issued under this Act. The respective Secretary shall answer such allegation no later than 90 days after receipt thereof, stating whether or not such alleged violation exists and, if so, what action has been taken."

12. Page 70 On line 23, insert after "Act" the first time it occurs the following: "or common law".

13. Page 105 On line 15 insert "or" immediately before "(2)" and strike lines 17 and 18 and insert in lieu thereof: "tity)."

14. Page 128 Strike all of lines 23–25 and all of lines 1–15 on page 129. Also on page 2 strike "Sec. 406. Rule and regulation review."

EXPLANATION OF PROPOSED SENATE AMENDMENTS TO HOUSE AMENDMENT OF S. 521—OUTER CONTINENTAL SHELF LANDS ACT AMENDMENTS OF 1976

1. Applicability of State Law: The Senate bill did not change the existing law with respect to applicability of State law to OCS activity. Section 19(f) of the Deepwater Ports Act of 1974 (88 Stat. 2126) amended

Section 4 of the Outer Continental Shelf Lands Act to provide that current State law would apply. The House amendment would apply State civil law every five years. The proposed Senate amendment would delete this provision and thus maintain the status quo.

2. Clarification of Purpose of Regulations: The House amendment states the leasing regulations shall be "in furtherance of the findings, purposes, and policies of this Act." The Senate bill had no comparable provision. The proposed Senate amendment would delete the reference to "findings" and "purposes" in the House amendment.

3. Use of Alternative Leasing Systems: The Senate bill limits the use of cash bonus bidding to not more than 50% of the acreage offered in frontier areas. The House amendment put this requirement at 60⅔%. Both versions provide for exceptions after Congressional review. The proposed Senate amendment would adopt the House approach with one modification taken directly from the Senate bill. This would allow the Secretary, during the first year after enactment, to use cash bonus bidding for more than two-thirds of the areas offered for lease if he found that compliance with the limitation would unduly delay OCS oil and gas development.

4. Antitrust Review-Conforming Amendment: The House amendment added provisions for antitrust review of proposed leases, which were not in the Senate bill. These provisions were modeled on those in the Naval Petroleum Reserves Production Act of 1976 (P. L. 94-258) and the Federal Coal Leasing Amendments Act (P. L. 94-377).

Among other things, Section 205(b) of the House amendment requires the Secretary of the Interior to notify the Attorney General and the FTC 30 days before the issuance or extension of any proposed lease, and "(s)uch notification shall contain such information as the Attorney General and the Federal Trade Commission may require in order to advise the Secretary as to whether such lease or extension *would* create or maintain a situation inconsistent with the antitrust laws" (emphasis added).

From a technical antitrust standpoint, the correct word is "may". The object of the antitrust section of the OCS bill is to permit the Justice Department and the Federal Trade Commission to challenge potentially anticompetitive leases before they are issued, i.e. in their incipiency. In this regard, the purpose is identical to that of section 7 of the Clayton Act, which prohibits corporate acquisitions "where . . . the effect of such acquisition *may* be substantially to lessen competition . . ." (emphasis added).

The Senate amendment simply substitutes "may" for "would".

5. Stratigraphic Drilling: In connection with oil and gas exploration on the OCS, the House amendment contains a provision (Sec. 206) which requires the Secretary "at least once in each frontier area" to "seek qualified applicants" to conduct geological explorations, including core and test drilling, in areas having the greatest likelihood of containing oil and gas. The Senate bill has no comparable requirement.

While this provision for possible on-structure stratigraphic drilling by private industry is reasonable, it appears desirable to set a specific limit on the length of time during which the Secretary must "seek qualified applicants." The proposed Senate amendment would authorize and direct the Secretary to set a specific deadline.

6. Federal Exploratory Drilling: The Senate bill (new Section 19) provides for a comprehensive OCS oil and gas information gathering program including requirements for detailed mapping and an experimental program of exploratory drilling under government contract. $500 million was authorized to be appropriated for such drilling. The House amendment has no comparable provision.

The proposed Senate amendment would provide for a scaled-down Federal exploratory drilling program to be carried out under contract with private industry. This would be limited to situations where the Secretary of the Interior, *in his discretion*, determined that government exploration was needed for national security or environmental reasons or to expedite development in frontier areas. Areas included in the five-year leasing program would be excluded from Federal exploration.

7. Judicial Review of Secretary's Rejection of Recommendations of Governors and Advisory Board Recommendations: Both the Senate bill and the House amendment provide for establishment of Regional OCS Advisory Boards, and require the Secretary to accept the recommendations of such Boards and of State Governors unless he determines such recommendations are not consistent with the national interest.

The Senate bill provided that the Secretary's determination of overriding national interest would be final unless determined in a judicial review to be arbitrary or capricious. The House amendment broadened the scope of judicial review of the Secretary's determination.

The proposed Senate amendment retains the House language but adds the original Senate limitation on judicial review of the overriding of a State Governor or Regional Board recommendations.

8. Development of Safety Regulations: The Senate bill provides for the safety regulations to be prepared by the Secretary of the Interior with the concurrence of the Environmental Protection Agency and the Coast Guard.

The House amendment splits up this responsibility. Regulations are to be developed by the Secretary (1) for protection of the environment with the EPA or the Secretary of Commerce (NOAA), (2) for the avoidance of navigational hazards, with the Army or Coast Guard, (3) for occupational safety and health with the Secretary of Labor (OSHA) or Coast Guard.

The proposed Senate amendment adopts the original Senate approach but specifies, as did the House amendment, that regulations relating to occupational safety and health will be developed with the concurrence of the Secretary of Labor.

9. Standard of Technology: The Senate bill provides that the Secretary's safety regulations must require use of the best available technology of all new OCS operations and, wherever practicable, on already existing operations.

The House amendment retained this provision but refers to best available and safest technology *"economically achievable"*. (emphasis added.)

The proposed Senate amendment would retain the House language except for the words "economically achievable". There is no need for this qualification with respect to existing operations where the "whenever practicable" test would apply. With respect to new operations, adding an "economically achievable" test could lead to use of less safe equipment in marginal development situations.

10. Inspection Frequency: The Senate bill requires the Secretary to provide for physical observation of OCS installations at least once a year. The House amendment provides for twice a year inspections.

The proposed Senate amendment adopts the original Senate requirement. This is a statutory minimum and does not preclude more frequent inspections where appropriate.

11. Response to Allegation of Violations: Both the Senate bill and the House amendment require the relevant official to consider any allegation of the existence of a violation of a safety regulation. The Senate bill specifically required that an allegation be answered within 90 days.

The proposed Senate amendment adds this requirement to the House amendment.

12. Citizen Suits—Clarifying Amendment: Both the Senate bill and the House amendment contain similar provisions relating to citizen suits to enforce the OCS law and regulations.

The proposed Senate amendment is a technical one. It is simply designed to assure that the provisions of the bill (new section 23) do not restrict any right to relief which anyone may have under common law.

13. Oil Spill Liability—Act of God Defense: The Senate bill contains an oil spill liability provision (new Section 23) modeled after the Trans-Alaska Pipeline Authorization Act of 1973 (Title II of P. L. 93-153) and the Deepwater Port Act of 1974 (P. L. 93-627).

The House amendment contains a more extensive provision (Title III) which applies to oil spills from any OCS facility, and any transportation device, including vessels, for delivery of oil or gas from such a facility. This Title is modeled after the Comprehensive Oil Pollution Liability and Compensation Act of 1975 proposed by the President on July 9, 1975.

The proposed Senate amendment would accept the House amendment with one change. The House amendment provides that a lessee is not liable for damage from an oil spill caused by "a natural phenomenon of an exceptional, inevitable, and irresistable character." The Senate amendment would eliminate this "secular act of God" defense which was not included in the Senate bill. The Senate took this approach in order to encourage OCS operators to make their installation as earthquake and hurricane proof as possible.

14. Congressional Veto of Regulations: The House amendment contains a provision (Section 406) providing for Congressional veto of any rule or regulation issued under the Act if either House of Congress passes a resolution of disapproval within 60 days after its adoption. The Senate bill has no such provision.

The proposed Senate amendment would delete Section 406 of the House amendment. The constitutionality of Congressional vetoes of Executive regulations is currently being litigated. In addition, there is general legislation on this subject currently pending in both Houses. Inclusion of a specific veto provision in S. 521 at this time is not appropriate.

DIFFERENCES BETWEEN S. 521—SENATE VERSION (S) AND HOUSE VERSION (H) (FORMERLY H.R. 6218)

TITLE I

1. Title—S. calls the bill "Outer Continental Shelf Management Act of 1975"; H. calls the bill "Outer Continental Shelf Lands Act Amendments of 1976".

2. Findings—Both versions have many of the same findings.

However, S. also has findings that it is a "national policy" to develop coastal zone resources and provide for energy facility siting; and that the Coastal Zone Management Act provides procedures to anticipate and prevent adverse impacts.

H. alone has findings requiring an updating of environmental and safety regulations; that states should be given timely access to information relating to the outer continental shelf; that states should have an opportunity to review and comment on decisions; that states should receive financial assistance to plan for and ameliorate OCS impacts; that funds should be made available to pay for the removal of oil spills and damages from oil spills; and that the federal government should minimize or eliminate conflicts between OCS exploitation and other uses, such as fishing and recreation.

3. Purposes—Both versions contain many of the same purposes.

However, H. alone provides that states should have timely access to information regarding OCS activities; that states should have an opportunity to review and comment on decisions; that conflicts between OCS and other resource recoveries should be minimized or eliminated; that states should receive financial assistance to plan for and ameliorate OCS impacts; that an oil spill liability fund should be established to pay for the prompt removal of oil spills and damages from oil spills; and that the resources of the OCS should be assessed at the earliest practicable time.

4. Sunshine in Government—(Should really be in Miscellaneous Section—Title IV)—H. alone contains a provision for filing of statements concerning the financial interests of employees of the Interior Department and reports to Congress on such statements.

TITLE II

5. National Policy—(Amending Section 3)

H. restates first two provisions of Section 3 of the OCSLA (maintained without change in S), providing for control of the subsoil and seabed of the OCS of the United States and preservation of the right to navigation and fishing of the waters above the OCS's high seas.

S. recognizes development of OCS resources will have significant impact on coastal zones, and H. states that such OCS activities will have significant impact on not just coastal areas, but on other affected areas of all states.

H. contains a provision for insuring safe operations in this section, while S. places the policy for safe operations in the section on safety regulations.

6. Leasing Programs (New section)—Both versions establish an OCS leasing program.

* H. limits as factors to be included in consideration and establishment of such program the laws, goals and policies of affected states and the policies and plans established pursuant to the Coastal Zone Management Act required to be considered as those specifically identified by the governors of the states.

H. also alone provides, as a consideration, recommendations and advice given by regional OCS boards and whether there will be sufficient resources, including equipment and capital, to provide for expeditious exploitation.

* S. provides that the timing and location of leasing should occur so that areas with the greatest potential for discovery of oil and gas are leased first, taking into account environmental and coastal zone impacts and national needs, while H. provides that timing and location should be based on a proper balance between environmental damage, discovery of oil and gas, and adverse impacts on the coastal zone.

S. version provides for estimates to be prepared in the leasing program for the $500 million exploration program authorized by that bill and H., not having that program, does not so provide.

S. alone includes detailed considerations of what is to be included in the EIS for the leasing program.

H. requires that the procedures to be established by regulation, in addition to those provided in S. version, include periodic consultation with governments, lessees and permittees, representatives of individuals or organizations involved in OCS activities, including fishing, recreation.

S. requires proposed leasing programs to be submitted to Congress and published in the Federal Register, while H. requires that it be submitted to Congress, the Attorney General, state and local governments and regional advisory boards, and other persons, and provides that the Attorney General is to submit comments on competitive aspects of the program and other organizations and states and local governments are to submit recommendations as to any aspect of the program within ninety days of publication.

H. alone specifically requires in addition that during the preparation of any program, the Secretary is to invite and consider suggestions from the governors and to submit the proposed program sixty days prior to formal proposal by publication in the Federal Register to the governors.

S. provides for approval by June 30, 1977 and no leasing unless in accordance with that program after that date, while H. provides for approval within 18 months of enactment and allows leasing to continue until the program is approved and/or under judicial or administrative review.

S. requires the program to be revised and reapproved at least annually, while H. requires review annually and reapproval as seen fit by the Secretary of the Interior.

Both H. and S. provide for the obtaining of information and reports from public sources, or by purchase from private sources, but S. provides that confidentiality is to remain for such period of time as agreed by the parties, while H. provides confidentiality for such period of time as provided specifically in the OCS Act, established by regulation, or agreed to by the parties.

7. Exploration/Information Program (Amended Section 11 and new Section).

* Exploration—S. alone authorizes any type of exploration and alone establishes a comprehensive "information-gathering program" concerning OCS resources, including government drilling, purchasing results of permitted drilling activities in a $500 million drilling program; S. alone also contains a provision for keeping and publishing a detailed set of maps and submitting to Congress a report on the information-gathering program.

* H. adopts, in an amended Section 11, the original language of the OCSLA giving the authority of any agency of the United States, or any person authorized by the Secretary, to conduct any type of geological or geophysical exploration; and adds a subsection requiring the Secretary to "seek qualified applicants to conduct geological explorations in areas of greatest likelihood of resources (onstructure drilling)."

Information—S. provides that all lessees or permittees are to provide all data and interpretations to the Secretary of the Interior while H. provides a lessee or permittee is to provide all information and interpretations as the Secretary requests.

H. alone adds provisions providing that an interpretation made in good faith eliminates any liability by the lessee or permittee based on reliance on that interpretation, and providing for processing and reproduction expenses to be paid by the Secretary.

* S. provides that the Secretary and any other person coming into possession of information is to insure confidentiality until the Secretary determines release would not "damage the competitive position of the lessee," while H. provides for the Secretary only to establish regulations to assure the confidentiality of information.

*H. limits transmittal of information to states to other persons unless the permittee or lessee agrees, but provides specifically that the governor of the state can designate an appropriate official to see any privileged or confidential information after a lease sale, that the state shall keep such information confidential and any provision of state law to the contrary is overruled, and that a state could be deprived of the right of access and transmittal if it violates confidentiality standards. S., on the other hand, provides for the Secretary to make available to the public and to various states all information that the Secretary himself obtains, or obtains by services contracts; and all other information which the Secretary obtains, provided that confidentiality is secured.

H. alone adds a provision that a copy of all relevant documents, reports, plans, EIS's, nominations are to be submitted to the states; that a summary of the data prepared by the Secretary and any other data processed or analyzed by the Secretary is to be submitted to the states, provided that it does not unduly damage the competitive position of the lessee or permittee.

S. has a provision that once an entire geological structure or trap is leased, the Secretary is to publish estimates of the amount of oil and gas contained therein, and also a separate section providing for certain planning information for the states to be supplied as soon as practicable after each lease sale, while H. provides for planning information to be prepared by the Secretary for the states to include estimates of reserves, size and timing of development, etc., and to be periodically transmitted to the states as soon as practicable after any information is received.

8. Safety Regulations—(New section)—S. contains a policy for safe operations, which H. puts in its amended section and establishing national policy.

S. provides for promulgation of all "safety regulations," while H. provides for the promulgation of safety regulations as to the construction and operation of any fixed structure and artificial island on the outer continental shelf.

*S. provides for the safety regulations to be prepared by the Secretary of the Interior with concurrence and advice of the EPA and Coast Guard; H. provides for the separation of responsibility—regulations are to be developed by the Secretary (1) for protection of the environment with the EPA or the Secretary of Commerce (NOAA), (2) for the avoidance of navigational hazards, with the Army or Coast Guard, (3) for occupational safety and health with the Secretary of Labor (OSHA) or Coast Guard. Both provisions provide for a complete promulgation of new regulations within one year after enactment and the continuation of existing regulations until that time (language has to be cleared up to make this explicit).

H. alone contains a provision providing for interim regulations to be prepared within sixty days by OSHA as to diving activities and any other unregulated hazardous working conditions.

*S. contains a provision requiring the best available technology, while H. provides for the best available and safest technology economically achievable.

H. alone contains provisions indicating that nothing should affect or duplicate the authority of the Secretary of Transportation as to pipelines, and providing for a compilation of all safety regulations to be prepared by the Secretary available to any person.

9. Research and Development—(New section)—S. contains an extensive provision for research and development programs, and H. does not. (Committee on Science and Technology of the House has passed an Outer Continental Shelf Research and Development Act, which is presently pending in the House Interior Committee, providing for a detailed R&D program as to the OCS, H.R. 11333.)

10. Safety Enforcement—(New section)—*S. provides for the Secretary of the Interior and the Coast Guard to enforce all regulations, while H. provides for the Secretary of the Interior and the Coast Guard to enforce safety and environmental regulations, and the Secretary of Interior and Secretary of Labor (OSHA) to enforce occupational and public health regulations.

H. alone also provides that enforcement shall be "strict."

*H. provides for joint responsibility by holders of leases or permits with an employer

or subcontractor for all safeguards in accordance with regulations.

S. provides for physical observation once a year, while H. provides for it twice a year.

Both versions provide for periodic on-site surprise inspection, but requires on-site inspections as to permittees, and not just as to lessee, as limited in S.

H. alone requires an investigation and report on any death or serious injury by the Secretary of Labor (OSHA).

Both versions provide that the relevant agencies are to consider any allegation as to safety violations, but S. requires the Secretary to answer an allegation within ninety days.

H. alone contains a provision requiring the annual report to contain a listing of the number of safety regulations violations reported or alleged, investigations undertaken, the results of the investigations, and any other action taken in response.

H. alone has a provision providing that after notice and hearing, the Secretary is to cancel a lease, without compensation, where there has been a failure to comply with safety regulations in a repeated course of conduct, or there is an overall pattern of failure to comply with regulations to assure maximum efficient and safe development of leases.

*11. Oil Spill Fund—S. contains a new but limited section on oil spill liability, while H. contains a very extensive Title establishing liability and a pollution fund.

Specifically, H. applies to OCS facilities and vessels transporting OCS oil, while S. is limited to OCS facilities.

H. alone contains a provision prohibiting the discharge of oil in quantities determined to be harmful under the Federal Water Pollution Control Act.

Both versions contain provisions for the person in charge to report a spill, penalties for failure to report, and limitations on the effects of notification on any subsequent criminal prosecution.

S. provides for liability for all clean-up and damages up to $22 million and a fund thereafter, while H. provides for liability for damages up to $35 million and unlimited clean-up.

*H. alone specifically provides that liability limits do not apply to damages resulting from gross negligence, willful misconduct, or violation of applicable standards or regulations. S. provides that liability is not to be imposed for spills as a result of acts of war, negligence by a government agency, or the negligence or intentional act of the claimant, while H. provides that liability does not apply to spills as a result of acts of war, negligence or intentional acts of the damaged, or any third party, including the government, or an act of God (a natural phenomenon, of an exceptional, inevitable and irresistible character).

Both versions provide for subrogation, but H. specifically provides for the right to go against the person who damages or injures. H. contains a provision providing for the limitation of liability to a citizen of a foreign country unless there is a treaty or executive agreement or the Secretary of State, or the Attorney General certifies that there is a similar remedy in that country.

H. also alone provides for interests upon claims.

S's fund is to be within the Department of the Interior, to be financed by 2½ cents per barrel charge, until $200 million has been accumulated, while H's fund is to be administered by the Department of Transportation, on the basis of a three cent per barrel fee, until $100 to $200 million is established in the fund, and H. provides for the ability to borrow up to $500 million in addition.

H. specifically details the duties and powers of the fund, the recoverable damages, the specific disbursements available from the fund and its revolving account, the claims procedure, none of which are specifically detailed in S.

S. provides for removal of discharged oil by the Coast Guard; while H. provides for arrangements to be established by the President.

H. alone provides that claims can be brought directly against the Fund or Spiller, allows the President to adjust the requirements of liability, and provides that states cannot require additional evidence of financial responsibility in addition to those required.

H. alone provides that the President or his representative is to act as a trustee of the natural resources so as to recover for damages to the natural resources from a spill, and alone specifically provides procedures for judicial review; for class actions; for representation of the class by the Attorney General, or if he does not act, by the Secretary of Transportation; for access to records by the Secretary; for limited public access to information; and for an annual report.

H. specifically provides for appropriations of $10 million for 1977, $5 million for 1978, and $5 million for 1979, in accordance with appropriation acts each year, while S. contains a general authorization provision.

While both S. and H. provide that this act should not preempt a state from imposing additional requirements or liability for discharge, H. provides that a person who receives compensation from one fund should not be able to receive compensation from another fund.

12. Citizens Suits—(New section)—*S. provides that any person having interest which "is or may be" adversely affected can sue, while H. provides that any person having interest "which is or can be" adversely affected can sue.

S. alone provides specifically that one can sue a government instrumentality, "to the extent permitted by the Eleventh Amendment."

S. provides for suits against the Secretary, while H. provides for suits against any federal official involved in safety regulation and enforcement. Similarly, S. precludes suits if the Secretary is diligently prosecuting a civil suit on the same matter, while H. provides a limitation if the relevant official or the Attorney General is undertaking such litigation.

S. provides for sixty day notice unless there is an imminent threat to the health or safety "of the plaintiff" while H. provides sixty-day notice unless there is an imminent threat to the "public health or safety."

*S. provides that the citizens suits provision does not in any way limit the ability to sue under any other law while H. provides that some of the judicial review procedures as to certain activities do limit the way one can sue under other laws, except for NEPA.

Both versions provide for a right of judicial review to the D.C. court of appeals of a leasing program, providing challengers participate in relevant administrative procedures, but H. provides that this is the exclusive method of review, and is excluded from citizens suits.

Both versions provide that review of a development and production plan is to be in a court of appeals where an affected state is located, after suitable administrative proceedings, but H. provides this should be the exclusive way to review a development and production plan.

H. also provides for judicial review in a court of appeals of an affected state of an exploration plan (an exploration plan is not included as part of the requirements of the Senate bill).

**S. provides that judicial review of the holding of a specific lease sale is to be reviewed by a United States Court of Appeals, while H. specifically excludes a lease sale from judicial review, thus including it as an event that can be challenged in a citizens suit in the district court.

H. specifically provides, as in the original OCS Act but in a different section (and thus retained in S.), for jurisdiction in the district courts as to court actions, also alone provides for expedited consideration and specifically that this section not to affect any procedures or actions under NEPA.

13. Annual Reports/Promotion of Competition (amended section 15, and a new S. section)—Both versions provide for an annual report, which H. alone including in the report a list of all shut-in wells, and S. alone including a summary of grants made from the impact fund.

Both versions require a report on competition. S. provides in a separate section for a report within one year after enactment, via the Secretary, while H. provides for it to be included in the annual report by the Secretary after consultation with the Attorney General and includes within the report an evaluation of restrictions on joint bidding and their effectiveness.

14. Enforcement/Remedies (New Section)—Both versions provide for the relevant agencies to sue to enjoin or restrain activities, while discretion is granted to do so in S. for violations or implementation while H. provides "it shall be done."

S. provides for penalties of $5,000 for each and every day while H. provides for $10,000 each and every day, and there are minor differences between H. and S. in the criminal provisions.

15. Baseline and Monitoring Studies—Both versions provide for baseline studies to be undertaken by NOAA, in cooperation with the Secretary of the Interior.

H. alone specifically provides that the study is to be commenced within six months for any area where there has already been a lease sale, and no later than six months prior to the holding of a lease sale for any area to be included in a lease sale, and that the Secretary of Commerce is to complete such study and submit it to the Secretary prior to final approval of a D&P plan, that failure to complete a study should not ordinarily be a basis to preclude approval unless the Secretary finds it necessary to do so.

Both versions provide for monitoring after a baseline study, but H. alone provides that additional studies can be undertaken after the development and production is approved to establish baseline information.

H. alone specifically provides that existing information from other agencies as to EIS's or other studies are to be utilized and not repeated, that the Secretary of Commerce is to submit to the Secretary of the Interior and to Commerce and make available to the general public, an assessment of the cumulative effect of activities on the environment.

16. Environmental Impact Statement—S. specifically details what is to be included in any environmental impact statement, while H. did not include it, as it did not want to interfere with the discretion granted in NEPA.

17. Regional Board (New Section)—Both versions provide for Regional Boards to be established, to include representatives from the relevant federal agencies (H. adds as a relevant agency, OSHA) and provides recommendations are to be accepted, if submitted within 60 days, from a state or a Regional Board, unless overridden in the national interest.

*H. Specifically defines national interest as consistent with obtaining oil and gas supplies in a balanced manner, and provides procedures if recommendations from different governors or boards conflict.

S. alone specifically provides that the Secretary's determination, after receiving such recommendations, shall be final unless determined to be arbitrary or capricious (this may be in conflict with S's general provision providing that on judicial review the stand-

ard is to be substantial evidence based on the record considered as a whole).

18. Planning Information (New Section—separate for S; in H's information section)—Both versions provide for planning information to be prepared, S. provides it to be forwarded to the States after each lease sale while H provides that the summary of data is to be available as soon as information is received periodically.

19. Limitations on Export—Both provisions provide for limitations on export in the same manner.

*20. Restriction on Employment—H. alone contains a provision that limits the ability of an employee or an officer of the Department of the Interior, above GS–16, to work within two years for any company subject to regulation by the Interior Department.

21. Lease Terms (amended Section 5)—Both bills revise the various bidding systems with certain minor differences. S. provides minimum royalty of 16⅔, while H. provides a minimum royalty of 12½ percent; S. provides a minimum net profit share of 60 percent while H. provides a minimum net profit share of 30 percent; for percentage leasing systems, S. provides for bids on the basis of highest price per share, while H. provides for averaging of bid shares; S. provides for a work program bid, based on specific activities to be undertaken, while H does not include such a bidding option; S. provides for a bidding system with matching exploration grants to accompany bids on the cash bonus system where H. does not contain this provision.

Both versions allow deferment of any cash bonus, but S. allows deferring to be for three years while H. allows it to be for five years. H. alone allows decreasing royalty or net profit share to promote increased production.

Both S. and H. provide for an evaluation of net profit share, but S. requires that a net profit share be determined individually for each lease area, while H. allows it to be done generally by regulation.

As to the percentage leasing system, both provide that the United States is a nonvoting party to any joint working group, but H. alone describes detailed procedures for averaging out the bids, and offering additional percentages.

S. provides generally that the systems are to be used to accomplish the objectives of the Act, while H. provides detailed considerations for use of bidding systems.

H. alone allows more than one bidding system to be used in a particular lease area.

S. provides for 50 percent of new leasing systems to be utilized in frontier areas unless the Secretary decides not to use 50 percent and neither House disapproves that decision while H. provides for 33⅓ percentage use of new systems which can only be overridden by the Secretary if one House approves, pursuant to an expedited procedure.

*S. also alone contains a specific provision requiring that one of the percentage leasing systems, and one other new system, must be utilized in sales in undeveloped areas in the next two years.

H. specifically requires a report to be prepared by the Secretary as to the use of the bidding systems, detailing all the information to be required and evaluation of effectiveness.

*S. does not allow joint bids under the percentage leasing while H. has a more detailed procedure as to limitations on all joint bidding, of 1.6 million barrels or less a year, pursuant to regulation.

*S. provides for leases to cover whole areas containing geological structures or traps to the maximum extent practicable, or a reasonable economic unit while H. provides for tracts of 5,760 acres, unless the Secretary wants a larger area so as to comprise a reasonable economic and production unit.

S. provides for a lease of five years, or to encourage exploration in deep water adverse weather conditions, for ten years, while H. provides for a lease of five years, and capability, if a provision is in the original lease, to extend for five additional years in areas of unusually deep water or adverse weather conditions.

S. specifically requires a provision in the lease describing the ability of the Secretary to require increased production, while H. does not contain such provisions (as is this is already authorized by Energy Act).

*H. alone provides that the lease shall contain a provision detailing that it can be suspended or cancelled in appropriate circumstances as detailed in the Act, and that a lease is conditioned upon satisfaction of due diligence requirements.

*H. provides that a lease is not to be issued or extended for five additional years until notification is given to the Attorney General or the FTC who can say that granting the lease or extension would maintain a situation inconsistent with the antitrust laws. In such a situation, the Secretary is to hold a hearing to balance the infringement on competition against the overall benefit to the public.

*H. also alone contains a provision, providing that no lease is to be issued or extended if there is a finding that a lessee is not meeting due diligence requirements on other leases.

*H. alone contains a provision providing for joint leasing in areas within three miles of a seaward boundary of a coastal state and for resolutions of disputes as to resources that might be in both federal and state waters.

22. Royalty Oil and Gas (New Section)—Both versions allow oil and gas to be taken in kind, as a royalty, but H. specifically states that net profit share can be taken in oil and gas.

Both allow 16⅔ percent by volume of hydrocarbons to be purchased by the United States, but H. provides that the government can only purchase that amount if the, and to the extent that, the royalty or net profit share is not 16⅔.

H. specifically provides that title to the royalty or net profit share purchased oil and gas can be transferred to other federal agencies.

Both versions provide for disposition of federal royalty oil on the basis of competitive bidding, but H. alone specifically provides that if there is a regulated price, or a required allocation, it is to be in accordance with those regulatory provisions.

*S. provides that participation in sales can be limited to an "independent refiners", while H. provides that participation can be limited to "small refiners" defined in the section as those companies so designated by the Small Business Administration.

Both provisions provide for disposition of federal royalty gas to the highest bidder and allow limitations so as to have it to needy regional geographic areas, but H. specifically provides that this is to be in accordance with, and not in conflict with, the regulated price or allocation procedures established by the FTC and other agencies.

23. Development of Production Plans (New Section)—Both versions provide for development and production plans.

S. provides for plans to be prepared by all lessees prior to development and production, while H. requires to be prepared by lessees only in those regions where there is no development prior to January 1, 1975.

S. provides for the plan itself to contain information about offshore activities and onshore impact, while H. provides for the plan only to involve offshore activities and a statement of information to be prepared as onshore impact. H. alone specifically provides that the Secretary is to forward, within 10 days of receipt, the plan and statement to the governor and make it available to the public.

S. provides that the plan is to contain a commitment to produce at a maximum efficient rate, with the ability to secure a waiver from the Secretary; while H. provides that production is to be in accordance with rules and orders as established by law, and if no rule or order is established at a rate to be set by the Secretary to assure "maximum rate of production which is efficient and safe."

*H. alone specifically requires a finding by the Secretary as to whether the development and production in an area is a major federal action, requiring NEPA procedures, and requires the Secretary to declare that a lease sale, at least once prior to major development in any area where there has not been development, to be a major federal action.

S. provides that the Secretary determine and tentatively approve a plan and transmit it to states with all other information and that a lessee can proceed with development based on such tentative approval. H. provides for no such tentative approval.

If NEPA does not apply, H. provides for comments to be forwarded within 90 days by a governor or any other person to the Secretary and for the Secretary to approve or disapprove a plan within 120 days after receiving all the comments. While S. provides for public hearings 60 days prior to approval or disapproval of a plan with sufficient opportunity to participate, and states no particular time period for decision.

H. specifically details that if development is a major federal action, a draft EIS is to be sent to the governors, regional boards, and other affected persons for review and comment and that after the final environmental impact statement is prepared the Secretary must act within 60 days, while S. provides merely that the plan is to be made available to the general public not less than 60 days prior to any public hearing.

Both versions allow the Secretary to require modifications of a plan if they don't insure safe operations but S. provides that no modification is to be included if it is inconsistent with the valid exercise of authority by the state or subdivision while H. did not contain such a provision because the H. D&P plan, by definition, has only to do with offshore operations.

Both versions detail procedures for disapproval of a plan and H. contains a provision that disapproval can be had without compensation, if it is not consistent with the Coastal Zone Management Act.

H. alone specifically contains a provision that disapproval means that a lease is to be extended for five years, that new plans can be requested and that if disapproval occurs, and five years later there is still no action on the lease, and no new plan approved, the lease is to be cancelled and a certain stipulated cancellation compensation is to be paid.

Both provisions provide for periodic review of a plan and possible revisions. S. specifically provides the situations where revisions will be allowed when requested by the lessee, while H. provides so long as the revision is not inconsistent with the Act it should be accepted.

Both versions provide that failure to comply with the approved plan shall terminate the lease, but H. alone provides that failure to submit a plan in accordance with regulations shall also terminate the lease, and specifically provides the right to a hearing and judicial review, and states that failure to comply with the plan would not entitle a lessee to compensation.

S. provides that lessees are to design and implement a program to obtain maximum efficient rates of production; while H. does not contain such a provision as the requirement is in the Energy Act.

H. alone contains a provision that allows a development and production plan to be submitted to not just the Secretary of the Interior but also to the FPC and the FPC

to approve those portions having to do with transportation of natural gas.

24. Exploration (amended Section 11)—S. provides for a $500,000,000 exploration program, and does not allow any type of exploration unless there is a permit issued by the Secretary. H. provides for no such program, but does require applicants to be sought for on structure drilling, and allows any agency of the United States and any person to conduct exploration either by permit or pursuant to regulation.

S. separates out the confidentiality requirements as to permittees and provides that all information is to be given to the Secretary and confidentiality is to be maintained until there is a lease sale, or until it would not effect the competitive position of the permittee, while H. provides for the same procedures as to confidentiality for lessees and permittees, grants access after a lease sale to any information by a state representative and precludes transmission unless consented to by the permittee or lessee.

H. contains a provision requiring an exploration plan to be prepared by the lessee which would detail work to be done and also have attached a statement of information as to onshore impact. Such plans would be reviewed by the Secretary and could be modified. Disapproval could only occur under certain circumstances which would allow cancellation under a newly amended section 5.

25. Administration (amended Section 5)—S. retains the original language of the OCS Lands Act as to authority to issue regulations, while H. grants broader authority to prescribe regulations, including as part, the original language of the OCS Lands Act.

*H. alone provides that regulations are to be applicable to any lease issued or maintained under the Act, requires such regulations to be prepared in cooperation with relevant agencies, and as to competition, requires consultation with the Attorney General.

H. also alone specifically provides procedures for the suspension and temporary prohibition of an activity; for cancellation of a lease or permit for environmental reasons, after a five year suspension and with compensation, and details regulations to be included to implement certain requirements of the Act.

H. also includes provisions noting that issuance or continuance of a lease is to be dependent upon compliance with the regulations (as in the original OCS Lands Act and thus retaining in S.); provides that a lease can be cancelled for failure to comply with the Act, if a lease is producing, or if the lease is nonproducing, reincludes the provisions as to rights of way through submerged lands (all as in the original OCSLA and thus retained in S.).

26. Definitions (amended Section 2)—Both versions include many new definitions, but H. alone includes a new definition of lease to include "any form of authorization," does not include "coastal state", but does add a definition for "affected state" which is to comment on particular activities and programs. S. and H. both provide definitions for marine and coastal environment but H. alone adds a definition of human environment relating to the social infrastructure and adds definitions for governor, antitrust law, fair market value, and major federal action, while S. alone defines "maximum efficient rate of production".

27. Laws Applicable (amended section 4)—H. contains a provision changing certain terms to be consistent with the Geneva Convention, providing for an updating of applicable state criminal law as they are enacted and state civil laws every five years, requiring the President to determine within one year boundaries between states and to seek to resolve international boundary disputes, and requiring the Coast Guard to mark navigational hazards when the owner has failed to so mark, rather than as an existing law (and thus in S.) merely authorizing it to so mark.

TITLE III

28. Miscellaneous Provisions—S. contains and H. does not, a provision for a pipeline safety and operations, study and report within one year.

Both versions contain provisions for review of shut-in or flaring wells, and for a review and revision of delinquent royalty payments. H. alone contains a new provision providing for the ability of a natural gas distributing company to have any gas found on a lease which it owns to be sent back to its service area, adds provisions prohibiting discrimination and requiring affirmative action, and requiring all rules and regulations to be submitted to Congress and to be capable of being disapproved by either House of Congress within 60 days. Both versions indicate that the Act is not to repeal any provisions above the laws, unless expressly provided, and S. alone has a severability clause.

29. Funding—S. contains a provision amending the Mining and Mineral Policy Act giving 22½ percent more money to the states, and amending the Coastal Zone Management Act providing for a coastal facility impact program to pay for OCS and energy facility siting impact—both of which are not contained in the House version.

30. Other Miscellaneous Provisions—S. alone contains provisions limiting the ability of the FEA to stop new retail gas outlets, limiting the ability of the Administrator of the FEA to reduce the allocation of retail gasoline sales, requiring the FEA to submit reports about its oil entitlement program and the regional impact of such program, requiring the Secretary of the Interior to submit a comprehensive plan for effective and efficient use of royalty natural gas to meet emergency shortages of natural gas.

EDUCATION AMENDMENTS OF 1976—S. 2657

AMENDMENT NO. 2226

(Ordered to be printed and to lie on the table.)

AMENDMENTS TO S. 2657, THE HIGHER EDUCATION ACT OF 1965

Mr. PERCY. Mr. President, on behalf of Senator NUNN and myself, I send to the desk an amendment to S. 2657 that should improve the student loan program by establishing criminal penalties to deal with those who have been abusing the program for years.

Last fall, the Senate Permanent Subcommittee on Investigations, under the able leadership of Senator SAM NUNN of Georgia, held a series of hearings on the administration of the Federal student loan program and turned up substantial evidence of fraud, abuse and bribery. Senator NUNN, to whom the survival of this program is of great importance and who shares my concern for the students participating in it, found as I did, that the present program is flawed.

A most helpful synopsis of the problems in the program can be seen in the testimony of John Walsh, who conducted the subcommitte's inquiry into West Coast Schools of Los Angeles. I ask to have his testimony printed at the close of my remarks and following the printing of the amendment itself. Mr. Walsh has recently become Director of the Office of Investigations in the Department of Health, Education and Welfare. I am hopeful that, with his addition, HEW can begin to aggressively pursue the kinds of fraud and abuse he uncovered as an investigator for our subcommittee.

The student loan program is flawed in that there are no criminal penalties provided in the Higher Education and Vocational Education Acts for the kinds of nefarious activities the subcommittee encountered. And, while some of the activities—such as bribery of a Federal official—are covered elsewhere in Federal law, I believe that the absence of adequate penalties within the enabling legislation invites the kinds of abuses disclosed during our public sessions.

There is no doubt in my mind that those who abuse this worthy program for their own financial gain at the expense of needy students and Federal taxpayers are committing no less a crime than someone who robs a bank or cheat on his income tax. Bank robbers and tax cheaters go to jail. Those who seek to unconscionably exploit this program should know that they, too, can find themselves behind bars. We must make vivid the fear of a jail term in the minds of those who contemplate defrauding the students who depend on this program for a better life, and the taxpayers whose interests must be more aggressively protected.

We heard testimony under oath from former employees of West Coast Schools in Los Angeles that they had delivered money on several occasions to an official with the Office of Education in San Francisco for the purpose of insuring that this official authorized Federal grants to West Coast Schools. The program officer, subpenaed before the subcommittee, resigned from the Office of Education on the eve of our hearings. Although the U.S. attorney in Los Angeles has investigated, to date there has been no indictment on this matter. If an antibribery provision were in the Vocational Education Act, Federal law enforcement authorities might well have acted by now.

The revision that I advocate would specifically forbid under this act any payment to a U.S. Government employee in return for which grants or loans are to be made. Violators would be criminally liable and subject to a fine up to $10,000 and/or imprisonment for up to 5 years.

This amendment would also provide criminal penalties for persons who knowingly and willfully provide false information or conceal material information in seeking accreditation as a school eligible for participation in the loan program. Thus, for example, the administrator of a fringe school will think twice before telling the Office of Education that a faculty member has an advanced degree if he does not.

False representations regarding courses offered, facilities available, and the capital structure of a school would also be punishable with a criminal penalty. Such penalties could also be imposed on a school operator who represents to an accrediting organization that certain persons are members of its board of trustees or otherwise serve the institution when that is not the fact.

The operators of a school would like-

wise be inhibited from concealing from the Office of Education the fact that any financial backers have underworld or other unsavory connections. In fact, this amendment can be expected to help keep such elements out of the education business. As we learned during our hearings on West Coast Schools, such characters are all too present at some educational facilities enjoying Federal favor.

For example, Fred Peters, the man who ran West Coast Schools, once faked his own murder, apparently to escape paying alimony to his first wife. After his clothes and bloodstains were found, she tried to collect on his life insurance. State police in Texas, where the alleged murder took place, discovered that Peters had not been killed. This same Peters operated under a false identity for years after that event, and, in fact, filed a passport application in that name. It was only because of the work of the Permanent Investigations Subcommittee on West Coast Schools that his true name—Fred Braneff—was discovered and a Federal arrest warrant was issued for him.

This is the man with whom the Office of Education did business for more than 2 years. Had it only known about his past, as this amendment would require, presumably things might be different today.

Another proposal would allow the courts to sentence to jail school operators who sell student loan notes to other lending institutions under false pretenses or without having informed such groups of material information relevant to the assignment. West Coast Schools officials neglected to tell a credit union in Texas which bought $1 million in federally insured West Coast School notes that they had closed the school down a year before the sales of the notes.

This amendment would also establish criminal penalties for an unlawful payment to a lender as an inducement to make assignment of an insured loan. As the West Coast Schools investigation showed, "commissions" were frequently paid by that institution to encourage the sale of its student loan notes to banks and credit unions. Such financial manipulation is contrary to the objectives of this act.

Another provision would apply criminal penalties to anyone who, with intent to defraud the United States, or to prevent the United States from enforcing any right obtained by subrogation, knowingly and willfully destroys or conceals relevant material involving an application for, or processing of, a federally insured student loan. This would make school administrators think twice before hiding relevant student attendance and financial records. Once again, the West Coast School case provides an example of how that can happen. As the school comptroller told the subcommittee, he was directed to hide student attendance records in his garage, so that auditors would not know how many students had dropped out and were consequently due refunds.

Finally, this amendment would impose criminal penalties for the operator of any school in the program who commingles Federal student loan grant funds with general operating revenues. The West Coast Schools case demonstrated that school administrators can now commingle Federal funds with their own at will. As testimony made clear, West Coast officials took $1.2 million in Federal grant funds and stashed it away in numerous private accounts. Federal investigators are still trying to trace some of that money. Without a commingling restriction, there is little to stop unscrupulous school administrators from successfully siphoning off grant funds for personal use, thus depriving the students most in need of Federal funds intended for their education.

These provisions are designed to discourage the kinds of abuses that the subcommittee uncovered in the course of its hearings.

Mr. President, I believe that the amendment is needed to counter the unwillingness of the Office of Education to face the fact that there are inveterate hucksters in the field of education, just as there are in medicine, used car sales, and just about any other facet of commerce as well as politics.

To allow such fly-by-night operators to continue to abuse this noble program with impunity is for the Congress, in effect, to condone such illicit activity. Senator NUNN and I previously have written to Senator PELL, the distinguished chairman of the Education Subcommittee, offering proposals for establishment of criminal penalties within this act. Senators PELL and JAVITS are to be commended for their outstanding leadership and concern for the education of all Americans. They accepted many of the proposals which we offered. The subcommittee, for whatever its reasons, chose not to include the criminal penalties that we proposed. I ask that a copy of our letter be printed in the RECORD at the conclusion of my remarks.

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

Mr. PERCY. Mr. President, House Minority Whip BOB MICHEL of Illinois whom I have long admired for his work in this area, has been a leader in the effort to establish criminal penalties for many of the wrongs I have cited. Largely because of his diligence, the House approved a series of amendments which fix penalties for a number of activities affecting the student loan program. I ask permission to include in the RECORD, following my statement, Representative MICHEL'S explanation of the reasons behind his Student Aid Abuse Act proposal. The amendment I present today is designed to cure specific problems presented to the Investigations Subcommittee during its hearings. In the House bill, criminal penalties are proposed for a number of additional activities which were not explicitly addressed in the inquiry and hearings of the Permanent Subcommittee on Investigations. They are, therefore, not included in the amendment we are offering today. It is my hope, however, that when this bill gets to conference, the conferees give serious consideration to the merits of these additional House provisions, the need for which Congressman MICHEL has well-documented.

Together with Senator NUNN, I offer this amendment to correct a bad situation and to assure that the student loan program is afforded every opportunity for enhanced success.

I ask unanimous consent that the amendment be printed in the RECORD.

There being no objection, the amendment and material were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 2226

On page 130, between lines 13 and 14, insert the following:

(c) Subpart 2 of part A of title IV of the Act is amended by adding at the end thereof the following new section:

"CRIMINAL PENALTY FOR UNLAWFUL PAYMENT

"SEC. 413E. Any person who makes an unlawful payment to an officer or employee of the United States to obtain funds for supplemental grants under this subpart, and any officer or employee of the United States who accepts any such unlawful payment, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 5 years, or both.".

On page 163, after line 24, insert the following:

(n) Part B of title IV of the Act is amended by inserting immediately after section 430 the following new section:

"CRIMINAL PENALTIES

"SEC. 440. (a) Any person who knowingly and willfully makes any false statement, furnishes any false information, or conceals any material information in connection with an application for accreditation by a nationally recognized accrediting agency or association, or for a finding by the Commission under section 435 (b) (4) (A) or (B), for the purpose of qualifying an educational institution as an eligible institution under this part shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.

"(b) Any person who knowingly and willfully makes any false statement to, furnishes any false information to, or conceals any material information in connection with the assignment of a loan, which is insured under this part, to another eligible lender, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.

"(c) Any person who makes an unlawful payment to an eligible lender as an inducement to make, or to acquire by assignment, a loan insured under this part shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.

"(d) Any person who knowingly and willfully destroys any application for a loan which is insured under this part, any application for insurance of a loan under this part, or destroys or conceals any other record relating to the making or insuring of loans under this part with intent to defraud the United States or to prevent the United States from enforcing any right obtained by subrogation under this part, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.".

On page 176, line 4, strike out "section" and insert in lieu thereof "sections".

On page 176, line 23, strike out the quotation marks and the period the second time it appears.

On page 176, after line 23, insert the following:

" 'SEGREGATION OF FUNDS

" 'SEC. 498 C. (a) Any person who receives funds under the provisions of this title for the making of grants or loans as provided in this title shall be deemed a custodian of public funds and shall not disburse or otherwise use any of such funds for any purpose

other than as expressly authorized by the provisions of this title. Such funds shall be maintained in separate accounts and shall not be commingled with the operating funds of any institution, nor with any other funds except as expressly provided in this title. Such persons shall maintain such records of such separate accounts as Commissioner shall by regulation require.

"'(b) Any person who violates any provision of this section, or any regulation prescribed pursuant to this section shall be fined not more than $10,000 or imprisoned not more than five years, or both.'".

COMMITTEE ON GOVERNMENT OPERATIONS, SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS,
Washington, D.C., March 15, 1976.

HON. CLAIBORNE PELL,
Chairman, Subcommittee on Education, Committee on Labor and Public Welfare, Washington, D.C.

DEAR SENATOR PELL: As you know, the Senate Permanent Subcommittee on Investigations has held a series of hearings into fraud and abuse in the administration of the Federally Guaranteed Student Loan Program. During these hearings, we had the very helpful counsel of Senator Javits, who so ably serves with you on the Education Subcommittee. During our discussions, Senator Javits suggested that we offer your Subcommittee our thoughts on possible legislative initiatives that would appear warranted to correct many of the abuses uncovered during our hearings.

Knowing of your own dedication to this very important program and with deep respect for the leadership role you have played on the Education Subcommittee, we submit for your consideration the legislative proposals outlined below. We will certainly make Subcommittee staff available to meet with your staff to expand upon these proposals and discuss other relevant material which has come to our attention in the course of our investigation.

LIMITING POTENTIAL FOR FUTURE LOSSES

As testimony made clear during the hearings of the Investigations Subcommittee, default rates are running much higher in the direct, federally-insured part of the GSL program than they are in the state-run program. Under the state program the federal government acts as a reinsurer rather than as a direct insurer. Although the initial concept of the program was to help middle-income students, the emphasis has shifted so that a large number of beneficiaries are lower income persons. It was originally anticipated that outright grant programs, with no anticipated repayment, were for the use of these most-disadvantaged students.

At the same time, the original goal of trying to encourage state programs has apparently been abandoned in favor of the direct federally-insured lending program. As a result, only 25 states now operate their own guaranteed student loan program.

To remedy these problems, Congress could pass legislation establishing a date after which the Department of Health, Education, and Welfare would no longer directly insure loans. Instead, emphasis would be shifted to state programs. Accordingly, legislation should also be contemplated to encourage the other 25 states to set up their own programs.

A principal reason that many states do not operate their own student loan program is the HEW collection policy. In the state-run programs, the federal government reimburses the state 80 per cent of a defaulted loan. This leaves the state with a 20 per cent exposure. However, under existing procedures, if the state collects any money it must turn it over to the federal government until the entire federal obligation is liquidated. Such a policy is a disincentive for state action. If this policy were modified to provide an equitable sharing of collections between the state and the federal government, more states could be expected to inaugurate their own programs and strengthen existing programs.

Legislation must also be considered to authorize a study of how to encourage more state-run programs. For example, the federally-guaranteed portion could be increased and/or the federal government could reimburse the state for a percentage of its collection costs.

Your Subcommittee might also consider providing a bonus to states which run their own insured-loan program under the State Incentive Grant Program in which all 50 states now participate.

An alternative would be to limit the total liability of the state and federal governments in the direct loan system to 80 or 90 per cent of the loan, making the lender responsible for 10 or 20 per cent of the liability. But, realistically speaking, this would undoubtedly result in a severe curtailment of the program unless accompanied by some companion inducement to banks to continue to write these loans.

Finally, consideration should be given to eliminating proprietary and correspondence schools as lenders under the program. In most state programs such schools are not permitted to be lenders, although a student could obtain a loan from another source to enable him to take courses at such schools. Undoubtedly, the elimination of such schools as lenders is one reason for the better performance of state-run programs. On the other hand, we have heard the counter-argument that such schools offer constructive courses which would not be available to students unless such institutions were permitted to continue as lenders. In any event, it would seem that such institutions should be permitted to serve as lenders only after the most careful scrutiny.

ENFORCEMENT AND COMPLIANCE

It was clear from testimony that the Office of Education has been less than efficient in its administration of the program and woefully lacking in professional personnel who will dutifully enforce existing laws and regulations. It is, therefore, suggested that a most important legislative step involves increasing the authorization for more auditors, investigators, compliance officers and support personnel as well as additional travel funds. We understand that some administrative changes within HEW have recently been undertaken with a view toward strengthening this surveillance component. The Education Subcommittee should determine whether those efforts suffice or whether they are merely cosmetic.

In addition, since there are no criminal penalties now being used by the Office of Education in prosecuting violators, it is suggested that criminal penalties be written into the law which would prohibit:

The siphoning off of or allocation of grant funds for purposes not directly related to education, including entertainment, transportation of non-students, payments to non-students for non-educational services, and payments to federal, state or local officials intended to influence governmental action favorable to a school;

False statements made to accreditation organizations;

Fraudulent action of individuals which cause a default claim to be filed against the United States;

The payment of bribes to lenders to induce them to buy GSL loans; and

The intentional destruction of records by any participants in the GSL program.

To provide a marketing unit for guaranteed student loans, Congress created the Student Loan Marketing Association, a quasi-governmental corporation, in 1973. Now, however, it is the opinion of the Department of Health, Education, and Welfare that guaranteed student loans are not negotiable instruments and it is therefore questionable what useful function the Student Loan Marketing Association (Sallie Mae) is serving.

Moreover, the enabling legislation did not require audit of Sallie Mae by the General Accounting Office. Consideration should be given to requiring a GAO audit of Sallie Mae, with a report to be prepared for Congress within six months.

For some time, HEW has proposed cutting the National Direct Student Loan Program and the Supplemental Education Opportunity Grants Program. This proposal merits consideration if coupled with a broadening of the Basic Educational Opportunity Grant Program to pick up true hardship cases now being handled by SEOG. An alternative would be to use NDSL and SEOG programs only for students in higher-learning institutions, while terminating these programs for proprietary vocational schools, since this latter category is where most of the abuses have been found.

Before termination of any of these programs, however, a complete audit of the disposition of the funds should be completed. It is likely that such audits will show massive amounts of unaccounted-for federal monies.

In addition, there are many other problems in the program which could be corrected by new or revised regulations or administrative procedures. Examples include the accreditation process, the composition and authority of boards making outright grants to schools, procedures whereby dropouts can be monitored, problems with present computer and record-keeping capabilities, and clarification of rights and obligations of lenders, students and the government. But one of the greatest criticisms we have of HEW is that they have not promulgated essential regulations to run the program properly. We believe it has reached the point where you might want to consider including in pertinent legislation a directive that HEW promulgate regulations in these and other specific areas with the imposition of a stringent time requirement.

We hope these suggestions will be of some assistance to you in your examination of legislation in this important area. Please feel free to call upon us for any further assistance.

Sincerely,

SAM NUNN,
CHARLES H. PERCY,
U.S. Senators.

STATEMENT OF JOHN J. WALSH, INVESTIGATOR, PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

My name is John J. Walsh and I am an investigator on the staff of the Senate Permanent Investigations Subcommittee. I was assigned to work on the investigation of the Federally Insured Student Loan program and the direct grant programs in the spring of 1975. I participated in meetings with the General Accounting Office where it was agreed that to complement the general review of management controls and practices to be done by the General Accounting Office, the Subcommittee staff would focus on specific case examples involving the programs.

The first step was a review of HEW files involving problem schools. Some 30 or 40 files were reviewed. The files were in deplorable shape. There was no one master file on any school. Pertinent documents were scattered through many different files in many different offices. Material in the files was not maintained chronologically, by subject matter or in any kind of order. Incoming correspondence was found with no record of a reply;

outgoing correspondence was found which referred to incoming letters which could not be located. In most cases, it was necessary to completely rearrange the file before one could understand the nature of the school's problems.

It was apparent from the files reviewed that a major problem existed in the Advance Schools located in Chicago, Illinois. Advance is a correspondence school which went bankrupt in 1975, leaving about 70,000 students stranded and about $150 million in guaranteed student loans in the hands of some 45 financial institutions, a substantial part of which could become default claims against the Government.

Another major problem area was in the Dallas Region where a number of schools had been suspended or removed from the program. In this region several investigations were already under way; and a substantial number of cases were awaiting investigation when personnel became available. A number of HEW officials in the Dallas office had been suspended from their duties because of alleged improprieties. More will be set out later concerning these cases but because of the advanced stage of these investigations, it was decided that Subcommittee efforts might be duplicative of work already done.

The file reviews showed problem schools in every region of the country but it was noted that there was a large number of problem schools in California. The file reviews indicated a possible pattern where schools had been operated intensively for a short period of time to build up the student body, usually immediately after opening or after a change in ownership. A large cash inflow would be provided from the sale of guaranteed loans. The school would be closed abruptly and the students would be unable to complete their classes. Financial institutions which had obtained these loans would have substantial claims but the school would be out of business and many of the students would be unable to pay or had not finished their courses so that they were not accountable for the full amount of their loans.

The files reviewed failed to show any pending prosecutions or, in fact, even any pending investigations in California. After a review of a number of California problem schools, it was decided to focus attention on the operations of Automation Institute of Los Angeles, Inc., doing business as West Coast Schools.

The HEW file showed that this school closed down in May 1973, leaving many students unable to complete their education; that there had been a change in ownership shortly before the school closed; and that a large number of student loans had been sold to financial institutions in the last few months of the schools' existence. An audit had been started by HEW but had never been completed because the current owner, one Fred Peters, had moved the books and records to an undisclosed location. There was no indication in the HEW files of any ongoing investigation or even of any attempts to locate the books and records.

The major question addressed in the file appeared to be whether HEW should pay default claims to the financial institutions which held the students' notes as there was some unresolved question as to whether refunds were due to students because of the schools' closing. As testimony will later show, the investigation disclosed some startling facts as to this school and its principals' activities but there was no reason to suspect the existence of these problems from the HEW file. This, of course, raises the question as to whether the same types of problems and even criminal acts could be found in other schools in California or elsewhere if an adequate effort was made to discover them.

The investigation of West Coast Schools began at the Los Angeles office of the HEW audit division. It was found that an audit of West Coast Schools had commenced after the school was closed on May 24, 1973. While the audit was never completed, it was found that government funds paid to the school for the grant programs could not be accounted for. However, the audit had been dropped indefinitely because the books and records had been moved and HEW was unable to find out their location.

The Los Angeles audit office reported to the Subcommittee staff in June 1975, that while no one in the Federal Government was showing any interest in the West Coast Schools case, the Fraud Section of the Los Angeles County District Attorney's office was interested and was taking some action. It was felt that the logical approach was to look into the matter of how much money was obtained by the sale of guaranteed loans and from grant programs and try to determine what happened to this money—whether the money was actually used for the school or whether it was used for the benefit of the owners. The Los Angeles County District Attorney's Office was contacted and that office was interested in pursuing this matter. However, a major problem was encountered. Within the last two years of the school's operations, nearly 50 bank accounts had been opened and the funds received by the school had been shuttled through these accounts. These included local accounts, out-of-state accounts, accounts of West Coast Schools, accounts of dummy corporations set up by the West Coast Schools' officials, and personal accounts of West Coast Schools' officials. It was agreed that the Los Angeles County District Attorney's office and the Subcommittee staff would work together to try to trace the movement of these funds through this maze of bank accounts, and try to determine whether the money was being spent for legitimate purposes or whether it was being diverted for personal gain. Mr. Andrew Ewing, Investigator for the Los Angeles District Attorney's Fraud Section was designated to work with the Subcommittee staff and his cooperation and assistance has been invaluable.

I want to present at this time a chronology of the pertinent events pertaining to West Coast Schools. I ask that the chronology be printed in full in the record of the hearings but to save time, I will read at this time only highlights from the chronology. I also present a list of documents to support the chronology and ask that the list be printed in full in the record and that the documents be introduced as exhibits.

WEST COAST SCHOOLS CHRONOLOGY

Throughout the chronology, reference will be made to West Coast Schools even though the true name is Automation Institute of Los Angeles, Inc., d/b/a West Coast Schools.

June 13, 1960.—Automation Institute of Los Angeles was incorporated under the laws of the State of California. The President was Edward Tokeshi; the Vice President was Yale Lasker. The purpose of the company was to operate a computer training school at 451 South Hill Street, Los Angeles, California. Tokeshi and his family owned 60 percent of the stock; Yale Lasker, 20 percent.

1969.—Automation Institution of Los Angeles was accredited by the National Association of Trade and Technical Schools and was approved by HEW as a lender.

1969.—Fred Peters appeared on the streets of Los Angeles, unemployed and penniless. He was employed as a telephone interviewer by the Jane Arden Employment Agency, salary $450 per month. His supervisor was O. A. (Dan) Dameron, Branch Manager.

April 1, 1970.—Fred Peters was hired as Placement Manager for Automation Institute of Los Angeles by Edward Tokeshi at a salary of $850 per month.

1971.—Fred Peters was promoted to Vice President of Automation Institute of Los Angeles. He bought 20 percent of the stock from Yale Lasker. The money for this purchase was loaned to Peters by Edward Tokeshi.

1971.—Fred Peters hired Dan Dameron as his assistant.

1971.—Fred Peters was made President of Automation Institute and Edward Tokeshi became Chairman of the Board. Peters assumed active control over the affairs of the corporation and intensified the efforts of the school to obtain funds by selling guaranteed student loans and by applying for financial assistance grants.

November 1971.—Automation Institute purchased five West Coast Trade Schools in the Los Angeles area from Computing and Software, Inc. These five schools had been operating in the Federally Insured Student Loan Program since July 7, 1967, without accreditation. They had been given a grace period by HEW to secure accreditation from the National Association of Trade and Technical Schools by September 1, 1972, or be dropped.

After the purchase of the five trade schools, the corporation now was known as Automation Institute of Los Angeles doing business as West Coast Schools. Salesmen were hired and an intensive advertising campaign both in the press and on television was initiated to sign up new students and to increase the enrollment in the new schools.

September 20, 1971.—Fred Peters was appointed by James Hoffe, Senior Program Advisor for Financial Assistance, HEW San Francisco, to the Advisory Panel for Region IX of HEW. The function of the panel was to review applications for financial assistance grants from schools in Region IX and to recommend how much in Federal funds should be awarded to each school.

December 2, 1971.—Group II Equities was incorporated this date under the laws of the State of California with 20,000 shares of common stock authorized at a par value of $10 per share. Directors were listed as F. P. Fisher, D. M. Carman, and Edward Tokeshi. As of May 31, 1973, officers were identified as D. M. Carman, President; Fred Peters, Vice President; F. P. Fisher, Secretary-Treasurer. As of August 1, 1974, the charter of the corporation was suspended.

Peters had brought Fisher and Carman into the management of West Coast Schools about the time of the purchase of the new schools.

March 1972.—HEW reminded West Coast Schools by letter that the September 1, 1972, deadline for accreditation of the five nonaccredited trade schools was approaching.

April 14, 1972.—An investigation was being conducted by the Federal Home Loan Bank Board into irregularities by certain Savings and Loan Associations in their acquisition and handling of Federally Insured Student Loans. Warren Tappin, HEW San Francisco, contacted the local office of the Federal Home Loan Bank Board and wrote a lengthy report to William M. Simmons, Chief of the Insured Loans Division in Washington, D.C.

The following is quoted from page 10:

"It is quite apparent from the delinquent accounts that we are also going to experience difficulty with Automation Institute of Los Angeles, California. The Association [U. S. Life Savings and Loan] accepted over $1 million of paper from the school . . . This is another school that we have been watching as I am confident that we will experience basically the same problem with this institution that we have and are experiencing with Airlines Schools Pacific."

The report was never sent to the HEW file on Automation Institute and as far as is known no action was taken on the report.

May 26, 1972.—Group III Equities was incorporated under the laws of the State of California. 7,500 shares of no par value stock authorized. Directors were F. P. Fisher, Fred

Peters and David M. Carman. The corporate charter was suspended as of July 2, 1973.

July 7, 1972.—West Coast Schools was notified that the eligibility status of the five unaccredited schools for insured student loans would be extended to October 31, 1972. The unaccredited schools were not eligible to receive the direct grant of Federal funds from the College Work Study and National Direct Student Loan Programs.

September 1, 1972.—Fred Peters, Peter Fisher and Dave Carman bought the remaining 80 percent of stock from Edward Tokeshi and his family and assumed full control of Automation Institute. The price was $141,900 and this sum was paid to the Tokeshi family from the Schools' own funds.

December 31, 1972.—Mr. Peters was notified that HEW was extending the eligibility of the schools for the insured student loan program until February 16, 1973.

January 1973.—The National Association of Trade and Technical Schools denied accreditation to the five newly purchased West Coast Schools.

January 11, 1973.—Lenora W. Mallory, HEW Washington, wrote Fred Peters informing him that the HEW Division of Insured Loans had approved the continuation of Automation Institute's participation in the insured loan program for the next 12 months. However, the letter stated that Automation Institute was instructed not to write more than $300,000 in loans during this period. Actually, between January 1, 1973, and May 24, 1973, the date the school closed, over two million in loans was written. HEW had no mechanism whatsoever to be informed on a current basis as to how much in loans the school was writing nor did HEW have any means to enforce any limitation it imposed. Fred Peters thus could and did ignore the restriction with impunity.

February 6, 1973.—PFC Investments was incorporated this date under the law of the State of California. 7,500 shares of no par value stock were authorized. Directors were listed as F. P. Fisher, W. Fred Peters, and D. M. Carman. California records indicate that as of August 5, 1975, the corporation was in good standing.

February 14, 1973.—R. L. Mappus, Senior Program Officer, Guaranteed Student Loans, HEW, San Francisco, wrote William Simmons, Director, Insured Loans Division, Washington, D.C., of some irregularities on the part of West Coast Schools in the handling of student loan papers. The following is quoted:

"The aforementioned facts and the exhibits attached clearly indicate . . . above and beyond reasonable suspicion of irregular practices on the part of the subject. . . . A program review will be conducted on this school prior to the end of March 1973. In the meantime, it seems logical that we further restrict or suspend this school contract as a lender."

March 7, 1973.—S. W. Herrell, Acting Deputy Associate Commissioner, Office of Education, HEW, wrote Fred Peters saying a decision on the continued eligibility of the five West Coast Schools was deferred until April 14, 1973, pending action by the accrediting agency (NATTS) on an appeal hearing set for April 6, 1973.

March 9, 1973.—William M. Simmons, Jr., Director, Insured Loans Division, wrote to S. W. Herrell, Acting Deputy Associate Commissioner, referring to certain complaints and investigations made concerning West Coast Schools and says:

"I would be remiss in my duty to you and to the program if I did not apprise you of my concerns and strongly recommend that we suspend any further insurance for students in these schools until both the schools' accreditation status and Mr. Peters' performance under his contract of insurance becomes more clear."

April 26, 1973.—R. L. Mappus, HEW, San Francisco, wrote Fred Peters saying that because of accounting deficiencies disclosed in a program review recently conducted, HEW would withhold action on all student loan applications until West Coast Schools made refunds of $550,000 and reimbursed HEW for excess interest billed HEW effective June 1, 1973.

April 26, 1973.—Phillip A. Taylor, NATTS, advised HEW that the previous action in January 1973, denying accreditation had been reaffirmed following an April appeal hearing.

May 1, 1973.—William M. Simmons wrote S. W. Herrell, Acting Deputy Associate Commissioner, saying "we urge in the strongest possible terms that eligibility for further participation in the GSL program by these schools be denied."

May 2, 1973.—William M. Simmons sent another memo to S. W. Herrell reporting further information on the activities of Fred Peters and saying: "In view of this and other irregular activities previously reported, we would like to reaffirm our prior recommendation that no further extension of these schools' eligibility be granted."

May 3, 1973.—The HEW file shows a draft memo dated this date setting out a chronology of pertinent actions in the West Coast Schools case which says:

"In view of the denial of accreditation of the schools by a nationally recognized accrediting agency, we can see no loophole in the law which would permit the commission to grant continued eligibility to these schools."

May 4, 1974.—A package of $323,500 worth of Federally Insured West Coast Schools' student loans were sold to the Kern County Employees Credit Union, Bakersfield, California. David Sawaya, a money broker, and Dan Dameron, a West Coast Schools employee, delivered the package of loans and received three $100,000 Ginnie Mae certificates in payment.

May 9, 1973.—Officers of Automation Institute of Los Angeles were listed on this date as Fred Peters, President; D. M. Carman, Vice President; F. P. Fisher, Secretary/Treasurer.

May 19, 1973.—The three $100,000 certificates were sold by the City National Bank for net proceeds of $290,717. A $3,000 commission was paid David Sawaya and $287,717 was deposited this date to the account of Group III Equities at the Union Bank, Century City Branch, Los Angeles, California.

May 22, 1973.—A check for $290,000 signed jointly by Peters, Fisher and Carman was cashed at the Union Bank and taken out in $100 bills.

May 24, 1973.—Fred Peters announced that all six schools operated by Automation Institute would be closed indefinitely.

June 4, 1973.—On this date, almost two weeks after the school closed, John Ottina, Commissioner of Education, signed a formal notification to Fred Peters that the five West Coast Schools not accredited were no longer eligible for participation in the Federally Insured Student Loan Program.

June 11, 1973.—Alexander Grant and Company, certified public accountants, had made in the fall of 1972, an audit of the books of Automation Institute for the period ending June 30, 1972, and published a qualified report. In the spring of 1973, information was reported to Alexander Grant employees of the school indicating improprieties on the part of the management of the school. Officials of Alexander Grant attempted to obtain access to the records of the school to determine whether their qualified report should be reviewed and withdrawn, but the school officials rebuffed them. On this date, a letter from Alexander Grant was directed to D. W. Stepnick, Director of HEW Audit, Dr. Leonard Spearman, Director of Student Assistance, and Mr. William M. Simmons, Jr., Director of Insured Loans, all in Washington, D.C., advising these officials of the existence of these allegations. More details concerning this incident will be set out later.

June 11, 1973.—Peters, Fisher and Carman appeared at the First National Bank of Arizona with a brief case full of $100 bills which they exchanged for $278,000 in cashiers checks. This incident became known to Gene Ferguson, a Los Angeles newscaster who gave it wide publicity on his broadcasts over Station KPOL.

July 12, 1973.—A $100,000 package of Federally Insured Loans was sold by Automation Institute to Ralph's Credit Union, Los Angeles. Ralph's Credit Union was not aware that the schools were closed and that the paper was of doubtful value. This transaction will be examined further.

August ?, 1973.—Gene Ferguson met with HEW officials in San Francisco, Dr. Edward Aguirre, Regional Commissioner of Education, Florence Van de Camp, Regional Legal Counsel, Rudy Mappus, Senior Program Officer and others. He gave them copies of transcripts of his broadcasts setting out allegations of fraud and a copy of an affidavit from an officer of the First National Bank of Arizona giving details concerning the $278,000 in cash. Although these officials retained copies of these documents and sent copies of the documents to Washington, no action was taken either in San Francisco or Washington to make this information available to HEW auditors; to the HEW Office of Investigations; to the United States Attorney or to the FBI.

August 9, 1973.—HEW auditors commenced an audit of West Coast Schools records in Los Angeles. No attempt was made during this audit to look into the disposition of the $278,000 in cash or to contact Alexander Grant to learn what information that company had concerning West Coast Schools.

December 12, 1973.—HEW submitted a draft of a proposed audit report prepared by the Regional HEW Audit Agency based in Los Angeles. The audit began August 13, 1973, and the period covered in the audit was from July 1, 1970 through July 31, 1973. The audit was concerned primarily with the accountability for National Direct Student Loan Funds and College Work Study Funds received by the school which amounted to $1,209,827 during this period. The conclusion was that the school did not have adequate accounting records, procedure or control to effectively manage these funds. It was recommended the school be required to refund $462,588 in program funds and concluded that as much as $666,319 or more of these program funds were not accounted for. Fred Peters disputed the conclusions in this draft audit report and no action was ever taken to try to collect the money.

February 11, 1974.—West Coast Schools continued to submit invoices to HEW requesting payment of interest and special allowance direct to West Coast Schools even though the school was closed August 24, 1973.

March 1, 1974.—A package of Federally Insured Student Loans amounting to $480,317 was sold to the Big Spring Savings Association, Big Spring, Texas, by a group of people working out of Phoenix, Arizona. Fred Peters and Pete Fisher were part of this group. Included in this package of insured loans was $159,284 of West Coast Schools' loans. These were of doubtful value since the school had been closed almost one year. The Big Spring Savings Association remitted the purchase money before the actual delivery of the loan files. The purchase money was divided by the group in Phoenix. Fred Peters received $100,000. An investigation of this incident was initiated by the United States Attorney's Office in Phoenix, Arizona later in 1974, but nothing came out of it.

April 1974.—A memo to the Secretary of HEW was sent by John R. Ottina, Commissioner of Education. The following is quoted:

"Needless to say Mr. Peters and the loan proceeds have left the scene but we have had some indications recently from his attorneys that he may be willing to come to the conference table (privately) with OE personnel and our legal counsel. Our future course is not set because many pieces of the puzzle are yet missing."

April 22, 1974.—An investigation into West Coast Schools was initiated by the Office of Investigations and Security for HEW. This investigation was based upon a complaint made by a letter dated December 12, 1973, addressed to Congressman Edward R. Roybal by Ricardo Livas, a former employee.

Livas was found to have been employed prior to 1971 and his allegations were found to be largely non-specific and not relative to the operations of Fred Peters. The investigation was also based on a memorandum dated April 12, 1974, prepared by John R. Ottina setting out some information about Peters and West Coast Schools. Nothing was mentioned in this memorandum concerning the reports of alleged improprieties made to HEW by Alexander Grant Company, or about the $278,000 in $100 bills.

April 29, 1974.—The HEW file contains a draft memo by William A. Morrell, Assistant Secretary for Planning and Evaluation, on the subject of preventing the recurrence of cases like West Coast Schools. The following is quoted:

"We must have the mechanism and the will to take what will undoubtedly seem drastic action. There is no question that such action will in some cases force the closure of schools . . . But we must be willing and able to make up our minds quickly when the risk to prospective students and the Federal Government tips the scales in the direction of closure. It seems likely that considerable losses would have been avoided in the West Coast Schools case had action been taken more quickly."

STATEMENT OF CONGRESSMAN BOB MICHEL ON THE INTRODUCTION OF THE STUDENT AID ABUSE ACT OF 1975—OCTOBER 3, 1975

It is now clear that there is substantial fraud and abuse in our Federal student aid programs, particularly the proprietary school segment of the guaranteed student loan program, and it is high time we stopped it.

This fraud comes about in a great variety of ways. There is no single m. o. Rather, the avenues which are used are as many and varied as the criminal mind. It is a con game of immense proportions, involving huge sums of money. When pieced together, it amounts to one of the most gigantic ripoffs in the country.

And who are the victims of this fraud? They are the taxpayers of the United States and the thousands of individual people who enroll in these schools after being led on by misleading advertising and high pressure salesmanship.

My office has conducted a vigorous investigation on this problem, and I am delighted to say that we have had the cooperation of the new Secretary of HEW, and especially of the Commissioner of Education, Dr. Terrell Bell, who is with me today, and who is as committed as I am to rooting out this corruption, and ending the abuses which exist not only in the proprietary school industry, but also in the financial community and the Office of Education itself.

Dr. Bell deserves the applause and support of the people and the Congress for his commitment to good government. In addition, he needs some new tools in order to do the job of cleaning up this blight on our education program.

The legislation which I am introducing today is designed to provide those tools.

But before discussing the specifics of the bill, let me attempt to outline the parameters of the problem. This is a difficult task, because as I have indicated, there are a vast number of varieties of student aid fraud. But let me give you some idea of what we are talking about.

In many instances, the fraud comes about because fly-by-night proprietary school operators sign up students, have them fill out the forms for the federal loans, sell the loan paper for cash, and then go out of business, leaving the student without the education they expected but still owing the government the loan money. In some cases, student names and signatures have been falsified on the loan applications.

Most of the time, the proprietary schools themselves are the lenders, and they frequently sell their paper to established lending institutions, who are willing to purchase it on the basis of the government guarantees. It is possible that in some instances lending institutions themselves have been party to these shady activities, although in most cases they are unwitting participants, having purchased the notes in good faith.

Not all of the problems involve fly-by-night operations, however. There are some well-established correspondence schools, for example, that are systematically involved in the ripoffs. Characteristically, they operate on the basis of a high—perhaps enormous is a better word—rate of student dropouts. Justice would suggest that if a student drops out of a class after a few weeks, he should be refunded a prorated portion of his tuition, but in case after case this is not done. The result is that the school collects the full tuition through government student loans, puts the money to its own use, and lets the government worry about trying to collect from the dropped-out student when the loan comes due. The student is then faced with a dilemma. He received no education, but he is in trouble with the law if he does not pay up. Given these conditions it is small wonder that the default rates on student loans are so astronomical. For the guaranteed loan program, these rates are currently about 18% and rising, with 70% of the defaults involving proprietary school students.

Let me cite for you here just three examples of cases that are currently under investigation by Federal authorities. Because these investigations are now in process, I cannot divulge the names of the schools involved, nor can I reveal which Federal agencies are doing the investigations. But I think these cases will give you some idea of what we are dealing with.

The first case involves a vocational-technical school in Detroit. It has been discovered that 659 students of this school received Federal financial aid of $400,000. The investigation also reveals that 20% of the 659 students never attended a single class, and that an additional 33% dropped out before completing the course. It is alleged that the school was ineligible for federal student aid to the 659 students. No accurate accounting system or documentation has been uncovered to substantiate or verify the school's claim to receive the Federal student aid money.

The second case. A Federal investigation into a proprietary school on the West Coast reveals approximately 7,000 students receiving Federal student aid. The drop-out rate is 50%. The estimated amount of money involved is between 9 and 14 million dollars. That is taxpayers' money the school collected on behalf of students it never educated.

In the third case, a large, nation-wide proprietary correspondence school claimed 91,000 students receiving Federal Insured Student Loans. 30,000 of those students dropped out, and the investigation reveals that only 1,665 students graduated, some 2% of the students receiving government financial assistance. This school has averaged over 90 million dollars a year in FISL funds during the last five years.

There are any number of other cases, and some have received coverage in the press. At the moment, virtually all of them involve what is termed "program abuse," and therein lies the rub. There are at present no criminal penalties for these abuses. Unless the schools can be prosecuted for deceptive advertising or some other related crime, they cannot be properly dealt with by the law.

My bill is designed to close this loophole. My bill would make it a Federal crime to defraud students receiving Federal assistance. It would also prohibit bribes, kickbacks, and other unethical inducements for individuals to make student aid grants or loans, or to sell student loan notes. It would make it a Federal crime to submit false claims and reports, make false statements or to falsify or destroy records needed to prove such violations. I intend to assure that Federal auditors and investigators have access to these records.

In addition, profit making schools will be prohibited from being lenders under the Guaranteed Student Loan Program, a power they have too often used as a sales device. And the student's and the government's rights to refunds will be guaranteed in all proprietary schools.

The bill also provides that whoever receives disbursements of Government student aid funds be designated the custodian of those funds and be prohibited from using them for other than the purpose for which they were granted. The funds could not be co-mingled with other monies, and must be held in escrow.

Finally, we would charge the Secretary of HEW with the responsibility for the enforcement of these provisions, and authorize him to conduct appropriate investigations to insure compliance. In this regard, it is clear that a beefing up of the investigative staff of the Department from its current staff of ten is essential. We have added an additional 12 positions in the Labor-HEW Appropriations bill, and I intend to move for further increases when we put together a supplemental appropriation bill later this fall.

Had these things been done years ago, we would not have the problem today. If they are done now, we will eradicate the problem for the future. I intend to press for passage of this legislation with every resource at my command. I intend to stop the ripoffs and the fraud and the deception. We simply cannot tolerate something like this in our country.

Ladies and gentlemen, let me say this. This thing is big; it is much bigger than we thought when we got started. How much money is involved? No one knows. It could be as much as 500 million dollars; it could be more.

Who is involved? We're just scratching the surface. The tentacles of this thing appear to reach deep into the government.

They reach into some of the nation's largest corporations. In the financial community, there are indications that banks, savings and loan associations, credit unions and other lending institutions are involved. The FBI has established task forces to probe the extent of this network.

There are people who have been perhaps unwittingly drawn into it, including Congressmen and Senators who may have had no idea of the far-ranging ramifications of this thing.

I am gravely concerned about where it all may lead. It is definitely not a penny ante matter.

There is going to be a lot of activity in this area as the investigations proceed. There is also going to be a lot of demagoguery, I fear, and some unproved charges tossed about. Those of us who are concerned about this problem have a special obligation to see

that we do not by our conduct make statements which will damage the reputations of innocent people and infringe upon their personal rights. I intend to observe that standard.

AMENDMENT NO. 2228

(Ordered to be printed and to lie on the table.)

Mr. GLENN (for himself, Mr. STONE, Mr. TAFT, Mr. KENNEDY, Mr. HUMPHREY, Mr. GARY HART, and Mr. JACKSON) submitted an amendment intended to be proposed by them, jointly, to the bill (S. 2657), supra.

ADDITIONAL STATEMENTS

THE MURDER OF 1ST LT. MARK T. BARRETT

Mr. THURMOND. Mr. President, on Tuesday, it was my sad duty to attend funeral services in Columbia, S.C., for 1st Lt. Mark T. Barrett, one of the two Army officers murdered by North Koreans at the Panmunjom cease-fire village.

President Ford, who asked that I represent him at Lieutenant Barrett's funeral, has properly condemned this senseless act committed by North Korean soldiers along the demilitarized zone.

Lieutenant Barrett and Maj. Arthur Bonifas, the other murdered officer, were performing their duties in an open and proper manner when this obviously well-planned and vicious attack took place. Although the assault lasted only about 6 minutes, these two officers were singled out and brutally murdered by the North Koreans.

The American Government has long recognized that the Communist authorities who control North Korea represent one of the most totalitarian and cruel dictatorships in the world. They have continually fostered truce violations along the armistice line and in December 1974 it was discovered they had constructed tunnels under the demilitarized zone well into South Korean territory. Previously, they had attempted to assassinate South Korean President Park.

As a visitor to South Korea in the winter of 1975, I inspected the area near where these two officers were slain. Based on information provided me reference this incident, there is no doubt in my mind that it was a deliberate and heinous crime which condemns North Korean President Kim Il Sung and his Government.

It illustrates the character of the North Korean Government and is further proof as to why the United States must maintain about 42,000 military personnel in South Korea.

Mr. President, the death of these two officers is a grim reminder of the dangers that thousands of U.S. military personnel endure daily in Korea and elsewhere in this dangerous world. The Communist nations of the world, and many nonalined countries, turn a blind eye to the butchery often fomented by the North Koreans. Those in this country who are promoting U.S. withdrawal from Korea must come to realize the enemy we face is unrelenting and unprincipled.

Lieutenant Barrett died keeping the peace we here at home too often take for granted. His sacrifice is no less heroic than those who died 200 years ago or in those conflicts since our Nation won its independence. His death, however, has touched each American in this year of peace, this year of 1976. They sympathize with his family because they know of his sacrifice.

Mr. President, my heartfelt sympathies are extended to the widow of this young officer and other members of his family. They have been called upon, as well as he, to bear an extra heavy burden in this Nation's efforts to maintain peace throughout the world. Lieutenant Barrett was a Regular Army officer performing his duties in a delicate situation. Obviously, the restraint he exercised in this incident probably cost him his life.

Mr. President, I ask unanimous consent that the following articles relative to this incident be printed in the RECORD at the conclusion of my remarks. They include: "Flags To Be Flown at Half-Mast Today," the State newspaper, Columbia, S.C., August 24; "Murders in Korea," an editorial in the Columbia Record newspaper, Columbia, S.C., August 24, 1976; and "North Korea's Regret," an article in the Chicago Tribune, August 24:

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Columbia (S.C.) State, Aug. 24, 1976]

FLAGS TO BE FLOWN AT HALF-MAST TODAY

(By Mary Whittle)

The citizenry and the military join the family of 1st Lt. Mark T. Barrett in mourning today as the slain officer is buried in Columbia with full military honors.

Gov. James B. Edwards has ordered all flags on state buildings to be flown at half-mast today in memory of Barrett who, along with Maj. Arthur G. Bonifas of New York, was killed by North Koreans near Panmunjom, Korea, last week.

The two officers were slain last Wednesday by North Korean army guards during a skirmish while they were supervising the trimming of a tree. Both men were assigned to the United Nations Command at the demilitarized zone between North Korea and South Korea.

The body of Barrett, which was flown to Columbia by a commercial airplane Sunday, will be buried at Greenlawn Memorial Park today following 2 p.m. services at the Devine Street Chapel of Dunbar Funeral Home.

In Columbia, more than 50 American flags will flank Main Street "in honor and respect" for the 25-year-old officer who left his station at Ft. Jackson for Korea.

Family members and civilian and military friends of the slain officer will be joined at the services by various military and state government dignitaries as well as those members of the general public wishing to pay their respects.

Assistant Secretary of the Army for Manpower and Reserve Affairs Donald Brotzman will represent the Department of the Army. Also, the director of the Army's staff at the Pentagon, Lt. Gen. William B. Fulton, will attend.

Representing the Republic of South Korea at the funeral will be Korean Maj. Gen. Bong-Chun Chang, a defense and military attache to the United States.

Maj. Gen. Richard L. Prillaman, commander of Ft. Jackson where Barrett was stationed from Dec. 1973 until his assignment last month in Korea, and a full Honor Guard will represent the military installation.

Also attending the services will be Sen. Strom Thurmond, R-S.C., and Gov. Edwards.

According to Ft. Jackson spokesman Bruce Andrae, seven members of the Honor Guard will fire a 21-gun salute over the gravesite at the conclusion of the services. Andrae said the flag-draped casket will be carried by Honor Guards who met it at Columbia Metropolitan Airport Sunday.

Final rites at the cemetery also will include the bugle playing of Taps.

Andrae said the military pallbearers are members of Barrett's former units at the fort—the 6th Battalion, 2nd Training Brigade and the Armed Forces Examining and Entrance Station. Barrett had been a training and executive officer from his arrival at Ft. Jackson in 1973 until June 1975 when he was transferred to the fort's Examining and Entrance Station. He remained at that post until last month when he left for Korea.

Lt. Col. Ollie L. Langford, commander of the 6th Battalion and the man in charge of the military pallbearers, lamented Barrett's untimely death Monday, saying, "It's a terrible tragedy; such a waste of a fine human being."

Remembering the slain officer, Langford said, "He was a rather large, handsome fellow, really, very active and very friendly and easy to get along with."

The commander said Barrett and his wife remained active as "alumni" in 6th Battalion activities even after the officer was transferred to the Entrance and Examining Station.

He said all of the military men participating in the service were friends of Barrett's and had worked with him.

The pallbearers include, in addition to Langford, Capt. Norman R. Allen, Capt. Herman S. Heath (Barrett's former company commander), Capt. Steve Overcash, Capt. David T. Smith, 1st Lt. Robert W. Venci and Lt. Daniel E. Redieske.

Langford said friends of Barrett's from distant places will attend the funeral. He said an officer stationed in Panama was at the airport in Columbia Sunday when the casket arrived.

In issuing Gov. Edwards' order that state buildings fly their flags at half staff, news secretary Robert G. Liming said, "The governor feels that this gesture in recognition of Lt. Barrett's personal sacrifice on behalf of his nation expresses the feelings and sorrow of all South Carolinians. Our prayers go out to his family and friends."

City of Columbia spokesman John Spade said the flags stretching along either side of Main Street from City Hall to the Capitol today are usually flown during special observances. He added this is the first time they will be raised in respect for a death, with the possible exception of the late Gov. James F. Byrnes.

The services are expected to last from 30 to 40 minutes, according to Ft. Jackson's Andrae. Following services at the chapel, which will seat about 400 people, the funeral procession will be escorted by Columbia City Police to Greenlawn Memorial Park.

Barrett's long-time friend, Rabbi William A. Greenebaum, a chaplain at Ft. Jackson, and another chaplain, Father Mark Manzak, will conduct the services. Barrett's widow, Julianne Reiner Barrett, is Jewish and he converted from the Catholic faith to Judaism several years ago. Greenebaum officiated at the Barrett wedding in Gainesville, Fla. two years ago.

[From the Columbia (S.C.) Record, Aug. 24, 1976]

MURDERS IN KOREA

Our feelings are mixed as we mourn the murder of First Lieutenant Mark Thomas Barrett whose body was buried at Columbia's Greenlawn Memorial Park today.

Young Barrett, whose army career seemed so bright, was one of two American officers slain last week by North Koreans at the Panmunjom cease-fire village.

We feel sadness for the families of both men. Our thoughts and sympathies are with them at this difficult time. We also feel unmitigated outrage at the brutishness perpetrated by the minions of North Korea's die-hard Stalinist government.

The murders are the most recent examples of a long series of violent acts committed against the American ground troops stationed in South Korea. A year ago, for instance, North Koreans ganged up on an American officer, kicking and beating him unmercifully. His vocal chords were so badly injured he is still unable to speak properly.

The prevailing theory is that the barbarism carried out by North Korea's President Kim Il Sung is a form of diplomacy: to build support for a gradual phase-out of the 42,000 American ground troops still stationed in South Korea. The effect, of course, should be exactly the opposite: to strengthen our resolve in the face of extreme provocation and to buttress the argument for a continuing U.S. presence in that troubled Asian country.

In the wake of the murders, our government responded in appropriately blunt and forthright fashion, both diplomatically and militarily. We rejected as unacceptable a weaseling statement issued by the North Korean government. The statement expressed regret for the slayings but acknowledged no responsibility for them. At the same time, American forces along the Korean demilitarized zone were beefed up with additional naval and air power.

Predictably, North Korea complained that the U.S. show of power had brought the situation "closer to the brink of war."

Nothing fruitful will come of such propaganda ploys. Clumsy diplomatic rhetoric, coupled with barbarism, can earn North Korea only the disdain and disgust it deserves in the international community.

[From the Chicago Tribune, Aug. 24, 1976]

NORTH KOREA'S "REGRETS"

President Kim Il Sung has described as regrettable the slayings of two United States Army officers by his North Korean troops in the demilitarized zone. For the arrogant dictator to go this far is without apparent precedent, but it is not far enough.

The State Department is quite right in calling his message unacceptable becaue it did not "acknowledge responsibility for the deliberate and unpremeditated murders of the two UN Command officers."

It appears to us to be further unacceptable because it did not explain why the officers were killed as they directed a peaceful work party in pruning a tree in neutral territory. It appears still further unacceptable because it does not explain what, if anything, Kim proposes to do about the killers. In the absence of obvious and adequate punishment we shall continue to assume the killers were carrying out orders and that those orders came from high in the North Korean leadership.

The behavior of the United States has been proper since this unjustified and barbarous act. It expressed outrage. It sent planes and the carrier Midway into the Korean area to make clear that it was alert to the possibility that Kim might follow up barbarism with aggression. It showed restraint in not seeking revenge. And it made a nearly perfect symbolic response to the atrocity by sending in another work party which cut down the disputed tree. We thus made clear that the tree, which we have said blocked our observation of North Korean troop activities beyond the DMZ, would not be permitted to hamper our surveillance of an area in which we remain responsible for maintaining peace. And we made it clear that Kim was not going to intimidate us.

North Korean propagandists say our show of force has endangered peace in Korea. The opposite is true. For one thing, it deterred Kim himself from any further outrages he may have contemplated. And, for another, it doubtless was a calming influence on any South Koreans who might have been trigger-happy enough to respond to Kim in kind.

Our restrained response may not only have contributed to peace; it may have cost Kim two propaganda victories he could have been seeking. It deprived him of an opportunity to inform the conference of nonaligned nations in Colombo, Sri Lanka, that the U.S. was engaged in "aggression" against him. And it cost him an opportunity to suggest to Democratic presidential candidate Jimmy Carter that the administration over-reacted in a situation calling for coolness.

As it turned out, Mr. Carter supported President Ford in the actions he took and called the two killings "deliberate murder." And the conference of the nonaligned, though it adopted a resolution blaming the U.S. for increased tension in Korea, did so without much enthusiasm or conviction.

The murder of two Americans remains an intolerable crime; the matter is far from closed. But so far our government has behaved in a responsible way which shed no blood unnecessarily. It made no threats which cannot be carried out. And, we hope, it may have persuaded Kim that we remain alert to his mischief making and his desire to overturn world peace if he can gain something by doing so.

THE GENOCIDE CONVENTION AND THE MEANING OF MENTAL HARM

Mr. PROXMIRE. Mr. President, the Convention on the Prevention and Punishment of the Crime of Genocide includes in its definition of genocide the act of causing serious mental harm. Opponents of the convention have often expressed concern over the purported vagueness of the phrase "serious mental harm." The Senate Foreign Relations Committee, recommending ratification on four occasions, stated that it had no particular problem with the meaning of these words. It did recommend, however, that the words "mental harm" be construed to mean "permanent impairment of mental faculties."

This redefinition acts to refute charges made by critics who suggest that a liberal construction of the language of the convention would enable hostile foreign nations to invent supposed examples of American foreign involvement which somehow caused mental harm to a particular national group. It is clear that criticism of this sort is unfounded. Such liberal construction of the convention's wording constitutes an abuse of its provisions, intent, and purposes.

Similarly, with the committee's interpretation, foreign powers could not properly charge the United States with a violation of the Genocide Convention because of alleged harassment of minority groups. While those opposed to the treaty believe otherwise, the language of the convention makes it clear that the term genocide is not applicable in cases of discrimination. Only when there is evidence of intent to destroy, in whole or in part, a national, ethnic, racial, or religious group can charges of genocide violations be supported.

The Genocide Convention is meant to prohibit the tragic act of genocide. It does not attempt to deal with internal and political problems of any one nation. These fears should not stand in the way of our ratifying this important document.

DR. HUBERT PHILLIPS

Mr. CRANSTON. Mr. President, one of the greatest men of this century in the California Democratic Party, Dr. Hubert Phillips of Fresno, died last week at the age of 91. He was a dear friend for years. But more than that, Dr. Phillips was a joy to know—a joy because of his unflagging enthusiasm for seeking the truth and for bettering the human condition. For him liberalism was simply a compendium of the virtues he believed in: Honesty, decency, fair play, forthrightness, intellectualism, internationalism, and, most of all, tolerance. I want to share with my colleagues a Fresno Bee eulogy of August 19, 1976, to Dr. Phillips and ask unanimous consent that it be printed in the RECORD.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

[From the Fresno Bee, Aug. 19, 1976]

HUBERT PHILLIPS

Dr. Hubert Phillips' life was such a celebration of important virtues that it seems inappropriate to mourn his death this week at age 91.

Let us rather be grateful he came our way and stayed so long.

As a teacher, traveler, lecturer, civil libertarian, political and social activist, exemplar of moral courage, and thoughtful friend, he touched hundreds of lives.

He walked through the door of retirement and down the passageway to old age with such grace and intellectual liveliness that it was easy to forget what came before.

During his 32 years at Fresno State College Dr. Phillips was an educator in the broadest sense. He brought to his colleagues and students—and to the community through his lectures—a world view, an acute understanding of ideological and economic forces that was particularly valuable during the confusing and dispiriting period before World War II.

He was a liberal and wore the label proudly. He believed in social and political action to improve the human condition. Unlike many liberals, however, Dr. Phillips was truly compassionate, tolerant of opponents, and a vigorous but fair advocate. And he was willing, always, to act on his convictions right now.

His serenity and optimism were sorely tested.

He worked on a statewide group pressing for justice for farm laborers when this was enough to bring down smears from certain grower interests.

As a member of a state commission on housing he pushed for public housing at a time when some right-wingers perceived this to be a bolshevik plot.

He headed a committee during World War II which pressed for "fair play" for Japanese-Americans who had been sent to internment camps. Demagogues, riding on the hysteria of the times, attacked him. Dr. Phillips' response shamed them into silence.

His losing campaign for Congress in 1946—a bad year for liberal internationalists—was

based on the issues but suffered from what some supporters—in a mood of fond exasperation—thought was excessive integrity.

And so it went—early resistance to the red-baiting attacks on the colleges in the 1950s, early opposition to the Vietnam war a decade later.

Dr. Phillips fretted mildly at the infirmities of old age because of the limits they imposed. But he tried to maintain his extensive correspondence, his curiosity, his friendships, his interest in what young people were thinking and doing. He did not retreat into the past. He never became the intellectual counterpart of the old soldier reliving his battles.

His legacy is carried in many hearts and minds.

TRIBUTE TO SENATOR DOLE

Mr. FANNIN. Mr. President, with the high spirits and the hoopla of the Republican Convention hardly over, it would be well for all of us to reflect on the wisdom of the President's choice of our esteemed colleague, Senator DOLE, as his running mate.

I call to the attention of my colleagues a recent editorial of the Arizona Republic which fairly points out not only Senator DOLE's considerable achievements, but also the qualities that make him an asset to the Republican ticket. As the campaign progresses, I think that President Ford's good judgment in his election of Senator DOLE will become even clearer, as this Arizona Republic editorial suggests.

Mr. President, I ask unanimous consent that the complete text of the Arizona Republic editorial of August 20 be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GOOD POINTS FOR DOLE

When President Ford picked Sen. Robert Dole of Kansas as his vice-presidential candidate, the first reaction was not exactly exuberant.

"The bland leading the bland" was a typically ungenerous remark.

But the senator from Kansas has a lot going for him. He is a team player. His modesty ("I'm not sure what I can contribute to the ticket") is refreshing in a business noted for its brashness. He has served in both houses of Congress, and has many friends there. He has been the national chairman of the Republican Party.

Most important of all, however, is that Dole was re-elected to the Senate in the post-Watergate year of 1974, when Republican candidates were being shot down all over the place. The bad Nixon image didn't brush off on him.

In fact, it was Nixon, or at least the Nixon White House, that removed him as chairman of the Republican National Committee in January 1973. The official reason: Dole was too independent of the White House. That was before Watergate had reached the huge proportions it was to achieve.

Dole favored winding up the Vietnam War at a time when Lyndon Johnson and the Democratic Congress were plunging the nation farther into the morass without making a victory possible.

When he left the party chairmanship, Dole said, "We're a strong minority party, but that's not enough. We've got to reach out and take in some of these people—blacks and Spanish-speaking Americans—and we've got to elect some good candidates."

Dole's obscurity may help him. He did not have as high visibility as Ronald Reagan, Sen. Howard Baker, Gov. John Connally and others. Therefore he hadn't made the enemies some of the others had.

His biggest job, of course, will be "to elect some good candidates." Presumably he will include Jerry Ford and himself in that number.

ALASKA FORESEES A GREAT INTEREST IN IMPROVED FUTURE AGPLANES

Mr. MOSS. Mr. President, surprisingly, the largest State in the Union, Alaska, has a very small utilization of agplanes at present. But for future potential, Alaskans are "very interested."

Those are not my words, Mr. President, but the words of the Honorable Jay S. Hammond, Governor of Alaska, and the word "very" is underlined by him. Let me read a short excerpt from his letter:

As with many aspects of our State, the agricultural picture is rapidly changing. The next decade may see the development of the great basins along the Yukon River between Fairbanks and the Arctic Circle. This will be a type of agriculture demanding large investment and the most modern farm equipment. By the year 1985 Alaska may be *very* interested in the increased agricultural production afforded by a new generation of agricultural aircraft.

Governor Hammond continues with a number of detailed and interesting sugestions for possible improvements in agplanes, both fixed wing types and helicopters.

Mr. President, I ask unanimous consent that Governor Hammond's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF ALASKA,
Juneau, June 28, 1976.

HON. FRANK E. MOSS,
Chairman, Committee on Aeronautical and Space Sciences, U.S. Senate, Washington, D.C.

DEAR SENATOR MOSS: Thank you for your letter inquiring on the desirability of improved agricultural aircraft technology and its applicability to better agricultural productivity in the State of Alaska.

Although Alaska is a leading state in the utilization of small aircraft, the number of "ag" planes here is very small: several Pawnee-type adapted for seeding and fertilization and one or two devoted to mosquito control. Our small, family farms apply their pesticides with ground equipment.

As with many aspects of our State, the agricultural picture is rapidly changing. The next decade may see the development of the great basins along the Yukon River between Fairbanks and the Arctic Circle. This will be a type of agriculture demanding large investment and the most modern farm equipment. By the year 1985 Alaska may be *very* interested in the increased agricultural production afforded by a new generation of agricultural aircraft.

The specific technological improvements that can make agricultural aircraft more acceptable in our state are several:

1. Higher ferry speeds for our great distances. A wider envelope between stall speed and cruise speed and a greater selection of applicating speeds within this range. To be financially attractive to a small operator, one piece of equipment must be able to do several types of applications each demanding different optimum speeds,

2. Adaptation of modern turbo-prop engines to agricultural aircraft, plus a reinvestigation of tricycle gear (as on the Fletcher) for planes so equipped. Prop damage is common when working off rough strips and dinged prop and a "sudden stop" that can be shrugged off with a radial engine requires rebuilding a turbine,

3. Spray equipment and chemical formulations designed to control the drift of pesticides. Spray apparatus that is designed to give the pilot cockpit-control over droplet size,

4. A wider swath width for fixed wing aircraft when using either liquids or dry materials. Initial agricultural development will probably be in the area of small grains. Here the profit margin is small, the acreage large and an increase in swath width from the present-day one or two wing spans can be of considerable economic importance to our farmers,

5. A helicopter designed completely for agricultural use. At present agricultural users of rotary-wing aircraft pay for design costs unrelated to their type of operation.

Today's new equipment prices range from $25,000 to $75,000 for single engine, fixed wing aircraft and from $110,000 to $300,000 for helicopters. A single engine, fixed wing aircraft with a turbine will top $100,000. Professional applicators in Alaska will profit most from improvements at the lower end of this price range.

My sincere thanks for your interest in this important area of concern to the State of Alaska.

Sincerely,

JAY S. HAMMOND,
Governor.

ENDING THE BROKEN PROMISE: THE FULL EMPLOYMENT AND BALANCED GROWTH ACT OF 1976

Mr. HUMPHREY. Mr. President, the first order of business for the Government of this Nation is to see to it that every adult American has the opportunity to earn a decent living in a free, democratic society.

Free people cannot remain free if they are overwhelmed by the fear and despair of unemployment.

They cannot remain free if they are forced to abandon expectations of fulfillment for themselves and their families.

They cannot remain free if they lose their homes and all the other important endeavors in which they have invested their lives.

These tenets are fundamental to the purpose and promise of America.

But the promise has never been fully kept. It has not been kept because our Government has never completely marshaled the talent and the determination needed to put our economy on an even keel and keep it growing. It has never built the policy and program framework necessary to coordinate Government and our free enterprise system to achieve and sustain prosperity despite the vast resources of our people and the wealth of the land.

Mr. President, we dare not sit back again and entertain the alibi that nothing needs to be done now because the economy has begun to recover. With a 7.8 percent unemployment rate, with 25 percent of our plant capacity idle, add to this, the high rate of unemployment among adult blacks, about 15 percent—and a dangerously high unemployment rate of over 40 percent among black youth.

More important, the history of the last 7 years, with the economy swinging from boom to bust, should teach us that we will soon be back in another recession if not depression if we continue to fail to develop the policies and the programs necessary to achieve and sustain prosperity.

Mr. President, Congress can and must break this pattern of failure and start the Nation moving toward consistent realization of its full potential. I do not mean we should start this work next year or some indefinite time in the future. I mean we must start right now and hold to a time table that will achieve this aim within the next 4 years.

The blueprint to build the road to this goal is before us in S. 50 and H.R. 50, the Full Employment and Balanced Growth Act of 1976.

In essence this measure would require by law that Congress and the administration, as an ongoing chief priority, and with maximum coordination, design and implement the fiscal and monetary policies and programs necessary to stimulate private enterprise and reduce unemployment to no more than 3 percent of the adult labor force within 4 years. This is a level which would reflect only the temporary joblessness of those workers seeking new opportunities in an evolving but nevertheless prosperous full employment economy.

The Full Employment and Balanced Growth Act of 1976 was introduced by Representative AUGUSTUS HAWKINS of California and myself. Neither of us claims exclusive authorship for the proposal. Rather, it was written by the people of this Nation—by labor leaders, businessmen, unemployed men and women, officials of State and local government, and by economic experts—at field hearings held by the Joint Economic Committee, which I chair. We asked the people what they thought their Federal Government should do to get the Nation out of the depression of the 1970's and to lock the country into prosperity.

This measure is truly the people's bill. In a very real sense it is their bill of rights to a full employment economy and the security and opportunity a full employment economy guarantees.

The Full Employment and Balanced Growth Act requires that on a first priority basis, the President and the Council of Economic Advisers annually present to Congress short- and long-range full employment, production and anti-inflationary goals and recommend the policies and programs necessary to achieve these goals as soon as possible. The long range adult unemployment goal of 3 percent is to be met not later than 4 years after the bill is passed. Adult unemployment does not include those age 20 and below—thus the 3 percent unemployment goal is a reasonable, achievable goal. Monetary and fiscal policies must be utilized to the fullest extent necessary to reach and sustain a full employment-balanced growth economy. This mandate requires the President to propose supplementary job creation policies to eliminate any shortfall.

In this connection, the Federal Reserve Board, which influences the economy more than any other single agency, would be required to annually explain to the President and to Congress the extent to which its monetary policies support or fail to support the goals and recommendations of the administration and to justify any differences.

The President would have to make recommendations to the Board and to Congress when necessary to bring monetary policy fully in line with fiscal policy.

Mr. President, one of the most important provisions of the Full Employment and Balanced Growth Act requires the administration to include comprehensive antiinflationary recommendations in its annual reports to Congress. These recommendations will go to such issues as increasing the supply of goods and services in markets deprived of investment capital, strengthening antitrust laws and the promotion of general price stability. It places no limits whatsoever on what antiinflation measures the President may propose.

To assist the Council of Economic Advisors to prepare policy and program recommendations, the measure provides for the establishment of a 12 member Advisory Committee on Full Employment and Balanced Growth, broadly representative of the public interest. The Committee shall be appointed by the President, the Speaker of the House, and the President pro tempore of the Senate.

The measure requires the President to present to the Congress effective and flexible recommendations for the establishment of programs to reduce high youth and adult unemployment caused by downturns in the economy. Such programs shall include public service and standby public works programs and proposals to provide antirecession grants to State and local governments. These programs, which shall include skill training for both public and private sector workers, will be automatically triggered in and out with the seriousness of the unemployment problem.

The President would also be responsible for the development of policies designed to coordinate Federal economic policies and programs with those of State and local governments. In this connection, the President would be required to submit proposed legislation to Congress to establish a permanent antirecession grant program to help stabilize State and local budgets, a program that would be automatically activated when national unemployment exceeds a specified level. Areas of highest unemployment would receive priority treatment in the distribution of these funds.

The comprehensive employment policies the administration would be required to formulate would include plans for the reduction of unemployment and underemployment in chronically depressed areas or industries. New methods by which credit would be channeled into depressed areas for private and public investment purposes would be proposed.

Problems of youth unemployment are singled out by the bill. Required comprehensive employment policies and proposed programs would cover methods to improve the transition from school to work, preparation of disadvantaged youths with employment handicaps for self-sustaining employment through training, counseling and other support activities. Combining training and actual work experience and the provision of employment opportunities in public service work in Federal, State, and local government projects, would also be a part of these proposals.

To help achieve maximum levels of employment, the measure would establish a Full Employment Office within the Department of Labor. Among other things the office would develop programs aimed at providing employment opportunities for jobless Americans who have seriously sought work but cannot find it. Counseling and job training would be provided and a system of job referrals in both the private and public sectors would be placed in operation. In addition a reservoir of Federally operated or approved projects would be phased in by the President whenever necessary to meet the employment goals which would be established by this measure. Under provisions of the act work at standard wages would be substituted for income maintenance programs whenever possible.

All of the administration's full employment and balanced growth policies and proposed programs as well as the monetary policies of the Federal Reserve Board would be reviewed annually by the Joint Economic Committee. The JEC in turn would evaluate these proposals and submit its recommendations for change or improvement to Budget Committees of the Senate and the House. Appropriate standing committees of Congress would report their recommendations to achieve a full employment-balanced growth economy to the JEC. Recommended changes in the administration's proposals would be presented to the President. A Division of Full Employment and Balanced Growth would be established within the Congressional Budget Office to assist the JEC in meeting the responsibilities prescribed by the measure.

Mr. President, this is a straightforward proposal which is basically designed to harness the resources of the administration, the Federal Reserve Board, and the Congress to the maximum extent possible to plan and implement the policies and programs leading to a full employment economy under conditions which will keep inflationary forces in check. The structure to initiate

action immediately is in place. All that is really required is the will to act.

SDX SUPPORT FOR JOURNALISTS' FREEDOM OF CHOICE

Mr. FANNIN. Mr. President, the Society of Professional Journalists, Sigma Delta Chi, will hold its annual national convention in Los Angeles on November 10–13. Among the matters to be considered by that distinguished body at that time will be the issue of compulsory unionism for journalists.

In anticipation of this meeting, SDX members and nonmembers, all of them journalists, were asked to support a draft resolution indicating their opposition to being forced to join or support a labor organization. The so-called journalists' Freedom of Choice resolution which will be introduced at the convention reads as follows:

Whereas no journalist should be required to contribute either his loyalty or his money to any private organization in order to fulfill his (her) First Amendment rights and professional obligations, be it

Resolved, That journalists should not be required to join or support any labor, fraternal, professional, or any other private organization in order to report or interpret the news.

Journalists throughout the country were asked to express their opinion of this resolution. To date, the response has been overwhelmingly favorable. Approximately 100 SDX members have indicated that they wish to cosponsor the resolution. In addition, more than 225 journalists who are nonmembers have asked to be identified as supporters of the resolution. The list of those favoring the principle of freedom of choice is impressive. It represents men and women at all levels of the journalistic profession, from top management and owners of newspapers to staff reporters and even a staff intern at one newspaper.

Mr. President, for the record, I ask unanimous consent that the names of those journalists favoring the resolution be printed in the RECORD at this point. I call attention to the names of those distinguished journalists from Arizona who stand behind the freedom of choice principle; namely, Asa S. Bushnell, Tucson Daily Citizen; Louis J. Combs, Arizona Grocer; Gary Dillard, Bisbee Review; Loyal G. Meek, the Phoenix Gazette; Pat Murphy, Arizona Republic; and Jones Osborn, the Yuma Daily Sun.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

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Duward Bean, News Editor Montgomery County Daily Courier, P.O. Drawer 609, Conroe, Texas 77301.

Charles L. Bennett, Exec. Editor, Oklahoman & Times, P.O. Box 25125, Oklahoma City, OK. 73125.

Ralph D. Berenger, Ed. & Pub., the Pioneer, Shelley, Idaho 83274.

Robert W. Boyer, Man. Editor, Altoona Mirror, 1000 Green Ave., Altoona, PA 16603.

P. C. Boyle, Editor, the Derrick, 1510 W. First Street, Oil City, Pennsylvania 16301.

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David A. Yuenger, Editor, Press-Gazette, Box 430, Green Bay, Wis. 54305.

Wm. F. Buckley, Jr., Editor, National Review, 150 E. 35 Street, N.Y. New York 10016.

Mr. FANNIN. Mr. President, I wish to call my colleagues' attention to two editorials discussing the SDX resolution in the context of freedom of the press in America. I ask unanimous consent that the complete text of the article "A Free Press—If We Can Keep It" by William Murchison of the Dallas News and the editorial "Press, Unions Do Not Mix" of the Centralia-Chehalis, Wash., Daily Chronicle of July 30, 1976, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. FANNIN. Mr. President, on November 20, 1975, I was pleased to introduce, together with Senators CURTIS, HANSEN, HELMS, HRUSKA, LAXALT, and THURMOND, S. 2712, the Journalists' Freedom of Choice Act. This bill incorporates the principle discussed in the Sigma Delta Chi resolution.

This legislation would amend the Federal labor laws to guarantee freedom of choice in bargaining and labor relations matters. This would be accomplished by exempting employees of newspapers, radio, and television stations and other media from the exclusive representation provisions of the National Labor Relations Act.

If S. 2712 were enacted, it would no longer be lawful to require news personnel to join, support or pay membership dues or fees to any union in order to exercise their first amendment rights. Employees who are journalists would henceforth be free to negotiate their own wages, hours, and working conditions and adjust grievances with their employers without intervention or control of any union, if they so desired. Journalists could join or support a union as they see fit, but membership in a labor organization would not be necessary in order to hold a job or to express opinions on public issues in a professional capacity.

As I stated upon introducing S. 2712, current provisions of the Federal labor laws not only create serious problems for those individuals employed in the news media as columnists, broadcasters, commentators and critics on public issues. They also pose "a potential threat to individual liberties and fundamental freedoms enjoyed by all Americans." Unless amended, these laws threaten to destroy basic rights of free speech and free press guaranteed by the Constitution, especially where journalists are concerned.

Mr. President, I am disappointed though not surprised that to date the Senate Committees on the Judiciary and Labor and Public Welfare have failed to hold hearings or to take any action whatever on the journalists' Freedom of Choice Act. Since there is little time remaining in this Congress, I am hopeful that the next or succeeding Congresses will take time to consider the important fundamental issues involved in this legislation. In the meantime, I look forward to the discussioon of the Sigma Delta Chi convention and hope that the professional journalism fraternity will take a strong affirmative stand in favor of freedom of choice for journalists.

As William Murchison wrote in the Dallas News:

The matter is considerably more important than many journalists probably believe. More than the right of free association is at stake. Over the long run, the right to think is at stake. . . . Marvelous is the freedom of speech; marvelous are all our freedoms. But they put one in mind of Benjamin Franklin's famous description of the Philadelphia convention's handiwork. What kind of government are we to have? the good doctor was asked. "A republic," replied Franklin, pausing significantly, "if you can keep it."

EXHIBIT 1

[From the Dallas (Tex.) News, August 3, 1976]

A FREE PRESS—IF WE CAN KEEP IT

(By William Murchison)

Journalists, who think more, talk more and worry more than anyone else about freedom of the press, have a chance this fall to show they mean what they say.

The professional journalism fraternity, Sigma Delta Chi, will be offered a resolution affirming the right of journalists to abstain from union membership if they so wish. Two years ago, a similar resolution got booted out of SDX's resolutions committee without discussion. If SDX wishes truly to make a stand for press freedom, it will lustily shout the '76 resolution through to passage.

The matter is considerably more important than many journalists probably believe. More than the right of free association is at stake. Over the long run, the right to think is at stake.

What makes such a resolution essential is a saddening fact: For only a decided minority of American journalists does there exist legal protection against forced union membership. Only 20 states have right-to-work laws. Most of the great centers of communications—New York City, Chicago, Los Angeles—are in states where to decline union membership is to decline employment.

The point is one that rankles with anyone who values freedom. Still worse is it when the freedom in question is the freedom to express an idea or a belief—which freedom is precisely the one enshrined in the great constitutional prohibition: "Congress shall make no law . . . abridging the freedom of speech, or of the press."

What law has Congress made that so abridges freedom? The offending statute is the National Labor Relations Act of 1935, the Wagner Act. It provides that where employers negotiate contracts with unions, those contracts are binding on all employes. Only with passage of the Taft-Hartley Act in 1947 were individual states given the right to exempt their citizens from so onerous a requirement.

A suit filed several years ago by William F. Buckley Jr. and several other broadcasters challenged the power of the American Federation of Television and Radio Artists (AFTRA) to make news commentators join. Though preliminary verdicts have gone against the plaintiffs, the suit still drags along in the courts.

The passage by Sigma Delta Chi of an anticlosed shop resolution would hardly, of itself, strike the shackles from the wrists of journalists—among them, liberals like Nicholas von Hoffman—who consider themselves prisoners of their unions. But at least it would be a symbolic start—a blow for liberty.

That liberty is more than theoretical. For some of the leaders of the communications unions wax ever more arrogant. The Newspaper Guild, over the objection of numerous members, endorsed for president none other than George McGovern. AFTRA urged its members to back Cesar Chavez' grape and lettuce boycotts. From urging, it is but a step to forcing.

Should that step at last be taken, then the journalist of conscience would have no choice. He would have to go along to get along. Or he would have to look elsewhere for work.

Already, in the birthplace of Anglo-Saxon

freedoms, such matters are being worried over long and loudly. A bill to press-gang all British journalists into unions is making its menacing way through Parliament. The coercive ways of British unions are well known; so also their dislike of dissent. Should the bill go through, it is being freely predicted, only a short time would elapse before shop stewards began telling journalists what to write; almost as bad, the unions would gain theoretical power to ban contributions from outside writers.

That anything so totalitarian should even be talked of in Great Britain shows that American journalists had best nail down their freedoms while yet there is time. An adverse straw already floats in the domestic wind: The Democratic presidential candidate has declared that he would go along with outlawing voluntary unionism.

Marvelous is the freedom of speech; marvelous are all our freedoms. But they put one in mind of Benjamin Franklin's famous description of the Philadelphia convention's handiwork. What kind of government are we to have? the good doctor was asked. "A republic," replied Franklin, pausing significantly, "if you can keep it."

[From the Daily Chronicle, July 30, 1976]

PRESS, UNIONS DO NOT MIX

When members of the Society of Professional Journalists/Sigma Delta Chi (SDX) meet in Los Angeles Nov. 10 to 13, they will have an opportunity to go on record against compulsory unionism in the news business. Two years ago, the resolutions committee and the SDX directors declined to permit discussion of such a resolution at the convention. They later said they thought the resolution in favor of freedom of choice would somehow undermine employe-employer relations.

Compulsory unionism, in our judgment, violates the First Amendment to the U.S. Constitution by embedding in law the principle that a reporter can neither write nor express his or her opinions without financially joining a union.

Compulsory unionism also flies in the face of the SDX Code of Ethics, which says that "Journalists must be free of obligation to any interests other than the public's right to know."

We are not saying journalists should not join unions, what we are saying is that it should be a matter of choice ... if the First Amendment is to survive.

SDX is now going to get another opportunity to pass a resolution in favor of freedom of choice. If its members truly believe in an unfettered press, its members will pass it overwhelmingly.

The issue of unionism in journalism cuts across all lines of the political spectrum—it is not a conservative versus liberal stance. These are some of the prominent individuals who have made public statements about it:

—Supreme Court Justice William O. Douglas: "In some respects, the requirement to pay dues under compulsion can be viewed as the functional equivalent of a 'license' to speak ... Our cases dealing with flat license fees or registration requirements ... tend to suggest that even a minimal payment designed to cover administrative costs may be impermissible in a First Amendment context."

—Benjamin Bradlee, executive editor of The Washington Post: "I have long been troubled by forced union membership, particularly in the newspaper business, where independence is so important."

—Nicholas von Hoffman, syndicated columnist: "I do not appreciate being a member of a union against my will and live in fear and trepidation of a licensed press."

—Wes Gallagher, general manager, The Associated Press: "If the AP is to maintain its standards of objectivity, it cannot force the news employes into any organization, including a union. Inherent in the First Amendment is the assumption that the press is going to be the independent watchdog over public affairs and government and be divorced from any particular partisan group."

Compulsory union membership is basically unAmerican, and it is particularly reprehensible in the profession of journalism where independence of thought and fairness are so essential to an effective and responsible free press.

It is time that SDX faced up to its responsibilities in this area, and endorsed publicly the freedom of choice of a journalist to join or not join a union.

CITIZEN ACTION ON THE CASCO BAY ISLANDS

Mr. MUSKIE. Mr. President, a recent editorial in the Portland Press Herald made note of two important successes for the people of the Casco Bay Islands in the areas of health care and world peace. I had the opportunity to visit the islands recently, and talked with people there about these projects. I would like to join the newspaper in offering thanks and congratulations. I think their work demonstrates what a small group of determined and dedicated people can do to improve the quality of their lives and the lives of others.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A GIANT STEP

It was a very big weekend for the people of Peaks Island with two significant events, one involving a building, the other a World War II gun emplacement.

On Friday, the Casco Bay Health Center was opened culminating two years of dedicated work by members of the Casco Bay Health Council. And while other sources, such as the Maine Medical Center which will work closely with the Center, have played major roles in bringing the island facility to reality, it was primarily the efforts of islanders themselves that brought success and everyone participating in the official ceremonies stressed that factor.

The other event, the dedication of the gun emplacement, represents an even longer period of effort and is part of a project not yet brought to completion.

The gun emplacement was dedicated to peace throughout the world and it represents a 13-year effort by the Peaks Island Conference Center. It is that organization's dream to one day build an international conference center on the site at the east end of the island.

Some 40 United Nations journalists were weekend guests of residents of Peaks, Chebeague, Long, Little and Great Diamond Islands. It was the first time in five years that the journalists had gathered here.

The people who share the vision of the conference center on the island hope that these journalists, and those who have been here in earlier years, will join in encouraging the development of such a center. The whole idea is to promote peace, bringing people together on a one-to-one basis in a setting of tranquility and beauty. It may be a dream, but it is everyone's hope that the dream will come true and that free from the protocol and rigidity of the formal United Nations proceedings, some understanding can be shared.

More immediately and practically, the gun emplacement may be used for special events and islanders hope it may even become part of a summer theater operation.

The dedication of the gun battery may seem as one small step for man, but who is to say that one day it will not be recognized as part of a giant step for mankind.

And the health center already is a giant step for all the men and women of the island who for so long have had to travel to the mainland for medical assistance.

The health center brings a new security to island residents right now. Perhaps, in years to come, the conference center concept will bring a new security for all people.

In any event, the people of Peaks Island are to be congratulated for their devotion to both causes and the accomplishments already realized in each program.

RHODE ISLAND UNDERSTANDS AGPLANE PROGRAM COULD BE WORTHWHILE

Mr. MOSS. Mr. Preseident, even Rhode Island, the smallest State in the Union, has found a use for the aerial application of pesticides to control mosquitos and gypsy moths. In his letter to me, Gov. Philip W. Noel of Rhode Island also notes the potential for this technique in agricultural crop production.

Governor Noel states:

It is my understanding that a program of the type to be carried out by NASA, having as its aim increasing the efficiency, economy, and safety of agricultural aircraft usage, could be quite worthwhile.

Mr. President, I ask unanimous consent that Governor Noel's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
Providence, R.I., June 25, 1976.

Hon. FRANK E. MOSS,
Chairman, Committee on Aeronautical and Space Sciences, Washington, D.C.

DEAR SENATOR MOSS: Mr. Rudolph D'Andrea, Chief of the Division of Agriculture, Rhode Island Department of Natural Resources, has informed me that to date aerial pesticide applications have been undertaken in Rhode Island mainly in pursuit of objectives in forest pest (gypsy moth,) and disease vector (mosquito) control. However, the potential for use of this technique in agricultural crop production exists.

It is my understanding that a program of the type to be carried out by NASA, having as its aim increasing the efficiency, economy, and safety of agricultural aircraft usage, could be quite worthwhile.

Sincerely,

PHILIP W. NOEL,
Governor.

SALE OF U.S. TECHNOLOGY TO SOVIETS

Mr. THURMOND. Mr. President, the July 1976 issue of Conservative Digest included a shocking article written by Miles Costick entitled "The Dangers of Economic Détente."

Mr. Costick, a Washington based foreign affairs and trade analyst, raises many vital points which should be addressed by the Congress and the administration.

Many of us in Congress are opposed to the transfer of defense related technology to the Soviet Union. Much of this technology, especially in the area of advanced computers, has a definite military

application. We are selling the Soviets what their totalitarian system has not been able to produce.

While I am unable to verify all of Mr. Costick's claims, the Congress and the administration should give the issues he has raised immediate consideration.

Transfer of laser and computer technology to the Soviets is irresponsible and dangerous. By so doing we are passing on the fruits of our free system to aid a system dedicated to our demise. The American people will not stand for such actions.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DANGERS OF ECONOMIC DETENTE

(By Miles Costick)

Not satisfied with the serious damage done by his grand design for political detente, Secretary of State Henry Kissinger has also advanced the concept of "economic detente."

Economic detente, according to Kissinger, is based on the principle of "linkage" of the American and Soviet economies, and would add "an element of stability to the political equation."

However, stability is not the result because what the United States means by detente and what the USSR means by detente are two entirely different things.

Leonid Brezhnev and his colleagues see detente as a policy to increase Soviet power over the United States *without* alarming the Americans or their allies into taking effective countermeasures. Brezhnev made this clear to his Politburo and Warsaw Pact leaders during the summer of 1973.

His key proposition was dubbed the "new Brezhnev doctrine" by U.S. defense analysts, who summarized it as follows: "We communists have got to string along with the capitalists for a while. We need their credits, their agriculture and their technology.

"But we are going to continue a massive military buildup, and by the middle 1980s we will be in a position to return to a much more aggressive foreign policy designed to gain the upper hand in our relationship with the West."

Therefore, every U.S.-Soviet deal—particularly the transfer of advanced technology and sophisticated capital equipment—is an act of international politics.

THE NATURE OF TRADE

By now, the two general techniques in the Soviet pattern of trade have clearly emerged. One is to tap the Western technology and long-term credits in order to develop resources rapidly, including oil, natural gas, timber and rare metals in Siberia.

The other is to import complete industrial installations wholesale, especially in the chemical and petrochemical industries, computer production, the automotive field, the energy sector and modern metallurgy.

In 1972 alone, orders for Western technology ran to $2 billion—a figure that rose in 1973 to almost $3 billion and is still climbing—with the result that Moscow now spends over 22 percent of its foreign exchange earnings annually in repaying loans.

The surge in shipments of advanced technology was particularly evident in the case of the United States. According to figures released by the Department of Commerce, the U.S. shipped $547 million worth of machinery and equipment to the Soviet Union last year.

This sharp increase in the export of technology, combined with grain shipments worth $1.1 billion, produced a record trade gap in Soviet-American relations in 1975. United States' exports totaled $1.8 billion, compared with imports from the Soviet Union of $227 million, a ratio of almost seven to one.

More, however, lies behind the Soviet trade strategy than erecting large new industrial facilities. The major contract with Fiat to build a complete auto factory at Togliatti illustrates another Soviet objective. Fiat not only planned, programmed and supervised construction of the complex, but trained Soviet engineers and technicians and provided technical help in running the installation.

Thus, what Moscow wanted to and did acquire was not just a modern plant, but the very art of modern mass production of cars, plus the management and organization for such mass production. The same applies to the Kama River truck plant, which predominantly utilizes American technology.

Historically, the Kremlin has used trade for political and strategic reasons, to exploit economic crises and to try to disrupt Western economies. In the view of this observer, the Soviet Union had explicit political objectives in exhorting the Arab oil nations to bargain hard with the West.

By half privately, half publicly promoting the upward spiral of oil prices, Moscow hoped to push the West toward bankruptcy and depression. It was obvious that Moscow took great comfort in seeing inflation pressures increasing in the West.

The Soviet press made no secret that Moscow also saw advantages in the rising competitive frictions between Western Europe and the United States as the oil crisis mounted.

THE MILITARY DIMENSION

In his testimony on April 12, 1974, before an executive session of the Subcommittee on Priorities and Economy in Government of the Joint Economic Committee of the U.S. Congress, William Colby, then director of the CIA, stated that the Soviets "have been getting military technology" from the West.

When Chairman William Proxmire inquired about the nature of that technology, Mr. Colby replied: "Computers, some scientific instruments and advanced equipment."

In 1972, the U.S. Departments of State and Commerce granted an export license for 164 of the latest generation Centalign-B machine. These are of critical importance in the manufacture of precision miniature ball bearings, which, in turn, are imperative for any guidance mechanism used in intercontinental ballistic missiles—ICBMs, MIRVs and the latest in guided missiles, MARVs—Maneuverable Reentry Vehicles. The sole manufacturer of these unique machines is the Bryant Chucking Grinder Company of Springfield, Vermont.

The Soviet war industry gained 164 of these machines; the United States has never owned more than 77 of them. The export of Centalign-B machines to the Soviet Union gave Moscow direct access to the mass manufacture of guidance mechanisms needed for MIRVing and MARVing.

According to testimony presented to the Senate Finance Committee, United States and British computer technology and large scientific computers enabled the Soviets to make a breakthrough in the development and advancement of MIRVs by saving them valuable time ranging from two to four years.

In 1982, the Soviets will have at least 5,000 operational MIRVs aimed at the United States. Without American technology and precision miniature ball bearings, this would not have been possible.

In my presence, the former chief legal counsel of the contracting division in the Soviet Ministry of Armaments gave a sworn statement that, without the use of American computers, precision instruments and digital tools in Soviet research and development laboratories, the Soviet military-industrial complex could not have made any advances in the development of high-energy lasers or nuclear devices. His statement was made in the spring of 1974.

This statement was confirmed on July 21, 1975, when Lt. Gen. Daniel Graham, then director of the Defense Intelligence Agency testified before a subcommittee of the Congressional Joint Economic Committee in executive session that he was worried about a Soviet breakthrough in "the application of lasers."

Furthermore, the Soviet Union is seriously exploring "revolutionary" and "highly speculative" weapons technologies, which could give it the worldwide lead in military weaponry in the near future.

So stated Deputy Defense Secretary William Clements on April 20 of this year. Clements told an MIT university conference in Washington, D.C., that the Soviet's arms experiments "include high-energy lasers, surface-effect vehicles and antipersonnel-pressure weapons."

It should be stressed that the Soviets have made a breakthrough in the deployment of high-energy lasers in the form of antisatellite devices. It was recently reported that several U.S. spy satellites placed in orbit to observe Soviet compliance with the SALT 1 agreement were rendered nonoperable (blinded) by Soviet laser-beam devices.

Computers are at the core of today's and tomorrow's strategies. Without them there are no weapons systems. All the new technologies—giros, lasers, nucleonics, metallurgy, propulsion, including computer technologies themselves—are dependent upon computers. Furthermore, computers, lasers and nucleonics are interrelated.

ROPESELLERS RUN WILD

And yet there is a concerted drive by several leading American electronic firms to sell to the Soviets fourth-generation large computers and related technologies, or to provide the Soviets with complete manufacturing facilities for the mass production of the latest generation computers.

For example, Control Data Corporation has provided the Soviet nuclear-research facility in Dubna near Moscow with its second- and third-generation computers. Today Control Data's management is pressing the Department of Commerce and other U.S. government agencies to permit the export to the Soviet Union of the world's largest and most advanced scientific computers—the fourth-generation Cyber-76 and Cyber 172 series.

Only eight such installations exist in the world, including those at the Atomic Energy Commission, U.S. Air Force, NASA and the National Security Agency.

One of the most flagrant examples of the outflow of American advanced technology and automated machinery is to be found in the case of the KAMAZ—Kama River truck plant, still under construction in accordance with specifications provided by leading American engineering concerns.

Donald E. Stingel, president of Swindell-Dresser Co., told the congressional Subcommittee on International Trade of his firm's role as the plant's principal engineering and construction contractor. His testimony included the revelation that the firm is providing the USSR with a technology yet to be realized even in the United States.

Specifically, the KAMAZ will have an annual production capacity of 150,000 to 200,000 10-ton multiple-axle trucks, more than the capacity of all U.S. heavy-duty truck manufacturers. This plant will be capable of producing tanks, military scout cars, rocket launchers and trucks for military transport, but it was approved as "nonstrategic."

Hedrick Smith, a Moscow correspondent for The New York Times, has reported a

joke that circulated within the official Soviet establishment on the eve of Brezhnev's visit to Washington in June 1973. Brezhnev, it seems, had gathered his advisors for counsel on what he should ask from America.

"Ask them to sell us cars and build us highways," suggested one. "Ask them to build us computer factories and petrochemical plants," said a second. "Ask them to build us oil pipelines and atomic power stations," said a third. "No," replied Brezhnev thoughtfully. "I'll just ask them to build us communism."

From the results to date of both political and economic detente this is exactly what the West has been doing: Building communism and digging its own grave.

BANK LOAN LOSS ACCOUNTING

Mr. McINTYRE. Mr. President, during the last year or so, as banks have experienced sizable loan losses, their accounting of those losses has become a matter of increased public interest.

Walter B. Wriston, chairman of Citicorp, has recently written an article entitled "A View of Loan Loss Accounting," which I believe to be a useful contribution to understanding the problem. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A VIEW OF LOAN LOSS ACCOUNTING

(By Walter B. Wriston)

The evolution of the accounting concept that loan losses, which are an expected and identifiable cost of the business of banking, should be charged to a bank's profit and loss account has developed slowly. Until as recently as 1969, loan losses in banks were not reflected as an expense in the calculation of operating earnings as publicly reported. This bookkeeping was clearly inconsistent with the valid concept that accounting presentations should reflect economic reality which, in the case of banks, means that the bottom line should reflect loan losses as one of the normal costs of being in the banking business. Bank managements, independent public accountants, and bank regulators recognized and then rectified this situation by requiring that any reserve set up for loan losses had to be funded by a charge to operating earnings. This change in accounting rules was a clear improvement in that inevitable loan losses were identified as a cost of doing business by clearly delineating that they should be charged to operating earnings.

Citicorp's policy has been, and will continue to be, to charge off loan losses in the month when management reviews determine that, based on judgment, a loss appears likely. Citicorp is, therefore, following the conservative policy of charging off perceived loan losses on an anticipatory basis. Because of the stringency of this anticipatory process, our experience has been that substantial sums are collected on loans which have previously been charged off. These recoveries are detailed in our financial statements. Unlike industrial experience, where inventory and accounts receivable losses tend to have little salvage value, a meaningful portion of Citicorp's loan losses are recovered. Citicorp has been charging current earnings in excess of actual loan losses, and, therefore, has been providing currently for possible future losses.

Because the absolute and relative size of bank loan loss reserves have recently attracted some attention, it may be useful to analyze the function and the utility of such reserves. The level of a loan loss reserve is a function of the size of the charge to earnings to fund it on the one hand, and the timing of bad debt write-offs on the other. It follows from this, that the size of a reserve can be significantly inflated by continuing the funding charge against earnings, while at the same time being slow to charge off bad debts against the reserve. This timing might vary all the way from a highly conservative anticipatory process, to deferring write-offs until ordered to do so by bank examiners.

Suppose, for example, that Citicorp had not followed its conservative policy of anticipatory credit charge-offs and had allowed loan write-offs to lag twelve months behind those actually reported. Assuming also that the provision for loan losses charged to earnings remained the same, the reserve for loan losses on June 30 would have been close to $700 million, more than double the reported amount. Earnings and net loans, as shown on the balance sheet, would have been exactly the same as actually reported. The absolute and relative size of such an inflated reserve would not, in fact, have resulted in stronger shareholders' and depositors' positions, nor would it be predictive of future earnings trends. On the contrary, this action would be the reverse of conservative management. If there were a universal perception that the larger the reserve the sounder the institution, there would then arise a strong motivation not to recognize losses promptly, and to let the reserve build up. Such a course of action would be not only bad business management, but also would present an inaccurate picture of the facts. The concept that the ratio relationship between the reserve for possible loan losses and aggregate loan totals should be either constant or increasing is based on the presumption that charges are not in fact, made to current earnings in anticipation of possible loan losses. If one assumes a constant or increasing loan portfolio matched by a constant or increasing ratios between the reserve and the loans, it is apparent that the reserve can never decrease. This being so, it ceases to be a reserve and assumes the attributes of equity, thus defeating the purpose of reserve accounting for loan losses.

The understanding of the function and utility of a reserve is further complicated by the fact that every financial institution has a different mix in its loan portfolio. This fact also tends to get obscured by simple arithmetic ratios. Citicorp, for example, has approximately $4 billion of personal and mortgage loans to consumers. The nature of this risk is relatively predictable in that the ratio of losses to particular kinds of consumer loans made does not vary widely from one time period to another, although loss ratios do vary from market to market and among different types of consumer loans. In the case of personal loans, losses are recognized on a formula basis which is based on loss experience by type of loan by market over time. Typically this formula anticipates loan loss recoveries will run approximately 30% overall.

In the first half of 1976, certain Citicorp subsidiaries changed their write-off policies, based on experience with respect to consumer personal loans, to a more restrictive "180 days contractual" basis. The one time effect of this discretionary formula change was an additional charge against loan loss reserves of $16 million in the first half of 1976. This change made good business sense and was deemed prudent and conservative. It means, however, that future reserves will, by definition, be lower and that write-offs and recoveries somewhat higher. There will be no effect on reported earnings.

As a result of this formula change, Citicorp's reserve for loan losses is $16 million lower than it would have been had the formula charge-off policy for consumer loans been the same as it was in 1975. By implementing a more conservative charge-off formula, the ratio of reserves to loans was lowered by four basis points. Since the economic reality has been and continues to be that losses on consumer loans are anticipated with reasonable accuracy and charged to current earnings, this charge has taken on many characteristics of an accrued expense. It is simply a rather predictable cost of doing business and is viewed as such. Citicorp's consumer losses for the full year 1975 were $58 million and recoveries $18 million. For the six months ended June 30, 1976, and after reflecting the $16 million of losses resulting from the change in write-off policy previously described, consumer loan losses were $61 million and recoveries $17 million. The higher absolute level of write-offs results primarily from the write-off policy change combined with greater loan totals outstanding.

Unlike the experience of personal finance companies or Citicorp's own consumer loan portfolio, commercial loan losses are not as clearly predictable as consumer loan losses. There is not now, or has there ever been any formula which has proven accurate in predicting losses over time, so charges must of necessity be judgmental. These judgments must be made based on a thorough analysis of a given portfolio and then subjected to scrutiny by independent accountants and bank examiners. Clearly, if management could identify at any one point in time all anticipated losses within a given portfolio with total accuracy, these loans would be immediately written off and no reserve would be required. Since no one can predict the future with total accuracy, Citicorp has increased its charges to current earnings in excess of current losses to be as conservative as possible. Over the last five and one-half years Citicorp has charged current earnings and put into the reserve for loan losses $72 million more than actual write-offs.

Since all known loan losses are appropriately anticipated, it is clear that the primary defense against loan losses has always been and will continue to be the ability of a financial intermediary to absorb future losses out of current earnings and still provide an adequate return to the shareholders. Both in 1975 and thus far in 1976, a period in which Citicorp has experienced greater loan losses than any other period in its history, earnings before taxes and provision for net loan losses were more than three times net loan losses.

UNEMPLOYMENT RATES

Mr. DOMENICI. Mr. President, there is an issue of importance within the Labor-HEW appropriations bill that I wish to bring to the attention of my colleagues. In supporting H.R. 14232, the Senate will be appropriating funds to clear up a case of statistical oversight dealing with unemployment rates.

In brief, the Bureau of Labor Statistics has come up with a procedure that is unfair to the 23 least populous States, as applied to CETA funding. It is the practice of the BLS to "benchmark" unemployment figures—reported by the States—to the Census Bureau's Current Population Survey—CPS. In so doing, the BLS generally improves the quality of official figures by relating them to a standard and accepted statistical series

In the 23 least populous—or non-CPS—States, however, the BLS readily acknowledges the fact that the CPS sampling is too small to measure employment trend changes within any of the non-CPS States. As a lump sum, we are told by the BLS, it is known that refinements are needed because the small

States report too much unemployment—by an estimated 9 percent. But, because the actual samples are so small, the BLS is unable to statistically locate the sources of overreporting within the 23 non-CPS States, and they therefore assume a uniform error from which they uniformly reduce the official unemployment figures of all 23 non-CPS States with no recourse to individual States.

It is quite possible, for example, that Rhode Island lose a major source of employment resulting in a dramatic increase in unemployed persons. If the trend among other small States is an increase in jobs due to energy exploration, the overall trend of increased employment will be used to Rhode Island's detriment because it happens to be a small State with an inadequate CPS sample. The net result for Rhode Island, as far as official statistics are concerned, will be a reduction in the numbers of unemployed persons even though the actual joblessness increased.

This can happen because of the lumpsum approach of the BLS in reporting unemployment rates among the 23 non-CPS States. Because so many Federal grant programs—especially CETA and the EDA programs—are directly tied to BLS statistics, Rhode Island could and would lose needed Federal assistance.

Fifteen Senate colleagues have joined me in a letter to Mr. Julius Shiskin, Commissioner, BLS. We expressed our concern and were in turn promised by the Employment and Training Administration and the BLS of the Department of Labor that any negative funding decisions due to changes made by the BLS in unemployment statistics would be held harmless—with discretionary funds in H.R. 14232.

I bring this matter to your attention so that you will know that a vote in favor of H.R. 14232 will be a vote of assistance to those non-CPS States that could very easily lose some or all of their CETA funds.

In fairness to the BLS, I assure my colleagues that a revised, more in-depth procedure will be online for calendar year 1977. At that time, according to BLS timetables. all 50 States will have adequate samples for meaningful benchmarking and improvement in the quality of unemployment rates. Therefore, the problem shared by the 23 least populous States as discussed above is due to an interim procedural measure. The Department of Labor has been most cooperative in resolving the funding problems associated with aggregate, multi-State revisions of the unemployment rates.

In discussing this same statistical problem with the Economic Development Administration, we have found that the 23 non-CPS States will, as a group, not be hindered. This is due to a new twist in the application of numbers. CETA uses the estimated numbers of unemployed persons while EDA uses the rates of unemployment. CETA funds would have been—without the transfer of discretionary funds allowed in this bill—decreased in the 23 non-CPS States because the number of unemployed persons is officially reduced as explained above. However, since the BLS also reduces the number of employed and the total labor force, the ratio of unemployed to the total labor force can and, in fact, does increase. That is, the unemployment rate increases—in most cases—due to the reduced official size of the labor force. Thus, the same set of numbers yields different results depending on their specific application.

I ask unanimous consent that our letter to BLS and the response be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C. May 27, 1976.

MR. JULIUS SHISKIN,
Commissioner, Bureau of Labor Statistics, U.S. Department of Labor, Washington, D.C.

DEAR MR. SHISKIN: We write you in opposition to the recent BLS decision to treat 23 States as a single group in making downward adjustments in the official unemployment rates. While we enthusiastically support your plans to standardize unemployment statistics in the coming year, we object to this interim measure.

As we understand this complicated procedure, each year (when necessary) the BLS benchmarks the State estimates to the Current Population Survey figure. The problem arises in 23 States that do not have an adequate CPS sample to justify such an adjustment. The net result is the use of two different methods. The 27 most populous States are individually revised and benchmarked to the CPS; the 23 least populous States are lumped into one group with a uniform downward revision applied to all 23 States.

Further complicating this situation is the fact that Congress made several significant changes in the unemployment insurance system. The estimating procedures for all States are closely tied to unemployment insurance figures and then verified or adjusted by the results of the CPS which is conducted by the Census Bureau. According to information received from the BLS (in the March 25, 1976 letter to Mary C. Hackett, Employment Security Director for Rhode Island), the 27 CPS States had over-estimated 1975 unemployment by about 6 percent and the 23 non-CPS States over-estimated 1975 unemployment by about 9 percent.

While we can empathize with the dilemma faced by the BLS in determining an equitable method for making adjustments in the 23 non-CPS States, we must object to the uniform reductions required in these 23 States with no field validation or State-by-State verification of methodology to more precisely determine the sources of "error." It is also not clear to us how the "error" can be known when the CPS sample is admittedly insufficient in the non-CPS States.

We have relied on unemployment data from the Bureau of Labor Statistics for much of our decision-making. Had we known about the underlying problems and the impending interim "solutions," funding decisions for CETA and economic development programs may have been quite different.

We would like to continue our good faith in the reliability of the estimates given to us by the BLS. There is no better way to undermine this faith than to make changes in the methodology without public notice or proper validation of data.

Therefore, we ask that the BLS rescind its requirement to the 23 non-CPS States to reduce their official unemployment rates by an annual average of about 9 percent. Since there is no valid statistical reason to assume that each of the 23 non-CPS States has an error of that magnitude, we further request that other alternatives be examined by the Department of Labor to insure that current funding levels are held harmless in the 23 non-CPS States. We feel confident that alternative solutions are clearly possible in light of inadequate data in the 23 non-CPS States.

Sincerely,

Pete V. Domenici, New Mexico; Ted Stevens, Alaska; John Pastore, Rhode Island; Paul Fannin, Arizona; Patrick Leahy, Vermont; Claiborne Pell, Rhode Island; Joseph M. Montoya, New Mexico; Gary Hart, Colorado; Jennings Randolph, W. Virginia; Lee Metcalf, Montana; Robert Stafford, Vermont; Mike Gravel, Alaska; Thomas McIntyre, New Hampshire; William Hathaway, Maine; Robert Dole, Kansas; Howard W. Cannon, Nevada.

NOTE.—After obtaining the signatures of 15 colleagues, it was brought to our attention by the staff of the Labor-HEW Subcommittee of the Appropriations Committee that the final paragraph of this letter might be misunderstood. It could be interpreted to mean that any changes made for the non-CPS States would have to be absorbed by the CPS States. Such an interpretation is not our purpose. On the contrary, we are seeking a solution that would preserve CETA funding (as well as other program activities tied to unemployment rates) for all the States. We intend no spill-over or negative impact in the CPS States. We feel that the BLS should have the latitude to pursue alternatives.

I am confident that the co-signers of this letter agree to this clarification.

PETE V. DOMENICI.

BUREAU OF LABOR STATISTICS,
Washington, D.C., June 18, 1976.

Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMENICI: I am responding to your letter of May 27 to Commissioner Shiskin, in which you expressed your concern and that of several other Senators, regarding the unemployment estimates for the 23 States for which data from the Current Population Survey (CPS) are not available.

We understand your concern and would like to explain to you the reasons for the decision made by the Bureau of Labor Statistics to require a uniform adjustment to the unemployment data for these 23 States. This decision was made after consultation at all levels within the Bureau and with Committees on which State employment security agencies are represented.

A careful review of the data prepared by the State employment security agencies revealed that the State estimates tended to overstate unemployment in 1975. This was due to the fact that the estimating procedure, sometimes referred to as the "Handbook Method" or the "70-step method," had not been corrected to allow for new unemployment programs in 1975 (the State extended benefit program and the Federal supplementary benefit program).

In the 27 States for which reliable data from the national survey are available, the benchmarking process corrected this problem. Since individual State benchmarks from the CPS were not available for the other 23 States, some other procedure was required in order to insure comparability. The CPS data for the individual States in this group did not meet the required standard of reliability, but the aggregate of the 23 States—taken as an entity—did. The decision was to use the 23 State aggregate (the only data available) as a benchmark and to adjust each of the States in the group proportionately.

The problems involved in the use of this

procedure have been reviewed with those in the Department responsible for administering funds under the Comprehensive Employment and Training Act (CETA). It has been decided that the Secretary's discretionary funds will be used to insure that no area is penalized merely because separate CPS estimates were not available. This decision, I believe, will satisfy the intent of your letter. However, if you wish to have particular details clarified further, I suggest that your staff call Mr. Dudley E. Young, our Assistant Commissioner responsible for this program for BLS (523–1694), to discuss any questions on statistical procedures. Questions on the allocation process itself, however, should be directed to Mr. Davis Portner of the Employment and Training Administration (376–6274).

I want you to know that I appreciate your concerns about the quality of the local area statistics and that the Bureau of Labor Statistics is doing everything it can to improve the data so that the allocation of Federal funds is made in an equitable manner.

Sincerely yours,

JANET L. NORWOOD,
Acting Commissioner.

THE CORPORATE DOUBLE STANDARD: WOMEN STAY BACK

Mr. METCALF. Mr. President, a double standard is being used to prevent women from becoming board members of America's largest corporations.

At the 1976 General Electric stockholder meeting, G.E. Chairman Reginald H. Jones was asked why there are no women serving on the board of America's ninth largest industrial corporation. As reported in the summer issue of General Electric's Investor magazine, Chairman Jones explained that he was "personally distressed" that there are no women serving on the board, but because of the wide diversity of General Electric's products, no qualified women could be found who were not already on the board of a competing company.

I am pleased that Mr. Jones has expressed a concern about director affiliations which present potential conflicts of interest. Unfortunately, it appears that G.E. standards for women executives are far stricter than those for male executives.

I have asked my staff to prepare an analysis of the affiliations of the present members of General Electric's board of directors. The board, made up of 18 men, is packed with representatives of potential competitors, customers and suppliers, and financial institutions with potential controlling interests in competing companies.

Two of the Nation's largest retail chains, Federated Department Stores and J. C. Penney, are represented on the board of G.E.—one of the Nation's largest manufacturers of retail goods.

Two large steel companies, National Steel and Inland Steel, both potential suppliers, are represented on the G.E. board.

Six of the Nation's largest banks, Chase Manhattan, Morgan Guaranty, Citibank, Chemical Bank, Wells Fargo, and Northern Trust Co., are represented on the G.E. board. The trust and investment divisions of these banks hold, with voting rights, blocks of General Electric common stock. Common stock voting authority, along with long- and short-term debt control and interlocking directors, are the main avenues of influence between the banks and corporations.

Five subsidiaries of the Nation's largest mutual fund complex, Investors Diversified Services, are represented on the General Electric board. Two of those five companies hold G.E. common stock. Another IDS company, not represented on the board, holds more G.E. stock.

These companies and banks, all directly interlocked with the board of General Electric, present potential conflicts of interest for board members involved.

It should be pointed out that this array of corporate affiliations and potential conflicts exists on the board of virtually every large American corporation. Concerns about potential conflicts of interest are indeed legitimate. I am personally concerned about the present situation at General Electric. But for anyone to claim that there are simply not enough qualified women to go around is ludicrous.

It is ironic that the issue of Investor magazine which reports Mr. Jones' remarks was distributed at approximately the same time that Business Week published, as its cover story, a survey of the top 100 corporate women in the United States.

This Business Week list is impressive, but in no sense is it complete. It is only a small example of the vast range of talent yet to be tapped by America's corporations. As the Business Week article points out "Corporate officers need all the talented and experienced advice they can find. There is plenty to be found among women executives."

I am in complete agreement. Corporations that are serious about bringing women and minorities into upper management positions can find plenty of talented, intelligent people—if they will only throw aside their double standards and stop searching for more excuses for delay.

Professional women who are interested in opportunities for service on corporate boards should be aware that information bearing on the discrimination against them, by companies such as General Electric, is not easy to obtain. There is no centralized reporting of affiliations of corporate officers and directors or, for that matter, other data bearing upon corporate ownership and control such as major stockvoters and debtholders.

The staff of the Subcommittee on Reports, Accounting and Management spent several days sifting through public reference such as Standard & Poor's, Moody's, and Vickers, as well as the reports of the trust and investment divisions of national banks to the Comptroller of the Currency, to obtain some of this data on GE.

Such information, that is so vital to our understanding of the structure of the American corporate system, is not available in any one place. It should be. To this end, the staff of the subcommittee, in cooperation with staff members of nine regulatory agencies and the General Accounting Office, developed model uniform corporate disclosure requirements. They appear in appendix A of Senate Document 94-246: Corporate Ownership and Control.

These proposed regulations would provide Congress with the information we need to make important public policy decisions. They would provide the regulatory agencies with the information they need to efficiently and effectively protect the public interest, with a minimum of interference and burden on the reporting companies. They would provide investors with the information they need to make safe, sound investments. And they would provide the majority sex with information women need to attain a larger role in corporate governance.

The model corporate disclosure regulations are currently before all of the commissions and agencies that participated in their formulation. Most of these commissions and agencies unfortunately, appear to be as slow to adopt these disclosure regulations as many corporations are in adding qualified women to their boards of directors.

Mr. President, I ask unanimous consent that Mr. Jones' remarks, as they appear in the summer 1976 issue of Investor magazine, the staff analysis of the board of directors of General Electric, and the article, "Top 100 Corporate Women," from the June 21, 1976, issue of Business Week, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the General Electric Investor, summer 1976]

A WOMAN DIRECTOR: THE SEARCH INTENSIFIES AS A SPECIAL COMMITTEE OF THE BOARD CONSIDERS MORE WOMEN NOMINEES

In response to a share owner question at the Statutory Meeting, Board Chairman Jones said that he was "personally distressed that we do not have a woman serving on our Board of Directors at this time." He reported that the Special Committee of the Board has been considering nominations for a couple of years but has not yet found "the right woman to bring aboard."

The Chairman explained that "one of our problems is the very great diversity of the Company itself. Many qualified women are already members of a Board of Directors of some other company, and because of the diversity of our products would be in conflict if they were to serve on our Board."

He indicated, however, that efforts are being intensified "to find the right woman to bring to our Board," and he added that he was "personally hopeful that by the time we next send out an annual Proxy Statement this will be a moot issue."

AFFILIATIONS OF BOARD OF DIRECTORS OF GENERAL ELECTRIC CO.

Board member, corporate affiliations, and comments

Humphrey, Gilbert W.: Hanna Mining Co.; General Electric Co.; National City Bank of Cleveland; Texaco, Inc.; St. John d'el Ray Mining Co.; Massey Ferguson, Ltd.; National Steel Corp, 8th largest integrated steel company—potential supplier; Sun Life Assurance Co., holder of GE common stock; General Reinsurance Co., holder of GE common stock.

Hovde, Frederick L.: General Electric Co.; Purdue University; Investors Mutual, holder of GE common stock; Investors Selective Fund; Investors Variable Payment Fund; Investors Stock Fund, holder of GE common stock; IDS Bond Fund, Inc.; Inland Steel Company, 5th largest integrated steel company—potential supplier.

Lawrence, John E.: General Electric Co.; James Lawrence & Co.; State Street Investment Corp., holder of GE common stock.

Parker, Jack S.: General Electric Co., inside director.

Weiss, Herman L.: General Electric Co., inside director.

Pierce, Samuel R.: General Electric Co., inside director.

Wriston, Walter B.: General Electric Co.; Citicorp; First National City Bank, holder of GE common stock, potential debtholder Chubb Corp.; Rand Corp.; J. C. Penney Co., 3rd largest retail chain, potential customer, actual competitor.

Jones, Reginald H.: General Electric Co., American Management Association, board chairman.

Scribner, Gilbert H.: Nortrust Corp.; Nothern Trust Company, holder of GE common stock; General Electric Co.; Scribner & Co.; Northwestern Mutual Life, Mortgage and Realty Investors, parent company is holder of GE common stock; Quaker Oats; Abbott Laboratories.

Dance, Walter D.: General Electric Co.; inside director.

Lazarus, Ralph E.: Federated Department Stores, ninth largest retail chain, potential customer; Chase Manhattan Bank, holder of GE common stock, potential debtholder; Scott Paper Co.; General Electric Co.

Littlefield, Edmund: Utah International; General Electric Co.; Marcona Corp.; Cyprus Pima Mining; Wells Fargo Bank holder of GE common stock, potential debtholder; American Mining Congress; Southern Pacific Transportation, potential customer; Southern Pacific Co.; Industrial Indemnity Co., holder of GE common stock.

Austin, J. Paul: Coca-Cola Co.; Continental Oil Co.; Morgan Guaranty Trust Co., holder of GE common stock, potential debtholder; General Electric Co.; Trust Company of Georgia; J. P. Morgan Co.

Boswell, James G. II: General Electric Co.; Safeway Stores; Security Pacific National Bank.

Dickey, Charles D.: General Electric Co.; Scott Paper Co.; British Columbia Forests; INA Corporation, holder of GE common stock; Morgan Guaranty Trust Co., holder of GE common stock, potential debtholder; J. P. Morgan Co.; American Paper Institute.

Hillman, Henry L.: Chemical New York Corp.; Chemical Bank, holder of GE common stock, potential debtholder; Pittsburgh National Corp.; Pittsburgh National Bank; Texas Gas Transmission Corp.; Hillman Corp.; Cummings Engine Corp.; Global Marine Corp.; Marion Power Shovel Co., Inc.; Copeland Corp.; Edgewater Corp.; Shakespeare Co.; Hillman Coal and Coke Co.; National Steel Corp., eighth largest integrated steel company, potential supplier; General Electric Co.

Cathcart, Silas: Illinois Tool Works; A. B. Dick Co.; Jewel Companies; General Electric Co.; Nortrust Corp.; Northern Trust Company, holder of GE common stock; Quaker Oats Co.

BANKS REPRESENTED ON THE GE BOARD OF DIRECTORS WHOSE TRUST DIVISIONS HOLD GE COMMON STOCK

Director	Bank	Total shares held	Sole voting rights
Wriston, Walter	Citibank	4,712,000	3,021,511
Lazarus, Ralph	Chase Manhattan Bank.	2,166,000	754,000
Littlefield, Edmund.	Wells Fargo Bank	740,957	536,468
Austin, J. Paul	Morgan Guaranty Trust Co.	1,419,122	584,084
Hillman, Henry	Chemical Bank	1,042,000	[1] 915,000
Scribner, Gilbert H., Cathcart, Silas.	Northern Trust Co.	[1] 2,135,406	(2)

[1] Approximate.
[2] Not available.

COMPANIES HOLDING GENERAL ELECTRIC COMMON STOCK REPRESENTED ON GE BOARD OF DIRECTORS

Board member: Company	Shares held
Humphrey, Gilbert W.:	
Sun Life Assurance Co.	46,000
General Reinsurance	77,600
Hovde, Frederick L.:	
Investors Mutual	400,000
Investors Stock Fund	300,000
Lawrence, John E.: State Street Investment Co.	55,000
Dickey, Charles D.: INA Corp.	120,000
Littlefield, Edmund: Industrial Indemnity Co.	5,000
Scribner, Gilbert H.: Northwestern Mutual Life Mortgage & Realty Investors	[1] 169,000

[1] Stock is held by parent company, Northwestern Mutual Life. Scribner is not a director of Northwestern Mutual Life.

ONE HUNDRED TOP IMPORTANT WOMEN—A COMPREHENSIVE SURVEY OF WOMEN WITH CORPORATE CLOUT—AND THEIR ROUTES TO THE TOP

Ann Maynard Gray, a 30-year-old MBA from New York University, was elected treasurer of American Broadcasting Cos. in New York City two months ago after only three years with the entertainment conglomerate that is enjoying one of its best years in television. Jayne Baker Spain, 52, former chief executive of a machinery manufacturer and a former vice-chairman of the U.S. Civil Service Commission, was named senior vice-president of public affairs at Gulf Oil Corp. in Pittsburgh earlier this year. Frances Davis, a 51-year-old member of a leading San Francisco law firm, was appointed vice-president and general counsel of Potlatch Corp., the forest product giant, last September.

Quietly, with no more notice than the usually ignored press release, women have been moving into significantly important executive positions at major U.S. corporations. Who they are, where they are, and determining their real influence has taken weeks of research and reporting by BUSINESS WEEK'S staff. Profiles of 100 of these women are on the following pages.

These 100 women who wield real corporate power are distinguishable for one thing: They are indistinguishable from their male counterparts in how they came to their present business eminence. More than a dozen founded their own businesses, a handful inherited a business. Some are highly educated, with several degrees capped by a doctorate. Some have a high school education.

Like upwardly mobile men, about a dozen of the top women executives found a law degree either handy or the principal tool in their rise. Banking or financial services have offered most—23 of the top 100—their path to a senior corporate post. Many feel their age is irrelevant to their present job and will not disclose it.

AVENUE TO SUCCESS

Some of the women have carved their careers by spotting corporate needs and developing the knowledge to fill them, or by being in the right spot at the right time, such as was the case with Marion S. Kellogg (picture, above), a vice-president at General Electric Co., and Phyllis A. Cella, a John Hancock Mutual Life Insurance Co. vice-president (BW—Nov. 24, 1975). Others, such as Mary Kay Ash—now chairman of a $35 million cosmetics company—found the male refusal to give a female a chance too forbidding and started their own businesses. Mary Hudson Vandegrift was in her early 20s when her husband was killed in a truck accident, leaving her with a couple of gasoline stations in the middle of the Great Depression and a surplus of gasoline. She pioneered in acquiring a string of gas stations and cutting prices.

The top female executives are no different than males in being busy people. Dorothy Gregg, holder of a doctorate from Columbia University and vice-president of communications at Celanese Corp., has served on a half dozen New York State and New York City commissions, on the White House Conference on Children, a UNESCO committee, and claims membership in 22 organizations. Spain is a director of a hospital, a trustee of two colleges, has been a director of the American Management Assn., and served on two Presidential commissions.

No one geographical area of the country seems more hospitable to the woman executive than any other. You will find more of them, of course, in New York City and its environs as that area boasts the most corporate headquarters. But women executives are prominent in Boston, Philadelphia, Chicago, and Los Angeles. No particular vocation seems closed to women; one directs research at Avco Corp., another negotiates labor contracts for Macy's New York.

These women share one distinction: They are sought by male executives to serve on boards of directors. This is not primarily a response to the "consciousness-raising" of the past decade, but a calculated move to get counsel on developing their own women executives. And, just as important, corporate officers need all the talented and experienced advice they can find. There is plenty to be found among the following women executives.

BANKING

Catherine B. Cleary, president and chief executive officer of First Wisconsin Trust Co., Milwaukee, with deposits of $20.8 million. The only woman to head a well-known bank she did not inherit, Cleary also serves as a director of General Motors, AT&T, Kraftco, Northwestern Mutual Life Insurance Co., and Kohler Corp.

Rebecca S. High, senior vice-president of First Pennsylvania Bank, Philadelphia, the nation's 19th largest bank, with deposits of $4.4 billion. High supervises five divisions: corporate cash management, deposit and accounting services, trust accounting, loss and fraud prevention, computer control.

Marilyn LaMarche, vice-president at Citibank, New York City, the country's second largest, with deposits of $45 billion. As head of the business development department of the personal financial management division, LaMarche handles portfolios totaling more than $100 million.

Kay K. Mazuy, senior vice-president for corporate marketing at Shawmut Corp., Boston, parent of Shawmut National Bank, with deposits of $1.8 billion. Mazuy directs corporate advertising, market research and sales analysis, and corporate business and product development at the eight-bank holding company, and is a director of McGraw-Hill and Blue Shield of Massachusetts.

Sandra J. McLaughlin, vice-president for retail services at Mellon Bank, Pittsburgh. McLaughlin heads three divisions of the nation's 15th largest bank, with deposits of $7 billion, and she controls more than $100 million. She is also consumer adviser to the American Bankers Assn.

Madeline McWhinney, president of First Women's Bank, New York City. The first of a number of banks to serve predominantly women, the bank has acquired $8 million in deposits since its opening in October, 1975.

Caroline Norman, vice-president at Wachovia Bank & Trust Co., Winston-Salem, N.C., and the first woman to attain this rank in the Southeast's second largest bank, with deposits of $2.8 billion. Since last year, Norman generates new loans in the Midwest and specializes in cash management.

Mary G. Roebling, chairman of National State Bank, Elizabeth, N.J., which has deposits of $570 million. One of the first women bank presidents and the first woman governor of the American Stock Exchange, Roebling also serves on the New Jersey Investment Council, a state advisory group.

Martha R. Seger, division vice-president for investments and economics at the Bank of the Commonwealth, Detroit, with deposits of $836 million. A former Federal Reserve Board economist, Seger manages Commonwealth's investment portfolio and heads its money center and municipal bond departments.

BROADCASTING

Deanne Barkley, vice-president of program development at NBC in Burbank, Calif. Barkley is responsible for supervision of 60 to 70 new prime time TV program concepts each season.

Ann M. Gray, treasurer of American Broadcasting Cos., New York City. Reporting to the financial vice-president, Gray directs all treasury operations, cash control and management, credit and collections, and short-term portfolio management.

Charlotte Schiff Jones, executive vice-president and director of Manhattan Cable Television Inc., a subsidiary of Time Inc. As No. 2 executive of the 80,000-subscriber CATV station, one of the nation's largest, Jones directs relations with government regulatory agencies and develops new uses for cable TV technology.

Kathryn Pelgrift, vice-president for corporate planning at CBS Inc., New York City. A rising corporate star at the broadcasting company, which she joined as assistant to the president in 1972, Pelgrift recommends corporate objectives for growth and profitability.

Marion Stephenson, vice-president and general manager of NBC's radio-network, New York City, and RCA Corp.'s first woman vice-president. The No. 2 executive at the network, Stephenson is in charge of sales, programs, and the operations of affiliates.

Marilyn Walsh, vice-president and director of taxes and finance at CBS, New York City. Walsh is the corporation's chief tax executive, advising and representing CBS on all tax matters.

COSMETICS AND FASHION

Mary Kay Ash, chairman and co-founder with son, Richard, of Mary Kay Cosmetics Inc., Dallas. Ash was instrumental in boosting the company's revenues from $200,000 in 1963, its first year, to $35 million in 1975.

Jane Evans, president of Butterick Fashion Marketing Co., New York City, the American Can Co. division that comprises Vogue and Butterick Patterns, Butterick Publishing, and several smaller units. A former president of I. Miller, the Genesco Inc. retail shoe operation, and vice-president for international marketing of Genesco's International Group, Evans is an established power in fashion marketing.

Gloria Gelfand, president of Picato sportswear, New York City, a new General Mills Inc. division aimed at the young professional market. After only two years, Picato racked up sales of $10 million, with Gelfand exerting autonomous control of sales, marketing, and merchandising.

Mary Joan Glynn, general manager and chief operating officer of the Princess Marcella Borghese Div. of Revlon Inc. The cosmetics giant in New York City had 1975 sales of nearly $750 million. Glynn is responsible for all aspects of the multiproduct cosmetics group, specializing in marketing and product direction.

Shirley Goodman, executive vice-president of the Fashion Institute of Technology, New York City, and a trend setter for the garment trade. By training designers and placing them with ranking companies, Goodman exercises strong influence on the fashion and retailing industries.

Helen Lee, president and designer of Helen Lee Inc., New York City. The company produces the nation's single largest line of children's clothing, the Winnie the Pooh collection for Sears.

Ruth Manton, president for Anne Klein Design Studio, New York City, a designer and licenser of towels, sheets, and 20 other lines, which account for about $150 million in retail sales.

Paula K. Meehan, founder and chairman of Redken Laboratories Inc., Van Nuys, Calif. A former actress, Meehan runs the 16-year-old company with sales of $31 million in cosmetics and personal grooming preparations.

Carole Phillips, executive vice-president and chief operating officer of Estee Lauder Inc., Clinique Div., which is the fastest growing unit in Lauder's cosmetics empire. Phillips heads sales, marketing, and new product development at Clinique, a leader in the allergy-tested cosmetics market.

Tina Santi, vice-president for corporate, consumer, financial, and internal communications at Colgate-Palmolive Co., New York City. Santi initiated and directs the company's sponsorship of women's sports programs, an effort credited with helping to promote sales that produce $119 million in income from the company's predominantly female customers.

Diane von Furstenberg, founder and president of Diane von Furstenberg Inc., New York City, a dress company that started with $30,000 in 1970 and is expected to post sales of $60 million this year, with accessories, cosmetics, perfumes, and shoes added to the dress line.

ELECTRICAL AND ELECTRONICS

Evelyn Berezin, president and founder of Redactron Corp., New York City, a word-processing company with the second largest installed base of word-processing equipment in the U.S. Recently acquired by Burroughs Corp., Redactron continnues under Berezin's direction.

Ursula Farrell, manager of product marketing for large systems in the data processing division at IBM, White Plains, N.Y. Farrell develops national marketing programs for both the hardware and programming of computers that represent IBM's top range in size and price ($5 million to $8 million per system) and account for a sizable chunk of IBM's profits.

J. Diane Folzenlogen, treasurer and secretary of Electronic Data Systems Corp., Dallas. Credited with sparking several important financial management plans at the $123 million company, Folzenlogen serves on the board of various EDS subsidiaries. Long range, she is regarded as a potential corporate chief.

Marion S. Kellogg, vice-president of corporate consulting services at General Electric Co., Fairfield, Conn. GE's first woman at each successive level at the $13 billion company, Kellogg is the first and only woman among 2 GE corporate officers. An internationally known management expert, she supervises 400 employees, working with a $19 million budget.

Lucille Lomen, counsel for corporate affairs at GE. In this key spot, Lomen handles executive compensation issues, drafts benefits programs, and serves on the company's political action committee and its pension board.

FINANCIAL SERVICES

Ida Brancato, director, senior vice-president, and member of the executive board at Thomson & McKinnon Auchincloss Kohlmeyer Inc., a New York City retail brokerage firm with about 85 branch offices and some 2,400 employees. She is one of only four women to serve as directors of major Wall Street firms.

Patricia M. Howe, managing partner at L. F. Rothschild Co.'s San Francisco office. The only woman among about 40 partners of this investment house, Howe was the first woman to manage a branch for any major New York Stock Exchange company.

Beverly Lannquist, vice-president of Morgan Stanley & Co., a major investment house in New York City and the only woman chosen by Institutional Investor to be a member of its All-American Team, a group of top experts in the various investment areas. Lannquist specializes in cosmetics stocks.

Freda I. Miller, senior vice-president of Philadelphia Saving Fund Society, which claims to be the biggest and oldest mutual savings bank in the nation, with assets of $4.2 billion. As a ranking officer of the bank, Miller directs its financial policies and serves on its executive and finance committees.

Lorna Mills, president of Laguna Beach Federal Savings & Loan, Laguna Beach, Calif. The first woman president of a federally chartered S&L, Mills has doubled its assets in the past five years to $236 million.

Gloria Muir, managing partner and vice-president of Loomis, Sayles & Co., Boston, the country's second largest investment counseling firm, managing assets of $4 billion. Muir created and runs a special $150 million department for smaller-scale accounts of $100,000 to $400,000.

Marion O. Sandler, vice-chairman of Golden West Financial Corp., Oakland, Calif. Together with her husband, Herbert, Sandler formed the holding company in 1963 to acquire Golden West Savings & Loan and built its assets from $38 million to $1.8 billion. Last October the corporation merged with Trans-World Financial Corp. to become the second largest S&L branch network in the country, with 107 offices in California and Colorado, and the 7th largest in assets. It is also one of the most profitable: Annual earnings have grown from $16.8 million in 1966 to $92 million in 1975.

Muriel F. Siebert, president of Muriel Siebert & Co., New York City. She is both the first woman member of the New York Stock Exchange and the first to run her own firm.

Beverly Splane, executive vice-president of the Chicago Mercantile Exchange. A former management consultant and former acting executive director of the U.S. Commodity Futures Trading Commission, Splane is regarded as a fast mover in the business world.

Frances Stone, vice-president of Merrill Lynch & Co., New York City. She frequently serves as a national spokesman for security analysts through the Financial Analysts Federation.

Sally A. Stowe, director, senior vice-president and chief financial officer at Keefe, Bruyette & Woods Inc., an investment banking firm that specializes in bank stocks and bank research, one of only four women to serve as directors of major Wall Street firms.

Madelon Talley, director of foreign investment funds at the $3 billion Dreyfus Corp., New York City, and portfolio manager at the Dreyfus Intercontinental Investment Fund. She handles $20 million for the investment fund and serves as the principal analyst for Dreyfus' $126 million in overseas investments.

Julia M. Walsh, vice-chairman of Ferris & Co., Washington, D.C. One of the first women to become a brokerage house officer, Walsh serves as the only woman official at the American Stock Exchange.

FOOD

Mercedes A. Bates, vice-president for the Consumer Center of General Mills Inc., Minneapolis. A woman executive who pioneered in the food field, Bates still exerts substantial influence in the company.

Mary Beth Crimmins, vice-president for school services at ARA Food Services Co., Philadelphia, the industry leader, with annual revenues of $1.2 billion and net income of $30 million. Crimmins is in charge of contract food and dietetic services to schools, a hefty market in which ARA sales increase about $15 million annually.

Marguerite C. Kohl, vice-president for consumer affairs at General Foods Corp., White Plains, N.Y., the country's largest producer of packaged groceries, with $2.9 billion sales.

Kohl directs an operation that has a budget of more than $2 million and a staff of 80.

Betty McFadden, president of the direct marketing division of Jewel Cos., a Chicago-based food chain. McFadden has full control of a division that generates annual sales of about $100 million in 40 states.

Dianne McKaig, vice-president for consumer affairs at Coca-Cola Co., Atlanta. McKaig supervises Coke's domestic soft-drink and foods division (coffee and juices) and develops consumer policies for Coca-Cola Export Corp., the soft drink foreign subsidiary that accounts for more than half of the company's $239 million earnings.

Esther Peterson, vice-president for consumer affairs at Giant Food Inc., an $832 million supermarket chain based in Washington, D.C. Peterson was recruited to make Giant Food a leader in consumerist areas such as open dating, unit pricing, and ingredient listing. The improved company image is credited with helping to raise earnings $11 million last year.

Marilynn A. Raymond, vice-president for health care services at ARA Food Services, Philadelphia. Raymond is in charge of contract food and dietetic services for hospitals and nursing homes.

MANUFACTURING

Olive Ann Beech, chairman of Beech Aircraft Corp., Wichita. President of this top general aviation company for 18 years following the death of her husband, she remains active in day-to-day operations. Company sales have risen from $74 million in 1963 to $267 million in 1975.

Joan M. Burgasser, vice-president of marketing services and design at Thonet Industries Inc., York, Pa., a subsidiary of Simmons Co. Burgasser has full responsibility for selecting the company's line of contract furniture, seeing it through the manufacturing process, and handling its marketing and advertising. Contract furniture accounts for $20 million in sales.

Frances Davis, vice-president and general counsel at Potlatch Corp., San Francisco, a major forest products company. Davis, one of 12 top executives at the $504 million corporation, is responsible for over-all legal activities.

Isabelle M. Dienstbach, vice-president at Johns-Manville Corp., Denver. Dienstbach coordinates administrative responsibilities in this diversified building materials corporation and supervises its public and corporate relations.

Lillian Edwards, staff vice-president, corporate counsel, and secretary of Dresser Industries Inc., Dallas, capital goods producer with sales of nearly $2.5 billion. Edwards functions as the company's specialist in mergers and acquisitions.

Veronica P. Ging, corporate secretary of Olin Corp., Stamford, Conn. The company's first and only woman senior officer, Ging, a lawyer, specializes in mergers and real estate.

Dorothy Gregg, corporate vice-president of communications at Celanese Corp., a $1.9 billion diversified chemicals and fibers company. Gregg coordinates public relations officers in the five Celanese divisions.

Alice E. Hennessey, vice-president and corporate secretary of Boise Cascade Corp., a $1.5 billion forest products company. The only woman among 24 top-level officers, Hennessey oversees company relations with the board of directors, the investment community, shareholders, and the public.

Marjorie Hoyne, assistant vice-president of United Merchants & Manufacturers Inc., a New York textile manufacturer with sales of $921 million, and president of Kenneth Home Fashions, its home furnishings subsidiary with sales of $20 million.

Royle G. Lasky, president and chairman at Revell Inc., Los Angeles. Lasky has doubled sales to $30 million and increased profits nearly tenfold in the five years since she took over the model and hobby company after her first husband's death.

Juliette M. Moran, executive vice-president for communications services at GAF Corp., New York City, which produced net sales of $964 million in 1975. She is one of the most powerful and highest-paid women among executives who have made it through the ranks, with salary and bonus of $120,000 in addition to other compensation.

Dorothy M. Simon, corporate vice-president of research at Avco Corp., Greenwich, Conn., a $1.3 billion conglomerate with substantial government contracts. A physical chemist, Simon commands industry respect in a traditionally male field.

Aleta Styers, manager of economic analysis at Babcock & Wilcox Co., New York City. Styers initiates and conducts both macroeconomic and specific industrial analysis and forecasting for the business planning of the $1.5 billion equipment and machine manufacturer.

Dorothy F. Worcester, vice-president for market research at Milton Bradley Co., Springfield, Mass. Worcester possesses veto power over each of the 50 new toys and games that the company produces annually that account for more than half of Milton Bradley's $174 million annual sales volume.

PETROLEUM

Camron Cooper, investment officer at Atlantic Richfield Co., Los Angeles. ARCO's first and only woman officer and an oil industry rarity, Cooper manages the investment of $700 million in company benefit funds.

Jayne Baker Spain, senior vice-president for public affairs at Gulf Oil Corp., Pittsburgh. A former president of Alvey-Ferguson Co. in Cincinnati, Spain directs public, financial, and government relations for the nation's fifth-largest domestic oil company.

Mary Hudson Vandergrift, president and chief executive officer of Hudson Oil Co., Kansas City, Kan., an independent gasoline marketer. Top woman in the oil industry since founding Hudson in the 1930s, Vandegrift has surmounted problems ranging from the Depression to the Arab oil embargo to run a company with 300 stations in 35 states and revenues of $175 million.

Jane Yount, senior attorney for Cities Service International Co., a Houston arm of Tulsa-based Cities Service Oil Co. Yount operates in the sensitive areas of oil exploration and production contracts with foreign countries and companies, drilling concessions, and joint operating agreements.

PUBLIC RELATIONS AND ADVERTISING

Muriel Fox, group vice-president and senior consultant of Carl Byoir & Associates, New York City, the nation's second largest public relations firm. Probably the top-ranking woman in public relations, Fox handles the agency's TV Radio-Film Dept.

Barbara Hunter, executive vice-president of Dudley-Anderson-Yutzy Public Relations Inc., New York City, the only public relations agency among the top 25 to be owned and run by women, with annual fees of $1.2 million. Hunter handles consumer education programs and specializes in food and other consumer product publicity.

Reva Korda, executive vice-president of Ogilvy & Mather Inc., New York City. Next to Mary Wells Lawrence, Korda probably is the most important woman in advertising as creative director of this top 10 agency, which has worldwide billings of $175 million.

Mary Wells Lawrence, chairman and chief executive officer of Wells, Rich, Greene Inc., New York City. Lawrence is the founder, head, and moving spirit of this major advertising agency noted for trend-setting ads. The agency had 1975 gross billings of $187 million and net income of $1 million.

Barbara Proctor, president of Proctor & Gardner Advertising, Inc., a Chicago advertising agency with annual billings of $4.8 million. It specializes in ads aimed at the black community and handles such clients as CBS, Kraft Foods, and an impressive list of other blue-chip companies.

Joan Satin, founder and president of Throckmorton/Satin Associates Inc., New York City, a fast-growing marketing and advertising firm with special expertise in direct-mail programs for communications companies. Clients include Time Inc., McGraw-Hill, Doubleday Book Clubs, GAF, and Citibank.

Jean Schoonover, president of Dudley-Anderson-Yutzy, New York City. A 20-year employee of the public relations firm, Schoonover has been an account executive of every major account in the agency before becoming its president in 1970.

PUBLISHING

Adele Bowers, president of the book division at Times Mirror Magazines Inc., New York City. Bowers runs two of the largest special interest book clubs in the country, the Outdoor Life and Popular Science book clubs, which together total a half million members. The division, which publishes special interest books and includes a women's craft book club, has gross revenues exceeding $20 million.

Pat Carbine, publisher and editor-in-chief of four-year-old Ms magazine, New York City, the profitable flagship publication of the women's movement, with ad revenue of $1.55 million and circulation of 450,000.

Helen K. Copley, chairman and chief executive officer of Copley Press Inc., La Jolla, Calif. Since her husband's death in 1973, Copley has raised profits of the company 5% to 10% by selling the 14 weakest of its 50 newspapers, cutting staff 6%, and effecting a wide range of other economies. The privately held company's revenues are estimated to be $100 million.

Katherine Graham, chairman, Washington Post Co., Washington, D.C., a $309 million media empire that includes, beside the newspaper, Newsweek magazine, five TV stations, and two radio stations. Taking over following her husband's death in 1963, Graham proved herself a strong executive in her own right, backing the Post's Watergate investigation, despite government pressure, and winning a rough pressmen's strike.

Joan Manley, group vice-president of Time Inc., New York City. In charge of Time-Life Book/Records, Books & Arts Associates, New York Graphic Society, and Little, Brown & Co., Manley is considered a strong contender for the president's spot.

Helen Meyer, president of Dell Publishing Co., New York City, a paperback house that is probably the world's largest mass market publisher, with revenues exceeding $75 million. Meyer is the only woman president of a major publishing house.

Beryl Robichaud, senior vice-president for corporate management information services at McGraw-Hill Inc., New York City, one of the nation's largest publishers, with revenues of $536 million in 1975. Robichaud directs the company's computerization, an evolving process that links her with all major divisions.

Dorothy Schiff, president of New York Post Corp. and publisher and editor of the New York Post, which she has effectively dominated since buying it with her late husband in 1939. The Post, with a circulation of 600,000, is New York City's only afternoon daily and one of the country's largest afternoon newspapers.

Patricia Wier, vice-president of management services at Encyclopedia Britannica U.S.A., Chicago. Operating with a budget of $3 million and a staff of 116, Wier has the responsibility for all of the computer services, accounting, budgeting and planning, payroll, and information systems at one of the world's largest encyclopedia companies.

RETAILING

Gertrude Alman, executive vice-president of purchasing and marketing services for Allied Stores Marketing Corp., New York City, a department store holding company of 165 stores producing $1.75 billion in revenues. Alman moved through the ranks from assistant market representative to her present position in charge of all soft goods.

Gertrude G. Michelson, vice-president for consumer and employee relations at Macy's New York. The consumer responsibility is relatively recent, but Michelson's long-time role as the department store's labor relations chief makes her perhaps the only woman executive in the country to bargain and deal regularly with a major union.

Phyllis Sewell, vice-president of Federated Department Stores Inc., Cincinnati, the country's largest department store group. Sewell heads market research, including acquisition recommendations, planning, budgeting, and setting of corporate objectives for the $3 billion corporation.

Geraldine Stutz, president of Henri Bendel, a New York City specialty store, which Stutz has pulled out of the red since taking charge in 1965. Bendel is part of Genesco Inc., but Stutz operates with substantial independence to give it a high-fashion personality.

SERVICES

Marianne Burge, partner at Price Waterhouse & Co., New York. Burge is one of the few women to become a partner in a Big Eight accounting firm—a firm that is chary with its U.S. partnerships.

Phyllis A. Cella, vice-president for field management and marketing for John Hancock Mutual Life Insurance Co. and president and chief executive officer of Hanesco Insurance Co., a Boston subsidiary. Cella probably ranks as the highest-placed woman in the insurance industry.

Stephanie Dalidchik, vice-president at H. F. Philipsborn & Co. and assistant vice-president at Seay & Thomas Inc., two subsidiaries of IC Industries Inc., Chicago. Dalidchik handles all insurance for loans made by the mortgage banking company, for the properties managed by the companies, and for the real estate owned by the various companies in the $1.5 billion conglomerate.

Mary E. Lanigar, partner at Arthur Young & Co., San Francisco. Believed to be the first woman to achieve partnership in a Big Eight accounting firm, Lanigar has run the tax department of the San Francisco branch.

Myrtle Chun Lee, president of Island Holidays, AMFA Inc.'s Hawaiian hotels division. Lee oversees the operation of 10 hotels, with sales of $51.6 million, Hawaii's No. 2 hotel chain, second only to Sheraton Corp.

Anne M. McCarthy, vice-president at New England Mutual Life Insurance Co., Boston, a major insurance company with $4.6 billion in assets. McCarthy supervises $1 billion in privately placed bonds in addition to investing the premiums from company assets in bonds.

Norma Pace, senior vice-president of the American Paper Institute, the national trade association for pulp, paper, and paperboard companies. A former consultant to such corporate giants as GM, GE, and Sears, economist Pace continues to exercise influence through membership on such important corporate boards as Milton Bradley, Sears, and Sperry Rand and through the weight that the industry gives her economic analyses.

UTILITIES

Grace Fippinger, vice-president and secretary-treasurer of New York Telephone Co. The first woman officer in the Bell System, she handles corporate financing and banking policy for the company, administers a $1 billion pension fund, and is in charge of the General Services Dept.

Mary J. Head, vice-chairman of Amtrak, Washington, D.C. A former director of several transportation committees, Head plays an important role in mapping new routes for the rail network, serving as liaison between Amtrak and the railroads whose rights of way it uses, and representing Amtrak at Congressional hearings and before the public.

Mary Gardiner Jones, vice-president for consumer affairs at Western Union Telegraph Co., Washington, D.C. A former commissioner of the Federal Trade Commission, Jones currently concentrates on developing service standards for WU, pinpointing sources of service trouble, and spotting potential problems in new and proposed services.

Virginia Smith, vice-president and corporate secretary of Intermountain Gas Co., Boise, Idaho, and possibly the top-ranking woman in the public utility industry. As vice-president of the $60 million utility, she is charged with supervision of the personnel and communications departments. As corporate secretary, she deals with Intermountain's directors on behalf of its executives.

Mr. METCALF. Mr. President, I also ask unanimous consent that the article, "Sex and a Single Corporation," be printed at this point in the RECORD. It shows that GE's policy of double standards and discrimination is in effect at all employment levels—from the assembly line to the board of directors. This article was written by Ginny Ullman and Cookie Arvin in association with the GE project for their paper "Women and Corporations: A Look at the General Electric Company," and is reprinted in the book, "The Work of a Giant Corporation," by John Woodmansee.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SEX AND A SINGLE CORPORATION

(By Ginny Ullman and Cookie Avrin)

Women have always played a significant, though unequal role in the electronics industry, where in 1969, according to the U.S. Department of Labor, women comprised 40% of the labor force. Except for the textile and clothing industries, there is a higher concentration of women in electronics than in any other area of manufacturing. However, women working in the electronics industry are given little or no decision making power within the corporations. Instead, they are hired mostly as, and remain as, secretarial, clerical, or assembly workers [8].

Women who are production workers in the electronics industry are used for labor intensive work; this is the stage of the production process in which the most expensive element is labor, not machinery or materials. By underpaying women in these positions corporations minimize their costs and hence increase their profits.

In their 1972 policy manual, The United Electrical, Radio and Machine Workers (UE) describe how sex discrimination is practiced by companies:

"Government figures also prove that companies are mining gold by separating these two groups of workers. Their companies "mine the gold" by separating them into jobs that are classified as male and female, heavy and light, technicians and testers, assembly complicated and assembly simple, and similar divisions. They put women in the jobs of 'female', 'light', 'tester', and 'simple.' There are profits for the companies from these divisions. The average woman worker in manufacturing is paid $3,804 a year less than men, resulting in $22 billion extra profits for companies each year." [9]

This job segregation described by the UE takes two forms. In some instances women are put in different kinds of work from men. And since there is no group of male workers doing the same work, women cannot be said to receive unequal pay. Instead, these women are underpaid for the work they do. In other instances, women's jobs are described differently from men's jobs (technicians vs. testers, light vs. heavy, etc.) However, although they are segregated in job and pay categories, the men and the women in these different jobs do work that is often very similar or identical. Yet women in these situations receive smaller wages than men.

As production workers in the electronics industries, women often engage in work which is tedious and repetitive, such as wiring, soldering and assembling. According to the UE, these jobs often take several months of training and can be extremely strenuous. Job descriptions such as "light", "simple" are misleading in terms of the actual work women do. The UE describes women's jobs in the electronics industry:

"Many women's jobs require tremendous eye concentration and are performed in temperatures of 120 degrees. The fact is they actually can be more exhausting and require more physical effort than higher paying men's jobs." [10]

According to a survey made of the electrical industry by the Women's Bureau of the U.S. Department of Labor, "The constant arm and finger movements involved in many women's jobs were, in the course of a day, probably more wearing in many cases than the occasional lifting of a 30 or 40 pound box." [11]

As the largest electronics corporation, GE is no exception in the way it treats women workers. There are approximately 100,000 women workers in American GE plants, comprising more than one third of GE's workforce [12]. There are 121 top level positions within GE—all of which are filled by men. None of its 100,000 women employees are considered sufficiently qualified to hold any of these positions [13].

Although women are not considered eligible for the highest level jobs, one GE spokesman assures us that they are not discriminated against in the jobs they do hold: "We pay all employees on the same job the same wages regardless of their sex. We have different wage rates for different jobs of course, and this is entirely proper under the [Fair Labor Standards Act] law." [14]

Public statements such as this may quell the anxiety of some concerned stockholders but, as our research has revealed, it unfortunately represents little change for women workers at GE. According to Ms. Ruth Weyland, a Washington-based attorney for the International Union of Radio, Machine and Electrical Workers [IUE] who has recently travelled to several GE plants to examine company practices in regard to women workers:

The government has said it is illegal to classify jobs as "light" and "heavy" but GE has a record of advertising positions in this way.

Jobs are filled by foremen on the basis of favoritism with no regard for seniority and merit.

All of GE's women employees [at the Fort Wayne plant] were hired at rates at 35c per hour less than janitor rates, with many of the women doing intricate assembly work; and all were locked into historically women's jobs, with no possibility to move to higher paying jobs.

Many women at GE never rise above the entry level wage for janitors even after 30 to 40 years of experience with the company.

The United Electrical, Radio and Machine Workers of America [UE] obtained from GE the following figures on the average hourly straight-time wages of male and female workers in all GE plants in the U.S. (regardless of union representation) from 1945 to 1968:

	Men	Women
1945	$ 1.09	$ 0.70
1955	2.10	1.61
1965	2.92	2.22
1968	3.34	2.53

GE seems to have accurately described the situation of its women workers when it changed its corporate slogan from "Progress Is Our Most Important Product" to "Men Helping Man."

VETERANS NEED ACCELERATED ENTITLEMENT

Mr. TAFT. Mr. President, the most recent Jobs for Veterans Report, a publication of the National Alliance of Businessmen, contains a most disturbing report: The rate of joblessness for veterans, particularly for Vietnam-era veterans, is increasing compared to the rate for non-veterans. The report notes:

Even veterans in the 20-34 age group have a higher unemployment rate than non-veterans, and young veterans (20-24) lead their civilian counterparts by over nine percentage points . . . Raymond Moppin, JFV manager in Minneapolis, says that lack of civilian training and skills is a major obstacle to veterans looking for work.

In December of last year I introduced a bill, S. 2789, that would provide the skills and training opportunities our veterans need to get jobs. It would accomplish this by permitting a veteran to use his educational benefits under the GI bill at an accelerated rate, so that he could attend not just a liberal arts college, but a vocational or a training school. It is training, not A.B.'s, that many of our Vietnam-era veterans need.

I hope that the Veterans' Affairs Committee will, in its continuing deliberations, give full and serious consideration to S. 2789 and to accelerated entitlement. We need to provide our veterans with job-oriented training. We need to do this not only because we owe this to the men who have served our country, but also because we need to assist veterans to become employed, productive members of our community.

Mr. President, I ask unanimous consent that this article, "Gap Widens Again Between Vet and Non-Vet Jobless Rates," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GAP WIDENS AGAIN BETWEEN VET AND NON-VET JOBLESS RATES

The gap between young veteran unemployment and their non-veteran peers jumped over four percentage points in June. Figures from the Bureau of Labor Statistics show that even veterans in the 20-34 age group have a higher unemployment rate than non-veterans, and young veterans (20-24) lead their civilian counterparts by over nine percentage points. Recently the job stability of older Vietnam veterans has tended to lower the jobless rate for veterans as a whole (nearly all Vietnam-era vets are between 20-34) down to rates comparable to non-vets.

The *JFV Report* surveyed twenty Alliance JFV managers from around the country and found several factors hindering young veterans in finding employment.

Raymond Moppin, JFV manager in Minneapolis, says that lack of civilian training and skills is a major obstacle to veterans looking for work. "What kind of a job can a guy get who is a rifleman? Where is he going to go?" Moppin says the youngest vets went into the service straight from high school, while their friends went into civilian careers. The Bureau of Labor Statistics says that because of their lack of civilian experience, young veterans need a transition period. They need time to transfer their skills into civilian industry and to feel out the job market.

Federally-supported unemployment benefits give veterans time to adjust. Young civilians generally have not been on the job long enough to earn unemployment eligibility. Veterans, on the other hand, have money coming in and so don't have the same sense of urgency about taking *any* job that happens to come along. In many cases vets use their educational benefits to get the education and training they lack, rather than enter the civilian labor market directly from service.

"It's a matter of alternatives," Long Island JFV Manager Ron Williams says. "Going to school or apprenticeship training is an alternative. Going out and taking the first job that comes along is an alternative. Unemployment compensation is also an alternative," he says.

"Why should I work for $100 a week when the government will give me that money tax free," asks Fate Carter of Philadelphia. He says that some veterans, particularly in states where the unemployment benefits are larger and extended over a longer period of time, don't want to take a job right away, but would rather take their time and readjust to society first.

The problem here is that veterans who don't grab the first job that they can reach, but who stay idle may be compounding their difficulties. "A big gap between jobs looks bad on your employment record," says Edgar Ekman of Grand Rapids. "Employers want someone who has initiative and has been working."

When unemployment compensation does run out, a veteran may have to take a menial job. Several of the JFV managers point out that if a veteran had taken a $2.50 job to start, with raises and promotions he could have ended up with the $10 job he was waiting for.

Not all JFV managers thought veterans misuse unemployment benefits. Larry Hales of Norfolk, for example, says that if a young veteran has responsibilities, unemployment "doesn't even cover the necessities." Coming out of service and seeing everyone about going to work every day makes it difficult to be idle he says.

Chuck Long of Portland, Oregon, says the biggest problem for young vets is their youth. "They're young. Employers aren't willing to hire inexperienced workers in a tight job market and will always go for a more mature, settled employee."

Most JFV managers seem to agree that young veterans always had a job in the military, and so when faced with the option of taking a menial job in civilian life, many pass it by, figuring that something better will come along soon. When they do take jobs, some quit soon, discouraged by poor work conditions, or when a better job comes along.

Most veterans don't think very much about a career while they are in the service, and don't know what they want to do or what direction to go in when they get out. Many don't know what services are available to them, or where to turn for help in getting the training and guidance that they need.

Charles Collins, NAB director, jobs for veterans, says that another obstacle facing young veterans is the image that the public has of the Vietnam-era. Collins says that most of the young veterans coming out now should not even be labeled as Vietnam-era veterans, since most didn't serve in Vietnam. "Why are they still calling them Vietnam veterans? They are suffering from subtle discrimination over a war that they weren't even in," Collins says.

George Cordova of Denver adds up the unemployment situation facing younger veterans: "First, lack of experience. Second, location. Third, lack of direction. Fourth, lack of education and skills. Fifth, discrimination against minority veterans." There's only one ultimate solution Cordova says, "The services have got to provide some career direction for these veterans while they are still in the service. They have to gear training more to civilian life."

CRACKDOWN ON RUNAWAY FATHERS

Mr. TALMADGE. Mr. President, the State of Michigan is pushing a hard-nosed program to crack down on runaway fathers in an effort to lower the State's welfare costs, and Wednesday's Wall Street Journal carried an interesting article on the effectiveness of this program.

Michigan authorities are locating and apprehending fathers who desert their wives and children and cause their families to resort to public welfare. The State takes the position, with which I thoroughly concur, that it is the responsibility of the father to work, if he is able to do so, and to look after his family, and this burden should not be placed on the taxpayers through an already bloated welfare system.

What the State of Michigan is doing is in keeping with a Federal law passed by Congress 2 years ago under the sponsorship of Senator LONG, the distinguished chairman of the Senate Finance Committee, Senator NUNN, and me. This law requires States to try to track down runaway fathers and to make them pay for the support of their families and Federal financial assistance is offered in connection with this program. I am very glad to read of the success of the Michigan effort, and I for one would like to see similar programs put into force in every State where the cost of welfare has become virtually intolerable. I applaud the Michigan authorities, and I wish them continued success in relieving taxpayers of a responsibility that ought not to be theirs.

I bring the Wall Street Journal article to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHITTLING WELFARE COSTS—DESERTING FATHERS ARE REQUIRED BY MICHIGAN TO SUPPORT THEIR FAMILIES OR BE SENT TO JAIL

(By Jonathan Spivak)

LANSING, MICH.—Almost 400 recalcitrant men—no ordinary criminals—were sentenced in this county last year to jail terms ranging up to a year.

They weren't car thieves, shoplifters or the like. Indeed, many people would argue they weren't criminals at all. They were absentee fathers who had fallen behind in their pledged child-support payments or had made none at all—often leaving their families on welfare.

The crackdown is part of a harsh but effective method that Michigan has pioneered to hold down its welfare costs and enforce

greater parental responsibility. The state demands that deserting fathers support their families or go to jail. Many pay up to avoid the pokey or to get out as quickly as they can.

One delinquent, a 35-year-old worker at an Oldsmobile auto plant, who owed $3,500 in support payments for two children, was sentenced to six months in jail. After serving a week, he won his release by coming up with a lump-sum payment of $1,000 and agreeing to increase his weekly payments to $45 from $40.

For some, just the threat of jail is enough. A 30-year-old carpenter who had let his child-support obligation pile up to $3,000 drew a six-month sentence; he got out of it by paying $500. A prominent local doctor, earning as much as $70,000 a year, paid $2,000 he owed for child support and alimony as soon as he was ordered to appear in court. But now he has fallen another $1,000 behind and is likely to be summoned to court again.

Since Michigan began brandishing the jail threat five years ago, its collections from husbands of women on welfare have risen fivefold to $50 million a year; officials predict they will reach $100 million annually. The savings so far reduced the state's welfare costs by 8%, says Paul Allen, chief deputy administrator of the Michigan Social Welfare Department.

FEDERAL ENCOURAGEMENT

While civil libertarians, as well as delinquent daddies, are unhappy, prosecutors are pleased, women's-rights groups delighted and welfare officials ecstatic. "This is what we want to do, reduce the taxpayers' dollars," exclaims David Bailey, head of Michigan's Office of Central Registry, which oversees the endeavor. "The threat of incarceration is essential," he adds.

A little-noticed federal law is encouraging every state to emulate Michigan's get-tough policy, though not necessarily to the extent of throwing fathers in jail. The law, brainchild of Senate Finance Committee Chairman Russell Long of Louisiana, requires states to track down the missing fathers of all welfare children and make them cough up. New state "parent-locator" services, financed with federal funds, will undertake the search. As Sen. Russell Long told Secretary David Mathews of the Health, Education and Welfare Department, "You will help us make these fathers, some of whom are making $10,000 to $20,000 a year, contribute something to the support of their children."

The effort to reduce welfare costs has obvious political appeal; district attorneys in some places have boasted of it in election campaigns. The appeal is simple and direct. "Why should taxpayers support someone else's children?" asks Judge John Dowling of Harrisburg, Pa. Without any way to find a missing father, he complains, "I put on an order for $50, the man doesn't pay and the woman goes on welfare."

HEW efforts to help states set up their locator services now are getting into high gear. By the beginning of next year, states must have these services in full operation or face the loss of 5% of their federal welfare funds. A number of states besides Michigan are well on the way to compliance; California, Massachusetts and Washington, among others, have already moved to track down delinquent fathers.

As things stand now, it's estimated that 5.4 million of the 8.1 million children on the nation's welfare rolls still receive no support payments from their missing fathers. But Louis Hays, who heads the HEW Department's child-support enforcement efforts, says, "We are fairly confident that it will be possible to collect from 50% of the absent parents." Officials expect a welfare-cost saving of $1 billion annually by 1980.

THE FRIEND OF THE COURT

Michigan, which is setting a pattern for the nation in child-support enforcement, relies on a unique official known as the Friend of the Court. There's one in every county, and his job is to ensure that all court-ordered support payments are made and other domestic issues, such as a parent's right to visit children, are properly dealt with. Here in Ingham County, there's no question that the Friend of the Court, James Pocock, an ex-West Pointer, means business. Under the new federal law, 25% of the amount collected is kept by the local agency that does the work. As a result, Mr. Pocock figures he will get $400,000 to $500,000 this year to spend on more manpower and equipment to improve collections.

He is particularly proud of a computerized operation that keeps constant tabs on fathers' payments. These payments are made through the Friend of the Court, and employes of his staff ask questions as soon as the records show a father falling into arrears. "I like to give them two months," says Dena Kaminski, a caseworker. But then events can move rapidly. If the father doesn't resume his weekly payments and make arrangements to catch up with his back debt, he is taken to court and given a choice of paying or being thrown in jail.

David Chambers, a professor of law at the University of Michigan, has been examining the impact of this approach. He concedes that it is effective in extracting more money for child support over a longer period than are more lenient methods used in other states. But he cautions, "The big question is what happens to the quality of relationship between the separated child and the father when it's based on fear."

JOB TRAINING

Critics also demand to know what good it does to jail an unemployed father who simply doesn't have the funds to pay. To meet this objection, Mr. Pocock has instituted job training for delinquent fathers. Even before completing their jail terms, they're sent out on work-release projects run by public or private agencies in a three-county area. Follow-up checks show some 60% are still at work after three months. The Ingham County official is extending his efforts to include job searches for women who are left with children to care for and not enough money to pay the bills.

But Ingham procedures are rudimentary alongside those of Genesee County Friend of the Court Robert Standal in industrial Flint. Mr. Standal used to send his emissaries into the auto plants twice a week to pull off the line workers who were defaulting in their child-support payments. If they did not make arrangements to settle their debt on the spot, they were jailed.

Now a far more civilized system is used. The big auto companies have authorized automatic deductions from employes' salaries to cover child-support payments to the Friend of the Court. Mr. Standal wants to go even further. If he can get an okay from the companies, he will search their computer tapes to try to find the addresses of missing fathers.

The shock of arrest alone can make a delinquent father come across in a hurry, Mr. Standal reports. He says: "Better than 50% of the people we lock up are released on some kind of planned (payment) system; they pay in a matter of hours. It's not unknown to have a man pay $1,000 to $4,000 in 30 minutes to an hour."

Though no other states have gone as far as Michigan, most have already stepped up their child-support enforcement, in cooperation with the federal government. During the fiscal year ended in June, these efforts yielded a total of $192 million in support payments but at a cost of $131 million. It's hoped that collection costs will come down as the state operations increase in efficiency. Some are already doing well. Michigan reports it gets $4 back for every $1 in outlays, but Iowa is the leader with a $6 to $1 ratio.

The HEW Department's main contribution is a parent-locator service that searches federal records for the addresses of fathers fleeing from their obligations. It operates out of a modest two-room office on the second floor of the department's headquarters in downtown Washington. Twenty-five state governments are linked to this point by computer terminals; the rest send in their requests by mail. Since mid-March, when the service began searching records at the Social Security Administration, Internal Revenue Service and the Defense Department, it has found addresses for almost 90% of the 13,500 names on which the states sought help.

There's an elaborate effort to prevent possible abuse of the system by nosy outsiders. Computer tapes are locked up every night, and a secure computer code has been designed to block any unauthorized access. But the Social Security Administration lost a bitter struggle to block use of its identification numbers for searching other government files. The agency argued that such practices violated the Privacy Act and could lead to indiscriminate use of the numbers by snoopers to win access to other personal information about the delinquent fathers. But Sen. Long, who regards the use of Social Security numbers as the key to the parent-locator service's success, held up Senate confirmation of a new HEW general counsel until the Social Security Administration agreed to release the numbers.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

EDUCATION AMENDMENTS OF 1976

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of Calendar No. 838 (S. 2657), the higher education bill, and that it be made the pending business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill will be stated by title.

The second assistant legislative clerk read as follows:

A bill (S. 2657) to extend the Higher Education Act of 1965, to extend and revise the Vocational Education Act of 1963, and for other purposes.

The Senate resumed the consideration of the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment in the nature of a substitute.

Mr. JAVITS. Mr. President, I ask unanimous consent that we may have a quorum call without its being charged to either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that Charles Warren, Ralph Neas, and Barbara Harris may have the privilege of the floor during consideration of the education bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, pursuant to the unanimous-consent agreement, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATHAWAY. Mr. President, S. 2657, the bill which is before us today, is the result of many months of extensive work by the members of the Committee on Labor and Public Welfare and its Subcommittee on Education. The chairman of that subcommittee (Mr. PELL), the chairman of the full committee (Mr. WILLIAMS), and the ranking minority members (Mr. BEALL and Mr. JAVITS), respectively, are to be congratulated for the diligence and thoroughness with which they have undertaken this responsibility.

I should extend commendation also to the many staff members who have participated in bringing to the floor what I consider to be an excellent bill with respect to higher education and vocational education.

Crafting a major bill which encompasses a wide range of programs in higher education, vocational education, and in many ancillary areas is not an easy or uncontroversial task. I am happy to say that we Americans take our educational system seriously. We are as concerned and troubled by its failures as we are gratified and excited by its successes. In writing this legislation, one of our primary tasks has been to identify as many examples as we could of both, and write a bill solving some of the problems generated by the failures—while extending and enlarging the beneficial effects of the successes.

As you might imagine, not everyone agrees with every aspect of the result. I myself do not agree with all parts of the bill before us today. While I offered many amendments which were accepted by the committee, for example, I also proposed some that were not. Yet I believe the bill represents a reasonable committee effort in virtually all of its major particulars, and for that reason, I urge colleagues to support it on the floor of the Senate today, and to reject all crippling amendments. I imagine that several will be offered not only today but tomorrow, and I hope that my colleagues will reject them, especially those pertaining to busing and other matters which I do not consider to be germane to the Higher Education Act or to the Vocational Education Act.

The bill before us today is divided into two major sections: the higher education and vocational education. In addition, there are titles to the bill dealing with several other education programs, such as the National Defense Education Act and the Emergency Insured Student Loan Act (title III); education administration, including reauthorization of the National Institute of Education and the fund for the improvement of postsecondary education (title IV) and career education and counseling programs (title V).

In title I of the bill, most Higher Education Act programs are extended through the fiscal year 1982, at authorization levels that are basically the same as current levels. Certain specific programs, such as the Education Professions Development Act, and the occupational education title, which has never been funded, have been repealed. Other programs, such as the guaranteed student loan programs, have been modified. But most others have simply been extended with little change through the next 5 fiscal years.

It is on the length of this extension itself, and the relative unchanged nature of the basic student aid programs, that I have expressed the greatest dissatisfaction with the committee-reported measure. I believe certain basic changes in our student-aid program should receive fuller consideration during a non-election year, and under a new administration. I moved in committee to limit the extension of those programs to 1 year instead of 5. On that issue, I was voted down. However, I do not intend to pursue that question further at this time, since the House has already enacted that approach, and I believe the issue can be adequately discussed in conference.

My primary reason for wanting to take a closer look at our financial aid programs next year stems from the increasing dichotomy between Federal support for public versus private institutions of higher education. While no bias has ever been intended in the Federal aid programs, I believe we are reaching a stage where the costs of attending private schools on the one hand, or publically subsidized institutions on the other, are creating a prima facie case of public policy discrimination against the former under the current student aid program—a situation the Government can continue to promote only at the peril of abandoning a large part of our Nation's intellectual heritage.

I am convinced that if we continue to permit our ever-increasing student aid programs to channel low-income students into cheaper public colleges and universities, not only will we hasten the bankruptcy of many of our private liberal arts institutions, but we will also unwittingly be creating once again a system where some schools become educational ghettoes, while others are the province only of the rich.

In addition to the programmatic extensions and revisions I have already mentioned, there are several new or significantly altered programs in this measure, some of which I offered personally or in conjunction with one or more of my colleagues.

The most significant of these provisions should be considered together as part of a new overall approach to American eductional policy. The provisions include:

The reworking of title I of the Higher Education Act to expand the Continuing Education provisions, and plan for the establishment of a new approach to lifelong learning;

The creation of a nationwide network of Educational Outreach Centers; and

The expansion and institutionalization of our current experimental and demonstration approaches to career education.

The new policy each of these items is designed to complement stems from the recognition of the need for early development of, and lifelong commitment to, a type of education relevant to the needs of the changing world in which the student must ultimately live, work, and conduct his or her affairs.

I realize that liberal arts professors and administrators have become hypersensitive in recent years to what they consider the "careerism" movement in higher education. It challenges, to hear some tell it, the right of every individual to listen to great music or read a good book. They fear an anti-intellectual approach to education that will stifle creativity, that will create, in the words of one education, "specialty idiots, who pursue job credentials at the expense of learning."

The "higher" in higher education, they cry, will soon have to be spelled "hire."

I believe such critics do have a valid complaint—to a point. One brand of education cannot, and must not, be pursued simply for its own sake, to the point of excluding all else. But neither the liberal artists nor the hard core vocationalists necessarily appreciate that education in this country, in this decade, must be able to take account of and educate for, both the complexity of the world outside the ivy-covered towers and the speed with which that world is constantly changing.

New approaches to education are going to be required in the months and years ahead. With changes occurring in all of life at an ever-increasing rate, education will have to adapt itself to the increasing need for lifelong learning and relearning. And the education that will continue to be concentrated in a child's early years will have to become increasingly related to the ability to function in society—to get and hold a job, and to analyze and react to change.

The specific provisions of S. 2657 that deal with this need are as follows:

CONTINUING EDUCATION AND LIFELONG LEARNING

The revision of title I of the Higher Education Act represents an extensive collaboration between Senator Mondale and I, merging our concerns about the way adults are educated in postsecondary institutions, the way adults are or should be treated in all educational institutions in the future, and the future resources that are or may be available to finance such education.

The current title I program ties Federal support for parttime "continuing education" in colleges and universities to the creation of programs directly con-

cerned with providing or augmenting "community services." As far as it goes, this concept is a good one. But true continuing education must transcend the utilitarian concept of linking schools more closely to the problems of their communities, just as the true provision of community services must go far beyond the resources and capabilities of local institutions of higher education.

It would have been possible to be myopic to the greater needs of adults for parttime continuing education, but for the fact that adults who take advantage of these programs have unique ways of expressing their needs. For one, very often they pay their own way. That is, despite the lack of financial aid available for students in continuing education programs, many such programs exist self-sufficiently on the basis of tuition paid by their students. This means, of course, that the very limited Federal effort in this area—limited in scope as well as in dollars—has been virtually ignoring the greater part of the need for the development and replication of more extensive continuing education programs.

My amendments to title I are thus designed to incorporate the existing program into the wider context of support for an ongoing continuing education program, and to provide a new Federal emphasis on innovation and development, at the Federal and State level, in this vital area of ongoing education for all adults.

Because the committee perceived the needs in this area to be more expansive than those which might be met in programs limited to institutions of higher education, however, a second, equally important subtitle was added to title I. Characterized as a "lifelong learning" title, its purpose is to fund research and development into the full range and scope of the education needs of all persons through their lives in the future. This title is meant to complement the extensive effort currently underway into problems of early childhood education, concentrating instead on those who "have left the traditionally sequenced education system." But the possibilities for developing new creative insight into this vast educational field are virtually limitless, giving us for the first time an opportunity to explore the roles played by all our major societal institutions in the education and reeducation of adults.

This subtitle authorizes Federal research and development, as well as funding for State assessment and demonstration programs. In its early stages, its purpose is to cause us all to think more clearly about the range and scope of educational opportunities that can—or should—be made available to all adults throughout their lives.

In that regard, I would like to call particular attention to the research and study requirements of section 133(a). That provision encompasses virtually every aspect of an amendment I proposed which would have required the National Institute of Education to devote major resources to a 5-year study of current and proposed domestic and foreign educational resources. I point this out only to underscore the breadth of the effort Congress will expect of our Federal education administrators in carrying out this national assessment.

EDUCATIONAL OUTREACH PROGRAM

The second new program which I consider a part of the attempt to develop a new strategy for educational change in America stems from a program originally designed to provide educational aid and assistance to severely disadvantaged students. The educational opportunity center concept, which was designed by Senator JAVITS several years ago, has been adapted in this amendment to the needs of all Americans for access to information about educational opportunities, and assistance in taking advantage of them. The need for these centers is particularly great in rural areas, and in our Nation's smaller towns and cities.

It is intended that these centers will be located so as to provide all persons in an area with reasonable access to them. They will be designed, it is hoped, to provide outreach services with regard to available full- and part-time education opportunities, as well as other education-related programs or activities, and to provide assistance in taking advantage of such opportunities.

This is a concept which has been endorsed by educators from all across the country, and I have received unsolicited indications of support for this provision from Maine, New York, California, Minnesota, and over a dozen other States.

CAREER EDUCATION PROGRAMS

The third major part of this new educational emphasis concerns the refinement and expansion of the currently experimental programs being undertaken at the Federal, State and local level in career education. These provisions will be found in title V of the committee reported bill.

I would like to note that there has been some confusion over the addition to title V of a new program called career guidance counseling, pursuant to an amendment offered by Senator STAFFORD. At an appropriate time, and with Senator STAFFORD's concurrence, I intend to offer technical amendments to this part of the bill to clarify this provision.

The career education provisions of title V are designed to expand and refine the Federal effort to develop State and local programs implementing many of the ideas developed under the current experimental authority of section 406 of the Special Projects Act, by the National Institute of Education, and by other educators and researchers.

The intention is to gradually bring these ideas and experimental programs, which have proved to be successful in a wide variety of contexts, into online operational status. I should note that funding under the new provisions will rise gradually from $25 million per year to $75 million per year, but that it is not intended to begin until the fiscal year 1978, in order to give Federal, State, and local administrators ample leadtime to prepare for this new phase.

The need for this program has been ably demonstrated by recent headlines detailing the failure of many of our educational institutions to adequately prepare individual students for the world outside their doors. Included in that category are many individuals with bachelor of arts degrees, or more, who despite their education often find themselves unemployable and ill suited to the real needs of the American job market.

As I mentioned earlier, the recent polarization of the debate about careerism in American education has obscured some essential facts about the needs of the American job market and the ability of our educational system to prepare students to meet those needs. Thus far, the arguments have taken on "dancing angels" quality, concentrating quite erroneously on the issue of whether the intention of "career education" is or is not to deny the benefits of great books to American students, in favor of comprehensive skill training in auto mechanics.

I would find this whole argument amusing, if its participants did not seem to take themselves so seriously. For the information of the panic stricken liberal artists who teach in our Nation's college and universities, and who might fear for their jobs in the face of a greater emphasis on career education, I must point out that the "basic notion" of career education is not, as Washington Star so superciliously put it in an editorial some months ago—

> that a knowledge of the more academic subjects won't buy groceries, and may not prepare children to be good workers bees.

It is not, as the Star went on in purple prose to claim—

> a foggy-minded effort to manipulate the attitudes of children, rather than to train them.

Rather, career education—and if you object to the phrase "career education" you are welcome to throw it out and substitute anything you like—involves the clear demand that our educational institutions begin training our children, and many of our adults, to be able to analyze all aspects of their lives, and how those lives relate to the changing needs of the world around them, and to relate their own particular needs—including the need to feed, clothe, and house themselves and their families—to the needs of that world.

That those institutions have not been doing so was graphically illustrated by a recent study published by the Office of Education, in which it was found that perhaps as many as one in every five adult Americans lack even the most basic skills and knowledge necessary to get along in modern society.

I ask unanimous consent, Mr. President, that a Christian Science Monitor article summarizing that study, a Washington Post editorial dealing with a similar, though unrelated, issue, letters written to the editor of the Star in response to its editorial, but not published, and a brief description of a program

from my own home State of Maine graphically illustrating an experimental attempt to solve one of the many career education problems faced by our youth, be printed in the RECORD at this point in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Oct. 30, 1975]

NEW SURVEY FINDS JOHNNY'S PARENTS CAN'T READ EITHER

(By Clayton Jones)

WASHINGTON.—New findings that one out of five American adults lacks enough basic skills to count change, read a newspaper, or write a job application mean that U.S. education needs major "rethinking," according to a senior federal official here.

U.S. Education Commissioner Terrel H. Bell calls the findings "rather startling." "At one time, if a person could read or write, he could function in our society," he said. "But we now conclude that is not so."

The findings come from a $1 million, four-year study of 10,000 people conducted for the Office of Education. They show that over half of American adults barely have the skills needed to function in the United States in the 1970s.

The survey, by Opinion Research Corporation of Princeton, New Jersey, shows that almost 34.7 million adult Americans are incompetent in such consumer tasks as reading a grocery ad, writing a grocery list, computing the unit price of a grocery item, and determining the best stores to shop in. Another 39 million just "get by" in coping with consumer basics.

Also, 30 percent of American adults (35 million) cannot read a flight schedule or bus schedule. Thirteen percent (15 million) cannot address an envelope. And 58 percent (68.5 million) cannot understand a paragraph describing rights under arrest.

Dr. Bell acknowledged that the study confirms cries by many students for more "relevancy" in dealing with adult life. "We have moved into a decade in which the need for capability is being superseded by 'copeability,'" he added.

The report stated, "as long as 'literacy' is conceived to be nothing more than the ability to read and write one's name, or to score at some low grade level on a standardized test developed for children, then the United States probably does not have a significant problem." Said Dr. Bell, "We now know that we prepare people for further education but not to meet the demands of living."

Several states, in response to earlier signs that high school curricula should offer more than college preparatory courses, now require students to pass "competency" tests in real life roles before they can graduate.

Freshmen in high schools in Oregon, for instance, are now taking courses in personal development, social responsibility, and career development rather than college-directed training. Mississippi, Texas, and Alabama also are converting to the new training.

"Teachers will require significant retraining in order to function effectively in providing basic education for adult life," the report said.

Are schools failing or is American society getting too complex? asks study director Dr. Norvell Northcutt, from the University of Texas.

"The gap is widening between what adults know and what is demanded of them," he says. The picture is more dismal than had been believed previously, he said.

The survey found that those most unable to "make it" in modern society are older, undereducated, unskilled, unemployed, and low-income. They predominate in the South and rural areas.

[From the Washington Post, June 14, 1976]

GRADUATES WHO CAN'T READ

One by one, school systems throughout the country are beginning to require high school seniors to meet a basic test of competence before they can graduate. Of all the things that a student ought to be able to do, the crucial skill is reading. Virginia has now authorized its local school boards to set levels of ability that a student must reach before getting a diploma. Until now a student was eligible to graduate if he had earned the necessary course credits. But, notoriously, it has been possible for a good many to earn the credits without ever really learning to read.

As usual, the coming wave of educational reform is the reaction to the last wave of educational reform. Sometime in the 1950s a broad consensus formed in this country around the idea that every child ought to finish high school. It is remarkable how recently most Americans had regarded high school as an optional benefit, offered to those youngsters who wanted it. A high dropout rate was generally taken as the indication of a tough school with strict standards. But in the decade after World War II the country changed its mind and decided—correctly—that a high school education was essential equipment for life in the United States. A high dropout rate quickly turned into a sign that the school was falling down on its responsibility to the students and to the community.

The pressure to reduce the numbers of dropouts frequently induced schools to move youngsters along from one grade to the next even when they were learning very little. Of this June's graduates, how many are functional illiterates? It depends upon your definition of illiteracy. One of the benefits promised by Virginia's decision is that school boards will have to bring into focus their views as to what, at the minimum, a high school graduate ought to be able to do.

A standard requirement for basic skills would be cruel and unfair if it consisted of only one test given at the end of four years of high school. But as the Virginia Board of Education conceives it, testing would begin in the ninth grade and the children who scored badly would be marked out for special attention over the following years. It would constitute an early warning system not only for the student and his family but for the school as well. This kind of testing would be unacceptable if it turned merely into a device to exclude students from graduation. The test is only half of the bargain between the student and his school. The other half of the bargain is the promise of help for those whom the test identifies as possible failures.

The demand for more rigorous minimum standards is coming, above all, from employers. They have discovered that a new employee's high school education sometimes means far less than it ought and, reasonably enough, they want a guarantee of an agreed basic level of proficiency. But it is not only employers who have an interest here. First of all, it is the new graduates—particularly those who are not going on to college, but who will go job-hunting armed with their new diplomas. The shockingly high unemployment rates among young people are a major source of social malaise in this country. These rates usually run three or four times as high as the rates for adults. One valuable remedy would be to restore a degree of confidence among employers in the one real asset of the inexperienced young job-seekers—his or her high school diploma.

Like Virginia, Maryland is moving toward more rigorous standards of skill, but it is following a different route. Maryland's State Board of Education held hearings this spring on a proficiency test as a requirement for graduation. Now it seems to have backed off the idea a bit. Instead of initiating the standards in the high schools, Maryland is going to begin much farther down the ladder. Under new state legislation, children who fall below the standard as early as second grade must either repeat the grade or be assigned to remedial instruction. This law is designed to push schools into a much more serious effort at special reading instruction for young children. Maryland is following the view that reading is best taught in the lower grades, and illiteracy gets harder to deal with as children grow older.

Fifty years ago one-fourth of the country's children finished high school. The proportion rose to half shortly after World War II. Now it is around three-fourths. This long experience has demonstrated—most of the time—that it is possible to expand the secondary school system massively without sacrificing standards. But it is also pretty clear that, in recent years, there has been a degree of slippage in students' performance. For the sake of the students themselves, it is necessary for schools to begin—as they are now doing in Virginia and Maryland—to resolve the anomaly of the illiterate high school graduate.

OFFICE OF EDUCATION,
Washington, D.C., January 14, 1976.

EDITOR,
The Washington Star,
Washington, D.C.

DEAR SIR: The Star's January 12 editorial, "The Career Education Rigmarole," is both misleading and unnecessarily capricious. Your readers deserve a more reasoned and accurate picture of career education.

The basic reason career education emphasizes education/work relationships is that most persons seek work once they leave the educational system. Moreover, they assume that the education they received will aid them in this quest. That assumption is neither frivolous nor unreasonable. If education/work relationships do exist, career education simply says that we should help students understand and capitalize on them. To help students see, experience, and think about such relationships is far better than having educators and students ignore them.

Career education is not, as you state, either a "substitute for (or a supplement to) careful academic training." On the contrary, career education is one source of motivation for studying academic subjects. Our assumption here is that motivated students will learn more than unmotivated students. The validity of this assumption is already beginning to be verified by research.

Contrary to your accusation, career education does not assume that "children necessarily like to work if they watch it and learn about it at an early age." On the contrary, career education assumes only that youth will be better equipped to make the transition from school to work if, instead of shielding them from knowledge of the work place, we let them learn what it is like before they try to enter it. We think that there are serious limitations on the extent to which students can learn about the world of work through reading. It is for this reason that career education seeks collaborative relationships with both the business/labor industry community and with the home/family structure.

Career education does not, as you state, consist of "an effort to manipulate the attitudes of children." Instead, it seeks to help students better understand both themselves

and the world of work so that they can make better, informed decisions on the work they choose.

Finally, I must point out that in basing your editorial on the Grubb and Lazerson article in a recent issue of the Harvard Educational Review, you have made what I would regard as a serious error. That unscholarly article is filled with false perceptions of career education. Yet, even Messrs. Grubb and Lazerson know that about 5,000 (one-third) of the local education agencies in the United States have initiated some sort of career education program on their own. Can we all be that wrong?

KENNETH B. HOYT,
Director, Office of Career Education.

CHAMBER OF COMMERCE
OF THE UNITED STATES,
Washington, D.C., January 15, 1976.

LETTER TO THE EDITOR,
The Washington Star,
Washington, D.C.

DEAR SIR: Far from manipulating and indoctrinating students ("The Career Education Rigmarole"), career education expands student options by giving them a better understanding of the many ways people earn their living, and stimulates student interest in academic subjects by illustrating their application in various careers—from the sub-technical to the most skilled professional.

Geometry may appear useless to an indifferent student, but takes on new meaning and purpose if a carpenter shows a class how to use the principles of geometry in designing a flight of stairs, or an engineer in designing a bridge, or an architect in designing a gymnasium.

Your editorial also contends that most of the nation's jobs are boring and simplistic, and therefore to expose these jobs to students will only turn them off.

We disagree! Granted there are dull jobs, and even the best of jobs can occasionally be routine. Students should understand this. They should also understand that the least attractive jobs go to the least skilled.

A recent study by Professor Drawbaugh of Rutgers University estimates that American industry spends $25 billion annually on personnel training and education—almost half the amout spent on all public education! This investment to develop talent indicates the demands of most jobs surpass workers' skills. It also indicates that too many young workers arrive at the employer's door ill-prepared and, equally unfortunate, uncertain of what they want to do. Career education seeks to give them a better chance.

"Career education pulls back the curtain that isolates much of education from one of the largest dimensions of life—a man's or woman's work. Education and work are artificially separated today, but they were not so divided in the past and should not be so in the future. A linking of education and work is even more important in a dynamic industrial-service economy than in a less complex economy."

This quotation is from a U.S. Chamber of Commerce publication co-authored with 25 major education associations and other national labor, minority, women's, and business organizations. This near-universal expressing of support suggests that, rather than "rigmarole," career education offers a promising response to the call for educational reform.

Sincerely,

THOMAS P. WALSH,
Education Director,
Chamber of Commerce of the United States.

RESEARCH DEVELOPMENTS—PROJECT WOMEN

Women, once considered too frail physically and naive intellectually to cope with the world beyond the kitchen, are now taking jobs as never before. Department of Labor statistics show that women accounted for three-fifths of the increase in the civilian labor force in the past decade. Because of advanced technology, few careers are beyond their physical capabilities, and they are proving conclusively that intellectual ability is blind to differences in sex.

Why then are the majority of women concentrated in low-paying, dead-end jobs?

Part of the problem is that women have not been adequately prepared to enter the job market. When and where a woman seeks employment is influenced by her conception of her capabilities and her knowledge of the various career and training opportunities open to her.

Many schools, recognizing that women have not always been given equal treatment with regard to career education, are trying to relieve the condition. Five high schools in Maine were involved in one project to educate female students about career possibilities in traditional male fields. Entitled "Project Women—in a Man's World of Work," it was developed as a State model for a career education program. One hundred girls (20 from each of the five schools) were selected to participate in the program.

Project Women began in the 1971–72 school year with support from OE's Bureau of Adult, Vocational, and Technical Education (now the Bureau of Occupational and Adult Education) and the University of Maine at Orono. The experiment had two main goals: 1) to acquaint girls in the tenth and 11th grades with career opportunities in fields that were traditionally male-occupied; and 2) to train students to work as aides to counselors in providing occupational guidance to other students.

The write-up of the project, intended to be a guide for high school counselors, presents a detailed, step-by-step exploration of how Project Women progressed. According to the report, the first problem was to identify the career interests of the students. By administering a standard vocational preference test, which lists 91 career choices, the directors were able to select ten careers on the following basis: those having the greatest amount of student interest, and those in which at least 50 percent of the jobs were occupied by men. The ten careers on which Project Women focused were: veterinary medicine, communications, counseling, military, recreation, bookkeeping and accounting, computer programing, law enforcement, law, and forest service.

Next, the project directors assessed the girls' knowledge of the ten male-oriented careers. To accomplish this, a "Knowledge of Careers" multiple-choice survey was developed and administered. Each girl was asked to choose one of the target careers in which she was most interested and to complete her survey accordingly. This test indicated each girl's knowledge of her chosen career in such aspects as entry requirements, future employment trends, salary, and male/female ratios.

The directors, aided by graduate apprentices from the University of Maine at Orono, helped the young women learn more about their chosen careers. This inservice training was provided through orientation groups, private meetings with school counselors, written materials, and informal question and answer sessions. Moreover, the young women went on field trips to places where others were doing precisely those jobs they were studying—an area hospital, a newspaper, a counseling center, and a bank. At each place they got a clearer idea of the actual working conditions and types of duties associated with each career.

The students, spurred on by greater interest in the project, also sought out their own means of gathering information on the target careers. Samples of their ideas for training:

Visit local community figures (men and women) who are employed in the target careers.

Visit colleges to learn about curriculum requirements.

Give a slide show presentation at each school.

Visit employment agencies to gather information on job opportunities.

Develop a list of books (fiction and nonfiction) about women involved in the project careers.

Start career notebooks.

The second objective of Project Women—to provide a rotating cadre of student helpers to work with the guidance departments—had also been accomplished by the end of the school year. The students who had received training were able to share with their classmates their knowledge about careers traditionally confined to men. In addition, the girls received an added benefit: They now know how to gather information about other careers that might interest them later in life.

The Project Women handbook includes various valuable "project instruments"—sample letters, the Knowledge of Careers survey, lists of associations connected with the ten target careers, and articles covering the experiment, which were clipped from area newspapers.

In its final section, the report presents an evaluation study of Project Women submitted by an impartial outside evaluator who observed all phases of the project firsthand. The comments and recommendations in the evaluation would be most helpful to those seeking ways to implement similar projects in their schools.

RITA C. BOBOWSKI.

TIME-LIMITATION AGREEMENT

Mr. ROTH. Mr. President, I ask unanimous consent that debate on my amendment No. 2122 be limited to 50 minutes to be equally divided between myself and the manager of the bill.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that we may again suggest the absence of a quorum, the time being charged to neither side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I ask unanimous consent to have Ted Farfaglia of my staff be granted the privileges of the floor during the consideration of this bill.

Mr. JAVITS. Mr. President, I did not hear the unanimous-consent request.

Mr. ROTH. I ask unanimous consent that Ted Farfaglia be granted the privileges of the floor during the consideration of this measure.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be charged to neither side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that Jim Hill, a member of my staff, may have the privileges of the floor during the debate and votes on the pending legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum, with the request that the time not be charged to either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UP AMENDMENT NO. 374

Mr. HATHAWAY. Mr. President, I send an amendment to the desk, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The second assistant legislative clerk read as follows:

The Senator from Maine (Mr. HATHAWAY) proposes an unprinted amendment numbered 374.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At page 337, line 15, strike out "Career Development and Guidance and Counseling Programs" and insert in lieu thereof: "CAREER EDUCATION AND CAREER DEVELOPMENT";

At page 337, line 17, strike out "Part A—Career Education and Career Development";

At page 341, line 18, strike out "counseling" and insert in lieu thereof "development";

At page 342, line 12, after "programs" insert: ", including inservice training programs,";

At page 342, line 12, after "for" insert "teachers,";

At page 342, line 13, before "educators" insert "other";

At page 343, line 25, after "disseminating to" insert "teachers,";

At page 344, line 1, before "career" insert "other";

At page 344, line 4, strike out "section" and insert in lieu thereof "title";

At page 344, line 17, strike out, "Part B" and insert in lieu thereof "Title VI";

At page 344, line 19, strike out "511" and insert in lieu thereof "601";

At page 345, line 9, strike out "512" and insert in lieu thereof "602";

At page 345, line 12, and at page 346, line 7, strike out "part" and insert in lieu thereof "title";

At page 345, line 14, strike out "513" and insert in lieu thereof "603";

At page 346, line 9, strike out "514" and insert in lieu thereof "604";

At page 346, line 14, after "professional" insert "guidance", and after "of" insert "teachers and";

At page 101, the Table of Contents is amended after "Title V" by striking out "CAREER DEVELOPMENT AND GUIDANCE AND COUNSELING PROGRAMS" and inserting in lieu thereof "CAREER EDUCATION AND CAREER DEVELOPMENT"; by striking out "PART A—CAREER EDUCATION AND CAREER DEVELOPMENT"; by striking out "Part B—Guidance and Counseling" and inserting in lieu thereof "TITLE VI—GUIDANCE AND COUNSELING"; and by renumbering sections 511, 512, 513, and 514, as sections 601, 602, 603, and 604 respectively.

Mr. HATHAWAY. Mr. President, this is a technical and clarifying amendment to title V of S. 2657, the provisions of which concern career education, career development, and guidance and counseling. It is necessary because the combination of two programs in this title have resulted in considerable confusion in the various educational fields affected by these amendments.

The two provisions are the new career education and career development program, which was a Hathaway amendment in committee, and the new guidance and counseling language, which was added by Senator STAFFORD in the very last markup. At that time, the latter program was added to title V, which had previously been set aside for career education. In order to avoid further confusion between the two programs, it has become necessary to create a new title VI to the bill to accommodate separately the guidance and counseling provisions.

In addition, the amendment makes several changes of a clarifying nature, involving the intended status of classroom teachers under both the Hathaway and Stafford provisions. The career education title used the words "educator," intending to include teachers within that term. However, since several different teachers organizations and representatives have expressed concern over what they say might be considered an omission, the language has been clarified in several places with specific references to teachers, and to in-service training for teachers.

Mr. President, I have discussed this amendment with the Senator from Rhode Island and the Senator from New York. I understand there is no objection.

Mr. PELL. Mr. President, the Senator from Maine is correct. It has been discussed. It seems to be mainly technical and clarifying in nature.

From my viewpoint, I see no objection.

What would be the view of the ranking minority member?

Mr. JAVITS. Mr. President, I understand from my staff—and I think I have talked to Senator HATHAWAY about it—that there is no objection to this amendment.

Mr. PELL. Does the Senator yield back the remainder of his time?

Mr. HATHAWAY. If I have time, I yield it back.

The ACTING PRESIDENT pro tempore. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Maine.

The amendment was agreed to.

Mr. PELL. Mr. President, I ask unanimous consent to suggest the absence of a quorum without the time being charged to either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UP AMENDMENT NO. 375

Mr. PELL. Mr. President, I call up my unprinted amendment and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Rhode Island (Mr. PELL) proposes an unprinted amendment numbered 375.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempport. Without objection, it is so ordered.

The amendment is as follows:

On page 149, between lines 8 and 9, insert the following:

(g) (1) Section 427 (a) (2) (C) (i) of the Act is amended by adding at the end thereof the following: "or is pursuing a course of study pursuant to a graduate fellowship program approved by the Commissioner,".

(2) Section 428(b) (1) (L) (i) of the Act is amended by adding at the end thereof the following: "or is pursuing a course of study pursuant to a graduate fellowship program approved by the Commissioner,".

On page 149, line 9, strike out "(g) (1)" and insert in lieu thereof "(3)".

On page 149, line 15, strike out "(2)" and insert in lieu thereof "(4)".

Mr. PELL. Mr. President, this amendment makes a technical change in the deferral provisions of the guaranteed student loan program. Under existing law, a student's obligation to repay his loan may be deferred while he is enrolled in graduate study, a member of the Armed Forces, or a Peace Corps or VISTA volunteer. This deferral does not change a student's obligation to repay; it merely delays it.

However, a problem has arisen concerning graduate fellowship programs of independent study, such as the one conducted by the Thomas J. Watson Foundation of Providence, R.I. Since a fellow is required to study on his own, rather than as a part of an organized institutional curriculum, it has been ruled that he cannot defer his obligation to repay his guaranteed loan during the period of his fellowship. My amendment would correct this oversight.

In order to assure that deferral is allowed only for legitimate programs of independent graduate study, my amendment requires that the program be approved by the Commissioner before its fellowship recipients become eligible for deferral.

I hope that my colleagues will accept the amendment.

I yield back the remainder of my time.

Mr. JAVITS. Mr. President, this amendment is acceptable on this side.

I yield back our time.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the

amendment of the Senator from Rhode Island.

The amendment was agreed to.

Mr. PELL. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time not be counted against either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 2194

Mr. BUMPERS. Mr. President, I call up my amendment No. 2194.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arkansas (Mr. BUMPERS), for himself and the Senator from Idaho (Mr. CHURCH) proposes an amendment numbered 2194:

On page 131, line 1, strike "1976" and insert in lieu thereof "1977".

Mr. BUMPERS. Mr. President, first I would like to announce that the distinguished Senator from Idaho (Mr. CHURCH) joins me as a cosponsor of this amendment.

Mr. President, this is a very simple amendment which I believe the committee will find acceptable. Here is the reason for it: There are 16 States in this country which are not presently contributing as much as 150 percent to the State student incentive program. Some of those States also have prohibitions against the portability of these grants. In other words, they have State laws which prohibit students from using these grant funds to attend school outside their State borders.

My own State happens to be one that falls into both categories. First, we have a State law which prohibits students from taking their student incentive grants and attending schools outside the State and second, we are not contributing 150 percent of the funds for the program.

The amendment simply strikes the year 1976. The bill as it is presently written provides that the States must be in compliance with the 150 percent matching requirement by September 30, 1976 or else allow the grants to be used at out-of-State schools. I have asked in my amendment that the year 1976 be stricken and the year 1977 be inserted so that our legislature, which will not meet until January, will have an opportunity to rectify this problem in either of two ways: First, repeal the statute prohibiting portability so that students can use the funds to go outside the State or, second, contribute up to 150 percent and retain the prohibition against portability.

It seems only fair that 16 States should not be prevented from participating in this program because of a law being in effect which they will not get an opportunity to repeal before January, and, second, it does not give those States an opportunity, if they choose, to participate to the extent of 150 percent and keep the portability clause. It seems only fair to give these State legislatures, most of which will be coming into session in January, an opportunity to work their will.

Mr. PELL. Mr. President, I have discussed this amendment with Senator BUMPERS and also with Senator CHURCH. I believe it is a good amendment, and to my mind, it is acceptable. I urge my colleagues to accept the amendment.

Mr. JAVITS. Mr. President, because of the special circumstances affecting the States which have been mentioned by the Senator, we were quite confident this amendment would be offered. We fully accept it. Senator FONG was interested in a similar amendment.

The PRESIDING OFFICER (Mr. STONE). Is all remaining time yielded back?

Mr. BUMPERS. I yield back the remainder of my time.

Mr. PELL. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

UP AMENDMENT NO. 376

Mr. PEARSON. Mr. President, I send an unprinted amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas (Mr. PEARSON) proposes an unprinted amendment No. 376.

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. 7. The Act of November 2, 1921 (25 U.S.C. 13), is amended by adding at the end thereof the following new paragraph:

"Notwithstanding any other provision of this Act or any other law, post-secondary schools administered by the Secretary of the Interior for Indians, and which meet the definition of an "institution of higher education" under Section 1201 of the Higher Education Act of 1965, shall be eligible to participate in and receive appropriated funds under any program authorized by the Higher Education Act of 1965 or any other applicable program for the benefit of institutions of higher education, community colleges, or post-secondary educational institutions."

Mr. PEARSON. Mr. President, under present law, postsecondary schools funded directly by the Bureau of Indian Affairs are not eligible to receive funds under education programs administered by HEW. This unfortunate situation has arisen because of the question of "augmentation of appropriations." The United States Code states that "the use of appropriated funds is limited to the purposes for which they are appropriated." HEW has interpreted this statute to mean that Federal institutions are eligible only for direct support from a single agency. I believe that HEW has misconstrued this statute, and in a June 15, 1976, legal brief, the Library of Congress stated that they seriously questioned the applicability of the doctrine of augmentation of appropriations in this instance.

This amendment, which is approved by HEW, does not have any revenue cost. It would simply enable two post-secondary Indian schools, Haskell Junior College and the Albuquerque School of Vocational Education, to compete for funding under programs administered by HEW. Without this amendment, these schools cannot be fully provided for. I strongly believe that if these Federal institutions are to be quality institutions they must be eligible to compete for funding under these various education and research programs.

Mr. President, when the Elementary and Secondary Education Act passed in 1963, there were already several elementary and secondary schools funded directly by the BIA. Thus, the Elementary and Secondary Education Act did specifically provide for the eligibility of these schools and Haskell, which was then a high school, could receive funding from HEW. However, when the Higher Education Act passed in 1965, there were no postsecondary schools directly funded by the BIA so the Higher Education Act did not provide for their eligibility under the act. Consequently, when Haskell became a postsecondary institution in 1970, it could no longer receive funds under many HEW programs. In effect, I propose only to update our present laws and remove an existing inequity.

Mr. President, to summarize, this amendment relates specifically to two Indian institutions, the Haskell Junior College and the Albuquerque School of Vocational Education in Albuquerque, N. Mex. It provides that these institutions may apply for programs and funds under the HEW programs. The fact that they cannot apply arises from some legal construction within the act, which construction the Library of Congress questions. It provides for no additional funds. It just says that these two institutions may make application for HEW funding programs. It corrects an inequity, actually, created when we passed the Elementary Aid Act some time ago. When both of these institutions were pregraduate types of institutions they could apply. But in the passage of the Higher Education Act this was overlooked in draftsmanship.

The amendment is supported by HEW and, as I understand it, is acceptable to the managers of the bill.

Mr. PELL. Mr. President, it would certainly seem appropriate that the first Americans should have the same opportunity as others for access to strong secondary support. I recommend that the amendment be accepted.

Mr. JAVITS. Mr. President, the amendment is acceptable on this side.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. PEARSON. Yes. I move its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PELL. Mr. President, I ask unanimous consent that Adele Mann be granted the privileges of the floor during the consideration of the pending legislation.

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

Mr. PELL. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time to be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McINTYRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2204

Mr. McINTYRE. Mr. President, I call up my amendment No. 2204 to the pending bill S. 2657, the educational amendments of 1976.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. McINTYRE) proposes amendment numbered 2204.

The amendment is as follows:

On page 283, line 12, strike out "$5,000,000" and insert in lieu thereof "$6,000,000".

On page 283, line 12, strike out "$10,000,000" and insert in lieu thereof "$15,000,000".

On page 283, line 14, before the period insert a comma and the following: "of which $1,000,000 for the fiscal year 1978 shall be available only for carrying out the provisions of section 168, and $5,000,000 in each of the succeeding fiscal years ending prior to fiscal year 1982 shall be available only for carrying out the provisions of section 168".

On page 284, between lines 4 and 5, insert the following:

"GRANTS FOR SOLAR ENERGY EDUCATION AUTHORIZED

"SEC. 168. The Commissioner, after consultation with the Administrator of the Energy Research and Development Administration, is authorized to make grants to postsecondary educational institutions to carry out programs for the training of individuals needed for the installation of solar energy equipment, including training necessary for the installation of glass paneled solar collectors, of wind energy generators and for the installation of other related applications of solar energy.".

On page 284, line 6, strike out "'SEC. 168." and insert in lieu thereof "SEC. 169. (a)".

On page 284, line 7, after the word "part" insert the following: "(other than section 168)".

On page 285, between lines 5 and 6, insert the following:

"(b) Each postsecondary educational institution desiring to receive a grant under section 168 of this part shall submit an application to the Commissioner at such time, in such manner, and containing or accompanied by such information as the Commissioner deems necessary.".

On page 285, line 7, strike out "SEC. 169." and insert in lieu thereof "SEC. 170.".

Mr. McINTYRE. Mr. President, before proceeding further, in a brief explanation of this amendment, I ask unanimous consent that the amendment be modified in the following manner to strike out the words "fiscal year" on line 9 of the amendment and insert in lieu thereof "October 1,".

I send a copy of the modification to the desk.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment, as modified, is as follows:

On page 283, line 12, strike out "$5,000,000" and insert in lieu thereof "$6,000,000".

On page 283, line 12, strike out $10,000,000" and insert in lieu thereof "$15,000,000".

On page 283, line 14, before the period insert a comma and the following: "of which $1,000,000 for the fiscal year 1978 shall be available only for carrying out the provisions of section 168, and $5,000,000 in each of the succeeding fiscal years ending prior to October 1, 1982 shall be available only for carrying out the provisions of section 168".

On page 284, between lines 4 and 5, insert the following:

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"SEC. 168. The Commissioner, after consultation with the Administrator of the Energy Research and Development Administration, is authorized to make grants to postsecondary educational institutions to carry out programs for the training of individuals needed for the installation of solar energy equipment, including training necessary for the installation of glass paneled solar collectors, of wind energy generators and for the installation of other related applications of solar energy.".

On page 284, line 6, strike out "SEC. 168." and insert in lieu thereof "SEC. 169. (a)".

On page 284, line 7, after the word "part" insert the following: "(other than section 168)".

On page 285, between lines 5 and 6, insert the following:

"(b) Each postsecondary educational institution desiring to receive a grant under section 168 of this part shall submit an application to the Commissioner at such time, in such manner, and containing or accompanied by such information as the Commissioner deems necessary.".

On page 285, line 7, strike out "SEC. 169." and insert in lieu thereof "SEC. 170.".

Mr. McINTYRE. The purpose of this amendment is to help our Nation decrease its dependence on foreign oil by stimulating vocational training in the installation and maintenance of solar energy heating, cooling, and hot water equipment.

The amendment does not change the major goals or immediate needs provided for in the education bill. Nor does it request any additional authorization for funding in the coming fiscal year. It would not authorize funding until fiscal 1978, in the amount of $1 million the first year. From fiscal 1979 through fiscal 1982, it would provide for an authorization of $5 million per year. I anticipate that from the first few years' experience with solar vocational training, we will be better able to judge precisely how much funding will be necessary.

As we all know, both the Senate and the House of Representatives have made firm commitments to accelerating the development of safe domestic sources of energy, and have given special attention to solar energy. For example, both the Senate and House have voted to allow a residential solar energy tax credit, and both Houses have voted to increase more than threefold the ERDA budget for solar energy research and development.

But we have not overcome all the obstacles. For one thing, we have not considered who will do the solar energy installation work, or where the country will get the architects, engineers and designers—the needed specialists—to help make solar energy in the home both inexpensive and attractive.

Today, skilled tradespeople who can install and maintain solar energy equipment are especially lacking, even though some equipment is already on the market, and new equipment is being introduced all the time. By passing this amendment now, we can encourage vocational schools to begin planning for courses in solar energy installation because they will know when Federal aid will be available.

This amendment does not cover the whole gamut of solar energy training and the long-range educational programs we will eventually need in the Nation's vocational schools, colleges and universities. It is my intention to review the need for more comprehensive solar energy programs with educational and solar experts, and consider submitting a bill to encourage these education programs in the next session of Congress.

Though there is not time to consider such comprehensive programs in this session, we must recognize the immediate and growing need for skilled people to install solar heating, cooling, and hot water units. And so, Mr. President, I urge the adoption of my amendment.

Mr. President, this is a very simple amendment. It was called to my attention that the education bill had authorization for some funding to assist in vocational education in the field of mining technology and since we all in this Chamber are so interested in energy today, it seemed appropriate to suggest to the members of the committee that we add solar energy vocational education.

I spoke to the distinguished senior Senator from West Virginia, who is the father of the section providing for mining technology vocational education, and he agreed to the amendment that I wished to make.

I have also proceeded to discuss this matter thoroughly with the distinguished manager of the bill, the Senator from Rhode Island.

So I believe at the appropriate time the committee will agree to accept this proposal.

I am happy to yield to the manager of the bill, the Senator from Rhode Island.

Mr. PELL. The Senator from New Hampshire is correct. I have been informed that it has been cleared with the Senator from West Virginia. It fulfills a real need because the wider we can make the research in this field and experimentation the better off we are. From at least this side of the aisle I recommend that we accept this amendment.

Mr. JAVITS. Mr. President, the amendment is acceptable on this side as well.

Mr. McINTYRE. Mr. President, before we move to agree to this amendment, let me say I thank the distinguished Senator from Rhode Island and the distinguished Senator from New York. All of us want to do everything that we can possibly to lend further impetus to the techniques and technology of solar energy, a possible great help to us in the future in the energy field. With that I am happy to yield back the remainder of my time.

Mr. PELL. I yield back the remainder of my time.

The PRESIDING OFFICER. Is all remaining time yielded back? All time having been yielded back, the question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment was agreed to.

Mr. PELL. Mr. President, I ask unanimous consent that Mr. Peter Harris, of the staff of the Committee on Labor and Public Welfare, be accorded the privilege of the floor during the course of this debate.

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

Mr. PELL. I suggest the absence of a quorum with the time to be counted from neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Who yields time to the Senator from Utah?

Mr. PELL. I yield 10 minutes to the Senator from Utah.

Mr. MOSS. Mr. President, for many months, Senator PELL and members of the Education Subcommittee and the Committee on Labor and Public Welfare have worked long and hard to write the Education Amendments of 1976. I commend them for a prodigious accomplishment. My only concern is that the whole bill may overshadow some of its best parts. Very briefly, therefore, I want to draw the Senate's attention to a provision of title II which marks a new departure in Federal assistance to vocational education programs and which will undoubtedly make an important contribution to the development of the Nation's energy resources.

Over a year ago, I introduced the Coal Mining Technology and Manpower Development Act, to assist community colleges in training skilled coal mine workers. That bill, with some modifications, was cosponsored by Senator RANDOLPH and adopted by the committee as an amendment to S. 2657 under the title "Special Energy Education Program."

In our effort to expand the production and diversify the sources of domestic energy, we must not overlook the need to develop sufficient manpower with appropriate skills to do the job. This is particularly true of coal mining. Coal presently provides only 17 percent of our energy even though it constitutes 93 percent of the fossil fuel reserves of the United States. Project Independence anticipates an increase in production of 10 percent per year through 1985 in order to raise output to more than 1 billion tons. This goal, in the judgment of the National Academy of Engineering, will require 125,000 additional skilled workers, more than one-half of the projected increase for all energy production, electric power generation, and energy transportation in the decade ahead.

The problem in coal mining is not merely one of numbers. So far the general unemployment rate has assured the industry an adequate labor supply, but many of the new recruits are poorly trained. Shortages of experienced miners are beginning to appear and will become acute, for a large proportion of the work force is concentrated in the older and younger age groups. According to United Mine Workers' president Arnold Miller, who testified last year before the Senate Interior and Public Works Committees, nearly 30 percent of the union's membership will be eligible for retirement under the terms of the present contract. The same number of workers is under 30 and, therefore, inexperienced. In this, the most hazardous of industrial occupations, they are the most frequent victims of accidents.

The private sector has long assumed the major burden of recruiting and training skilled coal workers and is taking new initiatives. In recent years, however, a number of junior colleges, technical colleges, and vocational schools have created training programs.

In all, 17 2-year institutions now have 2,878 persons enrolled in associate degree or 1-year certificate programs. All but three of these programs have been established since 1970. Twelve additional colleges are in various stages of planning to offer coal mining curricula. I am proud to say that nearly half of the present total number of students are participating in the program at the College of Eastern Utah in Price. In the near future the college will construct a $2 million center to provide training for high school students, a 2-year associate degree in mining technology, an extension course for recertifying mine electricians, and a university preparatory general science course.

This remarkable expansion is documented in a recent survey conducted by John R. Doggette of the Oak Ridge Associated Universities for ERDA and the American Association of Community and Junior Colleges. Although the study does not assess the financial requirements of these programs, I have received letters from more than half of the 17 institutions describing the enormous costs they incur in starting up, continuing, and improving their training. These costs are especially high for equipment purchases and instructors' salaries.

Senator RANDOLPH's and my amendment provides $5 million for fiscal year 1978 and $10 million for each succeeding year until 1982 for grants by the Office of Education to postsecondary institutions to train entering miners, supervisors, technicians, safety personnel, and environmentalists. It is expected that they will be engaged in all phases of coal production from extraction to disposal of coal mine wastes and reclamation of surface-mined land.

I regard this assistance as one way of providing the trained manpower to do the job that must be done if we are to achieve energy independence and of enabling thousands of men and women to qualify for jobs that will be available.

Mr. President, I ask unanimous consent that the relevant section of Dr. Doggette's survey, together with a list of institutions having coal mining training programs, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENERGY-RELATED TECHNOLOGY PROGRAMS IN COMMUNITY AND JUNIOR COLLEGES: AN ANALYSIS OF EXISTING AND PLANNED PROGRAMS, JUNE 1976

(By John R. Doggette)

COAL-MINING TECHNOLOGY

By far the greatest demand for energy-related technicians is in coal mining. This is because the U.S. coal industry intends to mine more than 1.1 billion tons of coal by the year 1985. One projection published in December 1974 is that 125,000 new employees will be needed to man the 270 mines now to be built, each of which will be producing 2 million tons of coal a year.[1]

Another projection, stated in May 1975 by a representative of Consolidated Coal Company, is that coal-mining companies must hire an additional 152,000 employees between 1976 and 1985, the majority of whom will be inexperienced in coal mining.[2]

Experts discussing manpower needs for the coal mines have emphasized that not only will many new persons be needed but also they will need to be well trained. Because additional pretraining and early upgrading have proved both to increase productivity and to augment mine safety, companies are no longer satisfied with the practice of indoctrinating new employees for fewer than 40 hours before they go underground.

In illustrating this point, one survey respondent explained that a coal-mining company with more than 2,000 applications for underground miner positions, offered to hire all persons who successfully completed the college coal-mining program. The college and the coal company created a successful cooperative program, alternating school and work.

Without exception, coal-mining technology programs in two-year colleges fit the definition of community programs. The colleges work closely with the regional coal companies to develop programs needed by the local mines or related industry. And because of this close cooperation in tailoring the programs to the needs of local mines and industry, it was difficult for the survey staff to categorize the coal-mining technology programs.

In all, 17 colleges with a combined total of 24 existing programs in coal-mining were identified. All but 3 programs were reported to have been established within the last five years. (See Table 111.5.)

TABLE 111.5.—COAL-MINING TECHNOLOGY: COLLEGES AND THEIR EXISTING PROGRAMS, ENROLLMENT, AND GRADUATES

Regions	Colleges	Programs	Enrollment	1975 graduates	Projected 1976 graduates
East	5	7	[1] 466	12	[1] 74
South	4	6	453	25	88
Midwest	5	5	685	89	143
North-central	2	3	60	25	28
Southwest	1	3	1,214	2	10
Total	17	24	2,878	153	343

[1] This figure is an estimate.

[1] J. Wes Blakely, "The Manpower Scene: Training and Development," *Coal Mining and Processing* (December 1974), p. 52.

[2] Roger M. Haynes, "Manning of Coal Mines," a speech delivered at the 1975 Coal Convention of the American Mining Congress, Pittsburgh, Pa., May 4–7, 1975.

Of these 17 colleges, 5 are in the East, 5 are in the Midwest, and 4 are in the South. The two states having the greatest number of these colleges are West Virginia (5 colleges) and Illinois (3 colleges).

It was frequently difficult for the survey research staff and the college to determine whether or not a program led to a certificate or an associate degree. Many of the short courses and electrician and supervision certification preparation courses are or can eventually be placed in the degree track. Colleges generally were unsure about how many of the employed miners taking courses were seeking degrees. The survey identified 2,878 persons enrolled, 153 graduated in 1975, and 343 who were projected to graduate in 1976.

Of the 17 colleges with programs, 8 are expanding their offerings. Twelve additional colleges are planning programs: 6 in the discussion stage, 2 in the preliminary stage, and 4 in the formal stage. (See Table 111.6.)

TABLE 111.6.—COAL-MINING TECHNOLOGY: NEW COLLEGES PLANNING PROGRAMS AND STAGES OF PLANNING

Regions	New colleges	Program planning stage: Informal	Preliminary	Formal
East	3		1	2
South	2	1	1	
Midwest	3	3		
North-central	2	1		1
Southwest	2	1		1
Total	12	6	2	4

The start-up time for coal-mining technology programs seems to be considerably shorter than that for other energy-related technology programs: seven of the offerings are planned to begin in 1976 and two are slated for 1977.

In analyzing the West Virginia public and private college programs training coal miners, Duane A. Letcher, of the Mining Extension Service of West Virginia University, classified the instructional activities into three categories: [1]

Training: Activities to improve the employee's present performance.

Education: Activities to improve the overall competence of the employee beyond the job now held.

Development: Activities to prepare the employee to adjust to the organization as it changes.

While most of the degree programs identified are "education" and "development" activities using Letcher's classification system, colleges are also providing extensive "training" activities for underground miners.

Each coal company is required to submit a training plan to the district office of the U.S. Mining Enforcement and Safety Administration (MESA) for approval. The community colleges are frequently included as part of the method for meeting the training objectives. Experienced miners with appropriate underground time can seek certification as electricians or become supervisors if they have completed training and can pass the required certification tests. Community colleges provide training for both certifications.

In only two states do state statutes require a minimum of 80 hours of pretraining before the new employee can go underground. The apprenticeship as a "red hat" under close supervision away from the face of the mine lasts 90 days. The local colleges make available a variety of courses each a few hours in length on all phases of mining and safety.

Six categories of coal-related programs were identified besides short training courses for employed miners. (See Table 111.7.)

[1] Duane A. Letcher, *Identification and Structural Analysis of Instructional Programs for the Underground Coal Miner in West Virginia*, July 1975.

TABLE 111.7.—TYPES OF COLLEGE COAL-MINING DEGREE PROGRAMS

Type	Length	Students	Program
Mining engineer	2yr	Full-time	Transfer emphasis.
Mining technology	1 or 2 yr.	Full- and part-time.	Terminal and transfer.
Mining management.	1 or 2 yr.	do	Terminal o transfer.
Surface mining technology.	1 or 2 yr.	do	Terminal.
Mining reclamation technology.	1 or 2 yr.	do	Do.
Coal-conversion technology.	1 or 2 yr.	Still only in planning.	Still only in planning.

One- and two-year programs in mining technology are available for both full-time students and miners enrolled part-time. Mining management was listed as a complete program and as an option in mining technology. Two-year associate degree programs in mining engineering and mining technology designed for students to transfer to four-year colleges were identified.

Surface coal-mining and reclamation technology programs are available in geographical areas where surface coal-mining is prevalent. Surface coal mining does not have the strict training regulations that underground coal mining has, but the colleges work closely with the coal companies. Of the five colleges responding in the survey that had surface coal-mining technology programs, two also had reclamation technology programs. (See Table 111.8) One surface coal-mining program in the formal planning stage and two reclamation programs—one in the formal planning stage and one in the preliminary planning stage—were identified.

TABLE 111.8.—SURFACE COAL-MINING AND RECLAMATION TECHNOLOGY: COLLEGES WITH EXISTING AND PLANNED PROGRAMS [1]

Regions	Colleges with existing programs	Colleges with planned programs: Informal	Preliminary	Formal
Surface coal-mining programs:				
South	1			
Midwest	3			1
North-central	1			
Total	5			1
Reclamation programs:				
South	1		1	
Midwest	1			1
Total	2		1	1

[1] This table's data are also included in tables 111.5 and 111.6.

Three college coal-conversion technology programs being planned will train technicians in converting coal to a fuel oil or a gas. (See Table 111.9.) The formally planned program is in North Dakota and will train personnel to operate plants now on-line and under construction in converting lignite to a synthetic gas.

As mentioned previously, there is strong cooperation between the colleges and the local coal mines. To colleges with existing programs, industry made instructional staff available to 13 colleges (77 percent), facilities to 12 colleges (71 percent), equipment to 11 colleges (65 percent), and curriculum planning expertise to 10 colleges (59 percent). (See Table 111.10.)

Six of the 12 colleges planning programs (50 percent) are using local companies in curriculum planning. (See Table 111.10.) A number of the colleges are also planning to use industrial facilities, equipment, and industry-trained college instructors.

TABLE 111.9.—COAL-CONVERSION TECHNOLOGY: NEW COLLEGES PLANNING PROGRAMS AND STAGES OF PLANNING [1]

Regions	New colleges	Program planning stage: Informal	Preliminary	Formal
East	1		1	
Midwest	1	1		
North-central	1			1
Total	3	1	1	1

[1] This table's data are also included in table 111.6.

TABLE 111.10—COAL MINING TECHNOLOGY: INDUSTRIAL INVOLVEMENT IN COLLEGES WITH EXISTING AND PLANNED PROGRAMS

Industrial involvement	17 colleges with existing programs: Number	Percent	12 colleges with planned programs: Number	Percent
Industry involved	15	88	6	50
Use of industrial facilities	12	71	5	42
Use of industrial equipment	11	65	4	33
Use of industrial staff for instruction	13	77	4	33
Use of industrial staff for curriculum planning	10	59	6	50
Use of industry to train college instructors	3	18	1	8
Use of college to train industry employees	4	24	2	17
Industry not involved	2	12	6	50

INSTITUTIONS WITH COAL MINING TECHNOLOGY PROGRAMS

EAST

Beckley College, Beckley, West Virginia.
Bluefield State College, Bluefield, West Virginia.
Comunity and Technical College: West Virginia Institute of Technology, Montgomery, West Virginia.
Fairmont State College, Fairmont, West Virginia.
Williamson Campus—Southern Virginia Community College, Williamson, West Virginia.

SOUTH

Madisonville Community College, Madisonville, Kentucky.
Mountain Empire Community College, Big Stone Gap, Virginia.
Southeast Community College, Cumberland, Kentucky.
Southwest Virginia Community College, Richlands, Virginia.

MIDWEST

Belmont Technical College, St. Clairsville, Ohio.
Illinois Eastern Community College, Olney, Illinois.
Indiana Vocational Technical College, Indianapolis, Indiana.
Rend Lake College, Ina, Illinois.
Southeastern Illinois College, Harrisburg, Illinois.

NORTH CENTRAL

Casper College, Casper, Wyoming.
Sheridan College, Sheridan, Wyoming.

SOUTHWEST

College of Eastern Utah, Price, Utah.

Mr. MOSS. I thank the Senator from Rhode Island for yielding, and I yield back the time I did not use.

Mr. HUMPHREY. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. PELL. I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that two members of

my staff, Mr. Dan Davis and Miss Louise Bracknell, be permitted the privilege of the floor during the consideration of the pending measure and during rollcall votes.

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

Mr. PELL. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time not to be charged to either side.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

AMENDMENT NO. 2222

Mr. STONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will please state the amendment.

The assistant legislative clerk read as follows:

The Senator from Florida (Mr. STONE) proposes amendment numbered 2222.

Mr. STONE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 213, between lines 15 and 16, insert the following:

"PART K—GENERAL PROVISIONS

"ANTIDISCRIMINATION AMENDMENTS

"SEC. 181. Title XII of the Act is amended by adding at the end thereof the following new section:

" 'ANTIDISCRIMINATION

" 'SEC. 1207. No institution of higher education receiving Federal financial assistance may use such financial assistance, whether directly or indirectly, to undertake any study or project or to fulfill the terms of any contract containing an express or implied provision that any person of a particular race, religion, sex, or national origin be barred from performing such study, project, or contract.'.".

On page 100, in the table of contents, after item "Sec. 177." insert the following:

"PART K—GENERAL PROVISIONS

"Sec. 181. Antidiscrimination amendment.".

Mr. STONE. Mr. President, this amendment has already been passed by the House, and what it does is prohibit the use of our educational assistance funds in a manner that would discriminate against participants in those grant programs by reason of their race, religion, or background.

I stress that neither the wording nor the intent of the amendment is designed to restrict in any way the curriculum or the subject material of the use of these grants.

I am proposing an antidiscrimination amendment which was adopted without opposition by the House of Representatives. The amendment would bar American universities from using Federal funds to enter into programs with foreign nations that deny participation in these programs to individuals on the basis of race, religion, sex, or national origin.

The need for this amendment is not hypothetical. The honorable Representative from Pennsylvania, EDWIN ESHLEMAN, who introduced this amendment in the House, reports that several New England colleges and universities have felt compelled to turn down contracts with Arab nations which demanded that persons of certain religions be barred from fulfilling the contract. In other instances, foreign countries involved in faculty and student exchange programs with American institutions have forbidden entry to certain American students on the basis of religion.

We have recognized the need for antidiscrimination provisions in other aspects of our foreign policy. President Ford has issued orders that Federal agencies should ignore the discriminatory policies of foreign countries when selecting individuals for overseas assignments. Former Secretary Dunlop expanded this order to all Federal contractors entering into agreements with foreign nations. We need an equivalent statement of policy in the area of contracts granted to institutions of higher education.

American universities are becoming increasingly prominent in international education, sending their faculty, students, and research and administrative expertise throughout the world, as well as educating foreign students on their own campuses. The amendment I am introducing would make it clear that foreign nations may not use contracts or grants to force American educational institutions to discriminate against any person on the basis of race, religion, sex, or national origin.

Mr. JAVITS. Mr. President, I would like to ask the Senator a few questions. First, let me tell the Senator that the Department raises some question about this amendment on the ground that none of the civil rights statutes relating to higher education deals with religion. This discrimination on the ground of race, color, and national origin is dealt with, as well as sex, but not religion; and therefore, this would introduce yet another proposition into the antidiscrimination aspects of the law.

The language also raises some questions in my mind, for two reasons: first, I understand the amendment is designed to deal with contracts which may be offered or projects or studies which may be offered to a university or college from abroad, requiring discrimination and, for example, saying that people of a certain religious faith should not be hired under the contract.

Mr. STONE. That is correct.

Mr. JAVITS. But nothing in the section 1207, as written, says anything about contracts offered from abroad. It is a blanket proposition bringing in religious discrimination.

What is the reason for omitting the specific reference to the evil the Senator is trying to deal with?

Mr. STONE. I think the placing of the provision in the act at the point where it is placed does refer to that. But if the committee feels more comfortable in making an additional specific reference to that, it can do so. But this is the language that the House committee and, finally, the House, did clear.

The purpose here is to eliminate the use of grants and contract money in such a way that the recipient uses it while specifying, as some have, that members of a particular race or particular religion may not participate. That would be against the proper general use of American taxpayers' money.

Mr. JAVITS. The other matter that concerns me is the following:

...to undertake any study or project or to fulfill the terms of any contract...

Now, they might undertake conceivably a study or project dealing with this particular question, to wit, the question of discrimination on religious grounds.

Mr. STONE. Yes.

Mr. JAVITS. What concerns me is any impairment to the academic freedom of individual institutions.

Now, anything they would undertake for anybody else would be pursuant to some form of contract or agreement, and I was concerned about whether or not the amendment should read broadly enough that if they undertook—mind you, without any agreement, they just undertook—as an in-house proposition, any study or project containing an express or implied provision, and so forth, of discrimination, whether or not we had any right, even though we might thoroughly disapprove of that idea, to inhibit any higher education institution from going ahead with any in-house study or project of any kind even if we did not like its subject.

Mr. STONE. The Senator has a correct concern, but the amendment is so worded as to permit that type of course material, and the only restriction here, the only prohibition, is that in the carrying out or implementing of any program, a person of a particular race, religion, sex, or national origin not be barred from performing the study.

In other words, this amendment is not a restriction on the course material or types of study carried out. It is only a prohibition that in the implementing of any such project, the manner of carrying it out not be such that it bars people, because of their religion, and so forth. Had it not been occasioned by at least charges that this had taken place, this type amendment would not be felt necessary.

I think this point need not concern the Senator, and I think the legislative record we are making now shows the intent clearly to be simply that the way of carrying out these projects shall be in a nondiscriminatory way.

Mr. JAVITS. Would the Senator object to a proviso added to the amendment saying, *"Provided, however,* That nothing herein contained shall be deemed to relate to in-house studies or projects of higher education institutions"?

Mr. STONE. The Senator from Florida would object to it in this way, for this reason: the provision here does not bar, nor do we intend to bar, either in-house or contract studies of any kind, includ-

ing the type that the Senator raised in a hypothetical way.

For example, a study of discrimination.

What this does is say when we use the money we cannot, either by express prohibition or implied prohibition, prevent a woman from participating, or perhaps a Catholic from participating, or an Armenian from participating, and so forth.

Mr. JAVITS. Does that relate also, or does the Senator intend it to relate—suppose Columbia University undertakes a study, whatever the study may be, which has nothing to do with a contract, nothing to do with anybody giving them a contract.

Mr. STONE. Right.

Mr. JAVITS. Does the Senator want to bar them from providing in undertaking that study that they are going to exclude women?

Mr. STONE. That is right.

Mr. JAVITS. So it is a much broader provision than protecting against Arab nations which offer contracts to universities, provided they exclude people of a given faith; it is going much further than that.

Mr. STONE. Correct. But we are not requiring they use women. We are not requiring they use ethnic backgrounds of any kind.

We are simply saying in the use of these funds they cannot prohibit participants from being of a certain——

Mr. JAVITS. That is not the way it works. When the Senator says that they are prohibited from prohibiting——

Mr. STONE. That is right.

Mr. JAVITS. Require the use of women, or it may be people of a given faith, or a given race. I mean, we simply cannot get by with that.

In other words, it is just not the prohibition against prohibiting the use. We have to use affirmatively.

Mr. STONE. That is not the case.

Mr. JAVITS. If they are of equal quality or of equal capacity.

I am concerned about the application of this amendment to strictly in-house studies and projects of colleges and universities.

That is not what we intend to deal with by this amendment.

I know why the Senator is putting it forward. I agree with its purpose. But I am deeply concerned about the breadth of trying to control the in-house operations, other education, civil rights laws, by introducing now the religious qualification. That is really what we are doing.

I would much rather change title VI of the statute of 1964. I would rather do it directly that way because I do not know the full implications, as I stand here now.

I am more than with the Senator if he will give us an amendment saying——

Mr. STONE. Suppose we take the proviso the Senator has suggested.

Mr. JAVITS. Yes.

Mr. STONE. Between now and the conference, the House staff and our staff can tailor it to prevent any broadening beyond that which is intended in this amendment.

Mr. JAVITS. The Senator has read my mind correctly.

If we take the same amendment as the House, it is not in conference.

Mr. STONE. That is right.

Mr. JAVITS. If we add something to it, it is in conference.

Mr. STONE. Correct.

Mr. JAVITS. The Senator knows me well enough to know he can accept my good faith.

Mr. STONE. I certainly do.

Mr. JAVITS. I do not want to act in any way to inhibit the freedom of American education.

Mr. STONE. Mr. President, I ask that the amendment be modified using the words the Senator from New York has suggested, and I will send that to the desk in writing momentarily.

Mr. JAVITS. Mr. President, I ask unanimous consent that we may have a quorum call without its being charged to either side.

The PRESIDING OFFICER. The Senator has the right to modify his amendment and it will be so modified.

Mr. STONE. I thank the Chair.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hearing no objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. JAVITS. Mr. President, I believe that Senator STONE has now sent a modification of his amendment to the desk. I ask that the modification be stated.

The PRESIDING OFFICER. The modification will be stated.

The second assistant legislative clerk read as follows:

On page 2, at the end of line 3, strike the period and quotation mark and insert in lieu thereof the following:

"Provided, however, That nothing herein contained shall be deemed to affect any in-house study or project of an institution of higher education."

Mr. JAVITS. Mr. President, the amendment, as modified, is acceptable.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. STONE. I yield back the remainder of my time.

Mr. PELL. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

Mr. PELL. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be counted against neither side.

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

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEAHY). Without objection, it is so ordered.

AMENDMENT NO. 2206

Mr. ALLEN. Mr. President, on behalf of my senior colleague (Mr. SPARKMAN) and myself, I call up our amendment No. 2206, which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN), for himself and Mr. SPARKMAN, proposes amendment No. 2206.

Mr. ALLEN. I ask unanimous consent that further reading of the amendment be dispensed with, inasmuch as I will explain it.

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

The amendment is as follows:

At the end of the Act, add the following title;

TITLE III—AMENDMENT TO TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

SEC. 301. Section 901(a) of the Education Amendments of 1972 is amended by striking out "and" at the end of clause (5), by striking out the period at the end of clause (6) and inserting in lieu thereof "; and", and by adding at the end thereof the following new clause:

"(7) this section shall not apply with respect to any scholarship or other financial assistance awarded by an institution of higher education to any individual because such individual has received an award in any pageant in which the attainment of such award is based upon a combination of factors related to the personal appearance, poise, and talent of such individual and in which participation is limited to individuals of one sex only.".

Mr. ALLEN. Mr. President, pageants such as the Miss America pageant and America's Junior Miss pageant, held in Mobile, Ala., are being seriously damaged by the possible application or misapplication of title 9. Many colleges and universities give scholarships, both at the local level and at the national level, to winners of these pageants. Of course, the Miss America pageant and the Junior Miss pageants are open to young ladies, to one sex only. There is a fear, and that fear is well grounded from what we understand may possibly be the application of title 9 in this area, which has caused many colleges and universities to now be unwilling to grant these scholarships for the reason that they would be helping one-sex organizations or pageants in possible violation of title 9.

What this amendment would do would be to provide that title 9 would not prevent colleges and universities from continuing the practice that they have engaged in for many, many years of, in their discretion, giving or not giving, as they might desire, scholarships to winners in these various contests. That is all the amendment would do. Serious damage is being done at this time to these pageants by the fear of some universities and colleges that Federal funds will be withdrawn from them. All this amendment does is to make this practice permissible.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. JAVITS. I would like to ask a question, and then I would like to make

a very brief statement on the amendment.

The Senator will notice the language on page 2:

This section shall not apply with respect to any scholarship or other financial assistance awarded by an institution of higher education to any individual because such individual has received—

And here are the words that trouble me—

an award in any pageant—

Is the word "award" related directly to the scholarship or other financial assistance awarded by an institution of higher education? That is really what we are talking about. We are not talking about qualifying somebody who just received an award, whatever that may mean.

Mr. ALLEN. No; it is related to this contest or pageant or other activity.

Mr. JAVITS. Could we say "such award" or something like that? Would the Senator mind that? As it stands, if they give a girl a certificate——

Mr. ALLEN. Well, it is an award. If the Senator will read further, it is an award in a pageant.

Mr. JAVITS. I agree. But sometimes they hand out on a wholesale basis, these awards, or other forms of recognition. I think what is troubling me is a lack of a connection betwen the word "award" and the term "scholarship or other financial assistance."

Mr. ALLEN. Does not the Senator think the college or university would use discretion in giving their scholarships?

Mr. JAVITS. I agree. I am just looking at the words of the amendment. The Senator is a lawyer just as I am. The word "award" in line 3 is not related to the "scholarship or other financial assistance." It simply pertains to anyone who may have received an award which may or may not be this financial assistance. I suggest changing the word "an" to the word "such," because that is what we are talking about.

Mr. ALLEN. I would have no objection to that. This is the manner in which the House passed the amendment. I am sure in conference they can decide on the better of the two words.

Mr. JAVITS. May I ask another question? I am with the Senator on the amendment. I am just trying to put it into the best form.

Mr. ALLEN. I understand.

Mr. JAVITS. The other thing that worries us a little bit, and I think it would worry the Senator, is that the pageant should itself not be discriminatory. In other words, what we are trying to do is to avoid sex discrimination, but we do not want to encourage pageants or beauty contests—which is what this is about, as I understand it—which are themselves discriminatory. It might be confined.

Mr. ALLEN. Of necessity it is going to be discriminatory.

Mr. JAVITS. As to sex.

Mr. ALLEN. Yes. I have no objection to that.

Mr. JAVITS. Suppose it is discriminatory as to something else?

Mr. ALLEN. I have no objection to making that clear.

Mr. JAVITS. All right. So we would add "so long as such pageant is in compliance with other nondiscrimination provisions of Federal law."

Mr. ALLEN. But leaving the permission to discriminate as to sex in this particular area.

Mr. JAVITS. Of course; that is why I use the word "other."

Mr. ALLEN. Yes.

Mr. JAVITS. Does the Senator mind making the changes? One is "has received such award" and then add "so long as such pageant is in compliance with other nondiscrimination provisions of Federal law."

Mr. ALLEN. I have no objection to that. I am sure that is the thrust of it.

Mr. JAVITS. That is what we both intended.

Mr. ALLEN. Yes.

Mr. JAVITS. Mr. President, I will send the modification to the desk. I ask unanimous consent to so do.

The PRESIDING OFFICER. The Senator from Alabama has a right to modify the amendment.

Mr. ALLEN. Yes. I will modify the amendment, but first we will have a look at it. In the meantime, I ask unanimous consent that we might have a quorum call without time being charged to either side.

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

Mr. ALLEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ALLEN. I send the modification to the desk. I believe it meets the objections.

The PRESIDING OFFICER. The amendment as modified will be stated.

The second assistant legislative clerk read as follows:

At the end of the Act, add the following title:

TITLE III—AMENDMENT TO TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

SEC. 301. Section 901(a) of the Education Amendments of 1972 is amended by striking out "and" at the end of clause (5), by striking out the period at the end of clause (6) and inserting in lieu thereof "; and", and by adding at the end thereof the following new clause:

"(7) this section shall not apply with respect to any scholarship or other financial assistance awarded by an institution of higher education to any individual because such individual has received such award in any pageant in which the attainment of such award is based upon a combination of factors related to the personal appearance, poise, and talent of such individual and in which participation is limited to individuals of one sex only so long as such pageant is in compliance with other nondiscrimination provisions of Federal law.

Mr. ALLEN. Mr. President, before we vote on the modification I shall make this statement:

Mr. President, as you of course know, title IX of the Education Act Amendments of 1972 prohibits discrimination on the basis of sex in educational programs or activities receiving financial assistance. The implementation of title IX by the Department of HEW has caused much deliberation, discussion, and concern that the provisions of title IX be enforced in a reasonable and responsible manner.

Frankly, Mr. President there have been many unintended results since title IX became law—results which I am confident few if any of us here in the Senate, ever expected and results which are creating great distress among parents of children attending schools receiving Federal financial assistance. I might add also that this sentiment of distress is not confined to the parents alone but, I believe, is shared in large measure by students and in fact all citizens, whether or not they are directly affected.

In my judgment, Mr. President, there is a substantial danger that the underlying concept which led to the enactment of title IX will itself soon be subjected to strenuous attack if the anomalous and unintended results which have brought title IX into disrepute are not promptly corrected.

In HEW's implementation of title IX, one of the greatest disasters has occurred in the scholarship programs of the America's Junior Miss Pageant, the Miss America Pageant, and other such pageants throughout the Nation. Historically, colleges and universities have offered scholarships to participants in local and State level pageants. Before title IX became effective, these scholarships amounted to approximately $7 million annually. Senators ought to agree with me when I say that Congress had no intention of causing a tremendous educational loss of that magnitude for the young women throughout the country.

As Senators of course know, colleges and universities give scholarships for a variety of reasons—athletic, talent, ability, scholarship—some to young men, some to young women—but all of them designed to recognize the potential of the recipient in their chosen field.

Personally, I think it is most unfortunate that title IX has resulted in a termination of these educational programs, and I urge the Senate to adopt my amendment so that worthy young women may have a better opportunity to get a good education.

Now, Mr. President, I will concede that I have more than an ordinary interest in this question since the America's Junior Miss pageant is held annually in Mobile, Ala. Some Senators may have seen the pageant on television several months ago. Fifty young women who were high school students competed on the basis of talent, poise, youth fitness, and scholastic achievement. I feel certain my distinguished colleagues from the State of Washington will recall that this year's America's Junior Miss is Lenne Jo Hallgren from the town of Clarkston, Wash. Miss Hallgren is truly a delightful and charming young lady and certainly ought not to be denied a scholarship by a blind and unreasonable interpretation of title IX.

I want Senators to understand that these pageants are not "bathing beauty

contests" and that it is truly a shame to see the Education Act used to deny education benefits to such intelligent and talented young women.

A vote for this amendment will be a vote for education and against a bureaucratic and unreasonable application of a measure adopted by Congress in good faith with every intention that it would be implemented in a reasonable fashion.

Mr. President, this amendment will not cost the taxpayer one dime, but it will correct a problem we should all want to see corrected and will allow some $7 million in scholarships to be made available that will otherwise be denied.

Mr. President, the House of Representatives has passed a similar amendment.

I ask unanimous consent that a statement by the Honorable JACK EDWARDS, a Congressman from the First Congressional District of Mobile, Ala., be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PAGEANT AMENDMENT

Title IX of the 1972 Education Amendments Act was meant to end sex discrimination in the nation's schools. It went into effect in July of last year after Congress concluded its hearings on the Department of Health, Education and Welfare's published regulations.

Based on the Act, the departmental regulations prohibit sex discrimination in admissions, financial aid, employment and athletics in the 16,000 school districts and 2,700 institutions of higher education throughout the country that receive federal aid.

Since its implementation, several problems have been encountered in athletic and curriculum programs and in other areas.

SCHOLARSHIP PROGRAMS

One of the greatest injustices has been in the scholarship programs of the America's Junior Miss and the Miss America pageants.

Historically, colleges and universities have awarded scholarships at the local and state level pageants. In fact, before Title IX became effective, these scholarships amounted to more than $7 million annually.

In addition, many local pageants have been held in high school and college auditoriums throughout the country. With the Title IX regulations, these same educational institutions have become reluctant to let their facilities be used.

If allowed to continue, this whole situation would result in a tremendous educational loss for young women throughout the land.

Colleges and universities give scholarships for a variety of reasons—athletic, talent, ability, scholarship—some to young men, some to young women—but all of them designed to recognize the potential of the recipient in their chosen field.

COLLEGE EDUCATION

Personally, I think it is unfortunate that Title IX originally could have resulted in a termination of some of these educational programs.

The America's Junior Miss Pageant, for example, which concluded in Mobile in early May before a nation-wide television audience, is not what is generally referred to as a "beauty" pageant.

Fifty young women who are high school seniors compete on the basis of creative and performing arts, poise and appearance, youth fitness and scholastic achievement. The scoring percentages for scholastic achievement and an interview with the judges accounts for a great percentage of the overall scoring total.

This is an honorable program that spotlights the better points of youth and allows them to compete in a wholesome atmosphere and before a large audience for a worthwhile objective, a college education.

EDWARDS AMENDMENT

It would be a shame for the Education Act to deny education benefits to such intelligent and talented young people.

And so on May 12, I offered an amendment to the Higher Education Act to exempt the Junior Miss Pageant and others like it from the provisions of Title IX.

It was adopted and now goes to the Senate. If it passes the Senate and is signed by the President, colleges and universities may once again award scholarships to the fine young women who participate in the pageants.

Mr. HATHAWAY. Mr. President, will the Senator yield for a question?

Mr. ALLEN. I yield.

Mr. HATHAWAY. As I read the amendment, am I to understand it applies to so-called beauty contests only?

Mr. ALLEN. Actually, they are not beauty contests. I guess that might be the popular expression. We feel that the Alabama Junior Miss is a pageant. It is not a beauty contest.

Mr. HATHAWAY. I understand that. That is the sole purpose of this amendment, to qualify that type of pageant, or rather to exempt it, from the provisions of title IX. What I am afraid of is that the language here might be used by some ingenious individual or institution to manufacture some other type of contest or pageant which would fall within the terms of this amendment, but which would actually be in controversion of the spirit of title IX. We have had a colloquy here that clearly limits this to pageants, such as junior miss pageants or other beauty contests, where customarily only females are entered.

Mr. ALLEN. I do not think the Senator need fear, because this does not operate so much on the pageants themselves as that it allows colleges and universities in their discretion to give scholarships to the winners in the pageants.

We assume that the colleges and universities would not grant scholarships to the entrants in a pageant unless the pageant measured up to their requirements. That is all it does. It does not put any special power in the pageants. This is permissive as far as colleges and universities are concerned.

Mr. HATHAWAY. I understand that.

Mr. ALLEN. As regards title IX.

Mr. HATHAWAY. I understand that. I wish to make sure we are not going to open the door to individuals or, as I say, institutions coming up with ingenious discriminatory devices and then asking the university to award them a scholarship, like devising some kind of a talent contest where they exclude women or they exclude men for no real reason other than to get around title IX. The university would say, "Well, I guess we are entitled to do this under the Allen amendment," and go ahead and honor the award. That would be in controversion of the spirit of title IX.

Mr. ALLEN. As I say, I do not believe we are going to have that. As far as that is concerned, the universities now can give scholarships to anyone they want to, I suppose. But the reason for this amendment is that if they gave a scholarship to a one-sex-type pageant they might be in violation of title IX, and this just removes that inhibition or that burden and says that as to these particular organizations they can grant these scholarships without offending title IX. It does not make them grant the scholarship.

Mr. HATHAWAY. No! I realize that. I just wish to make sure that the language here is confined to the junior miss-type pageant that the Senator from Alabama has in mind.

Mr. ALLEN. Yes, and Miss America as well; reputable pageants, yes.

Mr. HATHAWAY. Because we can use exactly the same words, "personal appearance, poise, and talents," but apply them to some kind of football players' contest with scholarships as prizes, and restricted to males only. Taking the literal interpretation of these words, we might open the door to actual discrimination such as we are trying to avoid through the provision of title IX. As long as we have established in this colloquy that this is an extremely limited amendment, I think it is going to be pretty clear that such activities would be illegal.

Mr. ALLEN. The modification proposed by the distinguished Senator from New York (Mr. JAVITS) proposed that these pageants or contests, if you will, would have to comply with all other Federal antidiscrimination laws generally. So I do not believe we could run into a discriminatory organization.

Mr. HATHAWAY. Senator JAVITS' amendment simply says the pageant itself cannot discriminate in any other way. If this Junior Miss pageant discriminated against anyone on the basis of religion, for example, it would not qualify.

Mr. ALLEN. That is correct.

Mr. HATHAWAY. That is the purpose of Senator JAVITS' amendment. My purpose in questioning the Senator is to make sure it is confined only to current ongoing pageants such as the Junior Miss pageant.

Mr. ALLEN. I do not wish to say "current."

Mr. HATHAWAY. Well, then, to that type of pageant. We could start one tomorrow morning, or after this amendment passes, as long as it is that same type of contest.

Mr. ALLEN. Of that type; that is what this amendment is intended to cover, yes.

Mr. HATHAWAY. I thank the Senator.

Mr. PELL. I thank the Senator from Maine and hope that since it is acceptable on both sides of the aisle we could come to a vote on this matter.

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

Mr. ALLEN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Alabama (Mr. ALLEN).

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I suggest the absence of a quorum, and ask unanimous

consent that the time not to be charged against either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. PELL. Mr. President, would it be considered that legislative business had intervened if I asked for a renewal of the quorum call, but with the time to be charged equally to both sides?

The PRESIDING OFFICER. If nothing is done, the time will be charged. If a quorum call is entered, the time will be charged automatically to the Senator requesting it, or whoever has control of the time. If the Senator asked by unanimous consent for it to be charged equally, it would then be charged equally to both sides.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. JAVITS. Mr. President, Senator PELL's problem and mine is the problem of time here going on. We have a unanimous-consent agreement respecting this bill, and the controversial amendments have yet to be offered. The Senate has been in session now on this particular matter for about 2 hours. That is our problem. We have no desire to curtail anyone's opportunity to offer amendments, but they have to be willing to offer amendments.

I do not believe in using up our time arbitrarily. We can always yield it back if we choose, and if we wish to press the rights of the managers of the bill, we could always press the bill to third reading, right here and now. Of course, we have no such design.

I simply make this statement to serve notice on the Members that we hope very much to finish this bill today; certainly at the very latest, tomorrow. If they do not offer their amendments, they put us in a very difficult and embarrassing position, and our duty may be to act notwithstanding. I urge the attachés of the Senate to notify Members that those who have amendments really must present them; otherwise, they could conceivably be locked out.

Then I suggest to Senator PELL that we do not press the use of time on this particular quorum call, but that we serve notice that we will, from now on, allow the time to be equally charged, so that the time on the bill itself will be used up, too, by simply waiting for Members, which is not something we desire.

The PRESIDING OFFICER. Also, the Chair has considered, in his capacity as the Senator from Vermont, objecting to quorum calls going on without the time being charged because of the Chair's concern that this bill be disposed of within the time allowed for it.

Mr. JAVITS. I thoroughly agree with the Chair as the Senator from Vermont. I hope, therefore, that we shall from now on suggest the absence of a quorum in the regular way, with the unanimous-consent request that the time be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The Clerk will call the roll, with the time for the quorum call to be charged equally to both sides.

The second assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2220

Mr. PERCY. Mr. President, I call up my amendment No. 2220.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment numbered 2220.

Mr. PERCY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 322, between lines 6 and 7, insert the following new section:

"PARTICIPATION OF WOMEN IN CONSOLIDATED TITLE IV PROGRAM

"SEC. 328. (a) Section 421(a)(1) of the Elementary and Secondary Education Act of 1965 is amended by inserting before the word 'library' the following: 'nonsexed biased'.

"(b) Section 431(a)(3) of such Act is amended by inserting before the semicolon a comma and the following: 'and of programs to promote equal educational opportunities for women, including public information activities to increase the awareness of educational personnel concerning the problems incident to sex discrimination and the elimination, reduction, or prevention of sex discrimination in those agencies'.

"(c) Section 431(a) of such Act is amended—

"(1) by striking out the word 'and' at the end of clause (3),

"(2) by striking out the period at the end of clause (4) and inserting in lieu thereof a semicolon and the word 'and', and

"(3) by adding at the end thereof the following new clause:

"'(5) for carrying out demonstration projects designed to promote new approaches to expand educational opportunities for women, including the provision of comprehensive physical education programs and sports activities for women'.".

On page 337, between lines 14 and 15, insert the following new section:

"IMPROVED EDUCATIONAL RESEARCH PROGRAMS FOR WOMEN

"SEC. 406. (a) Section 404(a)(1) of the General Education Provisions Act is amended by inserting before the semicolon a comma and the following: 'including activities designed to improve the status of women in postsecondary education.'

"(b) Section 404(a)(6) of such Act is amended by inserting before the semicolon at the end thereof, a comma and the following: 'including the creation of innovative administrative and educational practices that respond to the special needs of persons who have or have had responsibilities of caring for dependents'.

"(c) Section 405(b)(2) of such Act is amended by inserting after the phrase 'including career education' a comma and the following: 'and programs designed to meet the needs of women'.".

On page 101, in the table of contents, after item "Sec. 327." insert the following:

"Sec. 328. Participation of women in consolidated title IV program.".

On page 101, in the table of contents, after item "Sec. 405." insert the following:

"Sec. 406. Improved educational research programs for women."

Mr. PERCY. Mr. President, I ask unanimous consent that the name of Senator BAYH be added as a cosponsor of this amendment.

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

Mr. PERCY. Mr. President, I first introduced this amendment as part of the Women's Equal Educational Opportunity Act in February 1974. In May of that year, the bill was offered as an amendment to the Education Amendments of 1974. In order not to complicate conference proceedings on the bill, I did not press for its adoption at that time. Instead, in a colloquy with Senators MONDALE and JAVITS, members of the Senate Labor and Public Welfare Committee, it was agreed that the Women's Equal Educational Opportunity Act would be an appropriate addition to a later education bill.

Last spring when the Senate and House Education Subcommittees began hearings on vocational and higher education, I reintroduced the bill, S. 1338, with nine cosponsors, including Senators ABOUREZK, BROCK, CASE, CLARK, GRAVEL, HASKELL, MCGOVERN, SCHWEIKER, and HUGH SCOTT.

The amendment I am offering today embodies part of S. 1338. It addresses the problems of sex discrimination in existing education programs. The amendment neither creates new programs, nor requires new moneys, nor alters existing funding formulas. It modifies existing educational statutes to expand the permissible uses of Federal grants to include those programs specifically directed at providing equal educational opportunities for women. It allows States to conduct these projects as part of their activities under the Elementary and Secondary Education Act and under the General Education Provisions Act, for postsecondary education.

The amendment is designed to encourage existing education programs to change attitudes and practices that perpetuate sex biases in education and, thereby, fully integrate girls and women as equal participants and beneficiaries of our educational system. It, therefore, expands the impact of the Women's Educational Equity Act which was overwhelmingly approved in 1974, and complements the provision of the women's vocational education amendments incorporated in this bill.

It is unfortunate that this amendment is needed as much today as in 1974. A recent National Assessment of Educational Progress survey found that female educational achievement declines with increasing age although male-female learning ability is nearly equal at age nine. Because of tracking or the channeling of male and female capabilities,

males in the survey generally demonstrated higher levels of educational achievement in mathematics, science, social studies, and citizenship, while females consistently outperformed males only in writing. In releasing the survey information to the public, the national assessment said:

When it comes to educational achievement, it appears that it's still a man's world.

There is a clear need to develop educational programs that will build on all the potentials in children of either sex. The Women's Equal Educational Opportunity Amendment can help us retrieve for this country some of the female intelligence, capabilities, and talents that are now being allowed to wither away.

I understand the committee agrees with me and will accept this amendment. I appreciate this support, and I am sure that the many people who worked with me on this amendment appreciate it also.

Mr. President, I take this opportunity also to commend the Labor and Public Welfare Committee and its Subcommittee on Education for a fine job on this omnibus education bill. My colleagues Senator PELL, the chairman of the subcommittee, and Senator JAVITS, the ranking member of the full committee, have worked particularly hard on this measure.

I am particularly pleased that the bill has incorporated so many of the recommendations which Senator NUNN and I sent from the Permanent Subcommittee on Investigations review of the federally insured student loan program.

In addition, S. 2657 incorporates a major provision of my 1974 Higher Education Insured Student Loan Amendments, which would prohibit students from discharging their loan obligations by claiming bankruptcy within 5 years after graduation. S. 2657, if enacted, will go a long way toward curbing the abuses and the growing default rate of the guaranteed student loan program so that the needed moneys might properly reach the intended beneficiaries—students in need.

Mr. PELL. Mr. President, the Senator from Illinois has worked hard on this amendment. It has been discussed with the staff of the subcommittee. I think it moves in the direction we should move by making life a little fairer for women.

I suggest we accept this amendment.

Mr. JAVITS. Mr. President, we find the amendment acceptable.

I congratulate Senator PERCY and his colleagues on the initiative and intelligence which has gone into this addition to our education program.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. PERCY. Yes.

Mr. HELMS. The amendment of the Senator from Illinois seems to have a very salutary purpose.

I wonder, just for my education, will the Senator give me some precise information on the inequities he spoke about?

Mr. PERCY. If I may refer to a speech I gave in the Senate on February 5, 1974, I think these specific examples are possibly the best that I can give.

I pointed out at that time that at each level of advancement within the American educational system, the percentage of women declines: Women comprise 50.4 percent of the country's high school graduates, 43.1 percent of these who receive bachelor's degrees, 40 percent of those with master's degrees, and only 13 percent of the doctorates. Although women make up 24 percent of college and university faculties, only 8.6 percent are full professors.

We have experience with another amendment I offered to the foreign assistance bill.

In that case we required that women be integrated into the development process under our bilateral and multilateral foreign aid programs. This has now become the so-called Percy amendment in the foreign aid bill.

I have monitored it when visiting other countries, for instance, last year, when I was in Jordan.

Traditionally, out of 100 fellowships that were offered for advanced degrees of study in this country, 92 percent were given to men.

As Senator HUMPHREY—who was a cosponsor of this foreign aid amendment—knows, American foreign assistance has in many cases had the effect of increasing the gap between men and women in developing nations. We were highly educating and highly training men, leaving the women farther and farther behind. In a sense, we were dealing with 50 percent of the human resources in those countries.

Today, with this language in the foreign aid bill, equal opportunity for women has become a priority.

All we had to do in Jordan was to reach out with that as a goal: no mandate, no quotas, just a goal. They reached out and now approximately half of the students coming here from Jordan are women.

There were plenty of women who, heretofore, had never been reached, had never had programs available to them; they just assumed they were only for the men. Now we have specifically stated that they are for women, too, and they are being brought increasingly into them.

This history of discrimination is exactly the same thing we find to our amazement is true in American education.

Just by way of illustration, we have learned from grammar schoolbooks, in which "Mary is a stewardess and John is a pilot. Mary is a nurse and John is a doctor."

We can go through and find countless examples of this sort of subtle sex discrimination. The same problem exists in physical education.

In the pending amendment, we simply are trying to see that when funds are made available, those funds should be available equally to women and men.

We are not mandating forced integration. But we do say that if we provide for mathematics training, if we provide for foreign language training, there should be a goal that as long as 50 percent of the population are women and 50 percent are men the goal ought to be equal opportunity provided in the use of funds from the Federal Government for students regardless of sex.

Mr. HELMS. What the Senator is saying is that this is designed to encourage a psychological incentive to women to participate in these programs?

Mr. PERCY. Absolutely.

Mr. HELMS. I thank the Senator.

Mr. HUMPHREY. The President, will the Senator yield?

Mr. PERCY. I am happy to yield.

Mr. HUMPHREY. I take a moment to commend the Senator from Illinois, who has been a leader in this effort. It is paying off. I cooperated with the Senator in the Committee on Foreign Relations, as did other members of our committee, and I was honored to be a cosponsor.

The evidence is there that when efforts are made the results speak for themselves. In this instance, in the higher education amendments, the participation of women in educational activities is as vital as anything we could possibly consider. The effort that was made in physical education in the past couple of years has resulted in a tremendous improvement in women's athletic events, in women's participation in physical fitness programs, and in other matters of higher education and elementary and secondary education activities.

I have to say with some regret that one of the worst areas of discrimination on the basis of sex is in education. In the United States, of those who have the honor of the title of professor, dean, administrator, all too few are women. Yet in many other countries that is not the case, particularly in the other countries of democratic persuasion, like the Scandinavian countries and some of the Western European countries. Women there occupy very important administrative and scholarship roles.

I think the Senator is doing us a great favor by calling this matter to our attention. The amendment which he offers, I believe, will be very helpful. As the Senator from Illinois has said, there are no quotas, there is no compulsion, but what it does say is, "Look, get with it," and it attacks this great resource of women power.

Mr. PERCY. I do not know anything that would do more good to strengthen our economy. In vocational training, for instance, women today are still too frequently directed to a narrow range of occupations, mainly homemaking, clerical, and health occupations, where the promises are small, the pay is low, and chances for advancement are very, very limited. The generally conceived to be masculine professions are always those with higher pay and more rapid advancement possibilities. We go right back to Whitney Darrows' popular children's book entitled "I'm Glad I'm a Boy. I'm Glad I'm a Girl." He says in there:

Boys have trucks. Girls have dolls.
Boys are doctors. Girls are nurses.
Boys are presidents. Girls are first ladies.
Boys fix things. Girls need things fixed.
Boys build houses. Girls keep houses.

I suppose we could go back and say men drive taxicabs, women do not. Today where would we get the manpower or person power if we did not have women taxicab drivers? I must say I was surprised when I got in my first taxicab

driven by a woman years ago. Today we do not think of it as unusual. Soon we will have many women airline pilots.

We have to move with it and get women involved, certainly, if we are going to be an example to the developing nations of the world to break down the stigma against women, as we are doing with the Percy-Humphrey foreign aid provision. I wish to thank my colleagues for their willingness to accept this amendment. I appreciate their leadership in this field.

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

Mr. PELL. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

Mr. PERCY. Mr. President, I ask unanimous consent that during all deliberations and votes on S. 2657, to extend the Higher Education Act, the privileges of the floor be accorded to John Cottin and Stuart M. Statler, from the staff of the Permanent Subcommittee on Investigations.

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

Mr. HUDDLESTON. Mr. President, will the Senator yield?

Mr. FANNIN. Mr. President, I yield to the distinguished Senator from Kentucky.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that Janice Wilson be granted the privilege of the floor during the consideration of the pending bill, S. 2657.

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

AMENDMENT NO. 2155

Mr. FANNIN. Mr. President, I call up my amendment No. 2155.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. FANNIN) for himself and others, proposes an amendment numbered 2155.

The amendment is as follows:

On page 322, between lines 6 and 7, insert the following new section:

"AMENDMENT RELATING TO SEX DISCRIMINATION

"SEC. 328. (a) Section 901(a) of the Education Amendments of 1972 is amended—

"(1) by striking out 'and' at the end of paragraph (5);

"(2) by striking out 'This' in paragraph (6) and inserting in lieu thereof 'this';

"(3) by striking out the period at the end of paragraph (6); and

"(4) by adding at the end thereof the following new paragraphs:

"'(7) this section shall not apply to—

"'(A) any program or activity of the American Legion undertaken in connection with the organization or operation of any Boys State conference, Boys Nation conference, Girls State conference, or Girls Nation conference, or

"'(B) any program or activity of any secondary school or educational institution undertaken in connection with—

"'(i) the promotion, organization, or operation of any Boys State conference, Boys Nation conference, Girls State conference, or Girls Nation conference; or

"'(ii) the selection of students to attend any such conference; and

"'(8) this section shall not apply to any father-son or mother-daughter activity at any educational institution.'".

(b) The amendment made by subsection (a) shall take effect on January 1, 1976.

On page 101, in the table of contents, after item "Sec. 327." insert the following new item:

"Sec. 328. Amendment relating to sex discrimination.".

Mr. FANNIN. Mr. President, more than 17 colleagues initially joined me in cosponsoring this amendment, and there is a greater number now.

Since the enactment of the Education Amendments of 1972 there has been much discussion and concern about the provisions of title IX—which prohibits discrimination on the basis of sex in any educational program or activity receiving Federal financial assistance.

Title IX of the education amendments, which passed in June of 1972, affects virtually every educational institution in the country.

The spirit of the law is reflected in this statement: under title IX—

No person in the United States shall on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance . . .

The law was originally introduced in 1971 as an amendment to the Civil Rights Act of 1964. Following congressional debate and changes, the law, signed on June 23, 1972, emerged as title IX.

The HEW-proposed final regulations covering every aspect of title IX were sent to the White House on February 28, 1975, for approval. After approval on May 27 they were sent to Congress which had 45 days to accept or reject them. The regulations became effective July 21, 1975.

In the 93d Congress Senator BAYH attached an amendment to title IX to the White House Conference on Libraries and Information Services Act which stated that section 901 of title IX does not apply to membership practices of social fraternities and sororities of higher educational institutions or to voluntary youth service organizations, Young Men's Christian Association—YMCA, Young Women's Christian Association—YWCA, Girl Scouts, Boy Scouts, and Camp Fire Girls.

Although title IX was well-meaning there have been many unintentional results since it became law. One of the most outrageous took place on June 25 when a letter was mailed from HEW's region IX Civil Rights Office to the Scottsdale, Ariz. school district. This letter said school sponsorship of father/son or mother/daughter events "would be subjecting students to separate treatment and would not be permitted by the title IX regulations." Schools sponsoring such events would run the risk of losing their Federal funds.

This decision followed an earlier decision by HEW that the Boys and Girls State American Legion program violates title IX. It was not the American Legion, however, that was being challenged since it does not receive Federal funds. Rather, it was the relationship of public schools to Boys and Girls State that was at issue. Any school participating in the program, and most do, by promoting Boys and Girls State would run the risk of losing Federal funds.

To eliminate the potential threat of loss of funds the schools must either end their association with Boys and Girls State and father/son, mother/daughter functions or alter the format of these programs. Neither approach is justifiable since to do either would alter the programs beyond recognition or perhaps even end them.

Subsequently, HEW reversed its decision regarding Boys and Girls State and President Ford was so irritated by the father/son, mother/daughter banquet decision he ordered Secretary Mathews to review the matter, which, in effect, suspends the decision.

However, these decisions are administrative and could change again. In fact, HEW officials, in a meeting with the American Legion, stated that legislation would be the only permanent solution to the problem. For this reason I have introduced this amendment which exempts Boys and Girls State programs and father/son, mother/daughter events from the provisions of title IX. In addition, the Office of Civil Rights has assured me of its full support for this amendment.

Mr. President, I point out that HEW is not to be blamed entirely for these incredible decisions since it is Congress which enacted title IX without considering its ramifications. We have already had to pass legislation to exempt fraternities and sororities, as well as Boy and Girl Scout programs, from the effects of title IX. What these recent HEW decisions demonstrate is that title IX has the capacity to reach far beyond its intent to directly prohibit sex discrimination in federally funded programs. These decisions lack any degree of commonsense, but it is Congress that produced the means to arrive at this unhappy result, and it is Congress which must bear the responsibility for resolving it. Perhaps in this regard it is well to recall the recent statement by the Governor of Colorado that—

All too often we find that the Federal Government for all its sincerity is the problem.

Certain customs and traditions that involve sex discrimination must be ended. However, there are some institutions and practices that deserve to remain as presently constituted. Certainly my distinguished colleague, Senator BAYH, held this conviction when he introduced his amendment exempting fraternities and sororities, an amendment which I fully supported. There is nothing magical to be accomplished in ending the separation in the American Legion program and father/son, mother/daughter functions, and therefore, I hope my colleagues will join with me in voting in favor of this amendment.

Mr. President, on behalf of the Senator from Kansas (Mr. DOLE), I ask unanimous consent that a statement he has prepared in support of amendment No. 2155 to the Education Amendments of 1976 be printed in the RECORD.

There being no objection, the state-

ment was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR DOLE

I am pleased to cosponsor this amendment to the Education Amendments of 1972 in order that the various youth conferences conducted by the American Legion and the extracurricular activities sponsored by public schools such as the father-son and mother-daughter functions, shall not be subject to further Title 9 sexual discrimination bureaucratic determinations.

It appears that the Department of Health, Education, and Welfare has failed to formulate acceptable implementation plans for the Title 9 guidelines. Twice in the past year alone, the legislative intent of these guidelines appears to have been seriously distorted by the agency efforts to enforce the regulations, and it is my feeling that this additional legislation is necessary to reinforce the intent of Congress and to assure that these programs are not subjected to further misguided bureaucratic efforts.

In the first of these controversial decisions, the Office for Civil Rights in the Department of Health, Education, and Welfare ruled that the conferences sponsored by the American Legion violate the sex discrimination guidelines of Title 9. If this decision had been upheld, high schools taking part in these programs would have been in danger of losing federal funds. Fortunately, the Department of Health, Education, and Welfare reversed its initial position and allowed the programs to maintain their school ties and their exclusive membership policies.

In a more recent ruling, the Department of Health, Education, and Welfare's Office for Civil Rights again issued an equally unacceptable interpretation of the sex discrimination guidelines when it ruled on June 23rd of this year that schools using federal funds would jeopardize their federal assistance by sponsoring such extracurricular activities as mother-daughter and father-son functions since these social activities provided "separate treatment."

I feel that the Department of Health, Education, and Welfare has erred in exercising the vast discretion conferred upon them by elected officials, and I am disturbed by the meaning of the guidelines, as applied to both the youth conferences sponsored by the American Legion and the father-son extracurricular school activities. It appears that additional legislation is necessary to express the sense of Congress that these traditional activities be allowed to continue without becoming embroiled in further disputes with a well-meaning, but over-zealous bureaucracy. I strongly urge my colleagues to approve this amendment and, in doing so, grant the legislative relief necessary for these programs.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. FANNIN. I am pleased to yield to the distinguished Senator from North Carolina.

Mr. HELMS. I commend the able Senator from Arizona on this amendment, and I will be honored if he will include me as a cosponsor of it.

Mr. FANNIN. Mr. President, I ask unanimous consent that the name of the Senator from North Carolina (Mr. HELMS) be added as a cosponsor of this amendment.

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

Mr. THURMOND. Mr. President, who is in control of the time?

Mr. FANNIN. I am pleased to yield to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from Arizona is in charge of the time.

Mr. THURMOND. Mr. President, I commend the able Senator from Arizona for offering this amendment, and I am very pleased to join him as a cosponsor.

Mr. FANNIN. I thank the distinguished Senator from South Carolina and appreciate the Senator from North Carolina and the Senator from South Carolina supporting this very necessary amendment.

Mr. THURMOND. Mr. President, will the Senator yield me 10 minutes?

Mr. FANNIN. Mr. President, I am glad to yield to the Senator from South Carolina.

How much time does the Senator from Arizona have remaining?

The PRESIDING OFFICER (Mr. FORD). The Senator from Arizona has 25 minutes remaining.

Mr. FANNIN. I am very pleased to yield to the Senator from South Carolina.

The PRESIDING OFFICER. How much time does the Senator desire?

Mr. THURMOND. Ten minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 10 minutes.

Mr. THURMOND. Mr. President, I strongly support the amendment to exempt the American Legion Boys' State program and the American Legion Auxiliary Girls' State program from title IX of the Education Amendments of 1972.

Likewise, I strongly support a similar exemption for mother-daughter and father-son activities in the public school systems.

Title IX provides that no person may be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of sex under any education program funded with Federal money.

Mr. President, title IX embodies a lofty goal, which on its face, seems practical and realistic. Unfortunately, some of the bureaucrats who administer title IX have approached its implementation in an unrealistic and impractical manner. Thus, we are faced with the necessity of offering the proposed amendment.

If it were not for misguided and senseless application of these regulations, Congress would not have to concern itself with this corrective legislation.

Briefly, I provide a historical outline which will explain the necessity for the amendment.

I. BOYS' STATE AND GIRLS' STATE

On January 30, 1976, I received a telephone call informing me of the HEW decision advising the American Legion that the Boys' State and Girls' State programs violated title IX, since there were different programs for young teenage girls and young teenage boys. Furthermore, I was shocked to learn that HEW had advised school districts they could not put up American Legion posters in the schools, student newspapers could not advertise the program, and student annuals could not even publish stories or pictures relating to Boys' State or Girls' State. Otherwise, the school districts would be in danger of losing their Federal funds.

Mr. President, I immediately telephoned Dr. David Mathews, Secretary of HEW, and asked him to have the general counsel review the decision of the runaway bureaucrat who initially caused the whole problem. Fortunately, Dr. Mathews reacted swiftly and professionally to order the review, which resulted in an administrative determination that Boys' State and Girls' State were exempt from title IX.

Mr. President, I followed up on my telephone conversation with Dr. Mathews by directing a letter to him dated January 30, 1976. His response to me, dated February 17, 1976, sets forth the administrative determination, and for the sake of the historical record, I ask unanimous consent that this exchange of correspondence be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. THURMOND. Mr. President, this brings me to the essence of why I support the pending amendment.

Simply put, the current ruling is an administrative determination subject to change based on the interpretation of legislative history. We should set the record straight today, once and for all.

II. MOTHER-DAUGHTER AND FATHER-SON BANQUETS

Legislation to protect father-son and mother-daughter events in the public schools is equally necessary. There is a popular misconception that President Ford effectively disposed of this problem by his swift and decisive action in ordering Dr. Mathews to review the HEW decision forbidding these banquets in public schools. Unfortunately, this is not the case. President Ford did all that he could under existing law, the bureaucracy still retains the ability to thwart the President's policy.

Specifically, Mr. President, I have received a report on the Department's policy concerning father-son and mother-daughter events which leaves open the question of what course the HEW bureaucrats will take. If the current review of the statute upholds the bureaucratic interpretation, legislation will be necessary to exempt these events from title IX.

Mr. President, I ask unanimous consent that the report signed by the Director of the Office of Civil Rights be printed in the RECORD at the end of my remarks.

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

(See exhibit 2.)

III. OVERREGULATION

Mr. THURMOND. Mr. President, I urge the adoption of the pending amendment for one more simple and compelling reason—it is highly important that the Federal Government stay out of matters like this, where it has no business in the first place.

If there is one thing our constituents want, it is for the Government to get off their backs, to stay out of their private and business affairs, and to cease trying to implement utopian designs at the expense of personal freedom.

Only yesterday I received a call in my office from a constituent who objects on religious grounds to his daughter being compelled to participate in physical edu-

cation activities with members of the opposite sex. It is not that he objects to the current HEW policy of determining mixed classes on the basis of whether contact or noncontact sports are involved. This constituent is a minister, and as a part of his religious belief, his family does not condone pants suits on girls. In other words, his daughter wears skirts, and skirts are unbecoming for the physical activity required in physical education classes.

This constituent has been put in the position of requesting a waiver from physical training since my State requires physical education as a part of the curriculum. I intend to do all that I can to help this constituent, since his problem emanates from a decision by HEW bureaucrats to require mixed physical education classes.

Mr. President, this example serves to show the far-reaching effects of the decisions by bureaucrats who are unaccountable to the people. I hope the Senate will pass the pending amendment as a signal to HEW that we intend to administer title IX in a practical rather than unrealistic and disruptive manner.

Finally, this amendment is necessary in order to signal the intent of Congress that we intend to restore a semblance of sanity and balance to the promulgation of title IX regulations.

Mr. President, I shall vote for the amendment, and urge my colleagues to do likewise.

EXHIBIT 1

COMMITTEE ON ARMED SERVICES,
Washington, D.C., January 30, 1976.

Hon. DAVID MATHEWS,
Secretary of Health, Education, and Welfare, Independence Avenue, SW., Washington, D.C.

DEAR SECRETARY MATHEWS: I have learned of a recent decision by the Department of Health, Education, and Welfare, holding that The American Legion Boys State and Girls State programs violate Title IX, the sex discrimination provisions of the 1972 education amendments.

It appears that HEW has ruled that any school which participates in the programs will be in danger of losing its federal funding.

In my opinion, such an approach is not only unjustified, but highly ill-advised. I know of no more worthwhile program to teach young people fundamentals of good citizenship than Boys State and Girls State.

I hope you will order an immediate review of this uncalled for and unwise opinion. If possible, I hope you will have the General Counsel rescind it. If this cannot be done, I will appreciate any legislative recommendations you may have concerning this matter. I think it is highly important for the government to stay out of matters like this, where it has no business in the first place.

I shall look forward to hearing from you concerning this matter at your earliest convenience.

With kindest regards and best wishes,
Very truly,

STROM THURMOND.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE,
Washington, D.C., February 17, 1976.

Hon. STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR THURMOND: This is in reply to your letter of January 30, 1976, expressing concern that this Department has ruled that schools which participate in, or cooperate with, the Boys State and Girls State programs of the American Legion and the American Legion Auxiliary, respectively, would be violating Title IX of the Education Amendments of 1972. The decision to which you are apparently referring was contained in a letter from our Regional Office in San Francisco, responding to a specific request and based on the facts available to it at the time. At the request of the Secretary, we have obtained further facts and have thoroughly reviewed the statute and pertinent legislative history. As a result, we have concluded that the membership practices of Boys State and Girls State are exempt from Title IX.

As you know, Title IX generally prohibits discrimination on the basis of sex in education programs or activities receiving Federal financial assistance. Under the HEW regulation which was approved by the President and which became effective on July 21, 1975, school districts and other educational institutions are prohibited from discriminating against their students and employees, and pursuant to section 86.31(b)(7) of the regulation, are prohibited from providing significant assistance to persons, agencies and organizations which discriminate in this manner.

We are advised that Boys State and Girls State are sex-separate activities sponsored, as noted above, by the American Legion and the American Legion Auxiliary, respectively. Their purpose is to give outstanding high school students experience in the techniques of democracy. Both activities are funded by their sponsoring organizations and neither, as far as we are aware, receives Federal support. It is our understanding that participants in Boys State and Girls State are normally chosen by or with the assistance of the schools attended by the students. Apparently, some school districts or post-secondary institutions grant academic credit to the participants, although we are informed that neither Boys State nor Girls State has a policy encouraging that practice.

Neither Boys State or Girls State receives any direct Federal financial assistance. Thus, the only way in which Title IX can affect their membership practices is if they are receiving assistance from an educational program which is receiving Federal financial assistance. This concept, as you may know, is embodied in the Department's Title IX regulaton at 45 CFR Section 86.31(b)(7). However, as you may also know, the Congress, in Section 901(a)(6) of Title IX, has provided an exemption from this policy for certain types of organizations. This leads us to review the terms of that section and the nature of the activities of Boys State and Girls State.

Section 901(a)(6) of Title IX which was added to the act by an amendment signed by the President on December 31, 1974 (P.L. 93-568) excludes from the application of Title IX the membership practices of:

(A) . . . a social fraternity or social sorority which is exempt from taxation under Section 501(a) of the Internal Revenue Code of 1954, the active membership of which consists primarily of students in attendance at an institution of higher education, or

(B) . . . the Young Men's Christian Association, YWCA, Girl Scouts, Boy Scouts, Camp Fire Girls, and voluntary youth service organizations which are so exempt, the membership of which has traditionally been limited to persons of one sex and principally persons of less than nineteen years of age.

The amendment was introduced and sponsored by Senator Bayh who was also, of course, the Senate sponsor of Title IX itself. In his introductory remarks, Senator Bayh stated:

"Since I introduced S. 4163, it was brought to my attention that the Department of Health, Education, and Welfare was also planning to extend title IX *to youth services organizations such as the boy scouts and girl scouts, YMCA, YWCA, or the Campfire Girls.* . . . Again, I feel the Department has gone far beyond the original intent of the Congress in passing title IX by extending its provisions to cover such organizations. Therefore, in order that the Department can turn its time and energy to those legitimate aspects of Title IX which are in great need of its time and attention, I am proposing an amendment . . . which would provide a specific exemption to the admissions requirements of Title IX for social fraternities and sororities and for youth service organizations such as the Boy Scouts and Girl Scouts, and intended to include YMCA's and YWCA's and other such organizations.

"My amendment would also provide an exemption for youth service organizations whose membership has been traditionally open to members of one sex and has been principally limited to only those under 19. Therefore it would not apply to organizations such as the Little League, a primarily recreational group, or to the Jaycees, an organization whose membership consists primarily of those over 19. It would apply to the Boy Scouts, Girl Scouts, YMCA, YWCA, Campfire Girls, and Boys Clubs, and Girls Clubs." (Emphasis added.) *Cong. Rec.*, vol. 120, part 30, pp. 39992-39993, remarks of Senator Bayh.

The term "voluntary youth service organization" is not defined in section 901(a)(6) or in the current HEW regulation. We intend to develop general guidance on this term in the near future in order to avoid any future uncertainty and ambiguity. In the meantime, however, in light both of the language of the exemption and of its legislative history, it is our judgment that Boys State and Girls State fall within the term. They are, in effect, performing a service to the community by teaching the techniques and philosophy of democratic leadership and governmental processes. However, they satisfy the other requirements of the exemption: their sponsoring organizations are exempt from taxation under section 501(a) of the Internal Revenue Code, and their membership is composed primarily of persons under nineteen years of age.

We are concerned, however, about those instances in which educational institutions give academic credit to students participating in Boys State and Girls State, because this action appears to give these activities an educational, rather than service, orientation. Moreover, by giving students academic credit, the educational institutions are making available, as a part of their own education program, activities being conducted in a manner prohibited by Title IX. Therefore, we conclude that any educational institution receiving Federal financial assistance which gives such academic credit is violating Title IX.

We are not, at this time, concerned with other forms of contact and cooperation between educational institutions and Boys State and Girls State, such as furnishing lists of academically qualified students or allowing facilities to be used during the summer. In our judgment, these do not constitute an integral part of the institutions' education programs or activities.

The Secretary has asked me to convey to you his thanks, along with my own, for your interest in this matter. I hope these comments will be of assistance to you. Should you have questions or further comments, please do not hesitate to let me know.

Sincerely,

MARTIN H. GERRY,
Acting Director,
Office for Civil Rights.

EXHIBIT 2
DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., August 17, 1976.

REPORT ON THE DEPARTMENT'S POLICY CONCERNING APPLICATION OF THE NONDISCRIMINATION PROVISIONS OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 TO SCHOOLS THAT SPONSOR FATHER-SON, MOTHER-DAUGHTER EVENTS, JULY 1976

Title IX prohibits, with certain exceptions, discrimination on the basis of sex in educational programs and activities receiving Federal financial assistance. Under the implementing regulation, which became effective July 21, 1975, school districts and other educational institutions are prohibited from discriminating against their students and employees and, pursuant to Section 86.31(b)(4) of the regulation, are prohibited from subjecting any student to separate or different treatment, on the basis of sex, in providing benefits or services.

An initial decision, finding sponsorship of father-son and mother-daughter breakfasts in violation of the Title IX regulation, was contained in a letter from the San Francisco Office for Civil Rights to the Scottsdale Public Schools, Arizona. The letter was in response to a specific request and was advisory in nature.

Following the initial decision in this matter, the President directed the Department to undertake further legal review to determine whether such application is mandated under the statute. Further, the President stated that if such a review upholds such an interpretation, the Administration will seek an immediate amendment to Title IX to permit schools to continue sponsorship of father-son or mother-daughter events.

At the President's direction, the Department has suspended the ruling, pending review by the Department's General Counsel and the Director, Office for Civil Rights. Accordingly, the Department plans no enforcement action as to these kinds of events occurring during the review period. A school requesting advice from the Department's Office for Civil Rights as to whether to sponsor a father-son or mother-daughter event will be informed of this policy.

MARTIN H. GERRY,
Director, Office for Civil Rights.

Mr. FANNIN. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, we understand that the Senator from Missouri will offer a substitute amendment.

I call the attention of the Senator from Arizona to two propositions respecting his amendment and the Eagleton substitute. I am sympathetic to both, but I think it is necessary, in order to handle the matter, to combine both concepts.

First, the Eagleton substitute will call for equal treatment respecting these individual events—that is, father-son, mother-daughter—so that schools that have father-son will also allow, on the same terms and conditions, and with equal treatment, mother-daughter. The Eagleton amendment does contain safeguards so that we will not have a biased situation there.

The second thing I should like to ask the Senator from Arizona is with respect to the disquiet which is created by the following words in his amendment. I am not certain that these few words are really needed. The amendment, at page 2, lines 14 and 15, speaks of:

Any program or activity of any secondary school or educational institution undertaken in connection with.

And then it goes on to deal with the promotion, organization, or operation of Boys' State, and so forth.

There is no question about the fact that if we adopted this amendment, we would be authorizing a segregated activity. But, as I think my colleagues properly say, we are undertaking a great reform in respect of trying to bring up the status of women; and this reform runs into some very deep social establishments which do differentiate between sexes, and we cannot expect to whole scale eliminate all those activities.

For example, we would prefer to see that the mother-daughter and father-son activities be intermingled, so that it becomes four-cornered instead of two.

We would like to see the Legion, in its very enviable and fine programs undertake joint boys' and girls' conferences. There is no law against it, and I understand that it is being done just that way in a good many places.

Nonetheless, recognizing the facts of life and facing those facts of life, I express the hope to the Senator from Arizona that we can work out the matter so that two things occur: First, a very clear definition of the activites which we intend to allow to be governed by sex; and, second, the words "undertaken in connection with" are much too broad, and I suggest that the words be stricken and that it relate to any program or activity of any secondary or educational institution dealing with the promotion, organization, or operation of the boys' conference, and so forth.

Mr. FANNIN. The Senator from New York has brought forth a very good recommendation, and the Senator from Arizona will ask that the amendment be altered on that basis.

Mr. JAVITS. That is fine. Not yet, I say to the Senator. First, let us deal with the other question.

The question will be raised by Senator EAGLETON of allowing comparable facilities in the same institution to girls that are allowed to boys. That means that in the dynamics of carrying out the amendment of the Senator from Arizona, the same type and quality of facilities—not necessarily line by line, but comparable facilities, comparable opportunities—will be afforded to girls as are afforded to boys. That suggests a combination of the Eagleton concept with the Fannin concept, adding the specifics of the Legion's program which is dealt with by the amendment of the Senator from Arizona.

I suggest to the Senator from Arizona, if it is agreeable to him, that the time be yielded back on his amendment, so that we may go ahead with the Eagleton substitute. Then, in the course of that debate—as I have suggested—combine the two and adopt one amendment, on which we will have a rollcall vote, if it is desired, but which will be acceptable to the majority and the minority on the committee.

Mr. FANNIN. The Senator from Arizona expresses appreciation to the distinguished Senator from New York.

I ask that the substitution be made in the amendment of the Senator from Arizona, in section 8, with respect to section 7 on page 2 of the Eagleton amendment.

Would that comply with the wishes of the Senator?

Mr. JAVITS. I think it would, if it also included the material which is contained in section 7(b) of Senator EAGLETON'S amendment.

Mr. FANNIN. That is what I say. The elimination of section 8 on the second page, lines 22, 23, and 24, and then take up, on page 3, as the Senator suggested, the same wording in that area.

Mr. JAVITS. With respect to the retroactive nature of the Senator's amendment, I see that it takes effect on January 1, 1976. Will the Senator give us his purpose in that respect? They have already dealt with this by regulation.

Mr. FANNIN. The Senator is correct. I think the amendment should take effect at the time of passage.

Mr. JAVITS. Mr. President, in order to try to work this out, I am ready to yield back my time, if Senator FANNIN is. We will give him time against the Eagleton amendment, if he wishes it, or time on the bill, so that we can get both matters before us.

Mr. FANNIN. As I understand, it is the desire of the Senator from Missouri to offer a substitute or an amendment.

Mr. JAVITS. I think we had better ask him.

I yield to the Senator.

Mr. EAGLETON. It is my intention to offer a substitute for the Fannin amendment now pending.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. BAYH. I ask the Senator from New York to permit me to have a bit of time, perhaps before all the time is yielded back on the amendment of the distinguished Senator from Arizona, to share some of my thoughts with my colleagues with respect to the whole thrust of where we are going here.

Mr. JAVITS. Unless Senator FANNIN wishes more time, I yield 10 minutes to the Senator from Indiana.

Mr. BAYH. I do not want to take any more time than necessary.

As the author of title IX of the Education Amendment of 1972, I have seen a good deal of progress made in trying to guarantee the major thrust and intent of that legislation, the elimination of sex discrimination in our educational system. However, as is always the case when we have new legislation such as this, there can be misinterpretations.

What concerns me here about the well-intentioned effort made by our colleagues is that I do not think that the proper way to deal with a problem such as this is to come on the floor of the Senate—or, indeed, the floor of the House—and try to structure amendments to deal with every possible eventuality.

The basic legal mechanism to deal with age-old discrimination against women students is title IX. HEW has

promulgated regulations to carry out title IX. I have been very unhappy with the way HEW has carried out this mandate. Not only was HEW very slow in coming up with the implementing regulations, not only has HEW missed the mark of what we were trying to accomplish so far as equality of opportunity for our daughters was concerned, but also, it seems to me that they have gone out of their way to pick some of the most ridiculous examples of the intention of title IX.

The best example of this is this father-son, mother-daughter controversy, I tell you, as original sponsor of this bill, there was no intention whatsoever to do away with the traditional father-son, mother-daughter festivities that exist in most of our schools. Yet, instead of really dealing with the fact that we are not getting equal scholarships, we are not getting equal course opportunities, we are not getting equal employment opportunities for our daughters, what do they do? They come up and say, "You cannot have mother-daughter, father-son banquets." That is the most idiotic thing I have ever heard.

It seems to me that what we have to do is get back on the mark. These recent administrative decisions were not based on complaints. They were invented by short-sighted bureaucrats. In this instance, we have no alternative but to say, "Wait a minute, that is not what we meant." While this administrative foolishness may require congressional action, but I hope that we shall move carefully. I hope that we shall deal with this problem with a scalpel and not with a meat ax.

On the amendment before us, I say to the distinguished Senator from Arizona that I find myself preferring the approach of the Senator from Missouri. I do so for several reasons, one of which is that I do not think we ought to legislate in the area where regulations have already been perfected. Because of the intervention of the Senator from Indiana as well as the Senator from South Carolina, we were able to get HEW to back away from the Boys' State-Girls' State ruling. An exemption has been made for Boys' State-Girls' State. In fact, I think it is to the credit of the Legion and the Legion Auxiliary that they have sort of taken the bull by the horns themselves. For the first time in history, they had a joint meeting of Boys' Nation and Girls' Nation.

These are two very salutary programs. The Senator from Indiana has a little personal experience with this, having married a sweet young thing who, a long, long time ago—not so long by her definition—was the president of Girls' Nation. In that regard, I know firsthand of the training that is given in Girls' Nation and Boys' Nation, Girls' State and Boys' State. Rather than legislating in this area, since the exemption already exists, we should concentrate on other areas not covered.

The second matter is a matter that was touched on by the Senator from New York. After HEW released that absolutely ridiculous—and I am being kind by saying that—statement on father-son, mother-daughter affairs, they indicated they are studying the matter and that no ruling is to be in effect. So I think this is an area where we should give attention. Certainly, it was the intention of those of us who got title IX enacted into law to say that those additional functions, which add significant contributions to the lives of our sons and daughters, should be exempted under title IX. But it seems to me that in the language that is used by the distinguished Senator from Arizona, we are, in fact, making a significant departure from what we had intended to do in title IX. What we want to do, it seems to me, is say that sons and fathers, daughters and mothers can have festivities that follow the tradition of our schools, but that those opportunities have to be available to both groups.

As I read the language of the Senator from Arizona, it would permit under the guise of activities in connection with father and son activities—a continuation of the discrimination that has existed for years against our daughters. For example, it is possible to have a father and son sports activities and totally ignore mothers and daughters. By following the language of the Senator from Arizona, we continue that discrimination, which I do not think any of us wants.

So, with all respect to the distinguished Senator from Arizona, I do not want to see this discrimination continued. I do not think, really, that he wants that, but as I read the language, it is going to be permitted, not only in the area of sports but in the whole area of scholarships and counseling and other programs that could be construed to relate to father and son.

What I would like to see us do is deal with the father-son, mother-daughter situation but do a scalpel job, as the amendment by the distinguished Senator from Missouri has gotten much closer to doing.

Basically, I think that that is all that I need to say on this matter. I appreciate the Senator from New York letting me have some time.

The PRESIDING OFFICER. Who yields time?

Mr. EAGLETON. Mr. President, will the Senator yield to me 1 minute?

Mr. HATHAWAY. Yes, I am happy to yield.

Mr. EAGLETON. At such time as all time is yielded back on the pending Fannin amendment, I intend to offer a substitute with respect thereto.

Mr. HATHAWAY. Mr. President, may I make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. HATHAWAY. How much time will be allowed on the substitute?

The PRESIDING OFFICER. That would be an amendment in the second degree. There is 30 minutes on any amendment in the second degree, 15 minutes to a side.

Mr. STAFFORD. Mr. President, I ask unanimous consent that Michael Francis and Michael Burns, both of my staff, have the privilege of the floor during debate and votes on the pending legislation, the business now before the Senate.

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

Mr. EAGLETON. Mr. President, I ask for the same privilege with respect to Marcia McCord.

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

Mr. THURMOND. I ask for the same privileges for John Napier of the Judiciary Committee staff.

Mr. FANNIN. Mr. President, I ask unanimous consent that Kathryne Bruner be given the privileges of the floor.

Mr. BAYH. Would the Senator add Barbara Dixon of my staff to that growing list?

The PRESIDING OFFICER. Are there any others in the Chamber? Without objection, it is so ordered.

The Senator from Maine is recognized.

Mr. HATHAWAY. I yield to the Senator from Nevada.

Mr. CANNON. Mr. President, I ask unanimous consent that Jim Stasny of my staff be accorded the privileges of the floor during the consideration of this measure.

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

Mr. BEALL. Mr. President, I ask unanimous consent that Joseph Carter and Nancy Slepicka of my staff be granted the privileges of the floor during the consideration of this measure.

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

Mr. HATHAWAY. Mr. President, before I yield back my time, I would like to make a point with regard to the amendment of the Senator from Arizona (Mr. FANNIN). I understand full well the objective and motivation of the Senator from Arizona and his cosponsors with respect to this amendment. They do not want to impair certain traditional activities.

At the same time, I think we should be mindful of the fact that we seem to be going down the path of "separate but equal" with amendments like this. In another context, you will recall America rejected that concept several years ago.

I'm sure you can make a good case for the exemption of Boys' State and Girls' State, and for father-son and mother-daughter activities. I think in the latter case, the father-son and mother-daughter, you can probably make a better relative case than you can with respect to the Boys' State-Nation and the Girls' State-Nation, because the father-son and mother-daughter activities are primarily social activities. But even there, you can raise some questions with respect to those activities in an age when we see increasing numbers of one-parent families. In fact, we might want to be encouraging father-daughter activities or mother-son activities here today, because in many families today there is no father or there is no mother, for whatever reason.

Even so, I think a much stronger case can be made against allowing Boys' State and Girls' State activities, because these activities are encouraged for the purpose of getting young people of both sexes interested in politics. I suppose that maybe I should be the last one in

this body to suggest this in view of the person against whom I ran when I was elected in 1972. But I think we are trying to encourage participation of both sexes in the legislative process, on a coequal basis, and I think a very good argument could be made that Boys' State and Girls' State discourage coequal participation in that direction.

But the essential point is, I do not think we should be starting down a road of separate-but-equal educational activities for women. As the Senator from Indiana has pointed out, each amendment we accept could be precedent-setting, and therefore I think this is a good time to stop setting this "separate-but-equal" precedent.

I am mindful of the fact that there is already an HEW administrative ruling that Boys' State and Girls' State activities can be exempted from title IX, and that the purpose of the amendment of the Senator from Arizona is only to make sure that this is etched in concrete so that the ruling cannot be changed.

But, at this time at least—and I await further argument on the Eagleton substitute—I would much prefer the Eagleton substitute to the amendment offered by the Senator from Arizona.

Mr. FANNIN. I thank the distinguished Senator from Maine. He is correct as to the statements of the Senator from Arizona.

The Senator from Arizona does not want to delay. In fact, the distinguished Senator from Missouri permitted the Senator from Arizona to proceed because of the conference which the distinguished Senator knows is taking place on the tax bill, and the Senator from Arizona is due back at 2 o'clock.

It is not the intent of the Senator from Arizona not to try to cooperate and show appreciation for the manner in which the distinguished Senator from Missouri has permitted him to intervene. So the Senator from Arizona would like at this time, if the Senator from Missouri would be willing, for him to explain his amendment and to explain, if he so desires, why he would oppose the Boys' State and Girls' State amendment, and not be willing to accept the amendment of the Senator from Arizona. I realize it would require unanimous consent, but if the Senator from Missouri would like to express himself on the Senator from Arizona's time maybe we could get this settled.

Mr. President, how much time is remaining of the Senator from Arizona?

The PRESIDING OFFICER. The Senator from Arizona has 17 minutes remaining.

Mr. EAGLETON. Mr. President, if the Senator will yield 2 minutes——

Mr. HATHAWAY. I yield 2 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Maine yields 2 minutes to the Senator from Missouri.

Mr. EAGLETON. I know the Senator from Arizona wants to get to his conference committee on the tax bill, and properly so. I think the quickest way to do that would be to yield back the time on this amendment. I will offer my substitute; 15 minutes on that amendment will be assigned to the Senator from Arizona and 15 minutes to me, and I think I will only use about 4 minutes, and we can have a vote well before 2 o'clock.

Mr. THURMOND. Mr. President, will the Senator from Missouri yield?

Mr. HATHAWAY. I will be happy to yield.

Mr. EAGLETON. Yes.

Mr. THURMOND. Mr. President, will the Senator from Missouri agree to include in his amendment Boys' State and Girls' State?

Mr. EAGLETON. I am sorry, I did not hear the Senator.

The PRESIDING OFFICER. Will the Senator use his microphone?

Mr. EAGLETON. If I heard the Senator correctly, Boys' State and Girls' State are not specifically mentioned in my amendment because that has been treated administratively by HEW.

Mr. THURMOND. We cannot rely on that treatment. They may reverse themselves.

Does the Senator object to including Boys' State and Girls' State?

Mr. EAGLETON. I do not know that I object. I do not know that this has to be etched in concrete, to use the term the Senator from Maine has used.

Mr. THURMOND. Mr. President, may I make this statement: The American Legion is very anxious for Boys' State and Girls' State to be specifically excluded here. Will the Senator from Missouri object to this?

Mr. EAGLETON. My objection is not strenuous, although I do not consider it to be a matter of national compelling necessity.

Mr. THURMOND. If the Senator from Missouri would include Boys' State and Girls' State in his amendment, then it is possible the Senator from Arizona might agree not to press his amendment, and to let the Senator from Missouri offer his substitute.

Mr. EAGLETON. Perhaps I had better yield at this point to the Senator from Maine or the Senator from Vermont in administratively handling this meaure at this time.

The PRESIDING OFFICER. The time of the Senator has expired at this point.

Mr. THURMOND. Mr. President, I ask unanimous consent for 2 minutes to carry on this colloquy because if we do we can save some time.

The PRESIDING OFFICER. The Senator from Arizona is yielding the Senator 2 minutes.

Mr. THURMOND. I would like to inquire whether the Senator from Missouri is willing to agree to include Boys' State and Girls' State in his amendment. The American Legion is asking for that specifically, which would appear to be reasonable in view of the trouble we have had in this matter.

Mr. EAGLETON. Might I suggest that if we get to my substitute, if the Senator from South Carolina or the Senator from Arizona wish to offer a perfecting amendment to my amendment I personally will not oppose it. Perhaps others might.

Mr. BAYH. Mr. President, will the Senator from Maine permit me to have——

The PRESIDING OFFICER. The Senator from South Carolina has 2 minutes from the Senator from Arizona, and he has the floor until the 2 minutes are up.

Mr. THURMOND. Mr. President, will the Senator from Indiana object to that being offered?

Mr. BAYH. Yes, I will. May I state why I am in favor of Boys' State and Girls' State being exempted? I think the Senator from Maine made a good argument on the other side of this issue, but I come down on the side of having an exemption for Boys' State and Girls' State. In addition, the personal experience I have witnessed firsthand I think indicates they make a valuable contribution, and I do not see why they should not be exempted. But what I am concerned about is that if we exempt them then I have got to tell the Senator from South Carolina there is a list as long as my arm of other people who are going to come in here and will want to be exempted who are not now included, and if you make an exemption for the American Legion and the auxiliary which, I think, are exemplary organizations, providing a significant service, I do not know how we will be able to prevent our having an amendment every 30 minutes.

What I would like to propose to the Senator from South Carolina, inasmuch as I was one who intervened along with some others to get that exemption made by regulation, is that the instant that regulation is changed so that the exemption is no longer available I will come on this floor with him and we will change that law in about 30 minutes.

Mr. THURMOND. Mr. President, we have already had this trouble. One bureaucrat ruled on this situation unfavorably, and we may get a ruling again by that bureaucrat or some other bureaucrat, so what is the objection? The main point that has been raised here concerns Boys' State and Girls' State.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. BAYH. Mr. President, will the Senator permit me an additional minute?

Mr. HATHAWAY. I yield 2 minutes.

The PRESIDING OFFICER. The Senator from Indiana has 2 minutes.

Mr. BAYH. The Secretary of HEW has ruled personally the exemption now exists. That is about as high as you can go, and I just reiterate what I said a moment ago.

Mr. THURMOND. He had to overrule a bureaucrat to do it, and if another bureaucrat reverses that policy or if another HEW Secretary reverses that policy where are we?

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. BAYH. Let me just say to my friend from South Carolina the issue has been settled now.

There was some fellow down there at HEW who I think was shortsighted and who ruled title IX meant no Girls' State and no Boys' State. He was overruled by his superior. That is what the law of the land now states. That has been put to rest.

I think most of us understand that is what title IX means, that it is not de-

signed to try to get Boys' State and Girls' State:

I will reiterate what I said a moment ago, and I hope my friend will listen because I have been personally involved in this.

Mr. THURMOND. The Senator does not have to repeat it. I heard what he said the first time.

Mr. BAYH. Then I will sit down, but the Senator asked a question.

Mr. THURMOND. Is it not true——

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. BAYH. I yield.

Mr. THURMOND. Is it not true that Boy Scouts and Girl Scouts have been exempted?

Mr. BAYH. That is accurate.

Mr. THURMOND. Then what is the objection to exempting Boys' State and Girls' State?

Mr. BAYH. For the very reason I just mentioned: We now have an administrative exemption. We now have a ruling exempting Boys' Nation and Girls' Nation. There was a time when these characters at HEW wanted to do away with Boy Scouts and Girl Scouts. At that time they had not thought about Boys' Nation and Girls' Nation yet.

Mr. THURMOND. If we have trouble with them, we can exempt others. These are the ones causing trouble now. The American Legion is asking for this. I think they are reasonable in asking for it.

I hope the Senate will pass it.

Mr. BAYH. Will the Senator tell me how it is causing any trouble?

Mr. THURMOND. Simply because the bureaucrat ruled the other way and the Secretary had to overrule him. That is their ruling. It could be changed tomorrow by a new bureaucrat or Secretary. The only way to fix it is to put it in the statute, to protect the people of this country.

Mr. BAYH. Can the Senator tell me one thing that is going to be provided if it is put in the statute that is not now provided by the regulation, one thing——

Mr. THURMOND. Yes.

Mr. BAYH. Will the Senator allow me to continue?

Mr. THURMOND. They cannot change it because it will be in the statute. It ought to be in the statute.

Mr. BAYH. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from South Carolina has been yielded time by the Senator from Arizona, and the Senator from Indiana——

Mr. BAYH. Will the Senator from Maine yield me some time?

Mr. HATHAWAY. How much time does the Senator need?

Mr. BAYH. Two minutes.

Mr. HATHAWAY. I yield.

The PRESIDING OFFICER. The Chair will explain that the Senator from Indiana has the floor and he has it for 2 minutes.

Mr. BAYH. I understand the dedication of the Senator from South Carolina, but it is difficult to answer questions when he continues expressing his views. Certainly, he is within his right to do that when he has the floor.

But I want to tell the Senate that there is nobody any closer to the American Legion than the Senator from Indiana. It happens to be headquartered in Indianapolis. Nobody has been involved more in Boys' State and Girls' State than he has. He does not need any lecture about the importance of the program.

The fact is that the Senator from Indiana and his wife both had the privilege of addressing the first joint meeting of Girls' State and Boys' State meeting collectively.

So the Senator does not need to tell me what is happening.

Are we going ahead here and let this statute operate or are we going to get on the floor and wave the flag and try to convince the American Legion we support them more than somebody else? The fact is that if we make this exception, we better be prepared to fend off 20 other organizations that have a good case to make.

I think this is very poor legislative history. It is not good legislative procedure to establish by law an exemption which has already been established by administrative ruling.

I think the case has been made. The Senator from South Carolina is right in expressing concern. I was adamant in my position and took the bull by the horns. I went to Secretary Mathews and it was changed.

I cannot envision any other Secretary of HEW undoing that ruling.

I appreciate the courtesy of the Senator from Maine and the Senator from Rhode Island. I appreciate the interest of the Senator from South Carolina. I just happen to believe it can be best handled this way.

The PRESIDING OFFICER. Who yields time?

Mr. FANNIN. Mr. President, I yield myself 1 minute.

As the Senator from Arizona stated previously, it is very necessary we have an understanding as to just what is involved.

This is an amendment of the Senator from Arizona which does pertain to the Boys' State and Girls' State and does cover them, and this request has been made by the American Legion.

It is a request that has been made by many others; and there are about 20 or more Senators on this particular amendment.

I feel it is essential we carry it through on that basis.

The Senator from Arizona would like to cooperate with the Senator from Missouri. I do not know how much time the Senator from Missouri is going to take on his amendment. The Senator from Arizona hopes to get back to the conference.

Mr. GOLDWATER. Mr. President, will the Senator yield to me?

Mr. FANNIN. Yes.

Mr. GOLDWATER. There is another question that just comes to my mind that I would like to put to the opponents of this procedure.

Just recently, I think it was last week, HEW ruled that we could not have a boys' choir.

We have one of the most famous boys' choirs in the world in Tucson, Ariz. We have another famous boys' choir in Scottsdale, Ariz. The ruling came down that they could not discriminate, that the boys' choir had to have girls in them.

The only purpose of boys' choirs, where they are from the age of 6 to 10 or 12, is that there is not enough difference in the voices, so they have boys' and girls' choirs, and the effort is made to interest the young people in continuing with choral work.

I would like to ask whoever I should ask whether or not they consider that to come under the purview of the present law?

Mr. PELL. From the viewpoint of commonsense, it does not make much sense to me. But I am not as deep into this as I might be.

I think that the approach of the Senator from Missouri is correct, that it is a more commonsense approach. I think if he starts specifying specific organizations in the legislation, we can get into trouble. That is why I intend to support the measure of the Senator from Missouri, and why I am not inclined to be supportive of the language of the Senator from Arizona.

Mr. GOLDWATER. I want to assure the opponents of Senator FANNIN'S approach wholeheartedly, that as to their attitude that there is commonsense in HEW, I will have to admit I have not seen a lot of it displayed.

It may be that with the relatively new Director of HEW we could expect better decisions in the future. But I can assure those people who are opposing this that if we continue to have these jackass decisions handed down by HEW, we are going to push for this type legislation, as objectionable as it is even to me.

I do not like to spell out word for word that a man is supposed to have commonsense to know what to do.

When they get to the point where they say, "You cannot have a boys' choir, it has to be mixed; you cannot have a boys' camp or a girls' camp," I think we have to pay more attention to the matter.

I thank my colleague from Arizona.

Mr. FANNIN. I thank my colleague. This is a very serious problem.

Mr. President, before I yield the floor so that the Senator from Missouri can offer his amendment, I ask unanimous consent that I be permitted to make the following change on the amendment I have offered. On line 16——

Mr. EAGLETON. Mr. President, I ask that any modification offered by the Senator from Arizona to his own amendment not foreclose me from proposing my amendment as a substitute.

The PRESIDING OFFICER (Mr. TOWER). It will not foreclose the Senator from Missouri.

Mr. FANNIN. The change would be on line 16, strike "organization or" and continuing on line 17 to "operation" and then on line 22 to strike 22 through 24 and insert:

This section shall not preclude father-son or mother-daughter activities at an educational institution, but if such activities are provided for students of one sex, opportunities for reasonably comparable activities shall be provided for students of the other sex.

I ask unanimous consent that the amendment be modified as I have stated.

The PRESIDING OFFICER. Will the Senator send his modification to the desk?

Is there objection to the modification? Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 322, between lines 6 and 7, insert the following new section:

"AMENDMENT RELATING TO SEX DISCRIMINATION

"SEC. 328. (a) Section 901(a) of the Education Amendments of 1972 is amended—

"(1) by striking out 'and' at the end of paragraph (5);

"(2) by striking out 'This' in paragraph (6) and inserting in lieu thereof 'this';

"(3) by striking out the period at the end of paragraph (6); and

"(4) by adding at the end thereof the following new paragraphs:

"'(7) this section shall not apply to—

"'(A) any program or activity of the American Legion undertaken in connection with the organization or operation of any Boys State conference, Boys Nation conference, Girls State conference, or Girls Nation conference; or

"'(B) any program or activity of any secondary school or educational institution specifically for—

"'(i) the promotion of any Boys State conference, Boys Nation conference, Girls State conference, or Girls Nation conference; or

"'(ii) the selection of students to attend any such conference; and

"'(8) this section shall not preclude father-son or mother-daughter activities at an educational institution, but if such activities are provided for students of one sex, opportunities for reasonably comparable activities shall be provided for students of the other sex.'".

(b) The amendment made by subsection (a) shall take effect upon the enactment of this act.

On page 101, in the table of contents, after item "Sec. 327." insert the following new item:

"Sec. 328. Amendment relating to sex discrimination.".

Mr. FANNIN. I thank the Chair. I yield back the remainder of my time so that the Senator from Missouri may proceed.

The PRESIDING OFFICER. The Senator from Arizona has yielded back his time.

Mr. FORD. Mr. President, I would like to make a unanimous-consent request, if I may.

Mr. PELL. I yield.

Mr. FORD. I ask unanimous consent that Tom Smith of my staff be granted the privileges of the floor during the debate and vote on this bill.

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

Mr. FORD. I would like to make the comment, Mr. President——

The PRESIDING OFFICER. Does the Senator yield?

Mr. FORD. Will the Senator yield 30 minutes?

The HEW people, through their regional district, have told the educational people in my State that the teachers cannot go into the classrooms in the morning and say, "Good morning, boys and girls."

This has gone as far as I think it ought to go. If we cannot ask them to have the right kind of attitude, I think we will have to start regulating attitudes, and that is bad.

Mr. PELL. What we want to avoid today is for the teacher to go in and say, "Hello, people."

Mr. BAYH. The Senator from Indiana thinks perhaps the proper mode will be, "Good morning, y'all." [Laughter.]

May I have 1 minute?

Mr. PELL. Certainly.

Mr. BAYH. I think the Senator from Kentucky has pointed out, as has the Senator from Arizona and others, the abuses that come when we enact new legislation. But I think it is important for us not to lose sight of the many benefits and not to overreact in an effort to get rid of the abuses by doing something that will irreparably damage the major thrust of title IX, which is very salutary.

I think it is possible for us, both by using our influence on those who impose the regulations and when they do not respond by following our responsibility by changing the law, to deal with the abuses and still continue to make equality of opportunity available for the women and girls of this country.

I do not think there is anyone in this body who will argue with the thrust of that. We want our daughters and sons to have an equal opportunity to have a full educational experience, with all that that means.

Mr. HUMPHREY. Mr. President, I support the amendment offered by the Senator from Arizona (Mr. FANNIN), as modified in the course of this debate.

This amendment exempts Boys' State, Boys' Nation, Girls' State and Girls' Nation from coverage under title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in any educational institution receiving Federal funds. In addition, it clarifies the intent of this title so as not to preclude father-son or mother-daughter activities at educational institutions.

Quite frankly, Mr. President, I was befuddled when I learned of the opinion by a regional director of the Office for Civil Rights that the sponsorship by public schools of father-son or mother-daughter events is a violation of laws prohibiting sex discrimination.

In response to this report, I wrote to Mr. Martin Gerry, Director of OCR, expressing my deep concern over this ruling and urging that it be withdrawn immediately. I want to share this letter with my colleagues.

Mr. President, I have been, and remain, devoted to efforts to guarantee the rights of every citizen to equal opportunity in every aspect of American life. We have made great strides, because our attentions have focused on the significant—indeed, vital—elements of discrimination and denial of opportunity.

As I stressed in my letter to Mr. Gerry, I believe that this ruling can profoundly damage nationwide efforts to assure that "every citizen is entitled to an education to meet his or her full potential"—that "no person, on the basis of sex, should be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

In my view, this ruling defies commonsense. I am pleased that the Senate has acted to purify the intent of our hard-won civil rights laws by adoption of this amendment.

Mr. President, I ask unanimous consent that my letter of July 8 to Mr. Martin Gerry be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., July 8, 1976.

MR. MARTIN H. GERRY,
Director, Office for Civil Rights, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. GERRY: The recently reported opinion by a regional director of your office that the sponsorship by public schools of father-son or mother-daughter events is a violation of laws prohibiting sex discrimination, defies common sense. I fully concur with the President's view that this ruling is ill-advised.

Our schools are public—they belong to all the people. There is nothing in our laws on the protection of civil rights that says such events are prohibited.

Newspaper reports state that this decision, cleared through your office and representing national policy, was in response to an inquiry from the Scottsdale, Arizona school system, and was based upon an interpretation of Title IX of the Education Amendments of 1972, barring discrimination on the basis of sex in any educational institution receiving federal funds.

However, I emphatically disagree that this sort of decision should be national policy, and I find this interpretation to be distorted at best and, in fact, irresponsible.

This ruling can profoundly damage nation-wide efforts to assure that "every citizen is entitled to an education to meet his or her full potential"—that "no person, on the basis f sex, should be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance." These are the actual statements of national policy and Congressional intent in the Education Amendments of 1972. They mean exactly what they say: that women and men should basically have equal educational opportunities.

When the Office of Civil Rights concentrates its attention and efforts on peripheral or community activities associated with school facilities, it exercises poor judgment that, moreover, can only build frustration and resistance among our people to the achievement of the basic, positive goal of guaranteeing women an equal chance with men to obtain a good education—an equal opportunity that for too long has been denied. It was precisely because of a bureaucratic distortion of priorities in the application or interpretation of HEW regulations implementing Title IX, that Congress had to amend this Title to exempt certain activities.

Rulings of this nature—providing extended commentary and stentorian judgment against a father-and-son banquet or a mother-and-daughter tea, sponsored by a local PTA or school, and condescendingly educating local communities on alternative procedures to enhance community relations—bring discredit to serious efforts to affirm civil rights. They make a mockery of a national commitment to provide equal educational opportunities. They foolishly interfere with family relations and, with long-standing traditions in our communities—which in no way can be construed as an in-

formal educational process teaching that men and women are separate and unequal. Quite to the contrary, father-son and mother-daughter events evolved precisely in response to deeply felt needs by both parents and children for such opportunities to strengthen family ties. Moreover, sponsoring groups frequently arrange for "parents" to come with children who do not have a father or mother—to answer another objection reportedly raised by the Office of Civil Rights. And finally, today it is just as frequently a custom in our towns to have father-daughter and mother-son events at our local schools.

This ruling by the Office of Civil Rights should be withdrawn forthwith. Should it be necessary, I shall take steps to initiate appropriate legislative action to make it crystal clear that it is the sense of Congress that such a thing is in violation of Congressional intent and is adverse to national policy on establishing equal educational opportunities for women and men.

I request that your Office respond at the earliest possible time to the concerns I have expressed.

Sincerely,

HUBERT H. HUMPHREY.

AMENDMENT NO. 2221

Mr. EAGLETON. Mr. President, I have amendment No. 2221 at the desk. I submit this amendment as a substitute.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Missouri (Mr. EAGLETON) proposes amendment numbered 2221.

Mr. EAGLETON. Mr. President, I ask unanimous consent that further reading of the substitute be dispensed with.

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

The amendment is as follows:

On page 322, between lines 6 and 7, insert the following new section:

"AMENDMENT RELATING TO SEX DISCRIMINATION

"SEC. 328. Section 901(a) of the Education Amendments of 1972 is amended—

"(1) by striking out 'and' at the end of paragraph (5);

"(2) by striking out 'This' in paragraph (6) and inserting in lieu thereof 'this';

"(3) by striking out the period at the end of paragraph (6) and inserting in lieu thereof a semicolon and the word 'and'; and

"(4) by adding at the end thereof the following new paragraph:

"'(7) this section shall not preclude father-son or mother-daughter activities at an educational institution, but if such activities are provided for students of one sex, opportunities for reasonably comparable activities shall be provided for students of the other sex.'".

On page 101 in the table of contents after item

"Sec. 327. Wayne Morse Chair of Law and Politics."

insert the following new item:

"Sec. 328. Amendment relating to sex discrimination.".

Mr. EAGLETON. Mr. President, I yield myself 3 minutes.

This substitute, Mr. President, seeks to deal with the Department of Health, Education, and Welfare's decision that schools may no longer sponsor father-son and mother-daughter events because they violate title IX of the Education Amendments of 1972.

I believe, and in this regard I feel sure that most of my colleagues will agree, that this was an absurd ruling. The enforcement of it is presently in abeyance, but I believe the only sure remedy in this case is the legislative remedy. Thus, the substitute I now offer to the Fannin amendment would make absolutely clear, otherwise called crystal clear, that the provisions of title IX do not preclude school districts from sponsoring father-son and mother-daughter events as long as the school provides opportunity for reasonably comparable activities for both sexes.

Mr. President, I would like to emphasize that this substitute is intended to cover only the traditional father-son, mother-daughter activities which many schools now sponsor.

I further point out that the amendment would not allow grossly different activities and programs for father-son or mother-daughter events.

If the school district sponsored a father-son football banquet and the female students wish to hold an event for women's sports, the school district would be obliged to sponsor a reasonably comparable event. It would not have to be identical, but it could not be grossly different.

This substitute makes clear, Mr. President, that HEW cannot restrict father-son/mother-daughter activities while at the same time making sure that blatant sex discrimination is not perpetuated.

Subject to the wishes of the Senator from Arizona I am prepared to yield back the remainder of my time. Do I need the yeas and nays on this substitute?

The PRESIDING OFFICER. Yes.

Mr. EAGLETON. I ask for the yeas and nays.

Mr. THURMOND. Mr. President, I move to table the amendment.

Mr. EAGLETON. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. The motion to table is not in order because time has not been yielded back.

Mr. EAGLETON. I ask for the yeas and nays on the Eagleton substitute.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. EAGLETON. I reserve the remainder of my time.

I was trying to expedite this.

Mr. FANNIN. The Senator from Arizona does not have any time.

Mr. EAGLETON. Fifteen minutes on the amendment should have been assigned to the Senator from Arizona, he being the leading opponent of my substitute.

Mr. FANNIN. Mr. President, I thank the Senator from Missouri. I did not understand it to be on that basis. The Senator from Arizona will yield back the remainder of his time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona has control of the time in opposition.

Mr. FANNIN. The Senator from Arizona yields back the remainder of his time.

Mr. ALLEN. Will the Senator yield me 1 minute?

Mr. EAGLETON. I yield.

Mr. ALLEN. I would like to say that I would be glad to vote for the substitute of the Senator from Missouri if it stood alone, if it were an amendment in the first degree. But it does not go as far as the amendment of the Senator from Arizona and, therefore, since it falls short of the thrust of the amendment of the Senator from Arizona, I will have to vote against it. If it were on its own hind legs, if we were voting on it separately, I would vote for his amendment.

Mr. EAGLETON. I appreciate the comment of the Senator from Alabama. I yield to the Senator from Indiana.

Mr. BAYH. I salute the Senator from Missouri for dealing with a problem area directly, succinctly and specifically. Is it fair to say that given the present state of the law and the regulations which have the force and effect of law, if the Senator's amendment is accepted Boys' State and Girls' State will be exempted from coverage by title IX, and father and son, mother and daughter affairs will be permitted with the proviso that equal opportunity for both fathers and sons and mothers and daughters will be required?

Mr. EAGLETON. The term of art used in the amendment is "reasonably comparable," and the Senator is correct.

Mr. BAYH. I salute the Senator.

Mr. EAGLETON. I thank the Senator from Indiana.

Does any other Senator wish to be heard on this substitute? If not, I yield time to the Senator from Rhode Island.

Mr. PELL. I think the proposal of the Senator from Missouri is an excellent one, and I intend to support it.

Mr. EAGLETON. Does any other Senator desire to be heard?

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

The PRESIDING OFFICER. All time is yielded back.

Mr. THURMOND. Mr. President, I move to lay on the table the amendment of the Senator from Missouri.

The PRESIDING OFFICER. A motion to lay on the table is heard.

Mr. EAGLETON. Mr. President, I ask for the yeas and nays on the motion to lay on the table.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Missouri. The yeas and nays have been ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The clerk will suspend. The Senate will be in order. The clerk will suspend until the Senate is in order. Senators will please retire from the well.

The clerk may continue.

Mr. NELSON. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The point of the Senator from Wisconsin is well taken.

Will the Senate be in order? The Senate will be in order.

The clerk will continue.

The call of the roll was resumed and concluded.

Mr. FANNIN. Regular order, Mr. President.

Mr. ROBERT C. BYRD. I announce that the Senator from Michigan (Mr. PHILIP A. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Maine (Mr. HATHAWAY), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK) and the Senator from Kansas (Mr. DOLE) are necessarily absent.

I further announce that the Senator from Utah (Mr. GARN) is absent due to a death in the family.

The result was announced—yeas 47, nays 41, as follows:

[Rollcall Vote No. 531 Leg.]

YEAS—47

Allen	Fong	Randolph
Baker	Ford	Roth
Bartlett	Goldwater	Schweiker
Beall	Griffin	Scott, Hugh
Bellmon	Hansen	Scott, William L.
Bentsen	Hatfield	Stafford
Buckley	Helms	Stennis
Bumpers	Hruska	Stevens
Burdick	Johnston	Taft
Byrd, Harry F., Jr.	Laxalt	Talmadge
Byrd, Robert C.	McClellan	Thurmond
Chiles	McClure	Tower
Curtis	McIntyre	Weicker
Domenici	Morgan	Young
Eastland	Nunn	
Fannin	Pearson	
	Proxmire	

NAYS—41

Abourezk	Hart, Gary	Moss
Bayh	Haskell	Muskie
Biden	Hollings	Nelson
Brooke	Humphrey	Packwood
Cannon	Inouye	Pastore
Case	Jackson	Pell
Church	Javits	Percy
Clark	Kennedy	Ribicoff
Cranston	Leahy	Sparkman
Culver	Mansfield	Stevenson
Durkin	Mathias	Stone
Eagleton	McGee	Symington
Glenn	McGovern	Williams
Gravel	Metcalf	

NOT VOTING—12

Brock	Hartke	Magnuson
Dole	Hathaway	Mondale
Garn	Huddleston	Montoya
Hart, Philip A.	Long	Tunney

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Arizona, as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Michigan (Mr. PHILIP A. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Maine (Mr. HATHAWAY), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK), and the Senator from Kansas (Mr. DOLE) are necessarily absent.

I further announce that the Senator from Utah (Mr. GARN) is absent due to a death in the family.

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 532 Leg.]

YEAS—88

Abourezk	Ford	Muskie
Allen	Glenn	Nelson
Baker	Goldwater	Nunn
Bartlett	Gravel	Packwood
Bayh	Griffin	Pastore
Beall	Hansen	Pearson
Bellmon	Hart, Gary	Pell
Bentsen	Haskell	Percy
Biden	Hatfield	Proxmire
Brooke	Helms	Randolph
Buckley	Hollings	Ribicoff
Bumpers	Hruska	Roth
Burdick	Humphrey	Schweiker
Byrd, Harry F., Jr.	Inouye	Scott, Hugh
Byrd, Robert C.	Jackson	Scott, William L.
Cannon	Javits	Sparkman
Case	Johnston	Stafford
Chiles	Kennedy	Stennis
Church	Laxalt	Stevens
Clark	Leahy	Stevenson
Cranston	Mansfield	Stone
Culver	Mathias	Symington
Curtis	McClellan	Taft
Domenici	McClure	Talmadge
Durkin	McGee	Thurmond
Eagleton	McGovern	Tower
Eastland	McIntyre	Weicker
Fannin	Metcalf	Williams
Fong	Morgan	Young
	Moss	

NAYS—0

NOT VOTING—12

Brock	Hartke	Magnuson
Dole	Hathaway	Mondale
Garn	Huddleston	Montoya
Hart, Philip A.	Long	Tunney

So Mr. FANNIN's amendment (No. 2155, as modified) was agreed to.

Mr. FANNIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HANSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. FANNIN. Will the Senator from New York yield, Mr. President?

Mr. BUCKLEY. I yield.

Mr. FANNIN. I ask unanimous consent that clarifying language be inserted in the amendment just agreed to. It is just to add two words "specifically for" on line 14 at the end of "educational institution" and delete "undertaken in connection with."

The PRESIDING OFFICER (Mr. TOWER). Is there objection? The Chair hears none, and it is so ordered.

Mr. FANNIN. I thank the Chair and I thank the distinguished Senator from New York.

Mr. PELL. Mr. President, will the Senator yield to the majority leader?

Mr. BUCKLEY. I would be glad to yield, without losing my right to the floor.

VALENTYN MOROZ—SENATE RESOLUTION 67

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of Senate Resolution 67.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR ADJOURNMENT TO 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9 a.m. tomorrow.

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

NATIONAL PARK SYSTEM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1091, H.R. 13713.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

Calendar 1091, H.R. 13713, an act to provide for increases in appropriation ceilings and boundary changes in certain units of the National Park System, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments, as follows:

On page 2, line 18, strike "'$3,120,000'" and insert "'$3,462,000'";

On page 3, line 13, strike "'$145,000'" and insert "'$145,000';";

On page 3, beginning with line 15, insert the following:

(12) Canyonlands National Park, Utah: section 8 of the Act of September 12, 1964 (78 Stat. 934) as amended (85 Stat. 421) is further amended by changing $16,000 to $104,500; and

(13) Padre Island National Seashore, Texas: section 8 of the Act of September 28, 1962 (76 Stat. 650) is amended by changing $5,000,000 to $5,350,000.

On page 5, line 6, strike "'$3,850,000'." and insert "'$3,850,000';";

On page 5, beginning with line 8, insert the following:

(9) Channel Islands National Monument, California: paragraph (1) of section 201 of the Act of October 26, 1974 (88 Stat. 1445, 1446), is amended by changing "$2,936,000" to "$5,452,000"; and

(10) Nez Perce National Historical Park, Idaho: section 7 of the Act of May 15, 1965 (79 Stat. 110) is amended by changing "$1,337,000" to "$4,100,000".

On page 5, beginning with line 16, strike out through page 7, line 13, and insert in lieu thereof:

SEC. 301. The Act of September 21, 1965 (79 Stat. 824), as amended, providing for

the establishment of the Assateague Island National Seashore in the States of Maryland and Virginia, is further amended—

(a) by deleting section 7 in its entirety and substituting in lieu thereof the following:

"SEC. 7. The Secretary is authorized to undertake, in consultation with other interested Federal, State, local, and private agencies and interests, the development of a comprehensive plan for the lands and waters adjacent or related to the seashore, the use of which could reasonably be expected to influence the administration, use, and environmental quality of the seashore. Such plan shall set forth the most feasible and prudent methods for providing solid waste disposal, wetlands managements, development of visitor facilities, and other land uses all in a manner compatible with the preservation of the seashore. The Secretary may revise the plan from time to time, and he shall encourage Federal, State, local, and private agencies and interests to be guided thereby. Notwithstanding any other provision of law, no Federal loan, grant, license, or other form of assistance for any project which, in the opinion of the Secretary, would significantly affect the administration, use, and environmental quality of the seashore shall be made, issued, or approved by the head of any Federal agency without the concurrence of the Secretary unless such project is consistent with the plan developed pursuant to this section.";

(b) by deleting section 9 in its entirety and by renumbering accordingly.

On page 11, at the beginning of line 7, strike "151 91,001–B, and dated May 1976," and insert "151 91,001–C, and dated July 1976,";

On page 11, beginning with line 20, insert the following:

SEC. 308. (a) The Appomattox Court House National Historical Park shall hereafter comprise the area depicted on the map entitled "Boundary Map, Appomattox Court House National Historical Park", numbered 340–20,000, and dated November 1973, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may revise the boundaries of the park from time to time by publication of a revised map or other boundary description in the Federal Register, but its total acreage shall not exceed one thousand five hundred acres.

(b) Within the boundaries of the park, the Secretary may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange. Any lands or interests in lands owned by the State of Virginia or its political subdivisions may be acquired only by donation.

(c) The Secretary shall administer the park in accordance with the Acts of August 25, 1916 (39 Stat. 535), as amended and supplemented, and August 21, 1935 (49 Stat. 666) as amended.

(d) The Acts of June 18, 1930 (46 Stat. 777), August 13, 1935 (49 Stat. 613), and July 17, 1953 (67 Stat. 181), are repealed.

(e) There are authorized to be appropriated not to exceed $1,365,000 to carry out the purposes of this Act.

SEC. 309. (a) That the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange approximately four thousand two hundred and thirty-four acres comprising part of the Canada de Cochiti Grand adjacent to the southern boundary of Bandelier National Monument, New Mexico, and approximately three thousand and seventy-six acres containing the headwaters of the Rito de los Frijoles adjacent to the northwestern boundary for addition to the monument. Lands and interests therein owned by the State of New Mexico or any political subdivision thereof may be acquired only by donation or exchange.

(b) Lands and interests therein acquired pursuant to this Act shall thereupon become part of Bandelier National Monument and subject to all laws and regulations applicable thereto.

(c) There are hereby authorized to be appropriated not to exceed $1,463,000 for the acquisition of land.

SEC. 310. Section 7 of the Act of March 1, 1972 (86 Stat. 44) which establishes the Buffalo National River, is amended by deleting "For development of the national river, there are authorized to be appropriated not more than $283,000 in fiscal year 1974; $2,023,000 in fiscal year 1975; $3,643,000 in fiscal year 1976; $1,262,000 in fiscal year 1977; and $1,260,000 in fiscal year 1978. The sums appropriated each year shall remain available until expended." and inserting in lieu thereof "For development of the national river, there are authorized to be appropriated not to exceed $9,371,000.

SEC. 311. The Act of September 5, 1962 (76 Stat. 428) which designates the Edison National Historic Site, is amended (a) by deleting the words "accept the donation of" in section 2 and substituting the words "acquire, by donation, or purchase with donated or appropriated funds,"; and (b) by adding the following new section:

"SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $75,000 for acquisition of lands or interests therein, and $1,695,000 for development.".

SEC. 312. The Act of September 13, 1961 (75 Stat. 489), authorizing the establishment of the Fort Smith National Historic Site, Arkansas, is amended as follows:

(a) in section 1, after "adjoining" insert "or related" in the first sentence, and add the following after the second sentence: "The total area so designed for the purposes of this Act may not exceed seventy-five acres.";

(b) in section 2, change the colon at the end of the second sentence to a period and delete the remainder of the section (through the second proviso); and

(c) revise section 4 to read as follows:

"SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $1,719,000 for land acquisition and not to exceed $4,580,000 for the development of Fort Smith National Historic Site undertaken after the effective date of this section.".

SEC. 313. The Act of September 13, 1960 (74 Stat. 881) which designates and establishes that portion of the Hawaii National Park on the island of Maui, in the State of Hawaii, as the Haleakala National Park, is amended by adding the following new section:

"SEC. 2. (a) Notwithstanding any limitations on land acquisition as provided by the Act of June 20, 1938 (52 Stat. 781), the Secretary of the Interior may acquire for addition to the park any land on the island of Maui within the boundaries of the area generally depicted on the map entitled 'Haleakala National Park, Segment 03,' numbered 162–30,000–G, and dated May 1972, by donation, purchase with donated or appropriated funds, or exchange. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

"(b) There is authorized to be appropriated such sums but not to exceed $920,000 as may be necessary to carry out the purposes of this section.".

SEC. 314. The second sentence of subsection (e) of section 6 of the John F. Kennedy Center Act (72 Stat. 1698), as amended, is amended to read as follows: "There is authorized to be appropriated to carry out this subsection not to exceed $4,000,000 for the fiscal year ending September 30, 1978, and not to exceed $4,300,000 for the fiscal year ending September 30, 1979.".

SEC. 315. The Act of September 18, 1964 (78 Stat. 957), entitled "An Act to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes", as amended by the Act of October 26, 1974 (88 Stat. 1447), is amended by changing "465 acres" in both places in which it appears in the first section to "600 acres".

SEC. 316. The first sentence of section 15 of the Act of March 23, 1972 (86 Stat. 102; 16 U.S.C. 460z–13) which establishes the Oregon Dunes National Recreation Area, is hereby amended to read as follows: "There are hereby authorized to be appropriated for the acquisition of lands, waters, and interests therein such sums as are necessary, not to exceed $5,750,000.".

SEC. 317. The boundary of the Pecos National Monument is hereby revised to include the area as generally depicted on the map entitled "Boundary Map, Pecos National Monument, New Mexico", numbered 430–20017, and dated December 1975, which map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

SEC. 318. The boundary of Zion National Park is hereby revised to include the area as generally depicted on the map entitled "Land Ownership Types, Zion National Park, Utah", numbered 116–80,003, which map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior may acquire the property included by this section by donation only.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

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

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MOSS. Mr. President, will the Senator yield to me?

Mr. BUCKLEY. Mr. President, I will be glad to yield to the Senator from Utah without losing my right to the floor.

ELECTRIC AND HYBRID VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1976—CONFERENCE REPORT

Mr. MOSS. Mr. President, I submit a report of the committee of conference on H.R. 8800 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8800) to authorize in the Energy Research and Development Administration a Federal program of research, development, and demonstration designed to promote electric vehicle technologies and to demonstrate the commercial feasibility of electric vehicles, having met, after full and free conference, have agreed to recommend and do recom-

mend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the RECORD of July 22, 1976, beginning at page 23539.)

Mr. MOSS. Mr. President, today the Senate is to vote on the conference report on H.R. 8800, the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976. This legislation provides a comprehensive program of research, development, and demonstration to help us combat our deepening dependence on foreign sources of petroleum, reduce the consequent significant drain on our balance of payments, and thereby contribute to a greater freedom of action for our foreign policy.

The need for this legislation is clear. The United States is now forced to import approximately 40 percent of our oil—more than 30 percent of it from the Middle East. Furthermore, our dependence on foreign oil has been projected to reach 50 percent as early as 1977. To avoid subjecting ourselves to the threat of energy blackmail, we must take forceful and rapid action to limit this accelerating dependence.

Transportation is clearly a critical sector if we wish to combat this growing energy dependence. The automobile is this Nation's single largest end user of petroleum and accounts for nearly 40 percent of the present petroleum consumption in the United States. This represents approximately 6.3 million barrels of oil a day, an amount almost equal to our present oil imports.

Research, development, and demonstration of electric and hybrid vehicles can greatly assist us in meeting this challenge. Electric vehicles can provide the public with quiet nonpolluting vehicles, which are not dependent on petroleum fuels. The electric vehicle which can utilize more abundant and virtually inexhaustible domestic supplies of energy, including solar, hydro, coal, geothermal, nuclear, wind, and tidal power to generate its electricity, offers the potential of reducing our transportation fleet's petroleum dependence by hundreds of millions of barrels a year. Reducing the amount of petroleum consumed by our motor vehicle fleet would limit the need to import petroleum from overeas.

The potential savings in foreign payments are significant. A study by the Argonne National Laboratory conservatively estimated that—

> The development of economically competitive electric automobiles would reduce the demand for oil and, thus the need for oil imports. Introduction of electric cars by about 1985 and the gradual build up to a total of 18 million cars on the road by the year 2000 would result in a cumulative savings of petroleum of 1.3 billion barrels.

Even at today's price of $13 per barrel of imported oil, such a reduction corresponds to a cumulative savings in foreign payments of $16.9 billion.

If we act forcefully, electric and hybrid vehicle technology can begin to have an impact, not in the distant future, but within the next few years.

A 1975 study carried out by the General Research Corp. for the Environmental Protection Agency on potential electric vehicle use in the Los Angeles region concluded:

> Electric car range and performance can be adequate for substantial urban use. Even limited range, lead-acid battery cars could replace a million second cars in the Los Angeles area in 1980 (17% of all area cars) at little sacrifice in typical driving patterns.

Furthermore, it has been estimated that the range and performance of electric vehicles could double or triple within a few years if both battery research and development and improvement in electric and hybrid vehicle configurations receive adequate emphasis.

It is important to note that the conference report focuses on the development of electric and hybrid vehicles that will be able to capture a significant portion of the so-called second car and short-haul commercial vehicle market. This fleet is a major part of our transportation system. More than 28 percent of all households in the United States own two or more cars. More than 5 perpent of such households own three or more cars. Thus, almost 28 million cars on the road today fall within the second- or third-car category. Milk vans, post office delivery trucks, and many other short-haul commercial fleet vehicles also could successfully utilize electric and hybrid vehicle technology.

The conference report provides a two-part program to facilitate the development and demonstration of such vehicles. The first part of this program will comprise a major research and development program within the Energy Research and Development Administration focused on advanced battery development and improvements in vehicles design. Dr. Austin Heller, Assistant Administrator for Conservation of the Energy Research and Development Administration, estimated in the hearings carried out by the Senate Commerce Committee this year that up to "$150 million" could be usefully expended in battery research and development over a 5-year period by ERDA.

The second part of the program is devoted to a three-step demonstration of electric and hybrid vehicles. This demonstration program will provide the Government, the public, and industry with the baseline data necessary to evaluate electric vehicles. Within 21 months of enactment, the Administrator shall contract to purchase or lease 2,500 electric or hybrid vehicles with delivery of such vehicles to be completed within 39 months of enactment. These vehicles are to represent the best state-of-the-art of electric and hybrid vehicles at that time and meet the performance standards prescribed by the Administrator, which specify minimum performance levels for such vehicles.

Within 54 months of enactment, the Administrator shall complete the final contracts under the act to purchase or lease 5,000 advanced electric or hybrid vehicles. Delivery of such vehicles are to be completed within 72 months of enactment. The act defines electric or hybrid vehicles as vehicles which minimize the total amount of energy to be consumed during fabrication, operation, disposal, and which represent a substantial improvement over existing electric or hybrid vehicles with respect to the total amount of energy so consumed. Such vehicles also must be capable of being produced and operated at a cost and in a manner which is sufficiently competitive to enable their production and sale in numbers representing a reasonable proportion of the market. These vehicles must also meet any safety, damageability, or other Federal requirements.

The conference report provides the Administrator of ERDA with a great deal of flexibility in order to assure that the demonstration project will provide the Government, industry, and the public the best possible data to evaluate the potential of electric and hybrid vehicles. For example, the Administrator may accelerate various phases of the project in order to provide more time for other aspects, although the conference report contains outside deadlines for the performance of various activities under the act. Also in the final contracting phase, the Administrator may lengthen the final delivery period for up to 6 months, if he finds that such an extension will lead to the delivery of advanced vehicles that would otherwise not be available.

Through the setting of performance standards, the Administrator of the Energy Research and Development Administration, is provided with sufficient flexibility to assure that only "top quality" vehicles will be purchased or leased under the act. In contracting for the purchase or lease of electric or hybrid vehicles, the Administrator of ERDA, is directed to see that a cross section of the available technologies and the various types of uses of such vehicles are represented. A sufficient number of each type of vehicle will be bought to provide adequate information as to such vehicles performance characteristics. However, if the Administrator believes that particular types of vehicles, or a particular use, of such vehicles appears particularly promising—for example, for fleet applications—then the Administrator can emphasize the purchase of such vehicles.

The Administrator is also directed to assure the gathering of adequate data in the demonstration project, while at the same time, protecting private industry from unnecessary displacement of vehicles which otherwise would have been purchased privately in the United States. The conference report sets a floor and a ceiling for the number of vehicles to be contracted to be purchased or leased under the act. The Administrator shall choose the number of vehicles that shall actually be demonstrated by balancing the purposes of the demonstration project while attempting to minimize displacing of the purchase of electric and hybrid vehicles in the private sector.

Just as the Administrator is given wide discretion in the contracting aspects of the project, he also has wide flexibility in directing the course of the research and development project. The conference report, however, identifies certain areas as essential to the success of the project. Foremost among those is battery research. In order to carry out this purpose, the authorizations specify that $10 million will be expended on battery re-

search and development during the first year of the project.

Mr. President, it is my strong conviction that only such a program of Federal research, development, and demonstration has any hope of rapidly accelerating acceptance of this useful technology, and I strongly urge my colleagues to join me in support of the conference report.

Mr. President, this conference report has been fully cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

APPOINTMENT OF ADDITIONAL CONFEREE—H.R. 8603

Mr. McGEE. Mr. President, I ask unanimous consent that the name of the Senator from Oklahoma (Mr. BELLMON) be added as a conferee with the House on the postal compromise bill.

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

Mr. McGEE. I yield back the remainder of my time.

EDUCATION AMENDMENTS OF 1976

The Senate continued with the consideration of the bill (S. 2657) to extend the Higher Education Act of 1965, to extend and revise the Vocational Education Act of 1963, and for other purposes.

Mr. BUCKLEY. Mr. President, I understand the Senator from Maryland (Mr. BEALL) has two small amendments that the managers will agree to, and I ask unanimous consent to be able to yield to him for the purpose of proposing those amendments, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Maryland is recognized.

Mr. BEALL. Mr. President, I ask unanimous consent that Ann Colgrove of Senator PACKWOOD's staff, Hazel Elbert of Senator BARTLETT's staff, and Caroleen Silver of Senator DOMENICI's staff, be granted the privileges of the floor during the debate on this bill.

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

Mr. BEALL. I thank the Senator from New York for yielding. This will not take very long.

UP AMENDMENT NO. 377

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The second assistant legislative clerk read as follows:

The Senator from Maryland (Mr. BEALL) proposes unprinted amendment No. 377.

Mr. BEALL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 194, between lines 3 and 4, add the following new paragraph:

"(b)(1) Section 721(a) of the Act is amended by inserting "(1)" immediately after "(a)" and by adding the following new paragraph:

"(2) The Secretary is authorized to make grants to or enter into contracts with institutions of higher education for the construction of facilities for model intercultural programs designed to integrate the educational requirements of substantive knowledge and language proficiency."

On page 194, line 4, strike "(b)" and insert in lieu thereof "(2)".

On page 315, beginning on line 19, strike all following "SEC. 304." to the end of line 2, on page 316.

On page 316, line 3, strike "(b)".

Mr. BEALL. The committee adopted an amendment offered by me permitting the use of title VI of the National Defense Education Act, which provides for language in area studies, for the construction of facilities for model intercultural programs designed to integrate the education requirements of substantive knowledge and language proficiency.

Upon reflection and discussion with the education community and some Members of the House, we have decided that this proposal more appropriately belongs in section 721, a section which authorizes grants for the construction of graduate academic facilities.

This amendment is identical to language adopted by the committee. Its effect is merely to transfer the language from title VI of the National Defense Education Act to the more appropriate graduate facilities construction section.

Mr. President, I urge the adoption of this amendment.

I have talked this matter over with the manager of the bill, and I understand there is no objection to the amendment.

Mr. PELL. That is correct. While I was unenthusiastic about the original amendment, it was accepted, and the logical place for it is where the Senator from Maryland now suggests that it should be, so I have no objection. I yield back the remainder of my time.

Mr. BEALL. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

UP AMENDMENT NO. 378

Mr. BEALL. Mr. President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Maryland (Mr. BEALL) proposes an unprinted amendment No. 378.

The amendment is as follows:

On page 346, following line 24, add the following new section:

"SEC. .Notwithstanding any other provision of law, the Secretary is authorized by contract or otherwise to establish, equip and operate a day care center facility for the purpose of serving children who are members of households of employees of the Department. The Secretary is authorized to establish or provide for the establishment of appropriate fees and charges to be chargeable against the Department of Health, Education and Welfare employees or others who are beneficiaries of services provided by such facilities to pay for the cost of their operation and to accept money, equipment or other property donated for use in connection with the facilities."

Mr. BEALL. Mr. President, the need for this amendment was called to my attention as the result of the efforts of HEW's employees at Parklawn to have a day care center. In this case, space is available to the employees for a day care facility, but under an existing interpretation, HEW lacks—or has inadequate authority to address this and similar situations which the Department has confronted.

I initially became involved in the Parklawn situation when I assisted the Parklawn Day Care Foundation, an employee organization, in securing permission from GSA to establish a day care center for them. However, one of the conditions of GSA's permission was that alterations to be accomplished by GSA would be done on a reimburseable basis. HEW has refused—because they do not have specific enabling statutory authority to do so—to pass renovation money from the Foundation to GSA so that the required renovation could proceed. A similar situation arose at the Department of Housing and Urban Development and the Senate amended the Housing Amendments of 1976 to provide HUD with the needed authority. This is now Public Law 94-375.

The amendment I am proposing tracks the HUD language with one additon. My amendment would make it clear that HEW could accept donations—either money, equipment or other property—for use in such child care facilities. I would emphasize this amendment does not require the Department to establish day care centers. It is permissive. And, further, it—like the HUD-passed provision—authorizes the Secretary to provide for or establish appropriate fees and charges for the operation.

Mr. President, when employees band together in recogniton of their need for child care services and the Government cannot accept the money they wish to donate for the purpose of renovating a facility to make this child care center possible, it is no wonder our citizens shake their heads in amazement as they try to fathom governmental action or inaction. This group has been confronted with unbelievable roadblocks in trying to bring into being a child care center. The obstacles can be removed by providing—as the amendment does—HEW with the same authority as was given to HUD earlier.

Mr. President, I want to pay particular tribute to the work of my House colleague, Congressman GUDE, for his efforts to resolve this problem.

I urge the enactment of this amendment.

Simply, Mr. President, this is an amendment that would give HEW the needed authority. It will help clarify the situation that has arisen at Parklawn, but elsewhere at HEW.

I have talked this over with the managers of the bill and I understand there is no objection.

Mr. JAVITS. The amendment is satisfactory.

Mr. PELL. There is no objection to the amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Maryland yield back his time?

Mr. BEALL. Mr. President, I thank the managers of the bill for their cooperation and favorable consideration and I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time has been yielded back. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

Mr. PELL. Mr. President, I ask unanimous consent that Conway Collis be granted privilege of the floor during the debate.

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

UP AMENDMENT NO. 379

Mr. BUCKLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from New York (Mr. BUCKLEY) proposes an unprinted amendment numbered 379.

The amendment is as follows:

On page 337, between lines 14 and 15, insert the following new section:

SEC. 406. Section 440 of the General Education Provision Act is amended by inserting "(a)" immediately after "SEC. 440" and adding at the end thereof the following new subsection:

"(b)(1) Subject to paragraph (2), the extension of Federal funds to a State or local educational agency or institution of higher education, community college, school, agency offering a preschool program or other educational institution through grant, loan, contract, student assistance or any other programs may not be deferred by the Secretary before according such State or local educational agency or institution of higher education, community college, school, agency offering a preschool program or other educational institution the right of due process of law, which shall include

(i) a detailed written notice to the recipient that it is in noncompliance with a specific provision of Federal law,

(ii) a hearing before a duly appointed administrative law judge within a 60-day period from the receipt of notification of non-compliance, and

(iii) a determination by the administrative law judge based on evidence taken from all parties that such recipient is in noncompliance with the specific provision of Federal law as indicated in the notice as herein provided,

except that this provision shall not apply to part B of Title IV of the Higher Education Act of 1965 (20 U.S.C. 1071–82)."

"(2) Notwithstanding any other provision of this subsection the Secretary may defer assistance to any educational agency or institution if the Secretary determines that such agency, institution, or school, after being given notice of an opportunity for a hearing, has, without good cause, purposely delayed the commencement or conclusion of such a hearing.

Any determination made under this subparagraph may not be delegated.

"(3) In any proceeding brought pursuant to the provisions of this subsection to defer financial assistance, the administrative law judge, as part of his decision, may make suitable arrangements for an escrow of the funds subject to the deferral and may order the administrative head responsible for the application made by that agency or institution to place any such new awarding of financial assistance in escrow, as warranted. Such escrow of funds shall only occur if an administrative review of the initial administrative judgment of compliance or noncompliance is sought, and such escrow shall not continue beyond the exhaustion of administrative remedies within the Department.

"(4) The Secretary shall provide written notice to the Congress of any determinations made by him under paragraph (2) of this subsection".

On page 101, in the Table of Contents, after item "Sec. 405." insert the following new item:

"Sec. 406. Administrative due process.".

Mr. BUCKLEY. Mr. President, this amendment is virtually identical with amendment No. 2196, my due process amendment.

The amendment had some modifications inserted to meet certain objections that had been raised since the original introduction.

Mr. President, I ask unanimous consent that the Senator from Texas (Mr. TOWER) and the Senator from Idaho (Mr. MCCLURE) be named as cosponsors.

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

Mr. BUCKLEY. Mr. President, the change that was inserted was to provide 60 days within which the administrative hearing had to take place. There were those who feared that requiring a hearing, an administrative determination of whether or not a school was in violation of Federal law, might open the door to extensive delays in determining whether or not HEW would be entitled to this.

My amendment simply introduces the principle of due process into the procedure by which HEW may defer or withhold funds that a given school or college is otherwise entitled to on a simple finding by a functionary of HEW that that institution is in violation of Federal law.

What my amendment does is make it mandatory that before there can be such a suspension, the school have an opportunity to appear before an administrative judge in an expeditious proceeding in order that there may be a determination as to whether or not a violation, in fact, exists. Only then is HEW entitled to defer funding.

Many people, as I mentioned earlier, are concerned that the due process amendment would result in a long drawn-out battle. This will not happen, as the amendment that I have now submitted requires that a hearing be held within 60 days.

It has also been alleged that the due process amendment would require HEW to approve all new applications for funding, even in cases where the applicant was not in compliance with Federal law.

This would not happen, as the process of deferral refers to situations in which an institution is already receiving Federal funds.

Mr. President, this amendment effectively addresses itself to the questions raised by those who have been concerned over the impact of these proposed changes in existing practice.

It should now be clear that this amendment will accomplish one thing. It will afford the schools and colleges the benefits of due process which are currently enjoyed by private citizens.

I urge the adoption of this commonsense amendment. I point out that it has the support of the National School Board Association.

Mr. BEALL. Mr. President, will the Senator yield?

Mr. BUCKLEY. I am glad to yield.

The PRESIDING OFFICER. Who yields time?

Mr. BUCKLEY. I yield such time as the Senator wishes.

Mr. BEALL. Mr. President, if I understand the Senator's amendment correctly, he has eliminated the concerns expressed by some about the Eshleman amendment in the House.

Mr. BUCKLEY. Correct.

Mr. BEALL. By establishing a procedure that provides fair play and due process to an education agency or institution while at the same time assure that such agencies do not unreasonably drag out the hearing process and prevent a decision.

I believe the concurring opinion of Judge Skelton in the *Palm Beach* case, 415 F. 2d 1201, decided in 1969 stated the case for this amendment and, as a matter of fact, seems to beg Congress to change the system it created.

I ask unanimous consent that this opinion be inserted at this point in the RECORD.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

Skelton, Judge (concurring):

I concur in the opinion in this case but I do so only because existing law leaves me no other choice. I take advantage of this opportunity to record the reasons for my reluctance.

It is my belief that a system which authorizes a government official in Washington, in his sole discretion, to cut off funds to a local school district under the guise of a "deferral", without a prior hearing and determination of the merits of the matter, contravenes the fudamental principles upon which this federal republic was founded. It is true that under the Fountain Amendment to the Civil Rights Act of 1964 (42 U.S.C. § 2000d–5 (Supp. III, 1965–1967)), a hearing must be held, after notice, within sixty days of the notice and the deferral cannot continue more than thirty days after the hearing unless there is a finding of non-compliance at the hearing. At first blush, this would appear to protect the rights of the school district involved. As a practical matter it does not, for the system produces contrary results in most cases. It is generally a foregone conclusion that the decision of the examiner at the hearing will go against the school district in the overwhelming majority if not all, of the cases. It would take an independent examiner, indeed, who would decide in favor of a school district when he knows that for all practical purposes Washington has already made a decision against the school district when it issued the deferral notice. Consequently, in most cases, the hearing is just a formality for the purpose of making a record on which the district can appeal if it desires to do so. In the event of an appeal by the district, the deferral remains in effect until the district exhausts its administrative remedies and while the case is in court. This could take from one to two years, or more. During this time, the funds of the district are cut off. This means, for all practical purposes, the district

has been denied these funds during this period.

To put it another way, the school children of the district have been denied the funds during the pendency of the case. A period of from one to two years or more taken out of the lives of these school children is gone forever, especially for those who finish school during the time in question. The benefits they would have received from the funds thus denied them during this period can never be restored to them. Therefore, the so-called "deferral" is really a denial during the pendency of the proceedings.

Furthermore, the withholding of funds by the government has the appearance of punishment or penalty against the trustees of the school district and the adults living in the district because they have not complied with orders issued from HEW in Washington. The sad part about it is that the denial of funds does not punish the trustees or the adults, because they are not in school. The punishment and deprivation is inflicted on the school children themselves. They are the ones who suffer.

The cutting off of funds from school districts by the HEW is done on the theory that it will help children of minority races in such districts. As a matter of fact, in many cases, when this action is taken, the resulting hardships and deprivations fall on the children of the minority races. Their parents are not financially able to supply the teachers, buildings, and programs which the withheld funds would have supplied, whereas, the more affluent parents of children of the white race may be able to supply them without government help. So, in many cases, the program hurts the very children it was designed to help.

This is the system Congress has created. The courts are powerless to do anything about it. Until Congress sees fit to change it, we will have to live with it.

Mr. BEALL. I think we all want to make sure that there is due process provided in order to protect the Nation's school systems and its educational institutions. Actually, the beneficiaries of an amendment of this sort will be the children and the students in the school system.

We do not want them put upon by people at the Federal level on the basis of some allegation, which unproven, may nevertheless result in school boards losing financial assistance which they might otherwise receive.

The Senator from New York has drawn a revised amendment. Such amendment eliminates the concerns expressed by those who were upset with the original Eshleman amendment, and who feared it would set back civil rights.

However all Buckley, as modified, provides is an orderly procedure for a fair airing of the allegation and a decision on the merits before funds may be deferred.

Mr. BUCKLEY. Correct.

Mr. BEALL. Mr. President, I ask that my name be included as a cosponsor of the amendment.

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

Mr. BUCKLEY. Mr. President, I also ask unanimous consent that the Senator from South Carolina (Mr. THURMOND) be added as a cosponsor.

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

Who yields time?

Mr. PELL. Mr. President, I have studied and followed this amendment. I recognize the concern that motivates the junior Senator from New York in offering it.

I think that if we embark on this procedure, where the onus is being taken from changing the procedure in order to receive the Federal funds to a procedure which can be stretched out as long as is possible to avoid the withdrawal of the funds, one will find the end result may well be the same. However, the incentive will be to extend the process over a period of months or years in order that the additional funds may go on, while violations of the law continue to exist.

For that reason, I will be compelled to oppose the amendment.

Mr. BUCKLEY. Mr. President, I would like to point out that the language contained in the amendment I sent to the desk states:

A hearing before a duly appointed administrative law judge within a 60-day period from the receipt of notification of noncompliance, and requires a determination by the administrative law judge based on evidence taken from all parties that such recipient is in noncompliance with the specific provision.

It seems to me that the provision makes sure that we have a very timely adjudication, and perhaps we will find we will accelerate the settlement of the quarrels that go on in every State between a particular functionary of HEW that may or may not be correct in his understanding of the facts in the given situation.

I suggest, as the Senator from Maryland has indicated, that this provision, the due process amendment with the safeguards, will benefit the children who need the help most.

As was pointed out in a letter from the National School Board Association:

Most often deferrals denied funds for programs serve those children in greatest need of special Federal assistance, such as the educationally disadvantaged, the handicapped, the racially isolated and the many linguistic minorities.

These, Mr. President, are the people who are most often adversely affected by the present system, which allows the arbitrary termination of funds that a school district is entitled to until found guilty.

Mr. President, I do not know if anyone else wishes to speak to this amendment. If not, I am willing to yield back the remainder of my time.

Mr. BEALL. Mr. President, I might say I had some concerns similar to those expressed by the Senator from Rhode Island. I think the new Buckley amendment speaks directly to those concerns.

The concern was expressed that under the original amendment there was no time limit and the process would drag on interminably. The current amendment of the Senator from New York has taken care of that objection.

There was concern that noncooperative educational institutions receiving assistance could delay the process for their own purpose. The Senator has spoken to that.

Finally, a concern that such an amendment would impair the enforcement ability of the Office of Civil Rights. I think it is clear that there is no effort or desire to impair the enforcement ability of the Office of Civil Rights. The amendment in my judgment will advance civil rights by expediting the process and extend to school districts basic due process procedures which are fundamental to our Nation.

Therefore, I think the objections raised by the Senator from Rhode Island are covered by the revised Buckley amendment.

Mr. JAVITS. Mr. President, I yield myself such time on the amendment as I may require.

First let me say that I concur with Senator PELL. I think this is not a desirable amendment from the point of view of those who want to cling to whatever vestiges there remain of due process in respect of discrimination in the educational process.

The purpose of deferral is that it discourages recipients who have been notified of the determination of noncompliance with the nondiscrimination statutes from unduly delaying the commencement of a hearing on that particular subject. Without that inducement, recipients could delay a hearing indefinitely without being in any way disadvantaged in the receipt of Federal funds.

The possibility of a deferral tends to encourage recipients to enter into more meaningful negotiations than would be the case if they simply could delay any adverse action for an extended period of time. The deferral preserves the status quo during the course of the proceedings.

Let me point out that the Senator from New York in his amendment seeks a hearing within 60 days, but there is no way that he has, and no way he could provide, when the hearing should end or when the subsequent proceedings should end. Our history in civil rights cases has been that they tend to take years, not weeks and not months. So while I understand the purpose of the amendment—and it has a nice label on it, that it seeks to afford a hearing—the fact is that it will frustrate enforcement of the law, and the fact is that it will string it out for years.

Mr. BUCKLEY. Will the Senator yield?

Mr. JAVITS. Not yet, if I may complete my argument.

Any competent lawyer, once he starts on the route where a recipient gets the funds from a Federal Government and this goes on and on and on, has every inducement for going on and on himself.

There is now a current limitation on the department which was contained in the Fountain amendment, which prohibits the department from deferring funds under certain specified elementary and secondary program statutes for a period of more than 60 days unless the time is extended by mutual consent of the recipient and the department for the purpose of holding a hearing. The deferral may then extend for an additional 30 days for the rendering of a decision. If the decision is in favor of the recipient, the deferral is lifted. If the decision is adverse to the recipient, the deferral is lifted. If the decision is adverse to the recipient, the deferral continues and the determination process, including appeals, occurs.

Thus, the effect of this amendment, which is being proposed by the Senator

from New York, by establishing an absolute prohibition of deferral, is to discourage and retard and abort that process. After all, under the Fountain amendment, the only thing that deferral can force is an early hearing. That is a 60-day proposition. It seems to me that that is desirable and necessary in order to adequately enforce the law, and that this amendment should therefore not be adopted.

Mr. TOWER. Will the Senator yield me 4 minutes?

Mr. BUCKLEY. I yield.

Mr. TOWER. Mr. President, I have joined Senator BUCKLEY as a cosponsor of this amendment because I think it provides a fair and logical solution to a problem which has become distressingly prevalent in our school districts. Contrary to certain criticism, it will not obstruct the intent of the Civil Rights Act. Instead it will expedite the administrative procedures already attendant on compliance with the civil rights laws and will relieve school districts of the disruptions that presently occur as a result of existing procedure.

Amendment No. 2196 would simply require a hearing on alleged violations of Federal law, conducted by an administrative law judge, before Federal funds to educational institutions could be withheld. The point is that a school district will be presumed innocent until proven guilty. It is a courtesy extended to every student on the verge of being expelled, to every teacher being considered for dismissal, and to every citizen and group within the country confronting an accusation in our courts. There is no justification for depriving our school systems of the opportunity for a fair hearing as well.

If this amendment is passed, it will actually expedite the investigations into a possible case of noncompliance which have been known to extend over 8 years. It will end the unnecessary budgetary and hiring disruptions for school districts that occur in spite of a subsequent finding that the district has been falsely accused. It will relieve the special hardship that an accusation of noncompliance creates for the type of student most in need of Federal assistance—the educationally disadvantaged, the handicapped, the racially isolated, and the linguistic minorities. No good purpose can be served by a highly punitive action when a reasonable approach would be just as effective.

It is always easier to see the value of such legislation by illustration of a specific example, and I have several such in Texas. One case in particular, however, illuminates the value of this amendment.

Texas has received substantial funding through the Emergency School Aid Assistance Act, which is intended to facilitate the desegregation process. In order to receive funds, a school district must submit a plan for desegregation and the application of assistance which is acceptable to HEW. The school district in question had to revise its program in order to satisfy requirements, and this it did very expeditiously. The administrative delay in approving this revised program means that funds will not be made available until the middle of September.

However, school started on August 16. Teachers have been employed, and programs have been pursued which will not begin to be paid for until September. There is no way that funding will be made retroactive to the beginning of the school year.

The school district is understandably upset. Teachers may quit work until they can draw salaries, and some will probably seek employment elsewhere. The school board is so upset that members are determined at the moment not to participate in the program again—which will only be to the detriment of the students and the desegregation effort. Since the school district had been substantially funded by ESAA in years past, this amendment would probably make it possible for this and other districts in a similar plight to continue to receive the assistance previously allowed while programs were brought into compliance. In this case as in so many others, the district has approached its obligation toward civil rights with goodwill and a genuine effort in behalf of the students affected. There is no reason why it should become discouraged and frustrated when a fair alternative to the present harsh reality is so readily available on the floor of the Senate.

I commend my good friend from New York (Mr. BUCKLEY) for having taken the initiative in this matter, and I urge the Senate to support it.

Mr. BUCKLEY. Mr. President, I yield myself such time as I will utilize.

I thank my friend from Texas for his support and for providing such a graphic example of the kind of fact situation to which this amendment is addressed.

It is not a revolutionary concept to assume that a party is innocent until proven and found guilty. This is essential to our whole attitude to the law and application to the law. Nor do I understand that this country has ever committed itself to the doctrine of the divine infallability of bureaucrats.

We are talking about the welfare of children, the welfare of teachers, and the continuity of education.

But my distinguished senior colleague did suggest that even though my amendment provides for an expeditious initiation of the hearing process, any competent lawyer could drag it out indefinitely. I have tried to anticipate that objection through the second section of my amendment, which reads as follows:

> Notwithstanding any other provision of this subsection the Secretary may defer assistance to any educational agency or institution if the Secretary determines that such agency, institution, or school, after being given notice of an opportunity for a hearing, has, without good cause, purposely delayed the commencement or conclusion of such a hearing.

I believe this is more than bending over backward to insure that a school cannot prolong the proceeding indefinitely while collecting Federal funds.

Mr. President, I think that the size of this issue is well enough understood.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. DOMENICI). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BUCKLEY. I ask unanimous consent that Messrs. Todd Culbertson and Bill Griffin of my staff be accorded the privilege of the floor during the remainder of the debate and the rollcalls on this bill.

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

Mr. JAVITS. Mr. President, I yield myself such time as I may require on the amendment.

Mr. President, the section to which Senator BUCKLEY has referred reads as follows:

> Notwithstanding any other provision of this subsection the Secretary may defer assistance to any educational agency or institution if the Secretary determines that such agency, institution, or school, after being given notice of an opportunity for a hearing, has, without good cause, purposely delayed the commencement or conclusion of such a hearing.

The difficulty with that section is twofold: One, the determination of the Secretary is itself reviewable because it is a determination; hence, the deferral is not effective until that question as to whether he has been capricious, arbitrary, or otherwise has not obeyed administrative regulations or provisions of law regarding such a detemination, has been dealt with.

There has been plenty of opportunity to spin things out. In addition, as to a hearing before an administrative judge and the conclusion that hearing can have, if I were the Secretary, notwithstanding my deep convictions on the questions of nondiscrimination, and I were given a list of 100, 200, or 500 witnesses, I could not very well make a determination, unless I really had more than you have in any given case, that they do not have the right to call witnesses to try and prove their case. They do. Therefore, that could just go on and on, and does in all of these agencies.

What strikes me very strongly is this: What the Senator from New York, my colleague, is trying to give is an injunction pendente lite. That is what he is trying to give—an injunction pendente lite without getting one. It is absolutely hornbook law that if you owe x $100 and you have a counterclaim against x, you do not pay him the $100. This goes to the contrary of every tenet of law. If you owe him $100, even though you contest whether you really do, you have to continue to pay it. There is no due process in that. That is just an effort to stand the law on its head and to delay the day when the school district can be called to account. That is what this is all about. It is all dressed up with due process and a hearing, et cetera.

But the fundamental proposition is to ease up on the school district that is charged with discrimination, and remember it has to be de jure discrimination. It has to be actual legal discrimination in respect of these activities.

It seems to me, Mr. President, that this is not only a step backward but it is really a nullification effort. The fact it is dressed up with words of due process—we are far more sophisticated around here than that—does not save it.

Therefore, Mr. President, I deeply feel that this amendment should be rejected.

Mr. ROBERT C. BYRD and Mr. TAFT addressed the Chair.

Mr. TAFT. Will the Senator yield for a question?

Mr. ROBERT C. BYRD. Will the Senator allow me to get one request in?

Mr. TAFT. Yes.

ORDER FOR APPOINTMENT OF A CONFEREE

Mr. ROBERT C. BYRD. Mr. President, at the request of Mr. MCCLELLAN, I ask unanimous consent that the junior Senator from Florida (Mr. CHILES), be appointed a conferee on the Defense appropriation bill for fiscal year 1977.

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

Mr. ROBERT C. BYRD. I thank the Senator.

EDUCATION AMENDENTS OF 1976

The Senate continued with the consideration of the bill (S. 2657) to extend the Higher Education Act of 1965, to extend and revise the Vocational Education Act of 1963, and for other purposes.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. TAFT. I wish the Senator from New York to explain a little to me what happens if we have a determination by an administrative law judge that there has been discrimination and funds ought to be cut off and the case is then appealed. What happens to the funds at that point if there is an appeal taken from the ruling of the administrative law judge?

Mr. BUCKLEY. As I understand my amendment, immediately upon the finding of the judge, the HEW is entitled to withhold the funds.

Mr. TAFT. Does the Senator mean there is no withholding until the finding is made?

Mr. McCLURE. That is correct.

Mr. TAFT. If the finding is made, then what happens?

Mr. BUCKLEY. Then the Secretary may withhold funds.

Mr. TAFT. Suppose there is appeal from that?

Mr. BUCKLEY. The funds are withheld pending the outcome of the appeal.

Mr. TAFT. It is the intention to allow those funds to be paid so long as the appeal has not become final or the order has not become final; is that correct?

Mr. BUCKLEY. I believe the language is quite clear that this inhibition on the Secretary exists only until the administrative judge has issued his decision in the case.

Mr. TAFT. The point I was making is this: In this proceeding if there is an affirmative finding by the administrative law judge, and then this proceeding is appealed, it can go through the courts for 2 or 3 more years on appeal procedures, briefs, arguments, and the like, and during that entire period the local school board is cut off from receiving any funds under the act.

Mr. BUCKLEY. That is right.

Mr. BEALL. Mr. President, will the Senator yield?

Mr. TAFT. I thank the Senator. I yield.

Mr. BEALL. It should be pointed out we are talking about a rather narrow area here; we are not talking about ongoing funds. We are talking about new funds to which the school district might be entitled. The HEW, I understand, never defers the granting of funds that the local agency has already been receiving, without a hearing. That would be a termination and a hearing is required. They only defer those funds to which they may be entitled that are new funds.

So under the Buckley-Beall proposal, deferral of new funds could not take place until after the decision had been made by the administrative law judge, as I understand it, and if an appeal is then taken the funds could be deferred during the appeal process.

Mr. TAFT. If the Senator will elaborate further on that, by new funds does he mean funds due for the next year or any funds due for the next year, or just funds new for a program?

Mr. BEALL. I mean new application or new programs or new authorization.

Mr. TAFT. Is a new application made each year for each program?

Mr. BEALL. Although I have received different answers to this point, the answer appears to be no, except to the extent the new application would be for fund in excess of the previous year.

Mr. TAFT. What would happen with the funds that already are being withheld at the present time due to the failure of a school to implement a busing plan that previously had been passed by a prior school board?

Mr. BUCKLEY. The funds have to be resumed, pending a hearing.

Mr. TAFT. A new hearing, where a hearing already had occurred?

Mr. BUCKLEY. If there has been a determination, there is no problem. If there is a determination after a hearing that the school is in violation, then there is no obligation on the part of HEW to fund.

Mr. TAFT. I thank the Senator.

Mr. BUCKLEY. Mr. President, I am prepared to yield back my time, but I wish to read one paragraph of the letter I received from the National School Board Association. I think it puts the entire amendment in context:

> Specifically, the Buckley amendment would require HEW officials to conduct a hearing *prior* to deferring (i.e., curtailing) a school system's funding for violations that federal officials *alleged* have taken place. It is our view that requiring such hearings will expedite investigations involving possible violations of federal law. Some such investigations have already extended over eight years. In addition, the hearing requirement will end the unnecessary budgetary and hiring disruptions for school districts subsequently found to be in compliance with the law. While deferrals apply only to new federal assistance, a cut-off of funds for continuing and previously approved programs requires a separate termination procedure—which does require a hearing. Thus hearings are legislatively required prior to termination but, in the absence of a legislative definition of deferral, HEW officials maintain that no hearing is required in the closely related deferral practice.

Mr. President, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield back his time?

Mr. PELL. The Senator from Massachusetts wishes to make a statement.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. BROOKE. Mr. President, I thank the Senator from Rhode Island.

Mr. President, I oppose this amendment. Although clothed in the appealing language of the Constitution, the amendment, if adopted, would hamper the achievement of equal rights for all our citizens. It would make even more difficult the already cumbersome process of making sure that Federal funds do not subsidize discrimination in our educational institutions, and, in fact, would put the Federal Government in the position of increasing its funding of such institutions even as they continue to discriminate.

Mr. President, this amendment is based on misinformation about the present nature of civil rights enforcement by HEW. Its sponsors would have us believe that educational institutions are now being denied due process of law; that HEW officials whimsically cut off funds to schools and school districts and then sit on their hands while the impoverished school districts struggle to prove their virtue. This is simply not true. HEW can do no more than defer funding of new programs sought by a school or school district allegedly in noncompliance, and even that can continue for no more than 90 days.

Mr. President, because of the misinformation circulating about the nature of civil rights enforcement at present, I think it important simply to lay out how that procedure now works. I think these facts will make clear that the proposed amendment is both unnecessary and mischievous.

HEW is charged with enforcing several civil rights statutes: Title VI of the 1964 Civil Rights Act, which bars discrimination on the basis of race, color, or national origin; title IX of the Education Amendments of 1972, barring sex discrimination; and sections 799A and 845 of the Public Health Service Act, which also bar sex discrimination. For all of these statutes, HEW uses the enforcement procedure mandated by statute for title VI.

Title VI specifies termination of assistance as one of the ways in which compliance may be sought from recipients of Federal assistance. However, title VI explicitly states that Federal assistance may not be terminated until there has been "an express finding on the record, after opportunity for hearing, of a failure to comply." 42 United States Code Annotated 2000d–1. In practice, HEW does not terminate funding until after all administrative appeals have been exhausted.

Prior to a hearing, HEW can do no more, under the statute, than defer acting on applications from an allegedly noncomplying recipient for new assistance, and such deferral cannot continue for more than 90 days without a hear-

ing—except by mutual agreement. 42 United States Code 2000d–5.

In other words, even now HEW is barred from terminating assistance or refusing to grant or continue assistance until after a hearing before an administrative law judge. Prior to the hearing, HEW has no authority to decrease the amount of education funds already going to an allegedly noncomplying school or school district. It is only permitted to refuse to increase funding to such a recipient, and that for no more than 90 days.

Mr. President, we should not be misled by this amendment. Civil rights enforcement by HEW is weak enough as it is. Far from being overzealous in its enforcement activities, HEW has recently been found by a Federal court to be so reluctant to enforce the law that an injunction mandating action was necessary. *Adams* v. *Weinberger*, 391 F. Supp. 269 (DC DC, 1975). The Civil Rights Commission has similarly concluded that HEW has been timid in its enforcement activities. Report of "United States Commission on Civil Rights," January 22, 1975, page 131. In short, the contention that HEW arbitrarily and capriciously terminates funds simply is not borne out by the facts.

Mr. President, I trust that the distinguished Senator from New York, who has proposed this amendment—for whom I have the greatest respect—understands just how HEW has administered this law. I hope that I may allay any fears he may have by citing the record, because the facts, as I have said, speak for themselves. It is because of that that I feel compelled to move to lay this amendment on the table.

The PRESIDING OFFICER. The motion is not in order at this time.

Mr. BEALL. Mr. President, will the Senator yield me 2 minutes?

Mr. BUCKLEY. I yield.

Mr. BEALL. Mr. President, I always hesitate to take exception to the remarks of the distinguished Senator from Massachusetts, because I agree with the objective he is trying to reach; but I must in this instance take some exception to the remarks he made with regard to the utilization of the taxes by HEW.

First of all, we have to recognize that we are not talking about termination of funds here, but about deferral. No termination is involved in this discussion at all. It is all deferral with regard to new funds and new programs. Of course, that can be a very substantial amount, because on the one hand you could have a new program coming along to aid an innercity school, and HEW would defer the funds.

The damage would be done to the children who are served by the school. But let me read a paragraph from a statement put out by HEW with regard to the Eshleman amendment. I recognize there was difficulty with the Eshleman amendment in the House, and I congratulate the Senator from New York, because I think he has gotten to the problem and eliminated the difficulties that we had with the Eshleman amendment.

When speaking to the Eshleman amendment, HEW said:

Problem with current practice: The major problem in the current use of the deferral authority is the absence of any standards under which the Department will invoke it. In the past, deferrals have been imposed almost as a matter of course in civil rights cases when a recipient is given notice of opportunity for a hearing. However, exceptions to that practice have been made on a case-by-case basis. While the courts have held that deferral is not a refusal to grant and is not violative of due process,[2] the case-by-case approach currently in use may open the Department to allegations of a denial of due process.

What the department is saying by this is that, by implication, they are in effect doing what the Senator from New York has done. He has eliminated the objections to the Eshleman amendment and has come up with some language that I think will rectify a situation that could be subject to abuse by HEW, and which I think would be counter to our goal of achieving greater civil rights for people in our society. Therefore, I think the amendment of the Senator from New York, rather than being contrary to the interests of the Senator from Massachusetts, really enhances his goal.

Mr. BAYH. Mr. President, today we are considering an amendment to the Higher Education Act which could effectly destroy civil rights enforcement activities for minorities and women. This amendment, introduced by my colleague, Mr. BUCKLEY, has noble aims—it seeks to guarantee the due process rights of all institutional recipients of Federal funds, but in reality, it destroys the existing due process protections for victims of discrimination throughout our educational system.

Under the provisions of the Buckley amendment, the Secretary of Health, Education, and Welfare would be prohibited from either terminating or deferring Federal funds to any agency, institution or program until final judgment of noncompliance with the law has been reached, and after a hearing before a duly appointed administrative law judge. This amendment could, therefore, be interpreted as prohibiting HEW from using its enforcement tools until the completion of the entire appeal process, potentially all the way to the Supreme Court. I think that it is particularly important for all my colleagues to understand both the current enforcement process and the effect of the Buckley amendment on that process.

I. CURRENT ENFORCEMENT PROCESS

The Office of Civil Rights has a number of civil rights enforcement responsibilities. It is legally responsible for protecting minorities, women, and the handicapped from discrimination throughout our educational system. An essential part of the enforcement of existing discrimination laws has been the right to terminate or defer Federal funds for any institutions, agencies, or programs found to be in noncompliance with any discrimination statutes.

I think it is particularly important to understand that the current process does provide due process protection for both parties of concern—the recipient institution and the victims of discrimination.

When the Office of Civil Rights makes a preliminary finding of noncompliance, voluntary compliance is sought. If this effort is unsuccessful, the Department begins an administrative enforcement proceeding. At this time the Department may choose to defer the granting of new financial assistance to the effected institution. I think it is particularly important to note that the funding level prior to the commencement of enforcement proceedings is not reduced. Only new Federal assistance requested by the institution is effected by the deferment.

A measure known as the Fountain amendment that was added to the Education Amendment of 1966 guarantees the granting of a hearing shortly after money is deferred. The Fountain amendment prohibits HEW from deferring funds for more than 60 days, unless this period is extended by mutual consent of the parties involved, for the purpose of holding a hearing. An additional 30 days is allotted for the rendering of a decision.

Termination of funding can occur only when an administrative law judge has ruled that the institution or agency is in noncompliance.

II. EFFECTS OF THE BUCKLEY AMENDMENT

I would like to point out some of the detrimental effects of the Buckley language on the current enforcement process. First, it is important to stress that deferring or terminating funds are only tools available for enforcing civil rights laws.

In reality, the past record of deferments and terminations shows that a very small percentage of institutions have been affected by these actions. Since 1970, only 3 out of 118 enforcement proceedings for title IV resulted in a termination of funds. In the same period, there were only 86 cases where funds were deferred. Since there are approximately 17,000 school districts in the United States, this means that over the last 6 years only 0.02 percent of all school districts had their funds terminated and only 0.5 percent had their funds deferred.

Second, the Buckley amendment would impede civil rights enforcement in another way. The Office for Civil Rights has issued an impact statement on the Buckley amendment which states that removal of the power to defer funds would exacerbate the existing practice of many recipient institutions to delay hearings on discrimination complaints. The statement from HEW stated that the language "discourages recipients who have been notified of a determination of noncompliance from unduly delaying the commencement of a hearing. The possibility of deferral may encourage a recipient to enter into more meaningful negotiations than may be the case if the recipient believed it could delay any adverse action for an extended period of time."

The excessively broad provisions of the amendment pose still another problem: Though it is the intent of the amendment to only change laws which affect civil rights enforcement in education, the language makes the amendment apply to several other laws as well. The addi-

tional laws affected are those which allow the deferment or termination of funds prior to an administrative hearing. Examples of such laws cited in the Office of Civil Rights effect statement are Executive Order 11246—which allows HEW to, as the statement says, "refuse to let contracts to a bidder believed not to be in compliance, pending the completion of administrative or court proceedings" and various labor standards statutes—which allow HEW to withhold funds from contractors who violate the standards set forth in the statutes.

The Library of Congress has provided me with information that indicates many other laws are also involved. Among these laws is one which enables the Department to withhold funds to recoup indebtedness. Some of the programs which have procedures which violate the provisions of the amendment are the Follow Through program, supplemental educational opportunity grants and the emergency school assistance program.

III. PROGRESS AGAINST DISCRIMINATION

True advances have been made in eliminating race and sex discrimination in education over the past few years. For example, in the early 1960's of those students who received doctoral degrees, 0.8 percent were members of minority groups and 10 percent were women. In 1975, minority groups comprised 11.8 percent of those receiving doctorates while 21.9 percent were women. These increases demonstrate progress, yet simultaneously indicate a need for still more effort.

As the author of title IX, I have closely monitored the progress of women in their efforts to attain equality in education. It is evident that in many areas, progress has occurred. In the field of law, in 1960, 3 percent of the people who received bachelor degrees were women; in 1975, 11.5 percent were women. The medical schools have also shown increases. In 1971, 13.7 percent of the students entering medical school were women; in 1974, the figure was 22.2 percent. Yet, despite increases, the number of women receiving legal and medical training is still far below that which one would expect in a discrimination-free environment.

The presence of past sex discrimination is clearly evident when examining general educational statistics. In 1975, of those women ages 25 to 29, 45.7 percent had completed 12 years of school; only 37.2 percent of the men had completed that many years. Yet, in the same year, using the same age group, the corresponding figures for women and men who had 4 or more years of college education were 18.7 percent and 25.1 percent. These figures demonstrate we still have far to go. I urge my colleagues not to end the progress we have been making to date.

Mr. President, the last, but perhaps the most important reason for rejecting this amendment is that it is unconstitutional. Analysis of the constitutionality of this provision prepared by the Office of Civil Rights indicates that since this amendment makes it necessary for the Office of Education to fund a program that it has decried as in noncompliance with civil rights laws, the amendment forces the Office of Education to violate the equal protection issue of the 14th amendment. The fifth amendment prohibits the Government from violating the 14th amendment, so the Buckley provision would not be likely to be declared constitutional. Court precedents in similar, though not identical, cases provide convincing justification for this view.

Mr. President, the Buckley amendment is unnecessary, undesirable, and probably unconstitutional. No hearings have ever been held on this amendment; the abundant problems with the language provide proof that the measure has not been carefully studied. I urge my colleagues to reject the Buckley amendment.

Mr. BUCKLEY. Mr. President, I think that all sides of this matter have been amply examined. With the greatest respect for my friend from Massachusetts, I disagree with him on this one and on how HEW sometimes operates.

I yield back the remainder of my time.

Mr. PELL. Mr. President, I yield back the remainder of my time.

Mr. BROOKE. Mr. President, I move to table the amendment.

Mr. BUCKLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. JAVITS. Regular order, Mr. President.

The PRESIDING OFFICER (Mr. BARTLETT). Regular order has been called for.

Mr. ROBERT C. BYRD. I announce that the Senator from New Hampshire (Mr. DURKIN), the Senator from Michigan (Mr. PHILIP A. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Maine (Mr. HATHAWAY), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from New Hampshire (Mr. DURKIN) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from Kansas (Mr. DOLE), and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

I further announce that the Senator from Utah (Mr. GARN) is absent due to a death in the family.

The result was announced—yeas 44, nays 42, as follows:

[Rollcall Vote No. 533 Leg.]

YEAS—44

Abourezk	Cannon	Culver
Bayh	Case	Eagleton
Biden	Church	Ford
Brooke	Clark	Glenn
Burdick	Cranston	Gravel
Hart, Gary	McGee	Proxmire
Hollings	McGovern	Ribicoff
Humphrey	McIntyre	Scott, Hugh
Inouye	Metcalf	Stafford
Jackson	Moss	Stevenson
Javits	Muskie	Stone
Kennedy	Nelson	Symington
Leahy	Pastore	Weicker
Mansfield	Pell	Williams
Mathias	Percy	

NAYS—42

Allen	Fannin	Pearson
Baker	Fong	Randolph
Bartlett	Griffin	Roth
Beall	Hansen	Schweiker
Bellmon	Haskell	Scott, William L.
Bentsen	Hatfield	Sparkman
Buckley	Helms	Stennis
Bumpers	Hruska	Stevens
Byrd, Harry F., Jr.	Johnston	Taft
Byrd, Robert C.	Laxalt	Talmadge
Chiles	McClellan	Thurmond
Curtis	McClure	Tower
Domenici	Morgan	Young
Eastland	Nunn	
	Packwood	

NOT VOTING—14

Brock	Hart, Philip A.	Magnuson
Dole	Hartke	Mondale
Durkin	Hathaway	Montoya
Garn	Huddleston	Tunney
Goldwater	Long	

So the motion to lay Mr. BUCKLEY'S amendment on the table was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. PELL. I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

Mr. ALLEN. I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the motion to reconsider. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from New Hampshire (Mr. DURKIN), the Senator from Indiana (Mr. HARTKE), the Senator from Maine (Mr. HATHAWAY), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. DURKIN) and the Senator from Washington (Mr. MAGNUSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from Kansas (Mr. DOLE), the Senator from Oregon (Mr. PACKWOOD) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I further announce that the Senator from Utah (Mr. GARN) is absent due to a death in the family.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "nay."

The result was announced—yeas 45, nays 40, as follows:

[Rollcall Vote No. 534 Leg.]

YEAS—45

Abourezk	Hart, Gary	Moss
Biden	Hart, Philip A.	Muskie
Brooke	Hollings	Nelson
Burdick	Humphrey	Pastore
Byrd, Robert C.	Inouye	Pell
Cannon	Jackson	Percy
Case	Javits	Proxmire
Church	Kennedy	Ribicoff
Clark	Leahy	Scott, Hugh
Cranston	Mansfield	Stafford
Culver	Mathias	Stevenson
Eagleton	McGee	Stone
Ford	McGovern	Symington
Glenn	McIntyre	Weicker
Gravel	Metcalf	Williams

NAYS—40

Allen	Fannin	Nunn
Baker	Fong	Pearson
Bartlett	Goldwater	Randolph
Beall	Griffin	Roth
Bellmon	Hansen	Schweiker
Bentsen	Haskell	Scott, William L.
Buckley	Hatfield	Sparkman
Bumpers	Helms	Stennis
Byrd, Harry F., Jr.	Hruska	Stevens
Chiles	Johnston	Taft
Curtis	Laxalt	Talmadge
Domenici	McClellan	Tower
Eastland	McClure	Young
	Morgan	

NOT VOTING—15

Bayh	Hartke	Mondale
Brock	Hathaway	Montoya
Dole	Huddleston	Packwood
Durkin	Long	Thurmond
Garn	Magnuson	Tunney

So the motion to table the motion to reconsider was agreed to.

AMENDMENT NO. 2094

Mr. BEALL. Mr. President, I call up my amendment No. 2094 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Maryland (Mr. BEALL), for himself, Mr. HATFIELD, Mr. TOWER, Mr. BUCKLEY, and Mr. LAXALT, proposes amendment No. 2094.

Mr. BEALL. Mr. President, I ask unanimous consent to substitute a revised text of the amendment that is at the desk which only makes some technical and clerical changes.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment, as modified, is as follows:

On page 223, beginning with line 20, strike out all through line 20 on page 226, and insert in lieu thereof the following:

"REQUIRED PARTICIPATION IN STATE PLANS

"SEC. 104. (a) Each State board, in formulating the comprehensive statewide long-range plan and annual program plan required by sections 106 and 108 shall involve the active participation of—

"(1) the State advisory council on vocational education;

"(2) the State Manpower Services Council appointed pursuant to section 107 of the Comprehensive Employment and Training Act of 1973;

"(3) the State agency, if any, having responsibility for community and junior colleges;

"(4) the State agency, if any, having responsibility for higher education institutions or programs;

"(5) the State agency, if separate from the State board, having responsibility for public elementary and secondary programs;

"(6) the State agency, if any, having responsibility for postsecondary occupational education programs; and

"(7) the State agency or commission responsible for comprehensive planning in postsecondary education, which planning reflects programs offered by public, private nonprofit and proprietary institutions, and includes occupational programs at less-than-baccalaureate degree level.

The participation required by this section shall include at least one meeting as a group during the planning year between representatives of the State board and representatives of each agency or council specified in this subsection.

"(b) In submitting the plans pursuant to sections 106 and 108, each State shall (1) include a statement by each agency listed in subsection (a) indicating the extent of such agency's participation in such plans, and (2) specifically respond to the recommendations of the State advisory council pursuant to section 105(d)(1) (i) and (ii), and in the event that such recommendations are not followed, indicate the reasons for its decision."

On page 227, between lines 14 and 15, insert the following new clauses:

"(5) a representative of the State agency, if any, having responsibility for higher education in the State;

"(6) a representative of the State agency, if any, having responsibility for community and junior colleges;

"(7) one shall be a representative of and be a vocational education teacher;".

On page 227, line 15, substitute "(8)" for "(5)".

On page 227, line 17, substitute "(9)" for "(6)".

On page 227, line 22, substitute "(10)" for "(7)".

On page 228, line 1, substitute "(11)" for "(8)".

On page 228, line 4, substitute "(12)" for "(9)".

On page 228, line 6, substitute "(13)" for "(10)".

On page 228, line 8, substitute "(14)" for "(11)".

On page 228, line 10, substitute "(15)" for "(12)".

On page 228, line 12, substitute "(16)" for "(13)".

On page 228, line 14, substitute "(17)" for "(14)".

On page 228, line 18, substitute "(18)" for "(15)".

On page 228, line 21, substitute "(19)" for "(16)".

On page 228, line 24, substitute "(20)" for "(17)".

On page 229, line 3, substitute "(21)" for "(18)".

On page 229, line 12, after the period insert the following new sentence: "A majority of the members of the State advisory council shall be individuals who are not educators or administrators in the field of education.".

On page 230, strike lines 3 through 8 and insert in lieu thereof the following:

"(d)(1)(A) Each State advisory council shall advise the State board in the development of the comprehensive statewide long-range plan and the annual program plan for vocational education. In carrying out its functions under this paragraph each State advisory council shall make recommendations for (i) areas for the concentration of effort and program priorities related to such concentration and (ii) the distribution of funds among various levels of education. The recommendations required by this paragraph shall be developed in close coordination with the State board. Recommendations required under this paragraph shall be submitted to the State board not later than 120 days prior to the submission of each such plan.

"(B) Each State advisory council shall advise the State board on policy matters arising out of the administration of programs under such plans."

On page 231, strike lines 4 through 16, and insert in lieu thereof the following:

"(f)(1) From the sums appropriated pursuant to this section for any fiscal year, the Commissioner is authorized (in accordance with regulations) to pay each State advisory council an amount equal to the reasonable amounts expended by it in carrying out its functions under this Act in such fiscal year, except that the amount available for such purpose for each State for any fiscal year shall not exceed 1 per centum of the amount allotted to each State under section 102, but such amount shall not exceed $300,000 and shall not be less than $100,000. In the case of Guam, American Samoa, and the Trust Territories of the Pacific Islands, the Commissioner may pay the advisory council in each such jurisdiction an amount less than the minimum specified in the preceding sentence if the Commissioner determines that the council can perform its functions with a lesser amount.

"(2) There are authorized to be appropriated $8,000,000 for the fiscal year 1978, $8,500,000 for the fiscal year 1979, $9,000,000 for the fiscal year 1980, $9,500,000 for the fiscal year 1981, and $10,000,000 for the fiscal year 1982 for the purpose of carrying out this section."

On page 231, line 18, strike out "planning commission".

On page 232, line 5, strike out "planning commission".

On page 233, line 8, beginning with the word "State" strike out through "section 104" in line 9 and insert in lieu thereof the following: "appropriate State agencies".

On page 233, lines 12 and 13, strike the words "State planning commission,".

On page 234, line 9, beginning with the word "approved", strike all through the word "board" on line 10.

On page 236, lines 6 and 7, delete the words "planning commission".

On page 236, line 17, before the semicolon insert the following: "and was prepared in accordance with the provisions of section 104(a);".

On page 238, strike out lines 18 through 22.

On page 238, line 23, substitute "(2)" for "(3)".

On page 239, line 1, substitute "(3)" for "(4)".

On page 239, line 9, substitute "(4)" for "(5)".

On page 239, line 15, substitute "(5)" for "(6)".

On page 239, line 19, substitute "(6)" for "(7)".

On page 240, line 5, substitute "(7)" for "(8)".

On page 242, line 3, strike out "(1)".

On page 242, strike out lines 8 through 13.

Mr. BEALL. Mr. President, on behalf of Senators BUCKLEY, HATFIELD, LAXALT, TOWER, and myself, I am offering this particular amendment.

The PRESIDING OFFICER. Will the Senator suspend? May we have order in the Senate?

The Senator may proceed.

Mr. BEALL. Mr. President, this amendment addresses the so-called governance issue which incidentally was one of the most difficult issues that our committee faced during deliberations on this bill. Distilled to its essence, the governance issue comes down to who makes the decision on the distribution of vocational education funds among educational institutions and levels of education in the respective States.

Under present law, States are required to distribute at least 15 percent of the Federal funds to postsecondary institutions. The committee received several recommendations to increase this postsecondary set-aside. Such recommendations varied from 25 to 40 percent. Rather than selecting a particular percentage, the committee decided "that this should be a State's own decision to make for itself."

Since in most States, the State board is responsible only for elementary and secondary education, postsecondary education, in particular, was either not involved or was inadequately involved in the decisionmaking. Thus, the committee decided to mandate the creation of a Planning Commission. The Planning Commission, whose membership would be comprised of the various interests, would be responsible for the "development and preparation of comprehensive statewide long-range plans and annual program plans" for vocational education in that State. If the membership of the State board conformed to the bill's requirements for the Planning Commission, the state board could serve as the planning commission.

In addition, the Hathaway amendment was added, prior to the reporting of S. 2657, to allow the waiver of the requirement to establish a Planning Commission, if all concerned State agencies certify that they actively participated in all phases of development, preparation, implementation and evaluation of the State plan.

However, under this amendment, if a State agency, even unreasonably, refused to certify full participation, a State would have to establish a state planning commission. Also, to secure such a waiver, the Commissioner of Education would have to determine whether such certification "substantially fulfills the purpose" of the Planning Commission provisions. This criterion is vague and could allow the commissioner of education to refuse certification, even if all the participants concurred.

Mr. President, my objections, however, are more central. In my opinion, the Federal Government should not dictate State governance or structure. This is particularly true, when one federally mandated and funded mechanism—the State advisory council—is in place and with appropriate amendments could achieve the objectives of the committee.

I agree that we should provide the States with maximum flexibility to determine their priorities and funding allocation.

I also agree that the various interests in vocational education should be involved and have input in the planning process and the funding allocation.

However, I do not agree that it is either necessary or desirable to require the creation of another layer of bureaucracy.

Mr. President, Amendment No. 2094 represents an alternative way to achieve the committee's objectives without adding another layer of bureaucracy which would divert additional resources away from students and programs.

This amendment that I have just offered would:

First. Strike the planning commission provisions from the bill.

Second. Add a new section to the bill to require the "active participation" of the various parties in both the long-range and annual plans. Such participation would include at least one meeting during the planning year with the State board and the parties specified. In addition, the comprehensive and annual plans would be required to include a statement by the parties on the extent of their participation.

Third. Amend the Advisory Council to add representatives, if any, of the State agency responsible for community colleges and for higher education and a classroom vocational education teacher. The Advisory Council would be specifically required to make recommendations to the State board, at least 6 months prior to the submission of the State plan, with respect to areas for the concentration of funds and priorities related thereto, and the funding allocation among the various levels of education. While such recommendations are only advisory, and not binding on the State board, the board would be required to indicate its reasons if it did not follow the recommendations of the council in the priority-setting and funding allocation areas.

Fourth. Increase the funding of the State advisory councils, including raising the minimum and maximum payments to such councils.

Mr. President, some have contended that the advisory councils are not effective in some States. That this merely converts the advisory councils to planning commissions or that it changes the role of advisory councils from an advisory body to an administrative one.

These arguments are specious and without merit.

If advisory councils are not effective, we should either make them effective or repeal them. The answer is not and should not be to create another council or commission.

The advisory council, under our amendment, does not become a Planning Commission. Instead, all the amendment does is to broaden its membership to provide greater representation for the postsecondary community and to provide greater involvement by the advisory councils in the planning process. The councils are not given any administrative authority, and their essential role of "advising" in the planning and priority-setting—including funding allocation—is retained.

I repeat, these responsibilities are advisory in nature. The State board is expected to consider carefully these recommendations in formulating the State plan. The requirement that the State board explain the rationale and reasons if it decided not to follow the advisory council's recommendation will asure careful consideration.

Mr. President, in summary, this proposal promises to achieve the objectives of the committee's Planning Commission, without forcing another federally mandated structure on the States and with less money.

In committee, a motion to strike the Planning Commission failed by a single vote. This illustrates the strong feelings that exist on this issue.

Mr. President, I urge the Senate to support the compromise proposal which will preserve the objectives of the committee without its objectionable features.

Mr. President, I point out one additional bit of information. We asked the Office of Education in the Department of Health, Education, and Welfare what they felt about this particular amendment, and I shall not read the entire letter, but I shall quote from the letter what I consider to be the pertinent paragraph. The letter is addressed to me, and it is signed by the Acting Secretary of the Department of Health, Education, and Welfare.

We believe your amendment would substantially improve the governance provisions of Senate bill 2657.

Mr. McCLURE. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. BEALL. I am happy to yield to the Senator from Idaho, for a unanimous-consent request.

Mr. McCLURE. Mr. President, I ask unanimous consent that Mr. Jim Fields and Mr. Tom Hill of my staff be accorded the privilege of the floor during all proceedings and consideration of this bill.

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

Mr. BEALL. Mr. President, I also point out that the chief State school officers, the State school superintendents, endorse this amendment to the bill. It is an amendment that makes good sense, and that is obvious because it is supported not only by the Office of Education in the Department of Health, Education, and Welfare, but also by the chief State school administrative officers of this country.

I urge the Senate to support the compromise proposal.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I strongly oppose the adoption of the amendment offered by the Senator from Maryland (Mr. BEALL). To my mind, it substantially weakens one of the major thrusts in the committee bill's provision relating to vocational education—assuring that all interested State agencies and other parties concerned with vocational education and training have a meaningful opportunity to participate in the development of the State's plan for vocational education.

Under current law, this is not the case. Only four States, including my own State of Rhode Island, have State boards for vocational education which encompass all levels of education, from preschool through graduate school. In the other 46 States, the State educational agency is responsible only for elementary and secondary level education. Postsecondary vocational education, an ever-increasing area in this country, does not have an adequate mechanism to make its views known as programs are planned and priorities set. S. 2657, as reported by the Committee on Labor and Public Welfare, provides for just such a mechanism.

The issue of planning and involvement, which is often reduced to the term "governance," was one which was given much attention in the Subcommittee on Education and again at the full committee level. Indeed, I do not believe that any issue was more fully discussed and more alternatives explored. What was reported by the committee as part of S. 2657 represents a delicate balance among a number of competing forces and interests. I am afraid that the amendment to the committee bill might upset that balance, and leave unchanged the current splits between secondary and postsecondary vocational education programs which the General Accounting Office and testimony before the committee revealed.

Let me make it very clear what the committee bill does and does not do.

It does not change the composition of any existing State board for vocational education. The bill as I originally introduced it on November 12, did suggest such changes. I believe that the Rhode Island cradle-to-grave approach to educational planning and administration makes a great deal of sense. However, requiring other States to change their organizational structures to accommodate the views of other State agencies—agencies which the State itself had established—was viewed as too sweeping a change. Therefore, the committee bill leaves unaltered the existing State boards of vocational education.

The bill does not require the creation of an additional organizational structure at the State level. The committee bill offers the States several optional organizational and decisionmaking patterns. First, the State can establish a State planning commission, made up, at a minimum, of a certain statutory membership. This list primarily includes in the planning process all State agencies—if they already exist—which have a valid and vital interest in vocational education and manpower training.

Second, if the State board for vocational education already includes the members listed in the committee bill, the State does not have to make any changes in its planning process. The State board for vocational education also serves as the State planning commission.

Third, if the State agencies who otherwise would participate in the planning commission certify to the Commissioner of Education that they have had an active opportunity to participate in the planning process—whether or not they are satisfied with the outcome—that certification will relieve the State of any requirement that it alter its current planning process.

The committee bill does not change the role of the State advisory council on vocational education. These councils have served an extremely valuable advisory role; they have become increasingly active and sophisticated in advising the State board for vocational education on its administration of the program and in evaluating program success or failure. However, their role has traditionally been limited to advice. As the General Accounting Office noted, the councils "have participated, in varying degrees, in evaluating vocational education programs, but have not served in any primary capacity in planning for the comprehensive provision of vocational education services." They are at present unprepared to take over the much stronger planning role contemplated by the amendment.

Part of the reason for this lies in the composition of State advisory councils. Their membership is primarily client groups of vocational education—disadvantaged, handicapped, individual community colleges, the general public—whereas the planning contemplated by the committee bill is done by State officials. These are the individuals who have the expertise to plan programs so that a State can put limited funds to the best use. After all, they have the responsibility to plan for the expenditure and distribution of equally scarce State funds, as part of their responsibilities under State law.

S. 2657 does not weaken the role of the State board for vocational education. In all instances, it is the only State body which deals with the U.S. Commissioner of Education. If it is dissatisfied with the product of the State planning commission, it returns it to the commission, with suggestions for change. The State board sends nothing to Washington of which it does not approve.

The committee-reported bill has been supported by the following list of major organizations deeply concerned with improving our Nation's vocational education:

The American Vocational Association;

The National Education Association;

The American Association of Community and Junior Colleges;

The American Council on Education;

The American Association of State Colleges and Universities;

The Council for Educational Development and Research, Inc.;

The National Association of State Universities and Land Grant Colleges; and

The American Association of Colleges for Teacher Education.

Yesterday, I introduced into the RECORD a number of communications in support of the committee-reported bill. I ask unanimous consent to have additional letters of support for the planning mechanism contained in S. 2657 printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 4, 1976.

HON. CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PELL: The Senate will soon be considering the "Education Amendments of 1976" (S. 2657). This measure, if enacted as reported with amendments by the Committee on Labor and Public Welfare, would constitute a major step toward achieving the goal to which the Congress has committed itself during the past four years: equality of educational opportunity for all Americans.

The Committee bill affects a broad range of education subjects, institutions, and agencies. Favorable action by the Senate is requested by the following associations: American Association of Colleges for Teacher Education, American Association of Community and Junior Colleges, American Association of State Colleges and Universities, American Council on Education, American Personnel and Guidance Association, Council for Educational Development and Research, Inc., National Association of State Universities and Land Grant Colleges, National Education Association.

We are especially supportive of five provisions of the Committee bill which have a long-range positive effect on education.

(1) TEACHER TRAINING

The bill would revise Title V of the Higher Education Act of 1965 to reflect more nearly current and future educational and training needs of the nation's educational systems. The Teacher Corps would be maintained while the general program of education professions development would be ended, with a substitute program designed to meet specific needs for and of teachers. A mechanism for assessing current and future needs for education personnel would be established; training for higher education personnel would continue; funds for improving graduate programs of education would be included; and, most notable, assistance would be provided to local educational agencies to support teacher centers which are designed to meet the professional needs of teachers at the local level.

(2) VOCATIONAL EDUCATION

Title II of S. 2657 revises the Vocational Education Act of 1963. This revision is the first attempt to refocus federal support for vocational education since 1968. In keeping with the efforts made in 1963 and 1968, the revision is designed to modernize vocational education in the nation in order to more nearly meet the needs of all people of all ages for preparation for gainful and meaningful employment. Notable among the new features are the increased emphasis on planning for vocational programs, inclusion of features designed to overcome sex discrimination and sex stereotyping in vocational education, the encouragement given to new and improved vocational programs as opposed to maintaining existing programs, and the priorities given to meet the special needs of disadvantaged youth, handicapped persons, and persons with limited English-speaking ability.

The bill would establish State Planning Commissions for Vocational Education to carry out the planning process for vocational education in each of the states. The provision may well be the most significant aspect of the revision in that, for the first time, a body whose sole function is planning would look to the future needs for vocational education of all the people and assist in developing programs designed to meet those needs.

(3) EDUCATION ADMINISTRATION

The Education Amendments of 1976 propose a reorganization of the Education Division of the Department of Health, Education, and Welfare. The Education Division was established in 1972 as a means of having a distinct but uncentralized organization structure in the Department which is solely responsible for education. S. 2657 reorganizes and strengthens that structure by unifying the policy functions of the Assistant Secretary for Education and the Commissioner of Education and elevating the Commissioner to Executive Level III, equivalent to an Under Secretary.

This reorganization is a significant step toward the eventual establishment of a cabinet-level post for education.

(4) REGIONAL EDUCATIONAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS

The bill continues the National Institute of Education through 1982. In so doing the bill would change NIE to guarantee the con-

tinuance of the regional educational laboratories and research and development centers which have been supported in the past and encourage the establishment of new laboratories and centers when merited. The bill establishes a review panel to advise the Director of NIE on support for laboratories and centers, which will insure decentralized policy in educational research and development, thereby encouraging field-initiated approaches to solving problems in education.

(5) GUIDANCE AND COUNSELING

The bill contains a number of provisions which support guidance and counseling. These provisions recognize the importance of counseling throughout the educational process. Most importantly, Title V–B would establish an administrative unit within the Office of Education with responsibility for assisting and coordinating guidance and counseling activities in all education programs. That unit should give guidance and counseling the recognition it merits.

We urge you to support the "Education Amendments of 1976" when it is considered by the Senate and to oppose any amendments which would weaken these important provisions of the bill.

If you would like more information on these issues, please feel free to call any one of us.

Sincerely,

David Imig, American Association of Colleges for Teacher Education; Jack Terrill, American Association of Community and Junior Colleges; Jerold Roschwalb, American Association of State Colleges and Universities; Charles B. Saunders, Jr., American Council on Education;

P. J. McDonough, American Personnel and Guidance Association; Joseph Schneider, Council for Educational Development and Research, Inc.; John P. Mallan, National Association of State Universities and Land Grant Colleges; Stanley J. McFarland, National Education Association.

AMERICAN ASSOCIATION OF COMMUNITY AND JUNIOR COLLEGES,
June 11, 1976.

DEAR SENATOR PELL: The Senate will soon be considering S. 2657. The Subcommittee on Education and the Committee on Labor and Public Welfare have included a State Planning Commission for Vocational Education in the bill reported to the floor for action.

The Committee decided upon the State Planning Commission as the means of solving administrative problems in many states where presently the secondary-oriented State Boards of Vocational Education do not give adequate support to vocational education at the postsecondary level. Rather than mandate an increased set-aside for postsecondary (now set at 15%) the Committee decided that the best approach is to open up the planning process so that all vocational elements in the state can participate in planning for the allocation of Federal vocational education funds. Thus the State Planning Comissions will have representatives from all significant parties at interest in the state (see attached for Sec. 104 of S. 2657). You will note the provision in Sec. 104(e) that Sen. Hathaway proposed that any State that already had such a representative planning group could have this provision waived.

AACJC participated actively in the development of this concept and strongly believes that the State Planning Commissions will effectively improve participation of community colleges and other postsecondary vocational education institutions. (We have secured a similar planning mechanism in the bill approved by the full House).

Despite the merits of the idea there is some opposition, and it is understood that a move may be made during the Senate debate on the floor to remove the State Planning Commission section from the bill.

It is known that Senator Beall plans to offer a compromise amendment somewhat strengthening the State Advisory Councils, requiring them to submit their recommendations to the State Boards before final plans are developed. However, the State Advisory Councils would still have only advisory functions. Although the State Board would have to explain why it did not follow the Advisory Council's recommendations, it is under no obligation to do so, thus defeating the intent of this section.

AACJC strongly urges you to support the current provision in S. 2657 worked out so carefully by Senator Pell in the Subcommittee after hearings and responding to many interested groups to a draft of the bill. You can see in the language attached from pages 65–66 of the Report that thoughtful consideration was given to using the State Advisory Councils. But, like the House, this idea was rejected as compromising a very important group that has an entirely different function mandated in earlier legislation and elsewhere in this bill.

Your serious consideration will be sincerely appreciated. If we could be of any assistance to you or your staff in this regard, we would be pleased to respond to any request.

Respectfully,

JOHN E. TIRRELL,
Vice President for Governmental Affairs.

Mr. PELL. Mr. President, the amendment before the Senate was never formally offered in draft form at the Committee on Labor and Public Welfare considering this legislation. It was never the subject of hearings.

The bill adopted by the House of Representatives proposes still another approach to the issue of involvement in planning in a meaningful way. Obviously, in conference, some compromise must be struck.

I urge my colleagues not to undo the balance achieved by the committee-reported bill, a balance which has received almost universal support from the vocational education community. I urge you to vote against this amendment.

Mr. BEALL. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BEALL. Mr. President, if the distinguished Senator from Rhode Island is prepared to yield back his time, I am prepared to yield back my time.

Mr. PELL. Mr. President, I yield to the chairman of the full committee, the Senator from New Jersey.

Mr. WILLIAMS. Mr. President, S. 2657 makes changes in the Vocational Education Act to provide for comprehensive long-range planning and to assure that State planning takes into consideration the needs of the student for employable skills, and to assist vocational education for keeping up with the changing employment environment.

In particular, S. 2657 provides for a new statewide planning commission involving in the planning process those persons in the State responsible for manpower programs, for higher education programs, both 4 years and other programs, and elementary and secondary programs. This provision is one around which some controversy has developed and on which the Senator from Maryland has indicated he will offer an amendment so I would like to for my colleagues describe the current situation in the State of New Jersey and the impact of this provision.

New Jersey has three separate agencies which operate higher education, elementary and secondary, and manpower programs. It also has two boards of education, the State board of education vested with policymaking authority for all elementary and secondary programs, and the State board of higher education with policy making authority for all postsecondary programs, with the exception of noncollegiate postsecondary vocational education programs. The issue of comprehensive planning and the establishment of a State planning commission is one which is, therefore, sensitive in New Jersey in terms of what authority is vested where.

The State planning commission in S. 2657, however, does not disturb that authority in the State of New Jersey. The sole State agency for administering vocational education will continue to be the department of education. The State board of education will continue to be the final policymaking body. What the provisions of S. 2657 provide for is input in statewide planning for vocational and technical education by all the responsible governmental agencies whose programs overlap that educational area, and whose policy charge may involve the same students.

The committee bill does not mandate a new separate planning body. If a body—for example, the State board—exists with membership of the appropriate agencies having responsibility for secondary and postsecondary educational programs, for community and junior colleges, for higher education and the State manpower council. Furthermore, it does not mandate the establishment of a commission if each of these State agencies certifies that it had been involved in the planning.

The responsibilities of the State board for policymaking and the advisory role of the State advisory councils remain the same under S. 2657. All that this bill does is assure that all segments of the population will be considered and all responsible State agencies will come together to plan for vocational and technical education.

Therefore, having been through this in a State that has a complexity of administration, and knowing that the goal was to bring them all into the process, the result here—that is, in the bill—meets the most complex situation that I could imagine. Therefore, I am strongly in support of the bill as it is; I am opposed to the amendment that is offered.

Mr. PELL. I thank my colleague from New Jersey. I am prepared to yield back my time.

I yield to the Senator from Maryland.

Mr. BEALL. Mr. President, I certainly sympathize with the Senator from New Jersey in his objective. The objective of my amendment is to make certain that there is input from all interested parties in the planning process. If New Jersey does not like its structure, it is up to

New Jersey to change its structure. I do not think the Federal Government should be mandating a change in the structure of all States, but we should insist that everybody is participating in the planning process. My amendment simply mandates that the appropriate, interested parties be permitted—in fact be required—to participate in the planning process, without mandating the structure of the State. If we did that in the State of Maryland, we would require, by Federal law, that our State change its structure.

I do not think we ought to be requiring that States change their structure unnecessarily. It imposes additional costs on them and also imposes additional costs on the Federal Government.

I hope the Senate will adopt the amendment.

I ask unanimous consent that my colleague from Maryland (Mr. MATHIAS) and my colleague from North Carolina (Mr. HELMS) be added as cosponsors to my amendment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. PELL. What is the unanimous-consent request?

The PRESIDING OFFICER. For two additional cosponsors.

Mr. PELL. I have no objection.

Mr. JACKSON. Mr. President, I voted for the Beall amendment No. 2094 for reasons described in a letter which Senator MAGNUSON and I sent to the chairman of the Subcommittee on Education earlier this year. I ask unanimous consent that our letter be printed in the RECORD.

Although the committee bill does include a modification of the version of the bill referred to in our letter, it would not have been sufficient to take care of the situation in Washington State. I would like the record to show my reasons for opposing the committee position in this matter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 1, 1976.

HON. CLAIBORNE PELL,
Chairman, Subcommittee on Education, Labor and Public Welfare Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We are writing to express some specific concerns about S. 2657 now being marked up in the Subcommittee of Education. The State of Washington has some very definite problems with the latest version of that legislation that they have seen because of the way in which the state's vocational administration has developed there. Washington has had a separate organization for the coordination of federal vocational funding since 1957. Only last year that coordinating body was reconstituted by our State Legislature, its powers altered, and its membership changed in ways that appear to be incompatible with the published versions of your bill.

Our Legislature took this action in order to rid the existing system of two problems. First, there had been a tremendous expansion of the bureaucracy administering federal vocational funds, even to the point where a coordinating and planning body was actually running some training programs. Second, under the old system, there was no way to resolve conflicts that developed between the common school system and the postsecondary system as they relate to vocational education. Under the proposal they have seen in S. 2657, this commission would have to be changed once again and the expansion of power contemplated would put the State of Washington back into a situation similar to the one that the Legislature tried to rectify only last year.

The situation in Washington is somewhat unique, but this uniqueness only serves to illustrate the problem of writing such specific and detailed legislation to cover situations in all 50 states. In particular, we are concerned that building such a strong administrative structure for vocational education at the state level will have the tendency of drawing funds away from programs for students.

We are hopeful that the legislation can be redrafted in such a fashion as to permit states the option of organizing the governance of vocational education in their own way while at the same time requiring that such administration begin overcoming the problems that you and your committee have identified in the administration of vocational education. We do not believe that these aims are incompatible and look forward to working with you and your staff to effect a compromise on this important legislation.

Sincerely yours,
WARREN G. MAGNUSON,
HENRY M. JACKSON,
U.S. Senators.

The PRESIDING OFFICER. Is all time yielded back?

Mr. PELL. Yes. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays were ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (when his name was called). Mr. President, I have a pair with the Senator from Washington (Mr. MAGNUSON). If he were present and voting, he would vote "aye." If I were permitted to vote, I would vote "nay." I, therefore, withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. HARTKE), the Senator from Maine (Mr. HATHAWAY), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from California (Mr. TUNNEY) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from Kansas (Mr. DOLE), the Senator from Oregon (Mr. PACKWOOD), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I further announce that the Senator from Utah (Mr. GARN) is absent due to a death in the family.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "yea."

The result was announced—yeas 36, nays 50, as follows:

[Rollcall Vote No. 535 Leg.]

YEAS—36

Baker	Byrd,	Fannin
Bartlett	Harry F., Jr.	Fong
Beall	Cannon	Goldwater
Bellmon	Chiles	Gravel
Buckley	Curtis	Griffin
Bumpers	Domenici	Hansen
Hatfield	McClellan	Scott,
Helms	McClure	William L.
Hruska	Pearson	Stafford
Jackson	Randolph	Stevens
Johnston	Roth	Tower
Laxalt	Schweiker	Young
Mathias	Scott, Hugh	

NAYS—50

Abourezk	Glenn	Nelson
Allen	Hart, Gary	Nunn
Bayh	Hart, Philip A.	Pastore
Bentsen	Haskell	Pell
Biden	Hollings	Percy
Brooke	Humphrey	Proxmire
Burdick	Inouye	Ribicoff
Byrd, Robert C.	Javits	Sparkman
Case	Kennedy	Stennis
Church	Leahy	Stevenson
Clark	McGee	Stone
Cranston	McGovern	Symington
Culver	McIntyre	Taft
Durkin	Metcalf	Talmadge
Eagleton	Morgan	Weicker
Eastland	Moss	Williams
Ford	Muskie	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—13

Brock	Huddleston	Packwood
Dole	Long	Thurmond
Garn	Magnuson	Tunney
Hartke	Mondale	
Hathaway	Montoya	

So Mr. BEALL'S amendment was rejected.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 380

Mr. HATFIELD. Mr. President, I have an unprinted amendment and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD), for himself and Mr. HARTKE, proposes an unprinted amendment No. 380.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 322, between lines 6 and 7, insert the following new section:

COMMISSION ON PROPOSALS FOR A NATIONAL ACADEMY OF PEACE

SEC. 328. (a) There is established a commission to be known as the Commission on Proposals for a National Academy of Peace and Conflict Resolution (hereinafter in this section referred to as the "Commission").

(b) The Commission shall be composed of nine members as follows:

(1) Three members shall be appointed by the President by and with the advice and consent of the Senate.

(2) Three members shall be appointed by the President pro tempore of the Senate.

(3) Three members shall be appointed by the Speaker of the House of Representatives.

(c) (1) Any vacancy in the Commission shall not affect its powers.

(2) The Commission shall elect a chairman and a vice chairman from among its members.

(3) Five members of the Commission shall constitute a quorum.

(d) (1) The Commission shall undertake a study to consider—

(A) establishing a National Academy of Peace and Conflict Resolution consistent with the proposals contained in S. 2976, the George Washington Peace Academy Act, modified by considerations of size, cost, location, relation to existing public and private institutions, and the likely effect the establishment of such an academy would have on such existing institutions, and the relation of such an academy to the Federal Government;

(B) the feasibility of making grants and providing other assistance to existing institutions of higher education as an alternative to or as a supplement for a National Academy of Peace and Conflict Resolution; and

(C) alternative proposals available to the Federal Government to accomplish the objectives contained in that proposal.

(2) In conducting the study required by this section the Commission shall—

(A) review the theory and techniques of peaceful resolution of differences between nations, and draw on the experience of public and private institutions concerned with conflict resolution and of informal government leaders of peaceful methods of conflict resolution;

(B) conduct inquiries into existing institutions of international relations, labor-management, racial, community, and family relations, and

(C) consider proposals for combinations of mechanisms available to the Federal Government to strengthen the accomplishment of its peaceful purposes, including the establishment of a National Academy of Peace and Conflict Resolution.

(3) The Commission shall submit to the President and to the Congress interim reports with respect to the study and investigation and a final report, not later than one year after the date of the enactment of the education amendments of 1976, containing its findings and recommendations for such additional legislation as the Commission deems advisable.

(e) (1) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this section, take such testimony, and sit and act at such times and places as the Commission, subcommittee, or members deem advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee or member thereof.

(2) Each department, agency, and instrumentality of the executive branch of the Federal Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the chairman or vice chairman, such information as the Commission deems necessary to carry out its functions under this section.

(3) Subject to such rules and regulations as may be adopted by the Commission, the chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, shall have the power—

(A) to appoint and fix the compensation of such staff personnel as he deems necessary including an executive director who may be compensated at a rate not in excess of that provided for Level V of the Executive Schedule in title 5, United States Code, and

(B) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

(f) Members of the Commission shall receive compensation at the daily rate specified for GS-18 under section 5332 of title 5, United States Code, for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

(g) There are authorized to be appropriated, such sums, not to exceed $350,000, as may be necessary to carry out the provisions of this section.

(h) The Commission shall cease to exist 60 days after the submission of its final report.

On page 101, in the Table of Contents, after item "Sec. 327." insert the following:

"Sec. 328. Commission on the Proposals for National Academy of Peace.".

Mr. HATFIELD. Mr. President, I yield the floor.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that his amendment be set aside?

Mr. HATFIELD. Mr. President, I ask unanimous consent that my amendment be set aside until the Senator from Delaware has had an opportunity to present his.

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

Mr. GLENN. Will the Senator yield?

Mr. ROTH. Mr. President, I yield for the purpose of a unanimous-consent request.

Mr. GLENN. Mr. President, I ask unanimous consent that two members of my staff, Len Bickwit and Reginald Gilliam, be granted privilege of the floor during consideration and voting on this bill.

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

Mr. BELLMON. Will the Senator yield?

Mr. ROTH. Mr. President, I also yield to the Senator without losing my right to the floor.

Mr. BELLMON. Mr. President, I ask unanimous consent that Dick Woods of my staff be granted privilege of the floor during the consideration of the bill.

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

AMENDMENT NO. 2122

Mr. ROTH. Mr. President, I call up my amendment No. 2122.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Delaware (Mr. ROTH) proposes an amendment No. 2122.

Mr. ROTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 322, between lines 6 and 7, insert the following new section:

"EQUAL EDUCATIONAL OPPORTUNITIES

"SEC. 328. Section 203(b) of the Education Amendments of 1974 is amended by inserting a period after 'dual school systems' and striking out the remainder of the sentence."

On page 101, in the table of contents, after item "Sec. 327." insert the following new item:

"Sec. 328. Equal educational opportunities.".

Mr. ROTH. Mr. President, I ask unanimous consent that the junior Senator from Delaware (Mr. BIDEN) be added as a cosponsor.

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

Mr. McINTYRE. Will the Senator yield for a unanimous-consent request?

Mr. ROTH. I yield.

Mr. McINTYRE. Mr. President, I ask unanimous consent that John Cross of my staff be granted privilege of the floor during the debate.

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

Under the previous order, there will be 50 minutes on this amendment to be equally divided, 25 minutes under the control of the managers of the bill and 25 minutes under control of the Senator from Delaware, the sponsor of the amendment.

Mr. ROTH. Mr. President, the Roth-Biden amendment strikes certain language from the findings section of title II of the Education Amendments of 1974 commonly referred to as the Esch amendment.

The language proposed to be stricken is the proviso contained in section 203(b) which is as follows:

...except that the provisions of this title are not intended to modify or diminish the authority of the courts of the United States to enforce fully the fifth and fourteenth amendments to the Constitution of the United States.

The source of this language was the so-called Scott-Mansfield amendment. In presenting the amendment, the distinguished Senator from Pennsylvania indicated that this was merely clarifying language—to make clear that the bill was not intended to prevent the courts from upholding the Constitution—however, the U.S. court of appeals for the sixth circuit has misconstrued the language as "not limiting either the nature or scope of the remedy for constitutional violations"—and held the act not applicable to the Federal judiciary. (*Brinkman* v. *Gilligan*, 518 F. 2d 853 (6th Cir. 1975).)

By removing this language through the adoption of my amendment, we are merely reasserting our intention that a court formulate its remedy for a denial of equal educational opportunity in accordance with the priority of remedial alternatives set out in section 214 of Public Law 93-380. That priority of remedies is as follows:

Assigning students to schools closest to their homes, taking into account school capacities and natural physical barriers.

Assigning students to schools closest to their homes, considering only school capacity.

Permitting students to transfer from a majority to a minority student concentration of their race, color, or national origin.

Creation or revision of attendance zones or grade structures without requiring transportation beyond the school next closest to the student's home.

Construction of new schools.

Closing of inferior schools.

And any other plan which is educationally sound and administratively feasible which does not require transportation beyond the next closest school or

across district lines, unless such lines were drawn for the purpose, and had the effect of segregating students among public schools on the basis of race, color, or national origin.

The proviso regarding school district lines is extremely important, because it correctly requires a racial purpose or intent as an essential element of unlawful discrimination. Lower Federal courts have been prone to ignore this element and declare laws or official acts unconstitutional solely because of racial impact, even though the Supreme Court has not.

The recent Supreme Court decision in Washington against Davis (No. 74-1942, June 7, 1976) is directly on point.

In ruling that a job-qualification test given police applicants was not unconstitutional simply because four times more blacks than whites failed it, the Supreme Court stated:

Our cases have not embraced the proposition that a law or other official act, without regard to whether it reflects a racially discriminatory purpose, is unconstitutional *solely* because it has a racially disproportionate impact. (*Washington*, at p. 8)

In support of its ruling that a racial purpose or intent is an essential element of unlawful discrimination, the Supreme Court specifically cited school desegregation cases as demonstrative that the law is identical in other contexts:

The school desegregation cases have also adhered to the basic equal protection principle that the invidious quality of a law claimed to be racially discriminatory must ultimately be traced to a racially discriminatory purpose. That there are both predominately black and predominately white schools in a community is not alone violative of the Equal Protection Clause. The essential element of *de jure* segregation is "a current condition of segregation resulting from intentional state action . . . the differentiating factor between *de jure* segregation and so-called *de facto* segregation . . . is purpose or intent to segregate." *Keys v. School District No. 1*, 413 U.S. 189, 205, 208, (1973). (Ibid., at pp. 9 and 10)

Many constitutional scholars find it difficult to reconcile this language with recent Federal district court decisions. In my own State of Delaware, a three-judge district court, after clearly stating the evidence did not substantiate any finding of racial purpose or intent, nonetheless held a State statute unconstitutional solely because it had a racially disproportionate impact. (*Evans* v. *Buchanan*, 393 F. Supp. 428 (D. Del. 1975).)

Many people today are critical of the judiciary. I, for one, believe the courts have usurped prerogatives properly belonging to the elected representatives of the people. By ruling on the basis of their view of "enlightened" social policy rather than the law, the courts have become a super-legislature responsible to no one.

Perhaps the best illustration of the evils that flow from judicial enforcement of social policy in the guise of constitutional adjudication is the deplorable mess in which the schools of the Nation find themselves today as a result of court-ordered busing. In 1954, the Supreme Court in Brown against Board of Education laid down a constitutional principle with which few would disagree, that is, no State may compel separation of the races in the public schools. In other words, the States may not, on the basis of a child's race or color, designate where he is to attend school. Over the course of two decades, however, the noble principle of Brown has been rewritten to the point that we find the present Court announcing that the 14th amendment, far from prohibiting the assignment of pupils on account of race, actually demands it.

The basis for the Court's 180 degree reversal in approach to the problem of school segregation cannot be found in the enduring principle of equal protection which remains the same today as it was in 1954. Rather, it may be explained only for what it actually was—an unrestrained exercise of judicial policy-making totally at odds with the function of the courts under the Constitution.

Patterns of concentration by race and national origin have always existed in American cities and towns. Such concentrations are the natural outgrowth of group loyalties and cultural bonds. These patterns are more often the result of individual choice, rather than discrimination.

The Constitution does not require that racial or ethnic communities be destroyed. It only requires that no individual be confined to them by law. Our whole history has been to allow individuals full freedom to maintain or abandon their ties with such communities.

The polls indicate that the vast majority of Americans favor desegregation yet oppose busing. What the people are telling us is that they want desegregation and education, not desegregation at the expense of education. In terms of quality education, court-ordered busing has been counter-productive. The courts have focused so intently on racial balance that they have lost sight of what such balance was to achieve.

Our public school system is rapidly deteriorating. School tests demonstrate that children are not learning the basic skills of education. The scholastic aptitude tests taken by nearly 1 million college-bound dropped sharply to the lowest level in more than two decades.

There are remedies other than busing through which we can achieve quality education for all children, regardless of race, color or national origin. Title II of Public Law 93-380 provides a priority of remedies consistent with that goal.

It is now up to Congress to clearly indicate to the courts that they formulate their remedies in accordance with that act.

I would like to point out that on May 11 the House passed an identical amendment offered by Mr. ESCH to H.R. 12835. I am hopeful that my colleagues in the Senate will take similar action.

At this time I will yield 5 minutes to my junior colleague from Delaware.

Mr. BIDEN. I thank the Senator.

I shall not take very much of the Senate's time. My distinguished colleague (Mr. ROTH) has, I think, stated our position very well. I would like to amplify a few points, if I may.

First and foremost is the elimination of what has been referred to in the past as the Scott-Mansfield language and which is presently part of the law. In fact, it says, and it sounds very innocuous, that, "Nothing in this title is intended to modify or diminish the authority of the courts of the United States to enforce fully the Fifth and Fourteenth Amendments of the Constitution of the United States."

When that was offered in 1974, it was argued that we wanted to assure everyone that we had no intention to interfere with the Constitution or do away with the authority of the courts to make certain rulings.

We further went on in that law and said, "Look, Courts, we understand you might have to bus on occasion, but we want to make sure that you first exhaust other possible remedies."

We set out a section in the law entitled "Priority of Remedies." Included in the priority of remedies were such things as transfer zones, attendance zones, and so forth. What we tried to get the court to do was to say, "When, in fact, you find there has been discrimination within a school system requiring some action on the part of the court to eliminate that constitutional violation, you start off in the following way," and we listed in that instance several alternatives to busing.

We said, "After you have gone through those eight alternatives and you still determine that implementing them would not satisfy the Constitution, then you can go ahead and order busing. But we want to make sure you have really looked at it." We said in the law not "may" but "shall."

In section 214, referring to the courts in formulating remedies, we said "and shall require implementation of the first of the remedies set out below or the first combination thereof which would remedy such denial."

I voted for that in 1974 on the assumption that all we were doing was mollifying those who were concerned we might be interfering with the constitutional authority of the courts. But what has happened subsequently is that various Federal courts have interpreted the existence of the Scott-Mansfield language as allowing them to overlook the congressional intent and priorities set out in the law.

Courts have ruled, quite frankly with very tortured reasoning, "With the existence of that language we are not compelled to make a specific finding that any of your seven or so remedies will not satisfy the situation. All we have to do is decide busing will satisfy it."

That is not, as I understood it, what this U.S. Senate intended in 1974. If that is what we intended, I wonder why we went to all the trouble to draft a law that included within it a priority of remedies. Why would we bother to do that if we really meant that the court did not have to look at a priority in making a determination?

Well, what has happened, as I said, is that the courts have decided, or some of the courts and lower courts have decided, that because of the existence of Scott-

Mansfield language in the bill they do not have to follow our test.

What the Roth-Biden amendment does is try to clarify the issue. Unfortunately, in my opinion—and I must be honest—it does not eliminate all busing. I wish it did. What it does do is say, "If, in fact, you are going to order busing, Federal courts, you must make a specific finding that the other remedies listed are not capable of doing the job."

That is simply what it does.

I have talked to some of my friends who usually vote on the opposite side of the issue.

Will the Senator from Delaware yield me 2 additional minutes?

Mr. ROTH. I yield.

(Mr. GLENN assumed the chair at this point.)

Mr. BIDEN. Unfortunately, they are not here now. Along with my senior colleague I have been bending their ears for the last day and a half. Some of the people who voted in 1974, believed this was merely language to quell concern about our attempt to violate the Constitution, if that is how it would be characterized, said, "I did not realize the courts were making the findings you have just stated, Joe. That was not our intent in the first place."

I wish we had everyone here to listen to this. I particularly wish they were here to listen to my distinguished colleague from Delaware and the opposition, whoever will be speaking on this, because I would like it clarified. I would like them to go away from this Chamber with a clear understanding of what we are talking about.

What happens in the meantime is the argument breaks down into whether or not one is for civil rights or against civil rights, whether they are a good guy or a bad guy. As was stated to me by a staff friend of mine, "You are going after the Constitution again, Jo. Ha, ha, ha."

That is really how this is usually argued in the cloakrooms, in the hallways, on the way to the elevators, when we are stopped by opponents or proponents, and we seldom get to the specifics or the merits.

In conclusion, we are not in any way tampering with the Constitution. We cannot, by statute, amend the Constitution, so there is no need for the language in the first place.

We are only attempting to assure that the courts no longer use the Scott-Mansfield language as a dodge to avoid the congressional intent and the law, which says, "Try these other ones first, and make a specific finding that they do not work before you use the drastic step of busing."

Mr. President, I yield back to my colleague from Delaware, or whoever seeks the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. JAVITS. Mr. President, I shall speak in opposition to this amendment.

This amendment is an effort to legislate a constitutional amendment in a law. That is all it amounts to. The cases that are alleged to have decided something only say exactly that.

I challenge any conclusion such as is contained in the memorandum on this amendment which has been distributed to all Senators, which says:

> In 1975, the U.S. Court of Appeals for the 6th Circuit determined that title II of the Education Amendments of 1974 was not applicable to the Federal courts because of the Scott-Mansfield language contained in section 203(b).

The part which I challenge is:

> Because of the Scott-Mansfield language contained in section 203(b).

Mr. President, the Scott-Mansfield language, the Roth-Biden language, my language, or anyone else's language, unless incorporated in a constitutional amendment, does not change the Constitution of the United States; and the Fifth and Fourteenth Amendments remain fully in effect no matter what we say.

If we adopted the amendment which Senator ROTH and Senator BIDEN have put forth, it would change nothing; it would only cause social disorder and social distress. That is all it would do. It would invite a confrontation with the courts, which we have sought to avoid, not in the interest of blacks going to public schools, but in the interests of all the people of our country, who want some semblance of order and tranquility, and when they are ready to amend the Constitution they will do it.

Mr. President, I am not given to making assertions without proof, so I read the decision on which this whole idea is based, of Brinkman against Gilligan. Mr. President, this is what it says, and I invite my colleague from Delaware to follow. The court, in its operating language, says at page 556 of 519 Federal 2d:

> We construe the 1974 Act—

To wit, the one we are talking about—

> read as a whole, as not limiting either the nature or the scope of the remedy for constitutional violations in the instant case.

They did not talk about priorities. That is all that title II talked about, and the section to which my colleague has made reference, section 214, talked about: priorities. They just said it cannot limit what the courts do in curtailing constitutional rights as they respect the rights of individuals. And it cannot; and it did not intend to. The only thing the Scott-Mansfield language was intended to do was politically, in its highest sense, to reassure the people of our country that Congress was not trying to change the Constitution or to engage in a face-to-face confrontation with the Supreme Court of the United States, because we, too, like everyone else, respected the findings of the Constitution as to the rights of individuals, and that we did not intend to pass a law to change the Constitution, first because we could not do it, and second because it would be very bad policy to try.

It is the latter point upon which this amendment ought to be decisively defeated. It is very bad public policy to try. We have enough trouble with this kind of conflagration in this country without inviting and asking for a confrontation with the court.

Mr. President, I would refer Senators in that regard to a report of the Civil Rights Commission of the United States just issued, dealing with school desegregation standards. Here is what it says, at page 10:

> Although Congress may legislatively define appropriate remedies for the violation of rights conferred by statute, Congress may not restrict judicial remedies for violation of constitutional rights. The right to attend nonsegregated schools, although reaffirmed by various statutes, is a right conferred on all by the Constitution.

That is the basis, of course, for the 1954 decision of the U.S. Supreme Court.

Now, section 5 of the 14th amendment, which is one of the amendments in question, provides that:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this Article.

That relates, of course, to equal standing before the law. This obviously does not authorize Congress to take away the protection of the 14th amendment, or to limit the way in which it can be enforced. But Congress can exercise its judgment, which it offered to the Supreme Court, as to the order of priorities or its feeling as to the policy which ought to be pursued.

Mr. President, in Katzenbach against Morgan—we will give the date of that decision very shortly; it is 1975—where the court was dealing with a provision of the Voting Rights Act, the court said:

> Contrary to the suggestion of the dissent . . . section 5 (of the 14th Amendment) does not grant Congress power to exercise discretion in the other direction and to enact "statutes so as in effect to dilute equal protection and due process decisions of this court." We emphasize that Congress' power under section 5 is limited to adopting measures to enforce the guarantees of the Amendment; section 5 grants Congress no power to restrict, abrogate, or dilute these guarantees.

That is exactly what the circuit court of appeals said in the case which our colleagues depend upon to sustain their position, Brinkman against Gilligan. It said:

> We construe the 1974 Act, read as a whole, as not limiting either the nature or the scope of the remedy for constitutional violations in the instant case.

As a matter of fact, the court in this Gilligan case actually followed the orders of precedence which are contained in section 214, because the plan approved by the district court in that case actually was inadequate in terms of the constitutional requirement, and the court sent it back to make it adequate. So the court did not take exception, except on one specific kind of a school which is not relevant to this discussion, to the order of the remedies which the lower court had described, but what the court said was, "That does not limit us, and we send it back to the district court to approve the desegregation plan, bearing in mind that we are not confined nor limited to the remedies prescribed in the Education Act, because it is a constitutional right that is being enforced, not a contractual or other legal right which is developed by statute, and therefore may not come under the particular constitutional provision."

Mr. BIDEN. Mr. President, will the

Senator yield for a brief question on that one case?

Mr. JAVITS. Surely.

Mr. BIDEN. Is the Senator suggesting that the language which he read, which said that the Congress cannot dilute the effect——

Mr. JAVITS. Limit, Senator BIDEN.

Mr. BIDEN. Limit?

Mr. JAVITS. I beg the Senator's pardon; he was referring to the Katzenbach case.

Mr. BIDEN. Dilute the effect of the 14th amendment; is he suggesting that prescribing the remedy dilutes the jurisdiction, in effect, of the 14th amendment?

Mr. JAVITS. No; I am not. What that bears on is the fact that the court held that measures which implement the guarantees are perfectly proper for Congress, but that they cannot adopt measures which reduce the guarantees, because that is changing the Constitution.

Mr. BIDEN. Is the Senator suggesting that if you deal with the remedies, you are proscribing the guarantees?

Mr. JAVITS. I suggest only that that is what the Supreme Court held, and that this court, the appellate court, did no differently.

The theory of this amendment was, as I understood it—and that is the broadside attack that you gentlemen made—that the courts had held that section 214 was not applicable, therefore, they need not pay any attention to it. However, you wanted them to pay attention to it so you were going to strike certain language in the Scott-Mansfield compromise. I am pointing out the court held no such thing. Indeed it did not pass on the question of priorities. It just held—and I am going to go back to the statute now and prove that—that you cannot limit the guarantees which the Constitution provides and that the courts——

Mr. BIDEN. But you could limit the remedies.

Mr. JAVITS. You cannot limit the remedies which the Constitution calls for—to guarantee the rights.

Mr. BIDEN. That is not this case.

Mr. JAVITS. Let me go back to the statute and demonstrate what I mean or why this is a perfectly sound doctrine.

In 203(b), which is sought to be partially stricken by this amendment, I said: "We for high social and political policy reasons simply restated the obvious." And I argue and it is the basis of my opposition to this amendment that to strike out that statement raises the big issue of social policy which we had decided by accepting the Scott-Mansfield compromise, that is, that the minorities in the country need have no fear that Congress was trying by statute to change the Constitution; but, on the contrary, we maintain our adherence to the Constitution as we expected everyone else, and that being the essence of the mandate we laid down, it would be a great mistake in policy to change it. In addition especially it would be a great mistake as it meant nothing. The fact is that the Supreme Court would go right ahead and do whatever it thinks it ought to do in the absence of a change in the Constitution, and that is right. That is according to American law. If my colleagues feel deeply aggrieved by it they can take it to the people by a constitutional amendment if they can get the necessary concurrence, and there is no way of cutting and trimming on that proposition, unless you want to junk the Constitution.

Mr. President, let us see the scheme of the legislation. We laid down an order of priority of remedies in section 214. It is very brief, and any member can read it very quickly. It is noted that there is nothing in section 214, there is nothing in section 215, and there is nothing in section 216, all the pertinent sections, which allows busing. Congress did not allow busing as a last resort. As a matter of fact, we sought to prohibit it, and section 215(a) says exactly that. I shall read it because it is very important:

> No court, department, or agency of the United States shall, pursuant to section 214, order the implementation of a plan that would require the transportation of any student to a school other than the school closest or next closest to his place of residence which provides the appropriate level and type of education for such student.

The Supreme Court says—and the Supreme Court has the absolute right—that if that perpetuates segregating schools, then it cannot enforce that provision because that is contrary to the Constitution of the United States.

And that is what we argue. Whether you write it in what you want to strike out or not, it is not going to make any difference except to cause deep social difficulties in our country, if the minorities in this country, whether they like busing or not, get an idea that we feel we think we can in Congress by passing an amendment annul the Constitution. Once we get into that, we are in real trouble, and that is why I urge strongly, Mr. President, against it.

Mr. President, one final word and I shall be through. I think that the situation in our country, notwithstanding upsets in Louisville and upsets in Boston, has shown, according to very authoritative surveys, on the whole to have gone very well with the Southern States, and I am the first to pay tribute to them as the leaders. I argued here in the course of the civil rights debates that I would be just as tough on any State, including my own if it were in violation of law, and the answer is that I was.

We have actually had this situation in a county in New York City which one would think would be the paragon of virtue on this subject but was not. I never did anything but insist on the rigorous application of the law.

I shall read in that regard the finding of the U.S. Civils Rights Commission, that where there is community cooperation with the law, not with policy but with the law, it works, and where there is community violence which a minority feels that it can use to transgress the law it might just as well do that by smashing windows as by denying the guarantees of the Constitution as to equal opportunity in education.

Here is this statement from the Civil Rights Commission's report just issued which says as follows, and then I shall be through, Mr. President:

> At the end of what has been an exciting experience for the members of the Commission, there is one conclusion that stands out above all others: desegregation works. It is working in Hillsborough County, Florida; and Tacoma, Washington; Stamford, Connecticut; and Williamsburg County, South Carolina; Minneapolis and Denver, and in many other school districts where citizens feel that compliance with the law is in the best interests of their children and their communities. It is even working in the vast majority of schools in Boston and Louisville in spite of the determination of some citizens and their leaders to thwart its progress.

So, Mr. President, I conclude, we have decided with the Scott-Mansfield compromise, which took the two leaders of the Senate, Mr. President, to sponsor, in order to make it as authoritative and weighty as we could, and it is working in terms of the tranquility of our country. The expressions of violence which we have seen, and they are real, must be compared to the universe in which there is no violence and in which the Constitution is at long last being enforced. To dismantle this delicately balanced structure by striking out a key portion of the Scott-Mansfield compromise when it will mean nothing except trouble—it does not change a thing, even according to the case they cite—would be, in my judgment, the height of unwise public policy, and I hope very much that when the appropriate moment comes we will reject this amendment.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. BROOKE. How much time does the Senator have remaining?

Mr. PELL. How much time do we have now?

The PRESIDING OFFICER. The opponents of the amendment have 6 minutes remaining.

Mr. PELL. I yield 2 minutes to the Senator.

The PRESIDING OFFICER. The other side has 9 minutes remaining. Six and 9 minutes remaining. The opponents of the amendment have 6.

Mr. PELL. How many minutes does the Senator wish?

Mr. BROOKE. Five.

Mr. PELL. I yield 5 minutes.

Mr. BROOKE. I thank my distinguished colleague.

Mr. President, I would prefer to spend this time considering the merits of the provisions of S. 2657, the Education Amendments of 1976. But, unfortunately, the occasion precludes such a discussion and compels me to once again oppose an unconstitutional and unconscionable amendment. That this should be necessary is indeed troubling for I am unable to understand how, as responsible legislators, we again find ourselves giving serious consideration to an amendment that can only invite chaos and confusion across the Nation, further racial division and strife, and precipitate a constitutional confrontation between the Congress and the courts. Instead our sights should be fixed on the legitimate educational concerns facing our Nation as we move slowly, sometimes painfully, but I believe inexorably toward "one nation indivisible."

The amendment now before this body, like the Esch amendment added to the higher education bill on the floor of the House of Representatives, would effectively repeal the Scott-Mansfield language from the Equal Educational Opportunity Act which was enacted as title II of the Education Act Amendments of 1974. In that law, Congress created a new statutory remedy in Federal courts for relief from racial discrimination in education and provided the courts with guidance in formulating remedies for unlawful segregation in the schools. Specifically, the act sets out practices which are to be considered denials of due process and equal protection of the laws and delineates a hierarchy of preferred forms of remedial relief. It also provides that mandatory pupil transportation beyond the school "closest or next closest" to the home is prohibited.

To preserve the act from judicial challenge that would certainly have ensued, the Scott-Mansfield language explicitly affirmed the constitutional authority of the courts by adding the following to the prefatory congressional findings:

. . . Except that the provisions of this title are not intended to modify or diminish the authority of the courts of the United States to enforce fully the fifth and fourteenth amendments to the Constitution of the United States.

As described by Senator SCOTT:

. . . The language regarding constitutionality . . . puts the issue squarely to Senators who (a) insist (Title II) is constitutional as is, or (b) say they are unsure but wish to leave it to the courts. This language does leave it to the courts, but makes clear that Senators . . . will not try to tell the Court that it cannot enforce the Constitution.

To oppose this clarification would undermine the integrity of our system and respect for the Constitution as interpreted by the Courts. If a Senator votes "no" on this Scott-Mansfield substitute, he is saying "Yes, I am prepared to try to go beyond what the Constitution permits." It does not require Senators to decide if this or that provision is constitutional; it merely requires them to stand by the Constitution as interpreted by the judicial branch, as called for by our system short of Constitutional amendment. Cong. Rec., vol. 120, part II, p. 15078.

My reasons for opposing any amendment to eliminate the Scott-Mansfield language from the current law are threefold.

First, contrary to the apparent belief of its sponsors, the amendment would not stop busing for desegregation by making the remedial limitations of the 1974 act mandatory on the courts. Instead, it would render that legislation blatantly unconstitutional and deprive it of any force or effect. The Supreme Court in Swann against Board of Education clearly recognized that the remedial assignment and transportation of students is one permissible—and, in some cases, indispensable—means of achieving constitutionally adequate desegregation of the schools mandated by Brown against Board of Education and its progeny. As stated by the Court, "Desegregation plans cannot be limited to the walk-in school." The imperative nature of this remedial principle was made clear in a companion to Swann which struck down, as violative of equal protection, a North Carolina State law which would have prohibited the involuntary transfer of students to accomplish desegregation. North Carolina State Board of Education against Swann.

The judicial power of the United States is vested by article III of the Constitution in the courts, not in Congress, and ever since Chief Justice Marshall's decision in Marbury against Madison, the judicial power has been supreme over the legislative, so far as the application and enforcement of the Constitution is concerned. The Court in United States against Nixon unequivocally reaffirmed the central principle of that case that "[i]t is emphatically the province and duty of the judicial department to say what the law is." To be sure, Congress has power, which the States lack, to regulate the jurisdiction of the Federal courts, and to govern their procedures and choice of remedies. So it did in the Norris-LaGuardia Anti-Labor Injunction Act of 1932, for example. But there it deprived the courts of power to grant a remedy historically viewed as extraordinary. The remedy ordinarily available was not affected. And there, as in other instances where Congress has imposed jurisdictional limits on the Federal courts the legislation was not concerned with remedies for denial of constitutional rights. Marbury clearly established that the doctrine of separation of powers precludes Congress from limiting the authority of the courts in interpreting the Constitution and effecting constitutional rights. In the guise of a jurisdictional statute, Congress cannot deprive a party either of a right protected by the Constitution or of any remedy the courts deem essential to enforce that right. Similarly, under section 5 of the fourteenth amendment, as interpreted by the Court in Katzenbach against Morgan, Congress' authority extends only to laws expanding or supporting, rather than diluting, the equal protection guarantee.

For Congress to ignore these limits on its authority and pass this amendment would be an open invitation to the courts to strike down the remedial standards of the 1974 act. Where unconstitutional segregation is found, Swann decreed that student transportation plans may be necessary to implementation of an effective remedy. Congressional action in derogation of this principle would impede realization of the constitutional goal of desegregated schools for all our children and therefore violate the due process clause of the fifth amendment.

A major reason for my opposition to this amendment stems from my basic disagreement with its proponents that the courts have callously ignored the remedial standards prescribed by Congress in 1974, ordering large-scale transportation schemes without considering other alternatives. To the contrary, a brief survey of several recent rulings reveals that the lower courts have deferred to the congressional policy of the 1974 act and have utilized busing as a remedy of last resort only where other means would not effectively eradicate the effects of past discriminatory policies.

In the Boston case, Judge Garrity employed many of the remedies authorized by the 1974 act in formulating a comprehensive plan to desegregate the schools of that city. Morgan against Kerrigan. In issuing his final order, the judge indicated that "[r]evision of attendance zones and grade structures, construction of new schools and closing of old schools, a controlled transfer policy with limited exceptions and the creation of magnet schools have been used in the formulation of the plan here adopted in order to minimize mandatory transportation.".

So if there is any doubt in the minds of the proponents as to what at least one Federal district court judge did prior to ordering busing as a tool of last resort, I want to reassure them by the language contained in that judge's final order.

Perhaps the most notable feature of Judge Garrity's order in the Boston case was the extensive use made of the so-called "magnet school" concept to achieve desegregation with minimum busing. The plan finally approved established 22 such schools, offering specialized courses of study, to be attended voluntarily by about 14,000 students throughout the city. But he found that some minimal busing was necessary "to remedy adequately the denial of plaintiffs' constitutional rights and to eliminate the vestiges of a dual school system." About 25,000 of the system's 85,000 students are bused under the judge's order compared with some 30,000 before desegregation.

Likewise, in Louisville, Ky., Judge Gordon instructed the school board to consider the 1974 law in formulating a school desegregation plan for the Louisville school system. The final plan approved by the court made extensive use of school closings and the remedial altering of attendance zones "to insure the maximum desegregation of the schools without the use of any other remedy, including transportation." Newburg Area Council, Inc. against Board of Education of Jefferson County. I offer that to my colleagues for their reading.

Judge Gordon further observed that in issuing his order he had "meticulously followed the priorities and remedies set forth in the Equal Educational Opportunity Act of 1974."

And that is why we passed that act—because we wanted to give Federal courts additional tools that should be used prior to resorting to court-ordered busing. Though it is not written, we have said time and time again that busing should only be used as a constitutional tool of last resort. What I am saying to my colleagues today on this issue—and I have said it so many times before—is that all Federal district court judges have used these tools, and used them wisely, before they ultimately used court-ordered busing.

Another example of judicial discretion recently occurred in the fifth circuit. The court of appeals directed that in fashioning a new desegregation plan for Austin, Tex. the district court attempt "to minimize the economic cost of busing, the traffic congestion that the busing plan will cause, the time that schoolchildren will spend on buses, and the

number of students who will leave the public school system rather than participate in the desegregation plan." United States against Texas Education Agency.

Thus, it is clear that the courts have acted neither excessively nor irresponsibly in their use of busing as a school desegregation technique. They have ordered busing only where no other means would adequately redress violation of constitutional rights. Even then, they have exercised their authority with admirable restraint and in a fashion consistent with congressionally declared policy. Further indication of this is the Attorney General's repeated inability to find the appropriate case—Boston, Pasadena, or elsewhere—in which to argue to the Supreme Court that busing has been used to a constitutionally inordinate degree.

Finally, Mr. President, I oppose this amendment, despite my firm conviction that it would be held wholly ineffectual as contravening constitutional limits, because it would symbolize to the American people a weakening in the commitment of their elected representatives to the rule of law and orderly constitutional processes. Each of us has taken an oath to uphold the Constitution and adhere vigorously to the rule of law. Our Constitution, and Court decisions which interpret it, must not be compromised by the appearance of congressional defiance lest we open the door to lasting and potentially disastrous erosion of our basic freedoms. The very strength of our democratic system proceeds from the protection of individual rights as embodied in the Constitution and we must forcefully resist any attempt to thwart the Constitution or to destroy the fundamental role of the courts in enforcing fundamental freedoms.

Yet this amendment would inevitably lead to a devastating confrontation between the Supreme Court and Congress, which would weaken both branches and undermine the confidence of Americans in our ability to govern. The measure seeks to undo a long line of Supreme Court decisions defining the constitutional obligations of public educational authorities to provide a desegregated education for all our Nation's children. The outcome of the confrontation is predictable. The Court and Constitution would prevail over the Congress. In the process, the amendment would be revealed for what it really is—much sound and fury signifying nothing. It would signify a lack of courage on the part of Congress to make clear our constitutional obligation and to tell the people that what some may desire of us, we cannot deliver. In short, it would be an exercise in hypocrisy and would be perceived as such by the American people. Moreover, by rekindling old antagonisms and encouraging public resistance to lawful court orders by unlawful—and possibly, violent—means, it would jeopardize the progress being made in school districts across the country which have come to accept desegregation as a way of life.

Mr. PELL. Mr. President, I yield as much time as is required——

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. JAVITS. Mr. President, if I may be recognized for 30 seconds, we suggest that the proponents use their time, and if others wish to speak and any time is allocated on the bill, I know that Senator PELL will be glad to yield an equal amount of time to whatever we do use on the bill, or I will, to the proponents. I just wish to make that clear.

The PRESIDING OFFICER. The time of the opponents to the bill has expired.

The Senator from Delaware has 9 minutes remaining.

Mr. ROTH. I yield myself 4 minutes.

Mr. President, first, I respectfully disagree with those who are claiming that the present system is working well. There are many leading sociologists as well as scholars who are finding that what is transpiring today is not only failing to bring about desegregation but also is hurting the educational quality of schools for all children.

I think this is a matter of great seriousness. People like James Coleman, a man who earlier was referred to as the father of busing, has said today that it is time to make a change; it is time to try some other remedies that will bring about better results, not only for quality education for all children but also in achieving the objective of desegregation.

So I do not think we can stress too strongly that the present system is not working. In fact, it is causing the social chaos and difficulties that are facing the educational system today.

Second, I point out that it is very clear under section 5 of the 14th amendment that Congress shall have the power to enforce, by appropriate legislation, the provisions of that article.

In our legislation, we are dealing primarily with the remedy. We are not limiting any constitutional right. Congress has the power, and it has the responsibility, to set forth what it thinks are the appropriate remedies for violations of constitutional rights.

Many distinguished legal scholars, such as Professor Bork and Archibald Cox, have argued very effectively, in my judgment, that Congress does have this authority.

One of the things that I think must be pointed out is that Congress is much more competent than a court—and the courts have recognized this—to make the sophisticated and detailed judgments necessary to frame a general rule regarding remedies which can be applied uniformly across the Nation. It is important that we give the courts the benefit of our judgment and that is what we are seeking to do in this legislation today.

If our amendment is adopted, it will be a major step forward to bring about better schools and better efforts at desegregation than we have experienced in recent years.

Mr. BROOKE. Mr. President, will the Senator yield for a question?

Mr. ROTH. I am happy to yield.

Mr. BROOKE. The Senator said in his statement that he felt that Congress was the proper party that could write sophisticated rules and guidelines that should be used by the courts. Is that correct?

Mr. ROTH. That is correct.

Mr. BROOKE. I agree with the Senator in that statement. Does not the Senator agree, further, then, that the Educational Amendments Act of 1974 contains precisely those guidelines and rules which Congress said to the courts they should use prior to resorting to court-ordered busing?

Mr. ROTH. The difficulty, of course, is that in the one case, the court used the so-called Scott-Mansfield language basically to ignore the remedies that were set out in the legislation.

There are other cases where pretty much the same thing——

The PRESIDING OFFICER (Mr. GLENN). The Senator's 4 minutes have expired.

Mr. BROOKE. I thank the Senator.

Mr. BIDEN. I understand the Senator has 5 minutes remaining. Will the Senator yield 2 minutes to me?

Mr. ROTH. I yield 2 minutes to my distinguished colleague.

Mr. BIDEN. In view of the time, I would like to address myself to one issue. That is remedial jurisdiction in the Federal courts and the right of Congress to deal with that jurisdiction. On the sum and substance of the argument of the distinguished Senator from New York about Congress infringing upon the Constitution by statute and attempting to proscribe the jurisdiction of the Federal courts, I believe he has confused two things. One is the jurisdiction of the court to determine what right exists and if there is a violation of that right with the jurisdiction of the court to prescribe a remedy. I admit that there is a division among judicial scholars as to whether or not Congress has a right to proscribe the remedies available to a Federal court. But there are those judicial scholars who say we do have that right; if it is not a cut and dried matter.

My distinguished senior colleague has cited some of them. On the opposite side, there is the distinguished former Professor Bickel, who has come down and said, "No, Congress does not have that right in this case."

The fact of the matter is, to characterize the attempt of the Senators from Delaware as an attempt to make an onslaught on the Constitution of the United States is, I think, very misleading. I believe that the United States Congress has the right to proscribe the remedies available to the Federal courts of this country. That is the issue we must decide here. If we, in fact, are in doubt, let us let the Court decide whether or not we do.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. ROTH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, has all time expired?

The PRESIDING OFFICER. There are 2½ minutes remaining for proponents of the bill only. The opponents have no time remaining.

Mr. ROTH. If the opponents are ready for a vote, we shall yield back the remainder of our time.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. PELL. Am I correct that all time has expired on the amendment?

The PRESIDING OFFICER. All time was yielded back, it is the understanding of the Chair.

Mr. ROTH. Mr. President, I think I said I would yield my time if we are ready for the question.

Mr. PELL. In turn, I am glad to yield back my time.

I now yield as much time as he may desire to the majority whip.

Mr. JAVITS. Mr. President, will it be understood that whatever time is taken by the deputy majority leader will also be granted to the proponents of the amendment out of the time on the bill?

Mr. PELL. Absolutely.

The PRESIDING OFFICER. The Chair understands that this will be time yielded on the bill.

Mr. JAVITS. That is correct, and an equal time to the proponents.

Mr. ROBERT C. BYRD. Mr. President, all time has been yielded back or has expired. I am prepared to move to table the amendment, so, after I finish my remarks, I shall move to table. I shall withhold my motion so as to give the other side an equal amount of time.

Mr. JAVITS. I thank the Senator very much.

Mr. ROBERT C. BYRD. Mr. President, I shall shortly move to table the amendment offered by Senator ROTH to strike the Mansfield-Scott language from the Equal Educational Opportunity Act of 1974. At the time, I opposed the Mansfield-Scott language that was written into that act, but I shall oppose the amendment to delete the language today and I shall manifest that opposition by moving to table the amendment.

The language specified is in section 203(b) of that act, and it states in part:

> . . . except that the provisions of this title are not intended to modify or diminish the authority of the courts of the United States to enforce fully the Fifth and 14th amendments to the Constitution of the United States.

In reality, that language merely spells out what is a fact of constitutional law: To wit, Congress cannot, by statute, diminish the enforceability in the Federal courts of a basic constitutional right. Of course, Congress can limit the jurisdiction of the lower courts, but Congress, itself, cannot limit the jurisdiction of the Supreme Court. The jurisdiction of the Supreme Court can only be limited by a constitutional amendment. Congress can, by statute, limit the jurisdiction and authority of lower courts, but the basic rights stemming from the Constitution are still enforceable by the Supreme Court. The elimination of the Mansfield-Scott language at this particular time would raise false hopes among those who oppose court ordered forced busing—and I am one who opposes busing to bring about an arbitrary racial balance in the schools. I do not believe that the Constitution requires an arbitrary racial balance in the schools. But to eliminate the language today could leave an impression with people who are opposed to court-ordered busing that, by virtue of elimination of the Mansfield-Scott language, court-ordered busing would be affected.

In reality, it would not be affected in the slightest degree by the elimination of this language; yet, it could lead to an impassioned reaction here, as we begin a new school year, on the part of those affected in the districts where court-ordered busing would again be applied this fall.

The amendment is referred to as an antibusing amendment. It will not have any impact whatsoever, and it cannot have any impact whatsoever, on court-ordered busing. Yet, it could raise false hopes to the contrary. As I have already indicated, my record of opposition to busing to bring about an arbitrary racial balance is clear, because I do not think the Constitution requires it. I have consistently opposed busing when it is done solely for that specific purpose.

In September of last year, the Senate agreed to my amendment to the HEW appropriation bill forbidding the use of HEW funds to require school districts to bus students beyond the nearest school in order to comply with title VI of the Civil Rights Act of 1964.

That amendment was adopted after lengthy debate in this Chamber, and it was adopted after many meetings in conference with the other body. The distinguished Senator from Massachusetts (Mr. BROOKE) sat in on those conferences. I attended them.

The Senate conferees held fast behind my amendment. The House conferees finally were forced to take that amendment back to the House in disagreement, and the House upheld my amendment. That is one way, one legitimate, effective way, of getting at this matter.

Another way is by constitutional amendment. Another way is by limiting the jurisdiction or authority of the lower courts. But in no way can the Senate of the United States and the House of Representatives limit the courts from enforcing the fifth and 14th amendments to the Constitution. Congress might eliminate the lower courts entirely, but the Supreme Court would still be there. We cannot limit its authority. As I have already indicated, the only way that can be done is by constitutional amendment.

But my amendment did not reach court-ordered busing. I said so at the time, and I have said so repeatedly since. So even my amendment, prohibiting the use of funds to require school districts to bus students beyond the nearest school, was very limited in scope. It did not reach court-ordered busing, but it did effectively prohibit HEW from acting arbitrarily in dealing with busing.

This amendment today likewise will not reach court-ordered busing, and I do not denigrate the arguments of those who have spoken in support of the amendment. They have a right to their viewpoint. I respect their viewpoint, and sympathize with their objective. The amendment will do nothing with respect to court-ordered busing; actually, it will have no impact whatsoever on busing of students.

In regard to the decisions by the courts, I have consistently spoken out, urging the Supreme Court to reexamine the recent line of Federal court decisions in the school desegregation cases which have involved forced busing because I have felt that some of the lower courts have indeed not correctly construed and interpreted the decisions of the highest court of the land. But I have also stated that the only effective legislative method of prohibiting court-ordered forced busing is by constitutional amendment.

I do not believe the Senate ought to act in any manner that may result in mistaken impressions that could result from the passage of this amendment which, as I have said repeatedly, would have absolutely no effect on court-ordered forced busing. It could lead to more unrest this fall when schools open again, and I do not believe that is a possibility that ought to be overlooked.

Therefore, I am ready to move to table the amendment, but I will withhold my motion until the Senators who support the amendment have had equal time.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mr. GLENN.) The Senator from Delaware has 8 minutes.

Mr. ROTH. I would point out No. 1, that no one can say with certainly what the Supreme Court might finally do with this legislation. But no one can say, as the distinguished majority whip has said, that this will have no effect. There are eminent legal scholars in this country who feel very strongly to the contrary, that Congress does have authority to give guidance to the courts on what the remedy shall be when there is a constitutional violation. That is all we are seeking to do here. We are not limiting, we are not modifying, we are not denying constitutional rights.

But what we are saying is that Congress has a right, not only a right but an obligation, to provide guidance to the courts, on how they should proceed to correct any pernicious segregation.

So I must respectfully disagree with the distinguished majority whip when he says that this legislation has no effect. I would urge him to reconsider because I think it is important that we do provide some relief. I think it is important that we give the courts an opportunity to follow guidelines that are the result of careful study and debate.

No. 2, he makes the argument that the timing is wrong. Well, Congress could never act, I suppose, if that were the judgment. I think the fact remains, and it is an important fact to recognize, that many distinguished scholars and educators are urging that the Congress step in and try to provide some strong leadership in this area and not abdicate its responsibility. To do otherwise would be to do nothing. If we are wrong, the Supreme Court can declare it unconstitutional.

I agree with the majority whip that

the one sure way of ending this type of busing is by a constitutional amendment. I would be happy to support, work for and vote for such a constitutional amendment if we could get it through this Congress. But so far that has been impossible.

So we should take our responsibility, take the bit in our teeth and move ahead in an area that is clearly constitutionally sound. Congress does have the right to set remedies to correct a violation of the Constitution.

Mr. BIDEN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BIDEN. Under the time agreement how much time do the proponents have remaining?

The PRESIDING OFFICER. The proponents have 5 minutes remaining.

Mr. BIDEN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BIDEN. How much time did the distinguished majority whip take?

The PRESIDING OFFICER. Eight minutes.

Mr. BIDEN. I thank the Chair.

If the Senator will yield to me the remaining time, Mr. President——

Mr. ROTH. How much time do we have?

The PRESIDING OFFICER. Four and a half minutes.

Mr. ROTH. I yield 3½ minutes.

Mr. BIDEN. Mr. President, quite frankly I resent the implication that, No. 1, we are trying to mislead the American public by telling them this is going to stop busing. We did not say that. We do not say that now and we never said that, No. 1.

No. 2, I further resent the implication that this is a direct onslaught on the Constitution and that that is what our intent is.

I suggest, and respectfully do so, that the opponents of this amendment, including the distinguished majority whip, are confusing apples and oranges. We never once said nor do we now say that any of the basic rights stemming from the Constitution, to use his phrase, can be altered by this Congress other than by a constitutional amendment. We never said that. We are talking here not about the rights but the remedy, and the question is does this Congress have the right to prescribe the remedy?

I said before and I say again there are distinguished scholars who disagree on that, but there are two distinct schools of thought, one of which says what we are saying that we do have the right to deal with the remedy. We are not taking away any constitutional right. That is not the intent nor are we taking away any constitutional guarantee. We use the phrase interchangeably here. We use the term "right" and the term "remedy." They are two different things, and I wish we would keep that in mind.

The distinguished majority whip also pointed out that on the Robert C. Byrd amendment we had great debate. I suggest that that amendment was the outgrowth of the Biden amendment on which we argued for 3 days. I understand what that amendment was all about. I stood on the floor for 3 days and discussed it and argued it. The fact of the matter is we are saying here in what way can the United States Congress affect busing to any degree. We all agree there is one way. We can pass a constitutional amendment. Everyone agrees with that. I think that is clearly the most drastic thing we can do in terms of what we can do to impact on it.

There is a second way. We say we can deal with the administrative arm of the Government, HEW, and all the rest. We have done that.

The third way I suggest is open to us. We can deal with the remedial jurisdiction of the Federal courts. If the Federal courts, and the Supreme Court of the United States in particular, after our action is taken, ruled that we cannot, we are back in a Marbury against Madison situation. That is really the essence of the discussion here, which no one has really articulated.

Now, if Senators are going to decide to vote against the Roth-Biden amendment because they think we are going after the Constitution, then understand they have decided that they believe—and they have a right to do it—the U.S. Congress cannot affect the remedial jurisdiction of a Federal court.

The PRESIDING OFFICER. The Senator's time has expired. There is 1 minute remaining for the proponents.

Mr. ROBERT C. BYRD. Mr. President, I want the RECORD to clearly show that I did not say and do not seek to leave——

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield time on the bill, 1 minute to the Senator from West Virginia.

Mr. ROBERT C. BYRD. I did not say and certainly do not want to leave any impression that the proponents of the amendment were deliberately misleading the people.

I did not mean to say that. I do not think I said it, and certainly I would not say it. They are acting in good faith, and I respect their position and viewpoint.

Second, as to remedal jurisdiction, as I indicated earlier, Congress can reduce the authority of the lower courts. So we can, indeed, deal with remedial jurisdiction.

But this amendment will not do that.

Mr. HASKELL addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HASKELL. Mr. President, I would like to make a unanimous-consent request for just 1 minute to ask one question which is subject to a yes or no answer by either Senator ROTH or Senator BIDEN.

Mr. PELL. I will yield 1 minute on the bill for that purpose.

The PRESIDING OFFICER. One minute.

Mr. HASKELL. To either Senator, is my understanding correct that if this amendment were adopted courts could still require busing, but that they would have to apply their remedies in the order stated in the statute before they issue an order requiring busing?

Mr. ROTH. That is correct.

Mr. HASKELL. I thank the Senator.

The PRESIDING OFFICER. The proponents of the bill have 2 minutes remaining, if they wish to use it.

Mr. ROBERT C. BYRD. Mr. President, I am ready to yield back the remainder of my time.

Mr. ROTH. I yield back the remainder of my time.

Mr. PELL. Mr. President, I yield back the remainder of the time.

Mr. ROBERT C. BYRD. Mr. President, I now move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the motion to table. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUGH SCOTT. (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Kansas (Mr. DOLE). If he were present he would vote "nay." If I were permitted to vote I would vote "yea." Therefore, I withhold my vote.

Mr. BELLMON (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Tennessee (Mr. BROCK). If he were present he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. MANSFIELD (when his name was called). Mr. President, on this vote I have a pair with the Senator from Minnesota (Mr. MONDALE). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. NUNN). The clerk will suspend.

May we have order in the Senate?

The legislative clerk resumed the call of the roll.

Mr. RANDOLPH. Mr. President, a point of order.

The PRESIDING OFFICER. A vote is in process. The point of order is not in order.

Mr. RANDOLPH. The Senate is not in order.

The PRESIDING OFFICER. The point is well taken. Senators will please take their seats.

The legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. HARTKE), the Senator from Maine (Mr. HATHAWAY), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from California (Mr. TUNNEY), and the Senator from Mississippi (Mr. EASTLAND) are necessarily absent.

I further announce that, if present

and voting, the Senator from Washington (Mr. MAGNUSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from Kansas (Mr. DOLE), the Senator from Oregon (Mr. PACKWOOD), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I further announce that the Senator from Utah (Mr. GARN) is absent due to a death in the family.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "nay."

The result was announced—yeas 46, nays 38, as follows:

[Rollcall Vote No. 536 Leg.]

YEAS—46

Abourezk	Hart, Philip A	Nelson
Bayh	Hatfield	Pastore
Brooke	Hollings	Pearson
Burdick	Humphrey	Pell
Byrd, Robert C.	Jackson	Percy
Case	Javits	Ribicoff
Church	Kennedy	Schweiker
Clark	Leahy	Sparkman
Cranston	Mathias	Stafford
Culver	McGee	Stevenson
Durkin	McGovern	Symington
Eagleton	McIntyre	Taft
Fong	Metcalf	Weicker
Glenn	Morgan	Williams
Gravel	Moss	
Hart, Gary	Muskie	

NAYS—38

Allen	Fannin	Nunn
Baker	Ford	Proxmire
Bartlett	Goldwater	Randolph
Beall	Griffin	Roth
Bentsen	Hansen	Scott,
Biden	Haskell	William L.
Buckley	Helms	Stennis
Bumpers	Hruska	Stevens
Byrd,	Inouye	Stone
Harry F., Jr.	Johnston	Talmadge
Cannon	Laxalt	Tower
Chiles	Long	Young
Curtis	McClellan	
Domenici	McClure	

PRESENT AND GIVING LIVE PAIRS AS PREVIOUSLY RECORDED—3

Mr. Hugh Scott for.
Mr. Mansfield against.
Mr. Bellmon for.

NOT VOTING—13

Brock	Hathaway	Packwood
Dole	Huddleston	Thurmond
Eastland	Magnuson	Tunney
Garn	Mondale	
Hartke	Montoya	

So the motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Oregon. Who yields time?

Mr. MANSFIELD. Mr. President, will the Senator yield to me briefly?

Mr. HATFIELD. Yes, I am happy to yield to the majority leader.

UNANIMOUS CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I wonder if we can find out how many more amendments will be offered by Senators. One, two, three——

Mr. EAGLETON. I have one.

Mr. MANSFIELD. Four, five, six, seven—Mr. President, I ask unanimous consent that the final vote on the pending measure occur at the hour of 8:30 this evening.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. Mr. President, reserving the right to object, I have three amendments. I did not see how many the total was.

Mr. MANSFIELD. There are about eight.

Mr. McCLURE. There are only about 2 hours between now and 8 o'clock.

Mr. MANSFIELD. 8:30.

Mr. McCLURE. And that would give us somewhat less than a half-hour per amendment, 15 minutes on a side. A great many Members, I suspect, think their amendments are more important than that.

Mr. MANSFIELD. I think we are probably over the toughest amendments, and I would hope that the Senate would consider a possible dilution of the time already agreed to, in the interests of bringing this matter to a conclusion. How about 9 o'clock?

Mr. CHILES. Mr. President, I wonder if we could find out rather quickly—I have one of those amendments, and I can handle my amendment in 3 minutes.

Mr. MANSFIELD. Very well.

Mr. EAGLETON. Ten minutes, five minutes to a side.

Mr. MANSFIELD. Let us take them one by one, then.

Mr. BELLMON. Mr. President, I would like a half hour on my amendment. It is a matter of some consequence.

Mr. MANSFIELD. A half hour, equally divided.

Mr. McCLURE. Mr. President, I have three amendments. I would like to have a half hour on each of two, and 10 minutes on the third.

Mr. MANSFIELD. All right. I hope the clerk is keeping track of these times. A half hour equally divided for the Senator from Idaho, or a half hour equally divided twice?

Mr. McCLURE. Yes, and 10 minutes on the third, equally divided.

Mr. MANSFIELD. The Senator from Ohio?

Mr. GLENN. A half hour.

Mr. MANSFIELD. A half hour equally divided.

The Senator from Kansas?

Mr. PEARSON. Twenty minutes.

Mr. MANSFIELD. Twenty minutes, equally divided.

The Senator from Illinois.

Mr. PERCY. Senator NUNN and I have an amendment. A half hour equally divided is adequate.

Mr. MANSFIELD. The Senator from Oregon?

Mr. HATFIELD. A half hour, on the one.

Mr. DOMENICI. Mr. President, I have one for 15 minutes, equally divided.

Mr. MANSFIELD. Very well. This is like a faro game.

Mr. STEVENS. I have two amendments. A half hour on one and 5 minutes on the other.

Mr. MANSFIELD. Very well.

Mr. President, I ask unanimous consent that there be a 10-minute limitation on all votes from now on.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, if we count in all the time expended on voting as well as all the time on amendments, it seems to me we will be here rather late. Is it necessary to finish this bill tonight? Could we not have a time certain tomorrow?

Mr. MANSFIELD. It is not necessary, but it is desirable. The Senator knows what we have on our platter, and how much time we have left. I would think the distinguished ranking Republican Members might be willing to shorten the time.

Mr. GRIFFIN. I am told that a quick computation shows that 4 hours have already been spoken for, not including the time consumed in voting.

Mr. MANSFIELD. Very well; let us go until 7:30 or 8 o'clock, then, and see where we are.

Mr. GRIFFIN. I think setting a time certain for voting tomorrow would be fine.

Mr. MANSFIELD. Mr. President, first could we have the Chair approve the request which the Senator from Montana made relative to these various amendments?

The PRESIDING OFFICER. Did the Senator from Montana also intend to include in his request a time for voting on the bill?

Mr. MANSFIELD. No; just a time on the amendments.

Mr. JAVITS. Mr. President, may we go over the terms of the request?

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, I want to know the terms of the request.

Mr. MANSFIELD. Just as to the requests for time on amendments.

Mr. JAVITS. What was the last answer to the majority leader? I did not get the last point the majority leader raised.

The PRESIDING OFFICER. It is the opinion of the Chair that the majority leader is asking for specified times on amendments, but not for a specified time for voting on passage of the bill.

The Chair observes to the Senator from Montana that if he was asking for a specified time on passage of the bill, waiver of rule XII would be required. That is no longer the case, if the Senator is not asking for a vote on final passage.

Mr. JAVITS. Is this unanimous-consent request under the usual procedure? Because if it is not, we are in a totally new thicket.

Mr. MANSFIELD. No. If the Senator will yield, it just has to do with amendments and the Senators who have indicated how much time they will take.

Mr. JAVITS. I understand, but the unanimous-consent agreement should be under the usual procedure respecting germaneness; otherwise I do not know where we are going or what we have agreed to.

The PRESIDING OFFICER. The Chair informs the Senator from New York that there is a unanimous-consent agreement on the bill in force which

provides for 1 hour on each amendment. This proposal would merely reduce the time, and would be under the same rule.

Mr. JAVITS. Fine. No objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. PASTORE. Mr. President, reserving the right to object——

Mr. MANSFIELD. Let him go, and then ask for recognition.

Mr. PASTORE. All right. Let it go.

Mr. WILLIAM L. SCOTT. Mr. President, reserving the right to object——

Mr. MANSFIELD. Well, then the Senator from Rhode Island has priority.

Mr. WILLIAM L. SCOTT. All right, go ahead.

Mr. PASTORE. Mr. President, if we are going to stay around here until 8 o'clock, and you are going to lose out on your dinner at home, you might as well stay around here until 10 o'clock and finish this bill.

Why not have a definite time tomorrow, either 11 o'clock or 12 o'clock, for final passage of this bill, and stay here tonight and work our will on all the possible amendments that will come up?

Mr. MANSFIELD. That is the next step.

Mr. PASTORE. Is there any objection to that?

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. LEAHY. If we are going to do that, I would strongly recommend we set the time for final passage fairly early in the morning, like 9:30 or 10 o'clock. This morning we had almost 2 hours of stalling quorum calls on this bill.

Mr. PASTORE. If we have a definite time, those who have been stalling will no longer stall. May I suggest that we have a vote on passage at 11 o'clock tomorrow?

Mr. MANSFIELD. If the Senator will withhold that, one step at a time.

Mr. PASTORE. But this is a big step.

Mr. MANSFIELD. That is the next step.

Mr. WILLIAM L. SCOTT. Mr. President, I am not going to object, but I just express the hope—I would add my word to that of the distinguished Senator from Rhode Island, and say further that I am not going to stay around here after 8 o'clock. Of course, that will be just 1 out of 100.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Montana for time limitations on amendments? The Chair hears none, and it is so ordered.

Mr. EAGLETON and Mr. MANSFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. EAGLETON. No, I am not objecting. I was trying to seek recognition on my amendment.

Mr. MANSFIELD. The next step is this——

Mr. PASTORE. May we have order, please? The majority leader is speaking.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MANSFIELD. The Senate will come in at 9 a.m. tomorrow. If our colleague from Vermont will indulge me, I ask unanimous consent, with the approval of the leadership on the other side and the membership of the Senate, that the vote on final passage occur at the hour of 12 noon tomorrow.

The PRESIDING OFFICER. And rule XII be waived.

Mr. LEAHY. Mr. President, reserving the right to object, and I shall not object, so the majority leader will understand my position, I would much prefer to have the vote tonight.

Mr. PASTORE. It is not going to happen.

Mr. MANSFIELD. It has been a long day, though.

Mr. LEAHY. I understand.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. Mr. President, reserving the right to object, and I do not intend to object, it is my understanding that it is the intention to come in at 9 a.m. tomorrow.

Mr. MANSFIELD. Yes.

Mr. McCLURE. Are there pending requests for special orders?

Mr. MANSFIELD. None. Wait a while. There may be one. I am not certain.

Mr. PASTORE. May we have a ruling?

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, reserving the right to object, will the majority leader tell us is it the intention to complete as many of the amendments as possible tonight and then others tomorrow morning or complete all of the amendments tonight and just have a vote on the bill tomorrow?

Mr. PASTORE. That is right.

Mr. MANSFIELD. If we can do that, I do not think we can finish all the amendments tonight. I think we should go to a reasonable hour, between 7 and 8 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. Mr. President, reserving the right to object, since it is my understanding there are no special orders, we will be on this legislation again before 9:30 a.m. tomorrow morning, so there will be 2½ hours on the bill tomorrow.

Mr. PASTORE. That is right.

Mr. MANSFIELD. Yes, indeed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I have one additional unanimous-consent request.

I ask that rule XII be waived under the unanimous-consent request agreement just entered into.

The PRESIDING OFFICER. That was part of the previous unanimous-consent agreement.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time on all other amendments than those listed be limited by the Members themselves this evening to 20 minutes.

Mr. JAVITS. That is 10 minutes on each side.

Mr. MANSFIELD. Ten minutes on each side.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. Again I repeat my request that from now on the votes on amendments be limited to 10 minutes.

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

The Senator from Oregon has the floor, I believe.

Mr. HATFIELD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oregon is entitled to be heard. The Senate will be in order.

The Senator from Oregon may proceed.

UP AMENDMENT 980

Mr. HATFIELD. Mr. President, I am joined by the Senator from Indiana (Mr. HARTKE). He is necessarily absent. Therefore, he requested that I call up the amendment. It is related to but is different from printed amendment 2015.

Mr. President, Senator HARTKE and Senator RANDOLPH join with me in sponsoring S. 1976.

Mr. McCLURE. Mr. President, the Senator is entitled to be heard. The Senate is not in order.

The PRESIDING OFFICER. The Senator from Oregon will suspend until the Senate is in order.

The Senate is not in order.

Will Senators please take their seats?

The Senator from Oregon may proceed.

Mr. HATFIELD. Mr. President, Senator HARTKE and Senator RANDOLPH join with me in sponsoring S. 1976, entitled the George Washington Peace Academy Act.

The intent of S. 1976 is to establish an educational institution in this country to fulfill an important aspiration of this Nation's great Revolutionary War general and outstanding first President, George Washington—that of providing an establishment devoted to the furtherance of peace and cooperation amongst nations and peoples.

The establishment of a Peace Academy would has a twofold purpose. One important purpose for its establishment would be for the training of students in the arts of conflict revolution.

The PRESIDING OFFICER. Will the Senator from Oregon suspend for a moment for the purpose of an inquiry by the Chair?

Is this amendment of the Senator from Oregon that has a 30-minute allocation or the one with a 10-minute limitation?

Mr. HATFIELD. There is a 10-minute allocation on this amendment.

The PRESIDING OFFICER. The clerk will know to keep that time.

I thank the Senator.

Mr. HATFIELD. For example, arbitration and negotiation are two peaceful methods of conflict resolution which could be researched and studied. The second purpose for forming an institution devoted to peace would be to train individuals in new methodology which will be extracted from the arts of negotiation, arbitration, conciliation, and mediation.

Mr. President, in May of this year, a hearing was held on S. 1976 before the Education Subcommittee of the Committee on Labor and Public Welfare. The hearing was ably chaired by my fine colleague from Rhode Island (Mr. PELL).

As a result of the testimony received during the course of that hearing, it was determined that formation of a commission to study the theories and techniques of peaceful resolution of differences between nations and peoples would be wise. Thus, this amendment requires the formation of a commission to be known as the Commission for a National Academy of Peace and Conflict Resolution. There would be nine members of the Commission; three of whom would be appointed by the President—subject, of course, to the advice and consent of the Senate; three members would be appointed by the Speaker pro tempore of the Senate, and three members would be appointed by the Speaker of the House.

In addition to studying the feasibility of a Peace Academy, the Commission would consider alternative proposals available to the Government for the future resolution of conflicts other than by war. A report would be required to be filed within 1 year of the date of enactment of the Act creating a commission. The Commission shall cease to exist within 60 days after the submission of its final report.

Mr. President, I ask unanimous consent to amend the amendment to reduce the amount authorized of $350,000 to the figure $200,000.

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

The amendment, as modified, is as follows:

On page 322, between lines 6 and 7, insert the following new section:

COMMISSION ON PROPOSALS FOR A NATIONAL ACADEMY OF PEACE

SEC. 328. (a) There is established a commission to be known as the Commission on Proposals for a National Academy of Peace and Conflict Resolution (hereinafter in this section referred to as the "Commission").

(b) The Commission shall be composed of nine members as follows:

(1) Three members shall be appointed by the President by and with the advice and consent of the Senate.

(2) Three members shall be appointed by the President pro tempore of the Senate.

(3) Three members shall be appointed by the Speaker of the House of Representatives.

(c) (1) Any vacancy in the Commission shall not affect its powers.

(2) The Commission shall elect a chairman and a vice chairman from among its members.

(3) Five members of the Commission shall constitute a quorum.

(d) (1) The Commission shall undertake a study to consider—

(A) establishing a National Academy of Peace and Conflict Resolution consistent with the proposals contained in S. 2076, the George Washington Peace Academy Act, modified by considerations of size, cost, location, relation to existing public and private institutions, and the likely effect the establishment of such an academy would have on such existing institutions, and the relation of such an academy to the Federal Government;

(B) the feasibility of making grants and providing other assistance to existing institutions of higher education as an alternative to or as a supplement for a National Academy of Peace and Conflict Resolution; and

(C) alternative proposals available to the Federal Government to accomplish the objectives contained in that proposal.

(2) In conducting the study required by this section the Commission shall—

(A) review the theory and techniques of peaceful resolution of differences between nations, and draw on the experience of public and private institutions concerned with conflict resolution and of informal government leaders of peaceful methods of conflict resolution;

(B) conduct inquiries into existing institutions of international relations, labor-management, racial, community, and family relations, and

(C) consider proposals for combinations of mechanisms available to the Federal Government to strengthen the accomplishment of its peaceful purposes, including the establishment of a National Academy of Peace and Conflict Resolution.

(3) The Commission shall submit to the President and to the Congress interim reports with respect to the study and investigation and a final report, not later than one year after the date of the enactment of the education amendments of 1976, containing its findings and recommendations for such additional legislation as the Commission deems advisable.

(e) (1) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this section, take such testimony, and sit and act at such times and places as the Commission, subcommittee, or members deem advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee or member thereof.

(2) Each department, agency and instrumentality of the executive branch of the Federal Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the chairman or vice chairman, such information as the Commission deems necessary to carry out its functions under this section.

(3) Subject to such rules and regulations as may be adopted by the Commission, the chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, shall have the power—

(A) to appoint and fix the compensation of such staff personnel as he deems necessary, including an executive director who may be compensated at a rate not in excess of that provided for Level V of the Executive Schedule in title 5, United States Code, and

(B) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

(f) Members of the Commission shall receive compensation at the daily rate specified for GS-18 under section 5332 of title 5, United States Code, for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

(g) There are authorized to be appropriated, such sums, not to exceed $200,000, as may be necessary to carry out the provisions of this section.

(h) The Commission shall cease to exist 60 days after the submission of its final report.

On page 101, in the Table of Contents, after item "Sec. 327." insert the following:

"Sec. 328. Commission on the Proposals for National Academy of Peace.".

Mr. HATFIELD. Mr. President, I have discussed this with the leadership, the managers of the bill, the Senator from Rhode Island (Mr. PELL) and the Senator from New York (Mr. JAVITS), and I understand they will accept this amendment.

Mr. PELL. That is correct. We have discussed it and, while I have some reservation in my own mind about the advisability of creating a Government supported institution of higher education, I see merit in the idea of a study. For that reason I am glad to support the amendment of the Senator from Oregon.

Mr. HATFIELD. I thank the Senator from Rhode Island.

Mr. PELL. I know the Senator from New York shares my view. I yield back the remainder of my time.

Mr. HATFIELD. I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 381

Mr. HATFIELD. Mr. President, I send to the desk my second amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD) for himself, Mr. HARTKE, and Mr. RANDOLPH proposes unprinted amendment numbered 381.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 337, after line 14, insert the following:

SEC. 406. Section 440 of the General Education Provisions Act is amended by inserting "(a)" immediately after "Sec. 440" and adding at the end thereof the following new subsection:

"(b) Except to the extent Federal courts determine necessary to comply with the United States Constitution, the Federal government may not

"(1) withhold Federal funds, or

"(2) regulate the practices of educational institutions receiving Federal funds (unless necessary for the administration of applicable funding programs)

"where such power to withhold or regulate is based upon the receipt of Federal financial assistance when such assistance is limited to scholarships, loans, grants, wages or other funds extended to an institution for payment to or on behalf of students or extended to students for payment of education-related expenses, provided that the education institution is not the principal agency determining which individual students receive the benefits of such Federal student assistance."

On page 101, in the table of contents after item "Sec. 405," insert the following new item:

Sec. 328. Revision relating to regulations resulting from student assistance.

Mr. HATFIELD. Mr. President, this is an amendment that I am sure will elicit some comment from the leadership, and rightfully so, because it is a rather complex issue, but yet I believe it is one that we must face up to here in the Senate at some time or another.

As we know, aid to education in our Nation has always been designed for the purpose of enhancing educational opportunities for students. Federal aid has taken the form of direct assistance

to institutions for building programs, for programs of study and research, for enhancement of libraries and other facilities, and for the administration of programs of student financial assistance.

Realizing the limited resources available to many students, the Congress has also provided programs of financial aid to students, some administered by institutions of higher education and some administered directly by Federal and State educational agencies. In keeping with the concern of Congress that all programs be administered with equity and that education be made available equally to all citizens, Federal departments and agencies have used various levers to encourage compliance with Federal law. The levers include the withholding of aid where cases of noncompliance are found. This is proper and within the intent of law.

However, in the present climate of interest in reducing the bureaucracy and expanding liberties, I am surprised that attention has not been given to the unfortunate results of the classification of non-campus-based programs of student financial assistance as aid to institutions of higher education. This has resulted in a loss of liberty for both students and institutions.

For instance, many institutions, in the interest of maintaining independence from Federal regulations, have traditionally refused any kind of Federal financial assistance. They have accepted students whose education is financed by programs of Federal assistance to students. Such aid was not intended to benefit the institution but to enable the student to have the type of education he or she desired.

But some Federal regulations have defined Federal assistance to institutions as including that assistance which is not administered by the institution but is directly available to students through State and Federal agencies. Many institutions, desiring to maintain independence from Federal intervention in their administration, are placed in the position of having to refuse to accept students merely because the students' financial assistance comes from the Federal Government.

This is like a grocer telling a recipient of food stamps that he cannot accept the stamps because they are from a federally funded program and the mere receipt of them as payment for food would result in more Federal regulations on his business. So, in order to maintain the grocer's independence, the food stamp recipient suffers. Now, we know that this is not the case in the administration of the food stamp program. Such a concept is absurd. But, my colleagues in the Senate, this is precisely what happens in higher education.

Mr. President, I should like to have the attention of the manager of the bill at this point in my comments, because I think this gets to the very heart of the matter I am raising.

For instance, one of the oldest programs of student assistance is the GI bill. Under the provisions of this program of student assistance, veterans have been enabled to freely select the type of education they desired. Among the many courses veterans have followed are studies related to careers in the Christian ministry and Jewish rabbinate. Until recently, financing of such seminary education through the provisions of the GI bill has not been a threat to the independence of the educational institutions involved. Such assistance was conceived in a manner which would insure the freedom of students to choose the type of institution they desired.

However, as a result of new Federal regulations students can no longer make such a choice. Now, the presence of just one student receiving noncampus based Federal assistance on a campus which has maintained independence from Federal funding, places the school in the category of receiving funds. Hence, either the school must bear the time and expense of reporting how it complies to Federal regulations or it must refuse to receive the student's money. This, of course, jeopardizes the students' ability to purchase the education they desire.

I realize that some may see this as an expression of anticivil rights sentiment. I challenge them to find in my record grounds for such an accusation. My concern is for liberties of students and for the independence of institutions of higher education.

Mr. President, I should like to have the attention of the managers of the bill at this moment. If they care not to listen to the other part, I would like to have their attention for this, because, again, it emphasizes the purpose of this amendment.

Mr. PELL. This is the first time I have heard of the amendment, and I am studying what it does.

Mr. JAVITS. We were conferring about this amendment.

Mr. HATFIELD. I think the Senators would understand if they would listen, and all I am asking for is their attention.

This amendment would correct an inconsistency in the definition of programs of financial assistance to institutions of higher education. In a letter from Ms. Arlena Renders, Assistant Regional Attorney of Region X of the Department of Health, Education, and Welfare, it is explicitly clear that with reference to the Family Educational and Privacy Rights Act of 1974—and I underscore this particular act—Federal funding to institutions does not refer to noncampus based programs of Federal financial aid to students. In a subsequent letter from the safe office relating to title IX regulations—this is a different act—Federal funding is defined as including non-campus based programs of Federal financial aid to students.

I hope the managers of the bill realize that these are two different acts, with contradictory definitions.

I have no quarrel with the interpretation offered by Ms. Renders. The interpretation is consistent with the laws and regulations. But the interpretation has brought to light the inconsistency that exists in the laws and the regulations. My amendment would correct that inconsistency by redefining Federal assistance to students in a manner consistent with the Family Educational and Privacy Rights Act of 1974. That is, noncampus based Federal assistance to students would not be considered as assistance to the institution.

Mr. President, there are presently at least 292 seminaries, Bible colleges, and Bible institutes in the United States that are trying to maintain their independence and keep their costs down. There are also 797 church-related colleges and universities, many of which have received no direct Federal funding. In addition, there are several independent private colleges that are forced to discriminate in the acceptance of students merely because of the source of the students' funds. Tens of thousands of students are enrolled in all of these institutions. Is it not time that we began to restore integrity and trust in the Federal Government by using only the proper tools in our efforts to achieve equity in education? One does not repair a radio with a sledgehammer. To classify non-campus based programs of student financial assistance as aid to educational institutions is a gross error which deserves immediate correction.

I ask unanimous consent that letters from the Region X Office of the Department of Health, Education, and Welfare and from Hillsdale College and an article from Newsweek magazine, be printed at this point in the RECORD

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF GENERAL COUNSEL, DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, REGION X,
Seattle, Wash., March 16, 1976.

Re Buckley amendment.
Dr. GENE HABECKER,
Dean of Students, George Fox College, Newberg, Oreg.

DEAR DR. HABECKER: This letter is to confirm our conversation of March 11 regarding the Family Educational and Privacy Rights Act of 1974, commonly referred to as the Buckley Amendment. As I advised you at that time, this statute applies only to those educational agencies and institutions that receive federal funds under a program administered by the Commissioner of Education. Therefore, the statute does not apply to an educational institution solely because the students attending the institution receive benefits under a federal program. The test is whether the institution itself is receiving the funds. (Citation 20, U.S.C. Section 1230, Section 1232G).

The substitute provisions of the statute each begin with wording which makes this limited applicability clear. "No funds shall be made available under any applicable program to any educational agency or institution." The provisions then go on to state conditions which must be met in order for an institution to receive funds. "Applicable program" is defined for these purposes as "any program for which the Commissioner has administrative responsibility." Furthermore, enforcement of this statute is by termination of assistance to the institution if failure to comply is found. There would be no method of enforcement against an institution not receiving funds. In summary, the Buckley Amendment requirements apply to all educational institutions which receive funds under programs administered by the Commissioner of Education, but not the private schools which do not receive such funds but whose students receive benefits under these programs. If you have any further questions on the Buckley Amendment, please do not hesitate to contact this office.

Sincerely yours,
ARLENA RENDERS,
Assistant Regional Attorney.

OFFICE OF GENERAL COUNSEL, DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, REGION X,
Seattle, Wash., April 29, 1976.

DR. GENE HABECKER,
Dean of Students, George Fox College, Newberg, Oreg.

DEAR DR. HABECKER: This letter is in confirmation of our conversation Tuesday, April 27. Title IX prohibits discrimination based on sex under education programs or activities receiving federal financial assistance. "Federal financial assistance" has been defined to include "scholarships, loans, grants, wages or other funds extended to any entity or payment to or on behalf of students admitted to that entity or extended directly to such students for payment to that entity." (Citation 45, 86.2 G2.)

Thus, an educational institution which has students receiving guaranteed student loan program benefits or Veterans' Administration student benefits is covered by Title IX.

Sincerely yours,

ARLENA RENDERS,
Assistant Regional Attorney.

HILLSDALE COLLEGE,
Hillsdale, Mich., October 1975.

DEAR FRIEND OF HILLSDALE: Hillsdale has long prided itself on its independence from political funding. That independence has permitted the maintenance of high standards because we have avoided the pressures which politicized education produces. We have been able to offer quality education to generations of students, without regard to race, sex or religion.

Our independence has been based upon the non-acceptance of federal funds for any purpose whatsoever. There have been students on campus who are individual recipients of federal loans, grants, veterans benefits and similar programs, but such funds have never been accepted by the school as an institution. Now the federal bureaucracy has changed the rules. Beginning in October, 1975, Hillsdale College and all other independent colleges and universities are to be regarded as "recipient institutions" if they have any students on campus who receive individual funding through government programs. The American Association of Presidents of Independent Colleges and Universities has recognized the threat and is marshalling a campaign of determined resistance.

Acceptance of such status as a "recipient institution" opens the door to federal control of Hillsdale College. The entire weight of federal guidelines, covering faculty, students, curriculum, dormitories and every aspect of our existence, would potentially dominate our campus if we once accept the premise that aid to an individual student makes Hillsdale College a recipient of federal funds.

The issue at stake is not equal treatment for minority groups or women. Hillsdale College had already pioneered in non-discriminatory treatment for over a century before the first federal legislatiton on the subject. Our record of non-discrimination speaks for itself. We have consistently displayed a willingness to measure our faculty and students by the only yardstick with any real meaning: individual performance.

Now through a bureaucratic ploy, Hillsdale's independence is presumably to give way to the social engineers in Washington. Rather than allow such a federal takeover of our campus, we are prepared to refuse compliance with the government edicts now proposed. None of us at Hillsdale underestimates the power of the federal government to harass and possibly destroy those who do not comply, but we feel the fight must be made if independent education is to endure in America.

At the October 10, 1975, meeting of the Board of Trustees, the decision was unanimously and vigorously made to resist federal control with every means at our disposal. It is with great pride that I enclose a copy of the Trustee Resolution.

The Trustees fully appreciated how high the stakes are likely to be. If the bureaucracy now withdraws the scholarships and veterans benefits of those students attending Hillsdale College, the federal government will be discriminating against those students and will in effect be denying them an education at the accredited college of their choice. The college itself will also be penalized. In an age when independent higher education already faces inflation, governmentally subsidized competition, and a continuing reduction of private revenue through more and more stringent tax policy, the difficulties of meeting the budget and surviving have grown larger each year. Now we are faced with the additional burden of aiding those students against whom the government proposes to discriminate.

The additional financial burdens are enormous, but Hillsdale College feels the fight must be made. In addition to the large operating deficits which the school must face, the October 10 meeting of the Trustees also discussed an endowment campaign of $25,000,000 for scholarships and faculty salaries to perpetuate our independence—whatever new tax policies or bureaucratic whims may lie ahead.

We need help now as never before. The question involved is nothing less than whether or not the private sector can survive in our present society. At Hillsdale, we believe the answer is a resounding affirmative. With your help, we will prove that the job can be done.

All my best,

GEORGE ROCHE.

[From Newsweek, Dec. 29, 1975]

BUREAUCRACY SCORNED

(By Milton Friedman)

In this day and age, we need to revise the old saying to read, "Hell hath no fury like a bureaucrat scorned."

The most recent and flagrant example is the attempt by bureaucrats at HEW to impose an "affirmative action" program on Hillsdale College—a small, independent college in southern Michigan.

The affirmative-action program is one of those bureaucratic monstrosities that have become all too familiar: noble objectives, ignoble results. The objective is to eliminate discrimination on the basis of sex or race; the results are mountains of paper, hiring criteria that are irrelevant to the mission of institutions of higher learning and, frequently, the substitution of reverse discrimination for no discrimination. Par for the course.

Most colleges and universities have accepted—and lobbied extensively for—Federal funds, and their receipt of Federal funds is the legal justification for HEW jurisdiction over their hiring and other practices. They are hoist on their own petard when they now complain that he who pays the piper is calling the tune.

NO REFUGE

But Hillsdale and a few other institutions (for example, Rockford and Wabash colleges) are in a different position. In order to retain their complete independence, these colleges have refused to accept Federal funds for any purpose. In consequence, they have with clear conscience regarded themselves as not subjet to HEW control. George Roche, Hillsdale's president, even had the audacity to write a book attacking the whole affirmative-action program as a threat to the quality and standards of higher education ("The Balancing Act." Open Court, La Salle, Ill. $8.95). And to add insult to injury, it is an excellent book.

The scorned bureaucrats have now struck back. Some students at Hillsdale receive Federal grants or loans under veterans and similar programs. HEW claims that this makes Hillsdale a "recipient institution" subject to HEW control.

By this line of reasoning, the corner grocer and the A&P are "recipient institutions" because some of their customers receive social-security checks. The New York Times and The Chicago Tribune are Federal contractors because welfare recipients buy papers. How silly can you get?

Yet no argument is too silly to serve as a pretext for extending still further the widening control over all of our lives that is being exercised by government bureaucrats. The HEW grab is in the same class as the widening judicial interpretation of "interstae commerce," as the imposition of forced busing despite widespread disapproval by both blacks and whites, as the growing paper work we are all called on to do at the behest of the Internal Revenue Service, as the detailed regulation of business practices in the name of clean air, safety, protecting pensions, and so on and on without end. I doubt that there is a single adult resident of the United States—certainly none who has ever had the legal obligation to file an income-tax return—who could not be subjected at the very least to a costly legal battle to avoid being convicted of violating some law or regulation.

In one sense, it is poetic justice that my colleagues and I at colleges and universities should now be suffering under the bureaucratic lash. For we have done more than any other group to produce a climate of opinion favorable to big government. So long as affirmative-action programs were directed at greedy businesses and grasping trade unions, academia for the most part cheered. And even now that its own ox is being gored, the typical reaction is that the academic world is "different."

FOR FREEDOM

But perhaps the recognition will come, even if only slowly, that freedom is for everyone or no one, and not a special privilege of the intellectual that government controls destroy freedom for everyone and not only the intellectuals, that they typically fail to accomplish their noble objectives no matter on whom imposed.

If that happens, the heavy-handed bureaucratic assault on colleges and universities may prove a blessing in disguise. Just as intellectuals bear major responsibility for instilling the view that big government is Santa Claus, so they can do more than any others to drive home the lesson that big government is really Frankenstein.

Mr. HATFIELD. Mr. President, I emphasize that this is also becoming an increasing difficulty with the Veterans' Administration, because HEW is using the Veterans' Administration GI bill of rights to follow the money of the GI bill into the college to apply HEW regulations and rules. I think we should look at this particular situation and recognize that it is creating havoc.

A number of these colleges and seminaries are small. They are not major institutions. They do not have the wherewithal to provide all the paperwork and all the reports that are required under HEW. To me, this is bureaucracy at its worst, which is invading and intruding into the privacy of these colleges, when there is no direct aid being given, and when, in good faith, they have accepted students and have recognized under one definition of one law that noncampus student aid is not to be regulated and

under another law is. That is the purpose of the amendment.

Mr. RANDOLPH addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. I yield 5 minutes to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I commend the able Senator from Oregon, as the principal sponsor of this amendment. I am gratified to be listed as a cosponsor of the measure.

I am certain that the cogent arguments that have been set forth by the Senator will appeal to the Members of the Senate. I hope that the distinguished chairman of the Subcommittee on Education of the Committee on Labor and Public Welfare will give careful consideration to the proposal.

I hope, also, that the distinguished Senator from New York, the ranking minority member of the Committee on Labor and Public Welfare, who is active in our Senate Subcommittee on Education, will realize that there is an equity presented here in the amendment offered.

The problems of the smaller colleges of the country are very real. Many times, colleges in this category—in fact, most times—are private institutions. They are not publicly supported institutions.

My distinguished colleague (Mr. HATFIELD) referred to the great burden of recordkeeping and reporting of data demanded by the Department of Health, Education, and Welfare. The current issue of Newsweek magazine places this cost at approximately $2 billion each year—or equal to the amount of private donations that go to our educational system annually.

Each of us publically deplores the heavy hand of bureaucracy, but when methods are proposed to provide some modest restraints of those in Washington who would set standards for all of our diverse institutions, we seem to pull back from interfering in any way with the promulgators of redtape on the grounds that what we do might create "administrative chaos."

Mr. President, I submit that it is the Federal educational bureaucracy itself which is creating much of the chaos in our educational system today.

The burden of compliance with multitudinous regulations, the intrusion of the Government into institutional governance, and the imposition of wrongheaded regulations threaten to destroy the character of many of our unique institutions, if not their very existence.

For example, these small, struggling private colleges are, in many cases, dedicated to teaching young men and women Christian ideals to help them develop the basic moral attitudes on which this Nation depends so greatly.

Yet, regulations pertaining to sex discrimination in education have been propounded which would prevent these private, religion-oriented institutions from inquiring into the marital status of a prospective faculty member. Is it an invasion of a person's privacy to ask such a fundamental question? Should a college president know if a new professor, male or female, is living in a state of unwedded bliss as an example for his or her students?

Why should we, in our zeal to assure egalitarianism, prevent those institutions which do not accept direct Federal aid from employing the right, if they so desire, to use the Ten Commandments as a code of conduct for faculty, staff, and students?

In many cases, small private colleges do not have the advantage of funds that flow from public treasuries at political subdivision levels. Certainly, in the State of West Virginia and in other States, this situation is a very acute one from the standpoint of the private or church-oriented colleges, which number several in the State of West Virginia. These often are the colleges of 600 or 700, 800, or 1,000 students. The personnel, even, within the staff of the college, are really pressed with the duties that they have to do, the jobs that they are called upon to do. It is, I think, a realistic look that we should take in the direction of doing what we can to simplify wherever possible the reporting procedures and the programs that surface but really submerge those who have to work under them in an effort to keep current with the various programs, resolutions of the law, or laws that are upon the books. So I shall not take longer—and I am appreciative of the time allotted to me by the Senator from Oregon—to indicate that there is merit in this amendment. I hope that it can be approved.

Mr. PELL. Mr. President, this is an amendment of substantial scope. In fact, I recognize the justice of the problem in certain cases, but this approach is like using a sledgehammer to kill a fly. We are dealing with the direction of programs totaling better than $3.5 billion a year, which is an administrative problem with which the committee is not fully familiar.

We have not considered an amendment of this nature before. Therefore, I think that it would not be prudent to accept it at this time, when we do not know its full effects. So, I shall be compelled to oppose the amendment.

UP AMENDMENT NO. 382

Mr. HATFIELD. Mr. President, I appreciate the comments made by the chairman of the subcommittee, because this is something that has tended to develop complexity as the application of this has been made. I am prepared to withdraw the amendment. I wanted to bring it to the attention of the committee by this route. I do have a bottom-line backup position that I would like to offer as a substitute, which would be requesting that a study be made of this particular problem on this issue. I want the committee to know that I have full confidence in its capacity, its objectivity, and its fairness in conducting this. This matter has been brought to my attention—I discussed it with the ranking minority member (Mr. JAVITS) in the well on this day. I now would like to move to ask the committee to accept as a substitute, withdrawing my present amendment, a request for a study of this subject.

Mr. JAVITS. May we see the amendment?

Mr. HATFIELD. Certainly.

Mr. JAVITS. I shall take my own time, so as not to use Mr. PELL's.

The Senator may remember that in our committee, we developed a compromise on the whole question of secular subjects taught in religious institutions. The late Senator Wayne Morse and I worked diligently to achieve this compromise.

It seems to me that what the Senator from Oregon has said as to the scope of this particular problem probably deserves the same kind of review to see if we can find a way to obtain equal educational opportunity for students who chose to attend these types of institutions without compromising the constitutional prohibitions regarding the mixture of church and State.

I should like to have a moment to read the amendment in order to see whether we can, indeed, proceed along the lines that the Senator suggests.

Mr. HATFIELD. I certainly would like to have the Senator take a hard look at it. I shall seek to modify my particular amendment via this route, if it is satisfactory.

I point out to the Senator that he refers back to a very interesting period in our history, when he and the late Senator Morse from Oregon were involved in this. If the Senator from New York recalls, one of the great issues that was raised when the GI bill was before this body was on the question of separation of church and State, if the student should desire to seek out his educational benefits under the GI bill in some seminary or church-related institution. The point was made very clearly in this body that the aid was to the student, to the GI, to the individual, not to the institution. That would maintain that clarity of separation, so that no Federal funds were actually going to that institution as that institution.

Yet, by these regulations of HEW, we are going back on that very principle and we are moving in to say that, because there is one student out of the whole student body who receives this kind of noncampus aid, not administered by the campus, in no way filtered through the school, but directed only to that student, now that money is followed right through to that campus, that seminary, whatever it might be. The Federal Government is saying, "Now we have come in, now we have a role to play in demanding of you the same kind of compliance, the same reporting that we have from that student getting direct aid."

That is the kind of problem we have. I think we ought to look at it very carefully, because I do not think the Government can have it both ways. I do not think it can say out of one corner of its mouth, "We maintain separation of church and State," and out of the other side say, "We are going to assume this indirect role of following that money all the way through because you have someone getting student aid."

Mr. JAVITS. Mr. President, I ask unanimous consent that we may have a brief quorum without its being charged to either side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HATFIELD. Mr. President, with the understanding of the managers of the bill, I send to the desk a modification of my amendment, which would——

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

Mr. HATFIELD. The modification would call for the General Accounting Office, beginning at the bottom of the first page:

. . . is herein directed to conduct a detailed analysis of the extent and effects of the Federal Government's regulation of educational institutions—

On down through to the language—

United States House of Representatives—

Ending at that point.

Does the desk have an understanding of that modification? It begins on page 1, down at the bottom, the second line from the bottom, with the words "The General Accounting Office is herein directed to conduct a detailed analysis of the extent," and continues on page 2. The modification would in effect, be a substitute for the first amendment that I sent to the desk.

Mr. JAVITS. Mr. President, will the Senator yield? Do I understand he is omitting the last three lines on page 2 beginning with "On page 101"?

Mr. HATFIELD. Yes.

Mr. JAVITS. And the amendment starts with a capital letter in the next-to-the-last line on the first page with the words "The General Accounting Office"?

Mr. HATFIELD. That is correct. The second line from the bottom starts "The General Accounting Office is herein directed" and ending with "the United States House of Representatives" on page 2.

Mr. JAVITS. Mr. President, I hope the Senator will leave what he has omitted at the very end beginning with "On page 101." As we understand, that is a technical requirement.

Mr. HATFIELD. I agree.

Mr. JAVITS. That would be restored to the amendment.

Mr. HATFIELD. It would be all of page 2.

Mr. JAVITS. All right.

Mr. HATFIELD. Mr. President, I ask unanimous consent to modify my amendment as just described by the language that has been presented to the desk beginning at page 1 with "The General Accounting Office is herein directed to conduct a detailed analysis," and continuing on through page 2 of the modification.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 322, after line 6, insert the following:

STUDY OF STUDENT FINANCIAL ASSISTANCE

SEC. 328. The General Accounting Office is herein directed to conduct a detailed analysis of the extent and effects of the Federal government's regulations of educational institutions where such regulation is based solely upon the presence at those institutions of students participating in Federal student assistance programs and/or where the institutions act as mere conduits for the distribution of Federal student assistance benefits. This study shall continue for a period of not more than nine months at the end of which time the General Accounting Office shall file a complete report of its findings with the Labor and Public Welfare Committee of the United States Senate and the Education and Labor Committee of the United States House of Representatives. On page 101, in the table of contents after item "Sec. 327" insert the following new item:

Sec. 328. Study of Student Financial Assistance.

Mr. JAVITS. Mr. President, in that form the amendment is acceptable as far as I am concerned.

Mr. PELL. I concur in accepting this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Oregon.

The amendment, as modified, was agreed to.

Mr. HATFIELD. Mr. President, I want to thank especially the leadership at this time, Senator PELL and Senator JAVITS, for their cooperation. It indicates further the kind of objectivity and fairness with which they have been dealing on this bill, and many other bills in which they have given leadership on the floor, and I am very grateful to them.

Mr. JAVITS. I thank my colleague.

The PRESIDING OFFICER (Mr. STONE). The Senator from Florida is recognized.

UP AMENDMENT NO. 383

Mr. CHILES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Florida (Mr. CHILES), for himself, Mr. NUNN, Mr. HUDDLESTON, Mr. MCINTYRE, Mr. JOHNSTON, Mr. ROTH, Mr. JACKSON, Mr. BARTLETT, and Mr. STONE, proposes unprinted amendment numbered 383.

Mr. CHILES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 337, between lines 14 and 15, insert the following new section:

CONTROL OF PAPERWORK

SEC. 406. Section 406 of the General Education Provisions Act is amended by redesignating subsection (g) of such section as subsection (h) and by inserting after subsection (f) of such section the following new subsection:

"(g) (1) (A) In order to eliminate excessive detail and unnecessary or redundant information requests the Secretary and the Commissioner shall, in accordance with the provision, of this subsection, coordinate the collection of information and data acquisition activities of the Education Division and the Office for Civil Rights.

"(B) for the purpose of this subsection the term—

"(i) 'information' has the same meaning as is prescribed by section 3502 of title 44 of the United States Code; and

"(ii) 'educational agency or institution' means any public or private agency or institution which is the recipient of funds under any applicable program, including any preschool program.

"(C) The Commissioner shall establish and provide staff personnel to operate information collection and data acquisition review and coordination procedures to be directed by the Administrator for the National Center for Education Statistics. The procedures shall be designed to review proposed collection of information and data acquisition activities in order to advise the Commissioner and the Secretary on whether such activities are excessive in detail or unnecessary or redundant.

"(2) (A) The Administrator shall assist each bureau or agency directly responsible for an applicable program, and the Office for Civil Rights, in performing the coordination required by this subsection, and shall require of each such bureau, agency and office—

"(i) a detailed justification of how information once collected will be used,

"(ii) an estimate of the man-hours required by each educational agency or institution to complete the requests,

"(B) Each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, within 30 days prior to the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator on the collection of information and data acquisition activity.

"(C) Nothing in this subsection shall be construed to interfere with the enforcement of the provisions of the Civil Rights Act of 1964 or any other nondiscrimination provisions of Federal law.

"(3) The Administrator shall, insofar as practicable, and in accordance with the provisions of this title, provide educational agencies and institutions with summaries of the information collected and the data acquired by the Education Division and the Office for Civil Rights.

"(4) The Administrator shall, insofar as possible, develop a common set of definitions and terms after consultation with the head of each bureau or agency directly responsible for the administration of an applicable program.

"(5) The Commissioner shall prepare as part of the annual report to the Congress provisions relating to the progress made by the Secretary, the Commissioner, and the Administrator in meeting the objectives of this section and make to the Congress whatever legislative recommendations necessary for meeting the objectives.".

On page 101, in the Table of Contents, after item "Sec. 405." insert the following:

"Sec. . Control of paperwork.".

Mr. CHILES. Mr. President, in the last several years there has been a growing recognition within the Congress of the serious Federal paperwork problem, and the continued lack of effective action to reduce the paperwork burden on private individuals, businesses and public institutions.

As has been pointed out numerous times on the Senate floor we are drowning in a sea of paperwork. The statistics, while becoming familiar in their re-

peated telling, are still alarming. It has been estimated that there are 10 public use forms for every man, woman, and child alive in the United States, and that the amount of paper flowing into the Government each year fills 4½ million cubic feet of space. The costs to the taxpayer of handling and managing this mountain of paper exceeds $8 billion a year. With the advent of so many new Federal programs in the past decade, Federal administrative and statistical reports continue to increase with each passing year.

The increased awareness of the paperwork burden has been accompanied by some serious efforts by the Congress to tackle the problem. We have learned you cannot wish paperwork away. A first and important step was the establishment of the Commission on Federal Paperwork; a temporary body, with the primary goal of recommending means to reduce the amount and cost of Federal paperwork requirements.

The distinguished Senator from New Hampshire (Mr. McINTYRE) sits as a member on that Commission, and the amendment I am offering today addresses this problem.

Another important step is the Paperwork Review and Limitation Act proposed by Senators NUNN, HUDDLESTON, McINTYRE, and ROTH which I have joined in sponsoring. This legislation calls for a paperwork impact statement in the report of all bills and resolutions of a public nature and for annual review of the reporting requirements of all Federal departments and agencies. This bill would keep congressional feet to the fire in stemming the flow of paperwork and I look toward speedy enactment.

The amendment I am offering today, on behalf of myself and Senators NUNN, ROTH, JACKSON, BARTLETT, JOHNSTON, STONE, HUDDLESTON, and McINTYRE, addresses the paperwork burden being experienced by States, local education agencies and colleges and universities due to Federal data acquisition activities. For educators the past few years have marked an explosion in Federal reporting requirements. With new programs and statutes has come a tremendous number of forms to be filled out. I know from talking with administrators and teachers in Florida, that the dimension of this administrative burden is a chronic complaint. There is growing evidence that more and more of obviously limited resources are going into completing forms.

Funds important to the education of students are being diverted to fulfill reporting requirements. This problem exists at all levels of the educational process and no end seems in sight. I was struck by an estimate by Harvard president Derek Bok, reported in this week's Newsweek that the Harvard faculty spent more than 60,000 hours in the school year 1974–75 meeting the record-keeping requirements of Federal programs. Other schools report similar commitments of resources. As Duke president Terry Sanford commented in the same article—

> It's not hard to imagine a day when faculties and administrators will spend all of their time just filling out government forms.

The aim of our amendment is not in any way to interfere with the obvious need and responsibility of the Federal Government to seek accurate and up-to-date educational information. Such information is critical to the decisionmaking of both the administration and the Congress. It is equally important to establishing adequate accountability for Federal education spending. Obviously you cannot evaluate and account for education programs without information that originates in the school districts and institutions where the programs are in operation.

The problem lies not with the objective of Federal information collection. The problem lies in the fact of excess and duplication, and unnecessary information requests. In too many instances persons filling out forms provide the same basic information over and over again. In too many instances local education agencies are asked for information that the States have already collected. In too many instances information is requested without a determination of what is essential as opposed to what may be merely "nice to know."

Unless we reverse this trend we will soon reach a point where the forms connected with a Federal-aid program are too burdensome to make participation in the program worthwhile. A recent memorandum from the Florida Department of Education to district superintendents concerning a certain duplicative Federal form contained the message:

> You may use this memorandum as your authority to dispose of those forms, preferably by throwing them in the trash can.

This is a rather succinct comment on the level of feeling that is being engendered by the paperwork problem.

Our amendment represents an attempt to insure that the Department will make a serious effort to coordinate its data acquisition activities so as to reduce the duplication and excess of reporting requirements. It is in no way intended to interfere with the legitimate information collection responsibilities of the Education Division or the Office for Civil Rights.

Under this provision the Administrator of the National Center for Educational Statistics is to review the proposed collection of information and data acquisition activities in order to advise the Commissioner whether such activities are excessive in detail or unnecessary or redundant.

The Administrator shall require that proposed information collection will be accompanied by a detailed justification of how the information once collected will be used and an estimate of the man-hours that will be required of educational agencies or institutions in completing the information requests.

Also, those agencies and institutions which will have to respond to the information requests will have an opportunity to comment within 30 days as to their feasibility and value.

Further, the Commissioner shall report to the Congress on the progress made in meeting the objectives of this provision and make legislative recommendations necessary for meeting the objectives.

I think this amendment is another step forward in indicating that Congress is determined to reduce the paperwork burden and not just talk about it. Mr. President, I urge the Senate to adopt this amendment.

I yield to the distinguished Senator from New Hampshire.

Mr. McINTYRE. Mr. President, I wish to commend the senior Senator from Florida in this amendment which he has offered and which contained provisions to which he has agreed in my behalf and in behalf of the Commission on Federal Paperwork.

Any Member of this body who has had an opportunity to sit down with college administrators and educators and listened to their plight today as they try to answer inquiries made by HEW will understand the situation.

In this regard I feel the Senator from Florida has really hit the ball right in centerfield and has hit a homerun and I am delighted to support him on it.

Mr. President, several weeks ago Senators HUDDLESTON, NUNN, ROTH, and I circulated a letter to our colleagues in the Senate, noting how much concern is being raised among various sectors of American society about the paperwork requirements imposed by the Federal Government.

In that letter we noted that we would like to ask a series of questions about pieces of legislation that we have before us that would impose paperwork requirements. We also suggested that we would offer an amendment, printed in that letter of August 3 in draft form, to make sure that the Federal agencies not submerge the American public in paper.

Today we have the first bill up before us which would have a significant paperwork impact since we circulated that letter. It concerns education, one of the areas of our society which is burdened by paperwork.

Education, one of the Nation's biggest industries, is an area now under study by the Commission on Federal Paperwork, which I cochair. According to the Paperwork Commission, the Department of Health, Education, and Welfare is the second largest producer of forms and paperwork in the Federal Government.

It produces, excluding the Social Security Administration, about 700 forms, for education and health programs other than medicare, the Food and Drug Administration, and Social and Rehabilitation Services. The Department of Health, Education, and Welfare also produces lengthy forms. According to the Commission on Federal Paperwork, reports on education require over 8 million man-hours on paperwork from the Office of Education alone.

The Department of Health, Education, and Welfare also, according to the Commission, "towers over all the others in the volume of paperwork it generates. It alone receives 170 million responses to the forms it issues out of a total of 421 million in the Office of Management and Budget inventory."

While I know that many of the forms we require of individuals, and in this case universities and educational institutions,

are necessary for the proper functioning of the U.S. Government, I would like to add a few statements on the subject and urge that the Federal bureaucrats administering the programs that we legislate not require so much information that it takes almost eons to comply.

Recently I inserted in the CONGRESSIONAL RECORD a piece that was put together by the editors of U.S. News & World Report.

In that piece, the President of Dartmouth College, John Kemeny, noted that "it is a very frustrating thing that we have to respond to something within 2 weeks and the Government may take up to a year to make up its mind whether it accepts your explanation or not."

That article noted that a $5,000 grant can have as much as 100 pages attached to it in regulations. Compliance with regulations tied up the computers at the University of North Carolina at Greensboro for 6 months. Its president said, "For 6 months we did nothing but HEW forms."

Clearly, steps must be taken to limit the number of forms that we require of our educational institutions.

For instance, in this bill we can see that there will be massive reporting required for some programs.

But when these reports are put together, will a Federal agency consider the amount of time and money it takes to fill them out? Let me tell you, this is one Senator who wants to be sure that the legislative history of this bill shows that the Senate wants to be sure that someone makes an assessment of these reports and lets Congress know what was done and what was the result.

Second, I wonder how we can be sure that there will be no duplication in paperwork when reporting requirements on educational institutions are already severe. The Department should report back to us on how it has cut duplication.

And third, what possibilities are there that smaller institutions without huge computer capabilities will be able to handle the requirements of the Department? I want to be sure that small colleges asking for Federal help do not get swamped by paperwork.

For instance, New England College, a small college in my State in the town of Henniker, tells me that as a rough estimate the college spends about $750 per week just on staff to fill out forms. Thomas P. Fencil, the assistant to the president there for resource development, just this morning said that it takes 30 hours of professional time per week, at a cost of about $500, and 40 hours of nonprofessional time per week, at a cost of $250 per week, to fill out forms. For the Department of Health, Education, and Welfare, he said, it takes about 50 hours, including employment reporting, financial aid reporting, library reports, including one semiannual form that is 4 inches thick. "HEW really gets us," he said.

Clearly, the Department has to do something about this. The amendment offered this morning will provide some relief. Particularly, I want to emphasize that the Department has a responsibility under this amendment to report back to Congress and tell us what legislative recommendations may be necessary to cut Government paperwork.

I am pleased to be able to join Senator Chiles on this amendment, with the changes that have been worked out, to insure that the agencies in the Department of Health, Education, and Welfare involved in education programs and civil rights programs cut Government paperwork.

Mr. NUNN. Mr. President, if the Senator from Florida will yield me one minute, I wish to commend the Senator from Florida. I worked with the Senator from New Hampshire in this Commission on Federal Paperwork to a great extent in the Government Operations Committee. I have known of the interest of the Senator from Florida in this matter. I think this is a very good amendment and a step in the right direction, and I believe it will help to a great degree to relieve some of the unnecessary burden that is now imposed on many higher educational institutions.

Mr. CHILES. I thank the distinguished Senator from Georgia.

The PRESIDING OFFICER. Is all time yielded back? The Senator from New York.

Mr. JAVITS. Mr. President, we have had a copy of earlier version of an amendment which was supposed to be a paperwork amendment. This is the first time we have seen this particular amendment. We do not know whether it does or it does not deal with the problem of giving inadequate information for the purpose of correcting civil rights violations which may occur and upon which information is essential from the people who are subject to the act.

Therefore, before we accept this amendment, which I am not prepared to do——

Mr. CHILES. Mr. President, if the distinguished Senator will look at the bottom of page 2 of the amendment he will see subparagraph (C) which states that:

Notning in this subsection shall be construed to interfere with the enforcement of the provisions of the Civil Rights Act of 1964 or any other nondiscrimination provisions of Federal law.

Mr. JAVITS. Well, Mr. President, I appreciate that.

Mr. CHILES. I wanted to say——

Mr. JAVITS. We still must read it through, which we have not done. The debate has gone on for about 3 minutes.

Mr. CHILES. I wanted to say to the distinguished Senator from New York that I do not know whether he has had an opportunity to see this amendment, but we have given copies of this amendment to the staff of both sides to discuss it, and we have been discussing it for days.

Mr. JAVITS. I understand, but the amendment has gone through a considerable number of changes. This amendment is very definitive.

Therefore, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. Will the Senator tell the Chair on whose time?

Mr. JAVITS. It would have to be on our time.

The PRESIDING OFFICER. The Chair thanks the Senator from New York. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STONE). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, if I may have the attention of Senator CHILES, we have now had an opportunity to examine this amendment and I ask for one technical change. Then I would like to make a comment on the amendment, and that is that in the next to the last line on page 2 in front of the word "nondiscrimination," the word "other"—"or any other nondiscrimination provisions of Federal law."

If that is agreeable to the Senator from Florida.

Mr. CHILES. I think that does not do too much harm to the amendment.

Mr. JAVITS. Mr. President, I wish to make this point. We are prepared, and we are going to take this amendment. But I wish to make it clear to the Senator that when we get into the conference, we may find that the paperwork called for by this amendment is in excess of the paperwork which it is designed to correct, because it calls for a new procedure by which comments may be made by any such educational agency, or educational institution, and their representative organization respecting the presentation of this proposed paperwork to OMB for their clearance prior to the establishment of a new data collection form.

We have no idea now what paperwork that implies.

So I say to the Senator, we are with him in the spirit of his amendment, we will take it to conference. We will check it out to see if what is required here will save paperwork. If it will, we are all with him, and if it will not——

Mr. CHILES. I am delighted with that. I think the provisions the Senator is talking about there would not cause any additional paperwork.

It gives people in the field the opportunity to comment, if they feel they need to. It does not require anybody to add anything.

We are delighted.

Mr. JAVITS. I understand the Senator modifies his amendment, therefore, by the insertion of the word "other" in the next to the last line on page 2.

Mr. CHILES. That is correct.

The PRESIDING OFFICER. Will the Senator from New York kindly insert that word, insert any modifications that are added, and send the modified amendment up to the desk?

Mr. PELL. I join in accepting this amendment, but I do recall in the committee how I have usually opposed amendments calling for more paperwork, more reports, more studies.

As I read this amendment in its final form, it seems to me it does create, certainly in the first instance, a lot more paperwork rather than less.

But knowing the objectives of the Sen-

ator from Florida and ourselves are the same, I accept it.

Mr. CHILES. I say to the distinguished Senator from Rhode Island that if there is any paperwork created, it might be that HEW has to do something to justify all of the paperwork they put on all the school boards, that they put on all the local universities, and everybody else.

But it does not create any more paperwork on the poor devils that have been under the paperwork.

Mr. PELL. We will take it to conference and see what we can do with it.

The PRESIDING OFFICER. The amendment will be so modified.

Is all time yielded back?

Mr. JAVITS. Yes.

Mr. CHILES. Yes.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Florida, as modified.

The amendment, as modified, was agreed to.

UP AMENDMENT NO. 384

Mr. STEVENS. Mr. President, I have an amendment, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an unprinted amendment numbered 384.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 128, line 9, strike "1982" and insert in lieu thereof "1977".

On page 144, line 19, strike "1982" and insert in lieu thereof "1977".

On page 164, line 24, strike "1982" and insert in lieu thereof "1977".

On page 168, line 10, strike "1982" and insert in lieu thereof "1977".

Mr. STEVENS. Mr. President, I would like to read a statement for the chairman of our Appropriations Subcommittee for HEW. If he were here, this is what Senator MAGNUSON would say to the Senate:

Mr. President, I would like to say a few words at this point about the Higher Education Act.

As Chairman of the Labor-HEW Appropriations Subcommittee, I am pleased to see this bill moving towards enactment. Unfortunately, our subcommittee had to defer consideration of programs which lacked authorizing legislation. We have always tried to enact early appropriations—particularly for education programs. We have always held the view that the students and the school administrators should know, in advance, what will be available in the way of Federal funds. I am sure my colleagues are aware the Federal investment in education is very small—less than 10 percent. Yet, even the smallest amounts become critical in these times, particularly to those who are in desperate need of any financial aid they can get to go to school. Our committee has worked hard to target funds to the most needy.

One of the programs which helps reach the needy has been the Basic Grant (BEOG) program. After some rough going the first few years the BEOG program, hopefully, seems to be getting on track. There are still some problems: (1) HEW has still not been able to give us good, solid budget estimates at the start of the process, and (2) the issue of potential fraud and abuse has grown just as rapidly as the size of the program.

The bill before the Senate proposes some changes to the BEOG program. Specifically, the bill proposes to increase the maximum grant per student to $1,800—instead of the current level of $1,400. This issue will, of course, be debated on its merits. I would like to make it clear at this point that our Labor-HEW Appropriations Subcommittee had no way of accurately predicting that this would happen. In other words, when our subcommittee prepared its projections for the budget ceilings, we did not factor in any increase in the maximum grant level.

It is my understanding that if this legislation is enacted, an additional $400-$500 million would be required over and above our earlier estimates for BEOG's. I just wanted to make it clear that our subcommittee had not planned on this.

As always, we will continue to develop the best appropriation levels possible. When and if legislation is enacted into law, our subcommittee will move with all deliberate speed to get the funds out to the students.

That, Mr. President, was a statement for our chairman.

I have introduced an amendment to limit this authorization to 1 year. Being realistic, I know this amendment will not carry. Therefore, I do not intend to ask for a rollcall vote on it. But having been the one who has chaired hearings on this subject for the Appropriations Subcommittee, I think it is time we looked at what we are doing.

Mr. President, for somewhat different reasons, I must join with members of the Budget Committee in stating my opposition to the recommendations of the Committee on Labor and Public Welfare in extending the student aid programs in the higher education section of this bill.

In one area I do agree with the Labor and Public Welfare Committee and that is extending eligibility to middle-income students. For some time we have recognized that students from lower-income families were often denied the opportunity for post-secondary education because of financial constraints. The many aid programs in this bill testify to the willingness of Congress to ameloriate this situation. In the past decade, however, it is the middle-class student who has had more and more difficulty securing the financial resources necessary to pursue a college degree.

My opposition to the bill before us stems from the fact that we have three grant programs: Basic educational opportunity grants, supplemental educational opportunity grants, and work-study, in addition to two loan programs: Direct loans and guaranteed student loans—all five of which are aimed primarily at the same group of students. In addition to the administrative expenses incurred by the Department of Health, Education, and Welfare in administering the programs for direct loans, work-study-study and SEOG's, the Federal Government pays a 3-percent administrative overhead to educational and financial institutions which process the papers. For fiscal 1976 this 3-percent overhead for the three programs amounted to $28,830,000. By contrast, the administrative costs associated with the basic grants amount to only seven-tenths of 1 percent. If that $28.8 million for administrative expenses had instead been put into the BOG program, an additional 33,483 students could have received grants averaging $855 and that takes into account the BOG administrative cost.

I also have a serious question as to why the Federal Government should pay colleges and universities for processing the forms which then afford students the means to attend the school and pay room, board, and tuition to the institution.

The student aid programs contained in this bill mandate duplication of effort by the student and the colleges by having three different campus-based programs in addition to the basic grant program all of which serve the same purpose—to assist students in getting enough money to attend a post-secondary school. It inflates the Federal bureaucracy by having people in all the regional offices as well as here in Washington who are responsible for only one fraction of student aid. And it wastes the taxpayers' money not only by supporting the HEW employees but also by providing some $28 million a year to pay for processing duplicating applications.

I hope the committee is listening to this because we have to listen to comments on these programs every year. This is a 5-year program. The Senate will be through with it but I will have to listen to these comments again each year for the next 5 years.

The Department of Health, Education, and Welfare informs me that they do not have any statistics on how many students receive basic grants and one or more of the other federally assisted student aid programs. By the very concept of BOG's, however, I feel it is safe to assume that every student who is a recipient of one of the three campus-based programs—work-study, supplemental educational opportunity grants, or a direct loan—also receives a basic educational opportunity grant. HEW does have some figures on the number of students who receive funds from more than one of the three campus-based programs, however, they stopped keeping them after 1970.

During the fiscal year ending June 30, 1970, a total of 772,672 students received funds from work-study, direct loans, or the SEOG program which was then simply called the educational opportunity grant program. Of this number 282,217 or 36 percent received funds from two or even all three of these programs; 51,703 students had both work-study and SEOG; 70,707 received work-study and NDSL; 96,612 had SEOG and NDSL; and 63,195 benefitted from all three programs.

In fiscal year 1975 HEW tells me that 1,300,000 were assisted by these 3 programs. Using the same percentage of 36 would mean that 468,000 students received funds from more than one of the programs. Keeping in mind my earlier premise that almost all of these students also receive basic opportunity grants, it would be a conservative estimate to say that 1 million duplicative applications were reviewed. That 1 million figure is based only on approved applications.

During our appropriations hearings this year, I chaired the higher education portion. HEW testified that only about 50 percent of the applications received for the basic grant program are approved. I will not carry my estimate of the mountain of unnecessary paper work generated by the present system of financing student aid which is perpetuated in this bill, but it should be clear by now that we are wasting hundreds of thousands of manhours and millions of taxpayers' dollars in this process.

Now, may I ask my colleagues one question: Why on earth is it necessary to have five programs to accomplish one goal? The authorizing committee has not been responsive to the facts—it has become far too easy to merely change the dates and extend the same programs for 3 or 4 years rather than taking the initiative to streamline the programs. As far as I am concerned, we should have one grant program and one loan program with the same application for each.

Under the bill that is before us now, students will be filling out as many as five applications. We will pay institutions and Federal members of the bureaucracy to process those applications. All of that money is coming from students who could get the money to go to school. Instead of facing up to the problem, the committee merely says, "Authorize more money."

The Appropriations Committee to this date has never been able to fund 100 percent of the current authorization of $1,400. Now we are going to raise it to $1,800. I think it is high time that people listen to the Budget Committee when they tell us we are misleading the students of this country and we are misleading them very grossly.

I wish we had more time to consider this and more people to listen to it. I have listened day after day after day in the Appropriations Committee now for at least 3 years.

We could reduce the size of the Federal bureaucracy, we could save tens of millions of dollars in other administrative costs, and we could provide better service to the students who would no longer have to go hat in hand from one program to the next begging $200 here and $500 there and $700 in loan funds from somewhere else. If a student qualified for a $500 basic grant and a $200 supplemental grant, why not just give $700 from one source?

We make them declare they are paupers, in effect, before they get the supplemental education opportunity grant. I do not see any reason why they should have to do that with the knowledge that the institution gets 3 percent of the money for processing their applications.

I say the record is clear that almost half of these people fill out three applications, they are processed twice, by the institution and by the Federal bureaucracy, and we are wasting money.

We raised this question in our reports. I do not know whether the authorizing committee ever reads the Appropriations Committee's reports, but I am sure that it is time they did. If this amendment would carry, it would mean that the bill before us would be valid for only 1 year, and next year the committee would have to get to the job of revising the whole system and provide us with a simple form where a student could fill out his application and ask for as much BEOG money as he was eligible for, and a guaranteed loan beyond that. That is all we need.

If we did that just this year, as I said, there would be 35,000 more students in school with help. I cannot understand why this committee, to which we have looked for innovation, is giving us a bill which does nothing but change the dates and the dollar amounts, and does not take into account the total of what we have been able to do under this bill.

Mr. President, this year, in 1976, we gave $680, on the average, under a $1,400 grant authorization. Now we are going to tell them, "You will get $1,800." I would be willing to bet, with the budget circumstances we have next year, they will be lucky if they get much more than $700. Then we wonder why it is that students go against the Establishment, why do they despise us? I sat and listened to those students who came in and asked for the right to process their applications themselves, so they would get the 3 percent. They have come forward with a student coordinating council, with some very good suggestions. They present them to our committee, and I presume to this committee, but I see none of that innovation in this bill. This bill is an extension of the same tired, worn-out old thing that has built up the bureaucracy in HEW to the point where the busiest man in HEW today, as our chairman, Senator MAGNUSON, has often said, is the signpainter who paints the names on the doors, because we change the names of the occupants in the same room.

I cannot get excited enough about this, and I know my good friend from the Budget Committee, the Senator from Oklahoma (Mr. BELLMON) understands the problem of the budget limitation, and for that reason, very reluctantly, I will support the committee's amendment to maintain the current level, because it is misleading the students of this country to tell them there is a chance to get any more under the current budget situation, and it is misleading the current population in the schools to tell them this is a new bill, there is something new for education in the country as far as students are concerned.

This bill is a retread, and I have nothing but condemnation for the approach that refuses to listen to the students of the country, refuses to face the facts, and refuses to cut down administrative and overhead costs, and instead deliver that amount of money to the students involved.

As I said, I hope the committee will respond. I do not know whether the Senator from Oklahoma intends to put into the RECORD the statistics to support his action, but I certainly, again, say we are making a great mistake in extending a retread program. We should, instead, be simplifying it, and it could have been done. It could have been done with some innovative thinking. I am sorry to have to say these direct things. I have great respect for the managers of the bill, and I now their hearts and souls are in trying to provide the assistance these students need. But I do not think that the authorizing committee, which faces this problem once every 5 years, is doing anything to assist those of us who face it not only once a year in the annual appropriation, but again in the supplemental process. This year we had to come up with $800 million extra money, taken out of other areas, in order to cover the applications that came in; and in doing so we did not get the opportunity to increase the amount of money the students and schools should have had to meet the increased costs they face.

I happen to know a little bit about this, having four kids in college at the same time. None of them are eligible for these programs, but I know what their friends tell us, and I know some of the problems I personally have faced in keeping those kids in school. It is unfortunate, to me, that the Congress of the United States is going to perpetuate a program that will provide, probably, more jobs for people who process more than a million duplicated applications than it will provide in additional assistance to the students who are vitally in need of that assistance.

As I say, I understand the facts of life, and I do not intend to press for a rollcall vote, but I hope this is a warning to this committee. Some of us intend to be around here for a long time. I do, and I am going to oppose any further extension, ever, of this retreaded concept that continues to pile program on program and administrative cost on administrative cost, and refuses to simplify the process of providing assistance to the students who are in need.

We are all aware of the increasing problems with default on loans and misuse of other Federal student aid funds. The present programs all too readily lend themselves to such abuse. One application per student, one grant fund, one loan fund—this would be far easier to monitor and audit.

Mr. President, I truly feel that the committee is capable of revising, reforming and simplifying the student aid package. For this reason, I am offering an amendment which would limit the authorization for these programs to 1 year with the hope that when the 95th Congress convenes next year, the committee will give serious consideration to the suggestions I have made today.

Mr. PELL. Mr. President, the Senator from Alaska has made a very eloquent statement in behalf of his amendment. However, I think that we ought to bear in mind that the students are opposed to the present, as he puts it, piecework approach. The National Student Lobby, just a couple of weeks ago, sent a letter to the majority leader strongly supporting this bill as it is. I ask unanimous consent that their letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL STUDENT LOBBY,
Washington, D.C., August 13, 1976.

Senator MIKE MANSFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: The National Student Lobby notes with dismay the repeated postponement of consideration of the

1976 Higher Education Amendments, S2657. This bill is currently scheduled for floor action the week of August 23. Action on S2657 must be taken immediately after the Republican Convention as the first order of business. One more delay (for example, past Labor Day) would make a conference committee virtually impossible, forcing the enactment of a continuing resolution. No one would benefit from such action; students—particularly those who rely on financial aid to remain in school—would be seriously harmed by Congress' inability to act.

It is imperative that the 1976 Higher Education Amendments be adopted before the September 30, 1976 expiration of the higher education programs. To replace action in the amendments with passage of a continuing resolution would constitute gross negligence on the part of Congress. Full funding of the higher education programs and titles would be seriously jeopardized by failure to pass and agree on a bill. NSL is particularly concerned that Title 4 appropriations will be endangered. This is a dangerous game, with the continued education of thousands of students in the balance.

In addition, failure by Congress to enact the new amendments will postpone needed and pressing reforms in Title 4 programs, most notably the Guaranteed Student Loan Program and Special Programs for the Disadvantaged Student (TRIO).

NSL views early consideration of S2657 as imperative.

Yours,

DAVID ROSEN,
Legislative Director.

Mr. PELL. As for the problem of paperwork, there is no one in the committee more concerned with it than I. We have had hearings on this subject. I recognize that the forms used by the basic educational opportunity grants are very complicated. We tried, and were unable to achieve a common form, so that one form could be used for all four programs. Under actions we in Congress have passed, we have specified that the Government must never ask for information unless it is needed for the particular program or application involved. For that reason, among others, we cannot have a common form, because in each case the common form would require information other than that required for the particular program the student was interested in.

From the viewpoint of the institutions and for general planning, I think it is a pretty good idea to have a 4- or 5-year bill, or a 6-year bill, which this is, so that we do not have to continually change plans, with youngsters and parents who have a hard time enough, as is. We found this in connection with basic educational opportunity grants. For the first couple of years, hardly anyone seemed to want to apply, and then, as young people became conscious of the program and familiar with the paperwork involved, it became more and more popular. They then applied in force. The point is, it took almost 3 years before the new program filtered down. To make it a 1-year program, I think, would be in error, it would not allow the students time to adjust, and therefore I oppose this amendment.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator from Rhode Island yield briefly?

Mr. PELL. Certainly.

Mr. WILLIAM L. SCOTT. Just looking through the report, I do not see the total cost of the program; there seems to be no index. Does the Senator know the cost?

Mr. PELL. The approximate total cost, if it remains a 6-year bill, is $36 billion, averaging out to $6 billion a year.

Mr. WILLIAM L. SCOTT. I thank the Senator.

Mr. JAVITS. Mr. President, I wish to make just one point. I adopt everything which the Senator from Rhode Island has said, but I have listened very carefully to the Senator from Alaska (Mr. STEVENS). I am impressed. I know that is his view.

We have had our hearings and have, in the hearings, found justification for these programs. Obviously we like the guaranteed student loans; it is one of "my babies," and I like it because it involves very heavily private enterprise; but I take to heart everything the Senator has said, and I promise him I will dig into it. I never want to be complacent. Since this issue has moved him as deeply as it obviously has, it moves me. I will try very hard to see what can be done to simplify the programs. I do not want to be arguing about the details now, because obviously the Senator has studied it well, and I want to be as forceful in my argument as he has been.

Mr. STEVENS. I thank the Senator from New York. I am sure the Senator from New York can never be accused of being complacent. I do feel strongly about it, because the record which the students made before the Appropriations Committee, in my opinion, justifies innovation, if we want to restore their confidence in our system of providing Federal assistance to them.

I appreciate the comments of the Senator from Rhode Island, and also the spirit in which the Senator from New York has spoken.

Mr. President, I withdraw that amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. STEVENS. I have another amendment.

The PRESIDING OFFICER. The Senator from Kansas. The Senator from Alaska has a further amendment.

Mr. STEVENS. I said I have two. I will be happy to yield. It is very short.

Mr. PEARSON. Go ahead.

The PRESIDING OFFICER. The Senator from Alaska.

UP AMENDMENT NO. 385

Mr. STEVENS. I do not intend to call for a rollcall vote. But I do have an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) for himself, Mr. INOUYE, Mr. GRAVEL, Mr. DURKIN, Mr. LAXALT, and Mr. MCGOVERN proposes unprinted amendment No. 385.

The amendment is as follows:

On page 130, between lines 17 and 18, insert the following new subsection:

(b) Section 415B(a)(1)(A) of the Act is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "except that (1) no State shall be allotted less than one-half of one per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

On page 130, line 18, strike out "(b)" and insert in lieu thereof "(C)".

On page 131, line 9, strike out "(c)" and insert in lieu thereof "(d)".

On page 222, line 5, strike out the period.

On page 222, between lines 5 and 6, insert the following: "except that (1) no State shall be allotted less than one-half of one per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

Mr. STEVENS. Mr. President, I discussed this amendment with the manager of the bill and I understand his position and again I am not going to ask for a rollcall vote. I do want to make a record of this, though. I want to indicate my feelings about one portion of this.

Mr. President, I am very pleased to call up my amendment which would insure that all States receive adequate funding under two of the most important programs which we are extending under S. 2657, the State student incentive grants program and the basic vocational education programs. My amendment would insure for the first time a guaranteed funding level to each State.

Both of these programs are now funded through a formula based primarily on population. This formula has, in my opinion, led to inequities in the distribution of funds. We have developed a system which provides built-in hardship for small States such as Alaska in providing adequate services with the moneys that are available.

For instance, the State of Alaska has decided not to participate in the State student incentive grants program in the past because out of a total of $44 million nationwide, my State would receive only $58,000 in Federal funds. Even with matching moneys from the State, administrative and overhead costs which accompany a program such as this outweigh the value of the limited Federal support which would be forthcoming.

Additionally, the level of Federal support for the vocational education funds is totally unrealistic. Alaska receives something over $600,000 out of a total of $422 million. In order for the State to provide for the rapid development of vocational education delivery systems in rural Alaska, coupled with articulation to postsecondary vocational programs and a further expansion of adult and continuing education programs throughout the State, a higher level of Federal assistance must be forthcoming.

In order to make the point more graphic, the figures I have quoted indicate that my State is currently receiving approximately one-tenth of 1 percent of

all nationwide funds for either of these programs. Many other States are faced with similar low percentage figures for Federal assistance under these programs.

My amendment would mandate that no State would receive less than one-half of 1 percent of the funds appropriated under these two programs. I direct the attention of the Senate to a list of the States which would benefit under the provisions of my amendment. I ask unanimous consent that this listing follow the completion of my remarks.

Mr. President, while I certainly realize that there is a strong argument to be made for distribution of these funds on a population basis, I am convinced that the formula that has been developed does not provide nationwide assistance in an equitable manner. I believe that a one-half of 1-percent floor is an extremely modest request, and I would certainly hope that Senators from more largely populated States would recognize this as such. The intent of this bill in continuing the public laws that provide these educational programs is to insure that each State will have enough Federal assistance to adequately carry out the purposes of each program. What we are asking for today is that we live up to this obligation, and provide all our States with enough assistance to cary out these programs.

Mr. President, I ask unanimous consent that a listing of State student incentive grants be printed in the RECORD.

There being no objection, the listing was ordered to be printed in the RECORD, as follows:

State student incentive grants

State	1976 appropriation	1977 estimate	.5 percent floor
Alaska	$58,776	$58,776	$220,000
Delaware	149,989	149,989	220,000
Hawaii	180,753	180,753	220,000
Idaho	145,592	145,592	220,000
Maine	159,086	159,086	220,000
Montana	127,434	127,434	220,000
Nevada	113,904	113,904	220,000
New Hampshire	149,917	149,917	220,000
North Dakota	120,529	120,529	220,000
South Dakota	117,764	117,764	220,000
Vermont	113,172	113,172	220,000
Wyoming	79,279	79,279	220,000

Basic vocational education programs

State	1976 appropriation	1977 estimate	.5 percent floor
Alaska	$618,820	$701,942	$2,407,650
Delaware	989,618	1,134,066	2,407,650
Idaho	1,858,990	2,095,875	2,407,650
Montana	1,683,661	1,873,041	2,407,650
Nevada	906,177	1,097,653	2,407,650
New Hampshire	1,610,620	1,894,837	2,407,650
North Dakota	1,583,246	1,494,848	2,407,650
Rhode Island	1,923,618	2,093,558	2,407,650
South Dakota	1,698,708	1,783,195	2,407,650
Vermont	1,091,067	1,237,586	2,407,650
Wyoming	760,782	869,385	2,407,000

Mr. STEVENS. My State is a very low population, very high cost State. We have had to decide not to participate in the State student incentive grants program because the administrative costs would exceed the amount of money that would be available to students even under the matching formula. Under this bill it provides $44 million nationwide. My State would receive $58,000 for that student incentive grant program.

In the level of Federal support for vocational education funds it is also unrealistic. My State would receive something around $600,000 out of $422 million. Mr. President, it costs almost as much to administer a small program as it does to administer a large program when you are dealing with the contents of this type of aid.

My amendment that I offered here would mandate as we have in the water programs by providing assistance to States to develop clean and safe water programs. We provided a minimum of one-half of 1 percent for the administrative costs to each State. We have provided that now in several other bills at my request, including the administrative costs under the EDA program. This amendment that I have offered would provide that no less than one-half of 1 percent of those two programs would be made available to any State, and I have a list of those States that would be benefited from this amendment. But also I realize the problem that is involved, and the problem is a unique one. Unless we could find a way to increase the amount of money available we would automatically be decreasing the amounts of money available to other States in order to provide a fair participation to the smaller States. This too is a matter which I hope the committee will study in the future and may find some way to separate out administrative cost funds and provide each State with an amount for administration which will in fact permit the program to go ahead, and then where you have funds that are allocated on the basis of population they could still have a modest program in every State.

And I hope that the comment will alert some members from other States of the very tough problem we have with mounting administrative costs and limited funds for student aid in these two very vital areas.

Mr. JAVITS. Mr. President, does the Senator wish a voice vote on his amendment?

Mr. STEVENS. All I ask for is a voice vote.

Mr. JAVITS. We are prepared to yield back our time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. PELL. I yield back my time.

The PRESIDING OFFICER. Does the Senator from Alaska yield back the remainder of his time?

Mr. STEVENS. Yes, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was rejected.

AMENDMENT NO. 2227

Mr. PEARSON. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. PEARSON), for Mr. DOLE, proposes amendment No. 2227.

Mr. PEARSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 320, strike lines 8 through 17 and insert in lieu thereof the following:

ELIGIBILITY OF CERTAIN CHILDREN FOR SERVICES UNDER TITLE I OF THE ELMENTARY AND SECONDARY EDUCATION ACT

SEC. 325. Section 141 of title I of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of this section, a local educational agency which implements a plan described in subparagraph (A), (B), or (C) of section 706 (a) (1) of the Emergency School Aid Act may, during the three school years following the implementation of that plan or during the school years ending prior to September 1, 1979, whichever is later, provide services under this title to children who reside in school attendance areas which were eligible for such services prior to the implementation of the plan, but who, as a result of such plan, are no longer eligible to receive them. Any school which is not eligible for a project under paragraph (1) (A) or (13) of subsection (a) but which is attended by children who are eligible to receive services under this subsection shall not be considered to be providing services in project areas or to be a school served by a program or project for the purposes of paragraph (3) (C) and (14) of subsection (a).".

On page 101, in the Table of Contents, strike item "Sec. 325." and insert in lieu thereof:

"Sec. 325. Eligibility of certain children for services under title I of the Elementary and Secondary Education Act.".

Mr. PEARSON. Mr. President, I offer this amendment prepared by my distinguished colleague (Mr. DOLE), although I join in the sponsorship with it, and present it in his behalf here tonight, and

it applies to many problems throughout the country, but it is of particular interest to us.

The PRESIDING OFFICER. The Senator will suspend momentarily.

The Senate will be in order.

Will the Senators kindly clear the well and take their seats?

The Senator from Kansas may proceed.

Mr. PEARSON. Mr. President, this amendment deals with the eligibility of services to disadvantaged children under title I of the Elementary and Secondary Educational Act, and under that provision it was formerly provided that children who were transferred under a desegregation plan from one school which had qualified under title I as a school of high concentration of low-income families, when the children were transferred, then the services to those children followed the children themselves to the new school. That was formerly the case. There was then a new legal opinion, by the Office of Education, that renounced that policy. To give a case in point, in the city of Wichita, Kans., which is now under a desegregation order, some 1,800 children will lose under the new legal opinion of the Office of Education the benefits under title I. The committee sought to deal with this particular problem by involving or constructing under title 325, which is on page 203 of the report, which said that services would continue and be transferred with the student, if, first, they had previously been receiving those services, and, second, if it were under a court-ordered desegregation plan.

This amendment changes that committee policy in three ways.

First, it provides that the services will continue with the children as they are transferred, not only if they are only under a court desegregation plan, but if they are under an administrative plan or voluntary plan or any other plan.

Second, it changes it in that children entering into the educational system for the first time would be eligible for these services because they in their preschool years had been subject to the same disadvantages as children who were transferred out and had they remained in their school they would receive those services.

The third modification of the committee proposal is that there be a 3-year limitation on this transfer of funds, because I understand their concern and as they pointed out so well in the report that you cannot transfer funds out of a poor area, do it continually, do it on a long-term basis without effect, without affecting severely the funds in that particular area.

Mr. President, this is an amendment that is supported by OMB, the administration, and HEW. I hope that the managers of the bill will look favorably upon this amendment.

Mr. PELL. Mr. President, this amendment is a pretty broad one. It seeks to get to a problem. I see the problem. But also one of the effects, if it were passed, would be to dilute the effectiveness of the title I programs, and on balance I am compelled to oppose it.

Mr. JAVITS. Mr. President, I want to have the facts clear. According to our figures from the U.S. Commission on Civil Rights, there are three children who are subject to voluntary or other than court-ordered plans for each one child under court-ordered plans. This possibly increases the movement of ESEA title I money, affects money for underprivileged children in education. It moves with the child by three times what is authorized in the committee bill, and, of course, that depletes very materially the aggregate funds available under title I for children who are underprivileged children.

Therefore, Mr. President, I join Senator Pell in opposition to this amendment, and I most respectfully suggest in view of that fact I do not think either of us could rely on the voice vote technique.

I hope, therefore, that we might quit now—it is 10 minutes to 8—or that the vote be put over until tomorrow.

Mr. PEARSON. Mr. President, if the Senator will yield, I think that is a good suggestion. I would like to have a record vote on this amendment, but the hour is getting late. Not many Senators are in the Chamber.

If the leadership would permit, I would hope that we would obtain the yeas and nays this evening and vote on it tomorrow morning. That would give us a reason to come in early and get right to work.

Mr. JAVITS. There is nothing the leadership can do about it. If the Senator asks for the yeas and nays, he will have it.

Mr. PEARSON. I want the concurrence of the leadership on this.

Mr. EAGLETON. Mr. President, will the Senator withhold that request? Will the Senator ask unanimous consent that the rollcall vote on this amendment come immediately following the morning hour tomorrow?

Mr. PEARSON. That is all right. I have no objection.

Mr. JAVITS. I have no objection.

Mr. PELL. Both sides yield back their time.

Mr. EAGLETON. Now we can ask for the yeas and nays.

Mr. PEARSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PEARSON. Mr. President, I ask unanimous consent that the vote on this amendment come immediately following the close of morning business tomorrow.

Mr. JAVITS. Mr. President, reserving the right to object—and I shall not object—I think we should leave 5 minutes to a side, so that anybody who is not there now can know what we are discussing. That should be before the vote.

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

Mr. PEARSON. We can yield back the time.

Mr. JAVITS. We can yield back all but 5 minutes each.

Mr. PEARSON. I make that unanimous-consent request.

The PRESIDING OFFICER. Does the Senator mean after the morning business?

Mr. PEARSON. After the morning business.

THE PRESIDING OFFICER. When the Senate resumes the unfinished business.

Mr. PEARSON. And not before 9:30 in the morning.

Mr. JAVITS. And preceded by a 10-minute debate, with the time evenly divided.

The PRESIDING OFFICER. Five minutes to a side.

Without objection, it is so ordered.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

Mr. McCLURE. Mr. President, will the Senator withhold that request?

Mr. PELL. Yes.

Mr. McCLURE. I thank the Senator.

Mr. President, I have three amendments, and it is my intention to call up the one amendment on which there is a 10-minute limit. I ask for a rollcall vote on that amendment. I have two other amendments on which there are 30-minute time limitations. They both deal with title IX regulations. They should be considered together, I think, and I wonder whether it might be in order at this time to ask that they be made the pending business following the vote on the Pearson amendment tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. I have no objection.

Mr. PELL. I have no objection.

Mr. JAVITS. That does not mean that they are going to be considered together. It just means that they will follow seriatim.

Mr. McCLURE. That is correct.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. McCLURE. I yield.

Mr. BELLMON. Mr. President, would it be in order for a unanimous-consent request that the Bellmon amendment be the pending business following the McClure amendments?

Mr. JAVITS. Could we know what these amendments are?

Mr. McCLURE. I will give the Senator copies.

Mr. BELLMON. I will give the Senator a copy.

Mr. JAVITS. Mr. President, reserving the right to object, what is the time limit on the amendment of the Senator from Oklahoma?

Mr. BELLMON. Thirty minutes.

Mr. McCLURE. Thirty minutes on each of my two which I will call up tomorrow morning.

Mr. JAVITS. So that there will be 15 minutes on a side on each one.

Mr. McCLURE Yes.

Mr. JAVITS. I should like to have a minute to consult the leadership, because we are piling up the time. We are coming in at 9. Let me consult the leadership.

Mr. McCLURE. Mr. President, I have a unanimous-consent request with respect to making my amendment the pending business.

Mr. JAVITS. Yes.

Mr. McCLURE. While the Senator is doing that, I thought I could bring up the other amendment on which there is a time limit.

Mr. JAVITS. Ten minutes?

Mr. McCLURE. Yes.

Mr. JAVITS. Will it require a vote?

Mr. McCLURE. It will not require a record vote.

Mr. JAVITS. I do not know whether we can even have a voice vote tonight, at this hour.

Mr. McCLURE. It only takes about two to have a voice vote.

Mr. PELL. The two might go the wrong way. [Laughter.]

Mr. JAVITS. Mr. President, if the Senator desires to discuss it, I have no objection; but I am serving notice that we may have the same problem there.

UP AMENDMENT NO. 387

Mr. McCLURE. Let us solve that when we get to it.

Mr. President, I have an amendment at the desk, and I ask that it be reported.

The PRESIDING OFFICER. Without objection, the amendment is in order, and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes unprinted amendment No. 387.

The amendment is as follows:

On page 130, strike out lines 22 through 4 on page 131.

On page 130, line 20, redesignate (6) as (5), and (7) as (6), and in line 21 strike "clauses," and add "clause."

On page 131, line 5, redesignate (5) as (4).

Mr. McCLURE. Mr. President, this matter has been broached once by the amendment of the Senator from Arkansas (Mr. BUMPERS). It deals with the question of portability.

This issue of portability of the Federal grant moneys under the State student incentive grants is a matter of first impression to the Senate, because it has been injected for the first time by the committee bill.

The Senator from Arkansas properly raised the question about the ability of the State to respond to this new matching requirement on the part of the Federal Government by asking that the effective date of the portability requirement be postponed for 1 year, and that amendment was adopted. So it might be said that my object in bringing up this amendment at this time is premature, because it will not be in effect for another year; but my concern remains exactly as if it were going to be made pending immediately.

I understand that in the committee, the Senator from New York was able to have an exception made to the portability provision if the State provided at least 150 percent of the amount of the Federal grant. This has the effect of guaranteeing that the States that have the most financial resources, or the ones that focus most financial resources on student incentive grants, are exempted from the requirement; but the States that have limited resources, that have found it difficult to make student incentive grants, are subjected to the portability requirement.

It seems to me that while this may have been intended to relate it to the amount of money that the Federal Government and the State governments were putting into the program, and perhaps was intended to stimulate the States to come up to the 150 percent grant requirement in order to exempt themselves from the portability requirement, it may, instead of increasing the amount of money available to students, actually work in the opposite way, that States that will be subjected to the portability requirement will suddenly just fail to participate in the program. The result then would be a loss of educational opportunity and a loss in precisely those States that have the greatest difficulty providing money.

That does not seem to me to be a rational policy; and I do not think that simply saying that we will delay it for a year in its application really addresses itself to the question.

The requirement of portability contained in section 123 (b) (4) of the committee version of the education amendments which would prevent States from limiting State student incentive grants to students attending eligible institutions within the State, would have damaging effect on those smaller States, such as Idaho, with relatively small SSIG programs. These States are already hard pressed to provide sufficient matching funds to claim their basic SSIG entitlements, and may, in fact, be forced to discontinue their participation in the program altogether if the added burden resulting from portability is placed upon them. In addition to the added costs of administration, the requirement would necessarily result in the loss of control at the local level by the individual institution, where decisions regarding need of applying students can be made most equitably.

Those students wishing to attend out-of-state schools are afforded portability in financial aid by other programs such as basic education opportunity grants.

The States should not be forced to submit to the dictates of the Federal Government in how they administer such grants including substantial amounts of State moneys.

I have letters from the president of the University of Idaho and from the Governor of the State in which they voice their objections to portability, and I ask unanimous consent that they be made a part of the RECORD.

I also have a listing of the States affected by portability with the 150-percent exemption that was introduced into that deliberation in the committee, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF IDAHO,
Moscow, Idaho, June 18, 1976.

Senator JAMES A. McCLURE,
U.S. Senate,
Washington, D.C.

DEAR JIM: We are seriously concerned that certain amendments to the Higher Education Act of 1965 as proposed in Senate Bill S2657 will not only have a deleterious effect on the states and on college students, but will also be very difficult to administer. These provisions are contained on page 126 of the amendments in Section 415C(b) of the Higher Education Act of 1965.

State Student Incentive Grants are now limited by states to students attending eligible institutions within that state. The amendment seeks, by federal legislation, to prevent states from so restricting. To escape the amendment's force, states will be obliged to exceed the one-to-one dollar match by 50%. In a state such as Idaho, whose fiscal efforts on behalf of higher education are already heroic, the amendment could well result in no increase in state funds for matching and a corresponding net reduction in award of federal aid funds by a factor of one-third.

It is doubtful that the Idaho legislature will endorse this new portability concept, nor do we as an Idaho institution. Idaho state legislation has encouraged Idaho youth to remain in the state for undergraduate study. In support of this goal, a strong state scholarship program (non-portable) is in operation. Idaho possesses adequate institutional capacity within the state, public and private, to furnish quality undergraduate programs to Idaho youth. Full utilization of these institutional resources is vital in a state where citizens are relatively heavily taxed for higher education. Any hint of underutilization of facilities and encouragement of students to go to college out-of-state may well result in loss of fiscal support for Idaho higher education.

The Basic Educational Opportunity Grant program already provides a high degree of portability in student financial aid. Students supported under the campus based programs (NDSL, CWS, and SEOG) are funded through the institution they elect to attend. The portability proposed by this amendment will needlessly complicate financial aid work in every state and in every institution. This, in turn, increases administrative costs. These additional costs will absorb dollars which would otherwise reach students in the form of direct aid. Portability should, in our view, be approached in a way *now possible* under the law, i.e., the receiving state provides State Student Incentive Grant funds to the entering student without discrimination as to the student's residency.

We oppose this amendment vigorously and recommend that portability be encouraged by continuing to permit states to award State Student Incentive Grants without regard for the student's residency.

Sincerely,

ERNEST W. HARTUNG,
President.

STATE OF IDAHO,
Boise, June 11, 1976.

Senator JAMES A. McCLURE,
Room 2106, Dirksen Building,
Washington, D.C.

DEAR SENATOR McCLURE: It has come to my attention that Senate Bill 2657 contains an amendment to the State Student Incentive Grant Program requiring that a state must provide "portability" of state grants unless the nonfederal funding equals 150 percent or more of the federal funding.

This is a strange amendment. Presumably it was designed to insure "portability". Its most probable result would be to enable states with large, well-established student assistance programs to *avoid* portability.

In the case of the State of Idaho, which has for the first time appropriated money to match the federal SSIG funds, the effect of the amendment would probably be the withdrawal of Idaho from the program. The question of portability has never been reviewed by this office, nor has it been reviewed by the legislature. It is certain that a substantial number of legislators would oppose utilization of state monies for such a purpose.

In short, the amendment to S. 2657, without assuring the portability its sponsors appear to desire would, in fact, threaten to destroy completely the fledgling program in this State. I urge you to support any action which may be introduced to remove this amendment from the Bill.

Sincerely,

CECIL D. ANDRUS,
Governor.

STATES AFFECTED BY PORTABILITY

Alaska, Arizona, Arkansas, District of Columbia, Hawaii, Idaho, Louisiana, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, South Dakota, Tennessee, Utah, Virginia, Wyoming, and American Samoa.

Mr. JAVITS. Mr. President, as I understand it, and the Senator will correct me if I am wrong, this proposes to drop the whole concept of portability. Is that correct?

Mr. McCLURE. The Senator is correct.

Mr. JAVITS. It is too comprehensive an amendment for us to take and much too comprehensive an amendment for us to submit to a voice vote. Therefore, I suggest to the Senator—as I understand it now, and he will correct me or the Chair will correct me if I am wrong, there are 10 minutes on this amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. A few have been used. Senator McCLURE has two others, on which there is a half hour each.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. That means an hour tomorrow.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Mr. President, I should have to seek a quorum or a record vote if this matter is to be pursued tonight. We do not want to do that. Perhaps we should make the same arrangement for this amendment that we made for Mr. PEARSON'S amendment and perhaps have it considered immediately after the Pearson amendment is voted upon.

Mr. McCLURE. May I, in conformity with the request of the Senator from New York, ask unanimous consent that this amendment be made the pending business immediately following the disposition of the vote on the Pearson amendment with, again, 5 minutes of debate on each side preceding the vote?

Mr. JAVITS. Right.

Mr. McCLURE. And that the rollcall vote be a 10-minute vote?

Mr. JAVITS. That is right.

Mr. McCLURE. And that, immediately following the disposition of this amendment, my other two amendments be made the pending business.

Mr. JAVITS. I would like to wait on that. I would not like the Senator to include that matter in this request. Just make this one the Senator's amendment, 10 minutes and a rollcall. Let me say why.

I say to Mr. BELLMON, we find now that we have a list of amendments which will take us, if the time is used, well past 12 o'clock. It will mean that Members who do not happen to be here are absolutely shut out. I should have been alert enough to catch that on Senator McCLURE'S unanimous-consent request. One, maybe, we can live with. But if we begin to have all the time taken up back to back, it is very unfair to other Members. I shall feel constrained, therefore, to object. But I hope that, in the spirit of accommodation which all of us have here, we shall be able to work out a schedule, perhaps reducing time for each in order to be able to accommodate everybody and give a reasonable opportunity for debate. Right now, we have from 9:30 until 12, which is 2½ hours. We have 2 hours and 35 minutes of debate. That includes rollcalls, of course. So obviously, we are over, and some Members are going to be completely shut out.

Mr. McCLURE. I withdraw my request, then.

Mr. JAVITS. The request is OK for this amendment, because we cannot deal with it tonight.

Mr. McCLURE. The difficulty with that is that I have already gotten unanimous consent that my other two amendments will be made the pending business.

Mr. JAVITS. Right.

Mr. McCLURE. If I do not withdraw my request, I shall lose that unanimous consent, because this will vary from that.

Mr. JAVITS. Right.

Mr. McCLURE. Therefore, I withdraw my unanimous-consent request on this amendment.

Mr. JAVITS. Does the Senator want a vote on this amendment tonight?

Mr. McCLURE. That is fine with me.

Mr. JAVITS. We shall have to get a quorum and see if it is here.

Mr. McCLURE. I am satisfied with a voice vote.

Mr. JAVITS. We cannot have a voice vote. We just do not know who is here.

All right, Mr. President, I am willing to yield back my time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. JAVITS. Yes, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. STEVENS. Will the Senator answer an inquiry for me before we close the business here, the manager of the bill?

Mr. JAVITS. Yes.

Mr. STEVENS. We just had a question raised as to whether this bill mandates any particular level of funding of these five student aid programs in regard to one another. Is there anything in this proposal before us that mandates a particular level of one program in relation to the other?

Does the Senator from Rhode Island understand my question?

Mr. PELL. Yes.

Mr. STEVENS. We ran into a situation once where we tried to increase the BOEG allocation and we were told we could not put any money into BOEG because we were mandated to put a certain portion of the money available for student aid into the other programs. Is that concept in this bill?

Mr. PELL. That concept is in this bill. It has been existing law since 1972. The Senator is correct.

Mr. STEVENS. Is it changed in any regard as far as current law is concerned?

Mr. PELL. There is no change as far as current law is concerned.

Mr. President, I move to reconsider the vote on the amendment of the Senator from Idaho.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. May we know if any other amendments are to be offered?

Does Senator BELLMON wish to press his unanimous-consent request?

Mr. BELLMON. Mr. President, I would like to press for unanimous consent to my amendment tomorrow, that it follow the two McClure amendments.

The PRESIDING OFFICER. Will the Senator state the unanimous-consent request?

Mr. BELLMON. Mr. President, I ask unanimous consent that, following the vote on the second McClure amendment, the Bellmon amendment be made the pending business.

Mr. JAVITS. Mr. President, reserving the right to object, and I hope we can work this out so that I do not object, I am perfectly agreeable to Senator BELLMON'S amendment following Senator McCLURE. In fairness to Members not here, the time that both have is excessive, considering the fact that we only have 2½ hours. If Senator McCLURE might be willing to consider cutting down the time on both of his amendments, say to 20 minutes instead of a half hour, and Senator BELLMON would consider cutting down the time on his amendment to 20 minutes instead of a half hour, then I think it would be at least somewhat more fair to those who are not present.

Mr. BELLMON. Mr. President, I am agreeable to a 20-minute time limit.

Mr. McCLURE. Mr. President, may I say that both of my amendments deal with the same subject matter. They both deal with the title 9 regulations. Although they are separate amendments and deal with it in different portions, nevertheless, the debate probably will somewhat merge and we might be able to get the debate on both of them and then have back-to-back votes. Rather than a whole hour on the two, we could have 40 minutes on the two, equally divided, then back-to-back votes on the two amendments.

Mr. JAVITS. That suits me.

Mr. PELL. We do not have to use the time in any case.

Mr. McCLURE. That is right.

Mr. JAVITS. The unanimous-consent request, as I understand it, is that the time on the Bellmon amendment is reduced to 20 minutes, equally divided. The time on the two McClure amendments is reduced from an hour aggregate to 40 minutes aggregate, equally divided, with the votes to come back-to-back after the debate of 40 minutes is complete.

The PRESIDING OFFICER. The Senator is correct.

Is there objection? Without objection, it is so ordered.

ADDITIONAL STATEMENTS

Mr. WILLIAMS. Mr. President, I am pleased to join my colleagues on the Committee on Labor and Public Welfare

in bringing S. 2657, the Education Amendments of 1976, to the attention of the Senate. This bill contains extension authority for all programs of higher education and vocational education, makes revisions in other programs in the administration of education by the U.S. Office of Education, and authorizes the creation of a number of new programs.

This bill represents the careful and concerned efforts over the last 2 years of the chairman of the Education Subcommittee, the Senator from Rhode Island (Mr. PELL), with the assistance of other members of the committee. Committee consideration encompassed more than 17 days of hearings and many more informal sessions, including field review by staff. I believe this bill thus provides a sensitive and forward looking review of higher education and vocational education, one that provides assistance to those students in need and makes changes in programs to assure that they meet the needs of the times.

Continuing the historical trend of educational legislation which has been approved by the Congress over the last decade, the provisions of S. 2657 further extend equal opportunity through education by focusing attention on the nontraditional student and nontraditional education programs. In particular, the committee bill adopts a program for grants to States for the development of postsecondary continuing education programs, which includes funding for technical assistance to States and localities for the development of such programs and puts a priority on the funding of statewide planning efforts to determine the need for various continuing education programs and to adopt strategies to meet these State needs.

The committee bill directs the Commissioner of Education to undertake activities to explore various alternatives for a national strategy on lifelong learning. These provisions put emphasis on exploring flexible learning environments and programs for persons of all ages. They take note of the tremendous change in our society and the need for individuals to continue learning and continue exploring. As the committee found during its review of education programs, the increase in students enrolled part-time in institutions of higher education has increased by 20 percent from 1969 to 1972 alone, as compared to the increase of full-time students of only 8.8 percent.

Furthermore, we know that over the next several years we can expect an increase in leisure time for all citizens and many changes in the job market and the society around us. Remarkable new methods and environments of learning have been created here and in other countries, including such things as community workplace learning, tuition free education for the elderly, various programs for financing retraining of workers, programs in museums and galleries, and outdoor learning settings. As our society continues to become more complex, I believe we must assure to our citizens as much personal freedom and opportunity for creative endeavor possible. This strategy for lifelong learning offers us this opportunity.

I take special note of one part of this provision which I authored to demonstrate ways to increase the utilization by workers of employer-employee tuition assistance programs and to coordinate and encourage the development of community learning programs which will meet the projected career and occupational needs of the community. These provisions were adopted to try to find ways to correct the underutilization of tuition assistance programs and to bring the world of work and the world of education closer together in the community. These ideas were originally explored in "The Boundless Resource," a study done by Willard Wirtz and the National Manpower Institute.

In the area of student assistance, I believe the committee bill makes some major changes designed to make higher education more accessible to families of all incomes. It adopts an increase in the maximum grant allowable under the BEOG program from $1,400 to $1,800. This provision was adopted by the committee to keep up with increasing costs since 1972 to assure that the student grant allowable makes sense in terms of costs of higher education.

S. 2657 also increases from $15,000 to $25,000 the income level for automatic eligibility for interest subsidies in the guaranteed student loan program. This change in the guaranteed student loan program is designed to assure that this program will again meet the needs of students as was intended when the provision was created in 1965. When the $15,000 limit was set 10 years ago, the intention was that 87 percent of all students receiving loans could benefit from the interest subsidies. Because of the increase in the cost of living, only two-thirds of the students now receiving guaranteed loans are also eligible for the interest subsidy. As many of my colleagues know, this loan program is currently one of the few sources of Federal financial assistance for students from middle-income families.

While students with incomes over $15,000 may receive interest subsidies based on their need, this change will assure that students from middle-income families from all over the United States will be able to be assisted. As this program currently operates, the income level differential cuts hardest against middle-income families from the large industrial States like New Jersey because the cost of living in these areas is higher. I know that in many of these States banks and student financial aids officers have been very sensitive to needs of individual students. This amendment, however, will assure that the intent of Congress is clear on the matter.

S. 2657 also adopts new provisions for support of education outreach centers, to assure that information about opportunities for postsecondary education, financial assistance, and other pertinent matters will be available to all persons throughout a State; and of service learning centers to provide postsecondary remedial training to students from disadvantaged backgrounds. I know that in my own State of New Jersey these programs will be extremely helpful in assuring that the State can meet the needs of bilingual students, handicapped, and other disadvantaged students seeking postsecondary education.

The bill also makes important changes in the GSL program designed to improve loan collection, cut down on student default, and improve the administrative efficiency of the program. These reforms include such things as: Incentives to States to operate their own loan programs because collection efforts are much better in such States, an improved method of setting the special allowance rate for banking institutions, easing the minimum repayment period and lowering the monthly payment when two spouses both have loans, encouragement of lenders to make multiple disbursements, thus lowering the default if educational programs are not completed by the student borrower, and the adoption of a provision prohibiting a student from exercising an unintended use of the bankruptcy laws.

Mr. President, this bill also makes changes in the veterans cost of instruction program, which will assure that this important program will not suffer as a result of the expiration of the delimiting date for educational benefits for post-Korean war veterans. It provides a new method of funding teacher training programs, by allowing for the determination of national priority areas and by the development of teacher centers within local areas. And it assures that certain basic information will be made available by institution to all students receiving GSL loans and BEOG grants such as an institution's fee refund policy, availability of student assistance, policies on the rights and responsibilities of students and that institutions must designate and make known personnel responsible for assisting students in obtaining student assistance.

Finally, the bill creates a new program for the support of research libraries to protect their collections and to prevent them from having to curtail their hours and their services to their users.

Mr. President, I believe that this bill is vitally needed and that it makes critical changes in education law. It provides a solid base of reform and direction for future higher education and vocational education programing, and I strongly urge my colleagues to support its provisions.

S. 2657 also makes changes in the Vocational Education Act to provide for comprehensive long-range planning and to assure that State planning takes into consideration the needs of the student for employable skills, and to assist vocational education for keeping up with the changing employment environment.

In particular, S. 2657 provides for a new statewide planning commission involving in the planning process those persons in the State responsible for manpower programs, for higher education programs—both 4-year and other pro-

grams—and elementary and secondary programs.

This provision is one around which some controversy has developed and on which the Senator from Maryland (Mr. BEALL) has indicated he will offer an amendment. So I would like to for my colleagues describe the current situation in the State of New Jersey and the impact of this provision.

New Jersey has three separate agencies which operate higher education, elementary and secondary and manpower programs. It also has two boards of education, the State Board of Education vested with policymaking authority for all elementary and secondary programs, and the State Board of Higher Education with policymaking authority for all postsecondary programs—with the exception of noncollegiate postsecondary vocational education programs. The issue of comprehensive planning and the establishment of a State Planning Commission is one which is, therefore, sensitive in New Jersey in terms of what authority is vested where.

The State Planning Commission in S. 2657, however, does not disturb that authority in the State of New Jersey. The sole State agency for administering vocational education will continue to be the Department of Education. The State Board of Education will continue to be the final policymaking body. What the provisions of S. 2657 provide for is input in statewide planning for vocational and technical education by all the responsible governmental agencies whose programs overlap that educational area, and whose policy change may involve the same students.

The committee bill does not mandate a new separate planning body, if a body, for example, the State board—exists with membership of the appropriate agencies having responsibility for secondary, and postsecondary educational programs, for community and junior colleges, for higher education and the State Manpower Council. Furthermore, it does not mandate the establishment of a commission if each of these State agencies certifies that it had been involved in the planning.

The responsibilities of the State board for policymaking and the advisory role of the State advisory councils remain the same under S. 2657. All that this bill does is assure that all segments of the population will be considered and all responsible State agencies will come together to plan for vocational and technical education.

PRIVATE AND PUBLIC COOPERATION COMMENDED

Mr. RANDOLPH. Mr. President, today we are debating S. 2657, the educational amendments for higher and vocational education. I call to the attention of Senators that we are urged to think in terms of public and private education—not in terms of public or private education.

Ours is a pluralistic society, and helping to meet the needs of this society is a very important role of the private school. Most of the discussion and debate over private and church-oriented schools revolves around the Federal and State role in supporting or contributing financial assistance to the private educational segment. I am most pleased to note that, in some instances, this assistance works the other way around. Mutual support in education is a two-way street.

An outstanding example of this cooperation and assistance has occurred in my hometown of Elkins, W. Va., where the Randolph County Board of Education, for the past 6 years, has been provided school facilities in the former St. Brendan's Catholic School through the good offices of the Parish Council and the Catholic Diocese of Wheeling-Charleston.

To illustrate this cooperation, I ask unanimous consent that a letter of appreciation from the school board to the Reverend R. M. Kraus, of the St. Brendan's Catholic Church, together with a resolution approved by the Randolph County Board of Education, be placed in the RECORD at this point in our discussion.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUGUST 4, 1976.

Rev. R. M. KRAUS,
St. Brendan's Roman Catholic Church,
Elkins, W. Va.

DEAR FATHER KRAUS: I am very pleased to indicate that the Randolph County Board of Education, meeting in regular session on August 3, 1976, did unanimously approve the attached Resolution in regard to Board utilization of the former St. Brendan's School since 1970. Speaking on behalf of the Board, we are most appreciative of the cooperation and assistance provided by the Parish Council of the St. Brendan's Church and with the Catholic Diocese of Wheeling-Charleston. Truly, the Randolph County Board of Education would have been unable to operate its schools in any reasonable manner these past six years had it not been through the gracious benevolence of the St. Brendan's Church.

We are sincerely appreciative, and if we can be of service, please advise.

Respectfully,

TOM MCNEEL,
Board of Education for the county of Randolph.

RESOLUTION

Re St. Brendan's School Facility.

Whereas, the Roman Catholic Diocese of Wheeling-Charleston, West Virginia, and the Parish Council of the St. Brendan's Catholic Church of Elkins, West Virginia, have since 1970 recognized the need for increased school facilities for Randolph County; and

Whereas, the Parish Council aforesaid has, in a spirit of benevolence and concern, leased to the Randolph County Board of Education that structure formerly known as the St. Brendan's Catholic School; and

Whereas, the Randolph County Board of Education has utilized said facilities to serve students attending the Central Elementary Annex; and

Whereas, new elementary schools have been constructed to house the children formerly attending Central Elementary School Annex; and

Whereas, the Randolph County Board of Education desires to publicly extend appreciation for this service to the Roman Catholic Diocese of Wheeling-Charleston, West Virginia, and to the Parish Council of the St. Brendan's Catholic Church;

Be it hereby resolved, that the Board of Education for the County of Randolph officially notes as a matter of public record that the Board is sincerely grateful for the kind generosity and benevolence of the Wheeling-Charleston Diocese and the St. Brendan's Church for use of this facility.

VETERANS EDUCATIONAL BENEFITS NEED TO BE EXTENDED

Mr. HUMPHREY. Mr. President, as we debate S. 2657, the Higher Education and Vocational Education Act, I want to again bring to the Senate's attention the plight of our post-Korean war veterans whose educational benefits were cut off on May 31, 1976.

On June 10, I introduced S. 3547, a bill which would allow those veterans who were enrolled at the time of the cutoff to complete approved programs of education. Senators SCOTT of Pennsylvania, HUDDLESTON, MONTOYA, and ALLEN have joined in cosponsoring this bill which has been referred to the Veterans' Affairs Committee.

I now strongly urge that the Veterans' Affairs Committee seriously consider extending this May 31, 1976, delimiting date when it meets on veterans' education legislation next week.

I understand that about 483,000 veterans would be affected by this bill, some 7,500 in my State of Minnesota who for various reasons have not completed their educational training within the 10-year time limit. Time is so short, classes are beginning. Every day my office receives calls from veterans who will have to drop out of school for lack of finances and with uncertain job prospects because of unfinished training.

I recognize that an adjustment to meet the cost of this limited benefit eligibility extension will be required in the next concurrent budget resolution but this investment will be more than paid back in the resulting better jobs with higher wages for veterans and additional tax revenues for the Government.

Mr. BROOKE. Mr. President, since 1972, loan limits under the guaranteed student loan program have been set at $2,500 per year with a cumulative limit of $7,500 for undergraduate students and $10,000 total including both undergraduate and graduate education. The House Education and Labor Committee reported H.R. 14070 with an important change in the amounts borrowable by graduate and professional students under this program. In the House version, the annual limit for graduate students would be raised to $5,000 and the total would be raised to $15,000, including the amounts borrowed for their undergraduate studies. These figures are clearly more realistic than the figures agreed upon in the Senate bill.

There are several basic reasons why graduate and professional students need higher loan limits, both annually and total, than undergraduate students. First, almost no grants are available generally to graduate and professional students. Second, tuition in graduate and professional programs is typically much higher than in undergraduate programs. These higher costs, including tuition and books, reflect not only the inflationary trends of society but also the greater expense of providing a high quality graduate education. And, third, professional and graduate students are adults who are often independent of their families or are starting families of their own.

Most graduate and professional students can be expected to have higher earning capacity after receipt of their

degrees, so it is not unreasonable to expect them to have higher levels of debt at the time of graduation. Their higher career earning potential may justify the absence of direct public subsidies for their training, but these students should be able to finance this training by borrowing against the future earnings that it provides.

Since the escalating individual budgets required to keep a graduate student in school are directly tied to the financial condition of the schools themselves, it would be well to realize that the very existence of some of these schools is threatened. Their costs are rising at a rate that outstrips even the rate of inflation, which produced a decline in the purchasing power of the dollar of 40.3 percent in the past 10 years. Endowments of even the relatively affluent private schools were devastated by the recession of the early 1970's and these endowments cannot provide a significant degree of support to graduate education. In addition, for various reasons, both State and Federal governments have curtailed subsidies to graduate and professional education.

As the Carnegie Commission noted in a 1973 report:

> Science and engineering fields, and the academic professions in general, benefitted from greatly increased federal funding in the post-Sputnik period. Today, however, because many fields are developing manpower surpluses, and because the need for additional college teachers seems likely to decline as we move toward enrollment stabilization, the societal benefit of continuing high subsidies is also declining. Thus, federal policy is one of constraint. . . . Too great a reliance on manpower assessments in determining public funding, however, tends to overlook the delicate balance of institutional well-being; what may appear to be a rational policy in adjusting manpower flows may exact a harsh penalty on the institutions whose continued vitality is essential to the public interest.

It should also be added that penalizing students for surpluses in certain professions would be even more harsh than penalizing the institutions. Those who are concerned about subsidizing education programs in career fields that are experiencing a surplus should realize that direct assistance to students does not involve the Government in determining priorities among professions.

Rising tuition levels have been resisted by the schools but are inevitable. Every significant increase in tuition prices a substantial proportion of interested students out of the market. Graduate and professional education in the United States traditionally has been a ladder for those of all social and economic classes who are most competent to climb as high as their interests and abilities will carry them. Particularly since World War II, we have based graduate and professional training on merit rather than on ability to pay. To prevent excluding the sons and daughters of the great majority of our population from this training, additional financial support for students must now be provided.

These are the historical and sociological tenets on which the need for increased financial aid to graduate and professional students is based. The current student budgetary problems follow.

Schools regularly prepare a minimum annual budget figure for their students, a figure derived by adding tuition and books to the standard or minimum budget produced by the Bureau of Labor Statistics for that locality. The Association of American Law Schools estimates that the average minimum budget for attending a private law school is approximately $5,500 per year; average for public law schools is approximately $4,000 per year for nonresidents and approximately $4,500 per year for residents. In the health professions, costs go even higher. The Association of American Medical Colleges estimates that the average budget for a medical student is about $8,400 per year at private schools and about $5,750 per year at public schools.

At these prices, only the wealthy can afford professional education from their personal resources. And the typical middle-class family is rapidly being priced out of the professional education market.

These figures were recently used as the basis for an informal analysis of need among law students by the Graduate and Professional School Financial Aid Service—a nonprofit educational service. GAPSFAS is under contract with law schools, medical schools, dental schools, and business schools to provide analyses of applicants for financial aid at those schools. By comparing the individual's need analysis against the school's suggested minimum budget, the school can assess relative entitlements to financial aid. GAPSFAS thus has both experience with actual levels of aid and sophisticated computer models of need analysis. Using figures supplied by the Association of American Law Schools, GAPSFAS drew upon its family income data and computerized financial aid model to reach an estimate that 40,956 law students could show a need, as defined under the guaranteed loan program, of an average of $3,175 per year. Therefore, for almost 41,000 students—over one-third of all law students—a 3-year law school education would make them eligible to borrow almost $10,000 each if the money were available. Increasing these figures by an average of $2,000 each, a conservative estimate of the greater cost of medical or dental school, would produce loan eligibility of over $5,000 per year and a total of over $15,000. Even if costs of education did not continue to rise with inflationary pressures, a $5,000 annual limit on borrowing would be warranted by these figures; the current $2,500 limit is clearly inadequate. In addition, many graduate school students have already borrowed to pay for their undergraduate education.

Mr. President, I also support extending the repayment period to 15 years. For if these increased limits are adopted, then a 10-year repayment period will become burdensome for many graduates. Moreover, it would impel recent graduates away from public service jobs into higher paying endeavors. Comparable experience with fundraising efforts by the schools indicates that their graduates have a tightly limited amount of money until almost the 10th year after graduation. It is at that time that many of them have established their careers, started families, purchased homes, and otherwise begun to stabilize their financial situations. Fortunately, a high number of graduates, especially from the law schools, spend the first few years of their careers in relatively low-paying public service jobs, either with the Government or legal services institutions. Many others either go into private practice on their own or serve what amounts to an apprenticeship with other practitioners; in either event, their earning potential is not realized during these formative years.

It would not be a wise policy to develop a program that forced graduates immediately into higher paying jobs at the sacrifice of public service. Therefore, it is advisable to stretch out the payments over a longer period to reduce the amounts repaid during the early years of the graduate's career.

There are a couple of points worth reemphasizing. First, this is not a giveaway program. Administrative costs and default rates continue to make it expensive for the Government, but these problems must be tackled independently of the amounts that students need for a quality education. Second, the Federal guarantee in this program is essential to make capital markets respond to students. Given the choice between a real estate mortgage and an unsecured education loan, a lender could not be expected to choose the student without the backing of the Government. Finally, the costs of education threaten in the near future to close all but the most affluent members of society out of graduate education. This would not be fair to so many young men and women who have been told that academic prowess is the key to their future.

Mr. President, I urge the Senate conferees to accept the House allowance for the guaranteed student loans.

IMPACT AID

Mr. TOWER. Mr. President, I would like to express my support for the amendment which Senator HRUSKA would have proposed to S. 2657 revising the impact aid formula. The Killeen School District in Texas has a problem similar to that of the Bellevue Public School System in Nebraska, and as the Senator has stated, there are 81 school districts throughout the United States for whom this issue is a matter of critical concern.

The Federal Government has been providing aid to schools in federally affected districts since 1950. Those funds are vital to the districts if they are to continue to provide quality education to the children attending the schools in areas heavily burdened by Federal activity. As with most Federal programs, there have been cases in which the integrity of the purpose of impact aid has been threatened by certain abuses. Wealthy school districts have received large amounts of tax dollars. However, that does not negate the fact that there are numerous communities in which the tax base cannot possibly support quality education for students, among whom are an extraordinarily large number of military dependents.

When the State cannot tax the Federal property housing those military dependents, the school system must forego massive revenues that must be replaced in

other ways—if the national ideal of a high standard of education is to extend to these parts of the country as well. I might add that, though impact aid is a matter of critical concern to 81 school districts, there are about 4,000 altogether which benefit to some degree from this type of assistance.

In conclusion, the current impact aid formula is extremely complex, and responsible review will require extensive hearings. I look forward to the opportunity for the Senate to go into this matter in some depth, and I, too, have numerous constituents who would appreciate the opportunity to make known their estimation of the value of the program and potential improvements which would enhance its value and popularity. I commend Senator HRUSKA for his efforts in making this opportunity available.

Mr. HRUSKA. Mr. President, I wish to bring to the attention of the Senate a matter of great concern to my constituents in Bellevue, Neb., on the subject of aid to school districts heavily impacted by Federal activity. For many years I have been involved in assuring that local school districts with a high percentage of military dependents in attendance receive the level of funding needed through the appropriations process. The changes in impact aid adopted by the Congress in 1974, establishing a three-tier formula for the distribution of impact aid funds, were designed to insure that school districts with a high level of impaction from the dependents of on-base military personnel receive a separate entitlement.

By distinguishing between the two types of military impaction, a practice followed before the 1974 amendments, districts with a high percentage of both on-base and off-base personnel whose children attend local schools have found that their needs still are not being met. The Bellevue public school system is such a district, due to the proximity of Offutt Air Force Base, headquarters of the Strategic Air Command. There are 81 school districts across the country similarly affected.

To remedy this situation, I had intended to offer an amendment to the bill presently before us. Its purpose would have been to adjust the formula so that off-base dependents of military personnel receive full entitlement under the three-tier formula through the first and second tiers rather than in the third tier. Entitlements for on-base dependents who constitute more than 25 percent of enrollment in an individual school district are now met fully in the first two tiers. Mr. President, I ask unanimous consent to include the text of the amendment for information purposes only at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TO AMEND PUBLIC LAW 874, 81ST CONGRESS RESPECTING PAYMENTS PURSUANT TO SECTION 5 THEREOF

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) section 5(c) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended—

(1) in paragraph (2)(A) thereof, by striking out "section 3(a)" and inserting in lieu thereof "sections 3(a) and 3(b)(3)"; and

(2) in paragraph (2)(D) thereof, by inserting after "section 3(b)" the following: "(other than children with respect to whom payments are made under clause (A))".

(b) The amendments made by subsection (a) shall be effective with respect to appropriations for such Act for fiscal year 1977 and succeeding fiscal years.

Mr. HRUSKA. I would like to point out, Mr. President, that providing full entitlements to the 81 school districts that would have been affected by this amendment would cost only $3 million.

The distinguished Senator from Rhode Island, to whom I made my intentions known, expressed reluctance to consider an impact aid amendment to a bill dealing primarily with higher and vocational education. I well understand and respect his reluctance, and for that reason I will not offer my amendment. I would appreciate, however, assurances from my distinguished colleague that the problem facing the 81 school districts with both high on-base and off-base impaction will be taken up when the Senate considers amendments to elementary and secondary education legislation in the next Congress. Does the esteemed Senator from Rhode Island agree that the elementary and secondary education bill of the next Congress is the appropriate legislation for addressing the issue I have raised?

Mr. PELL. Yes, I do.

Mr. HRUSKA. I thank the Senator. As he knows, the impact aid formula is extremely complex. One of the reasons he was reluctant to consider my amendment at this time is due to the complexity of the formula, especially since no hearings were held to present evidence on the need for the change. I would appreciate the distinguished Senator's assurances that my constituents will have the opportunity to testify on the need for amending the impact aid formula during subcommittee hearings on the elementary and secondary education bill next year. Does that meet with the approval of the distinguished Senator from Rhode Island?

Mr. PELL. I can assure the Senator that all issues involving the impact aid program will receive thorough consideration by the Subcommittee on Education as it considers the elementary and secondary education bill in the next Congress.

Mr. HRUSKA. Mr. President, I thank the Senator for his assurances. In order that my colleagues may examine the need for this change in the impact aid formula, I ask unanimous consent to include in the RECORD following my remarks a statement prepared by Dr. Richard Triplett, superintendent of the Bellevue Public School System. It was originally delivered before a conference of impacted school districts in San Diego in December 1975. It represents a refinement of an earlier proposal by Dr. Triplett which I brought to the attention of my colleagues on June 27, 1975, during debates on the education division appropriation for fiscal 1976. It appeared on pages 21274–21278 of that days RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUSTIFICATION FOR 100 PERCENT FUNDING FOR MILITARY "B'S" FOR DISTRICTS WHICH ARE ALSO 25 PERCENT IMPACTED WITH "A" PUPILS

As was pointed out by Senator Hruska during the floor debate on the 1975–76 appropriation for School Assistance in Federally Affected Areas, (impacted aid), the recent changes in the authorization language have not provided equitably for those districts which are heavily impacted with both "A" and military "B" pupils The so-called Super "A" districts have gained some degree of stability, particularly those with no, or relatively few, "B" pupils, with the provision of 100% funding for "A" pupils through Tier II when 25% impacted with "A" pupils. However, there is a relatively small number of districts with 25% or more impaction of "A" pupils which also have a high concentration of military "B" pupils which are suffering serious financial problems as a result of prorations of P.L. 874 funding.

Of the 4,531 P.L. 874 applicants, only 234 qualify as Super "A" districts. Of these 39 have no "B" impaction, 114 have a "B" civilian impaction but no "B" military impaction, 6 have "B" military impaction but no "B" civilian impaction, and 75 have both "B" military and "B" civilian impaction. The table below depicts this distribution:

"B" impaction among super "A" districts

	Number of districts
No. "B" impaction	39
"B" civilian but no "B" military	114
"B" military but no "B" civilian	6
Both "B" military and "B" civilian	75
Total	234

Thus, there are 81 districts which have a military "B" impaction, of which 75 also have a civilian impaction of "B" pupils, Among the 81 districts which are 25% impacted with "A's" and which also have military "B" entitlements are the 30 districts which were identified in the Battelle Report as "Prisoners of the Federal Government" because their reliance upon impact funding is so great. These are the districts which Battelle recommended should be dealt with separately in the legislation since it was impossible to develop a formula which would apply to the other 99.3% of the applicants and still treat these severely impacted districts in an equitable manner when reductions were made in the funding. This separate category has never been created by the Congress.

Typically, these 30 districts serve military installations. Enrollments vary from approximately 1,000 pupils to 15,000 with an average enrollment of 5,779. This average enrollment is apportioned among the various enrollment categories as follows:

[In percent]	*Average enrollment*	*Percent of total*
"A" Pupils	2,007	35
Military "B" Pupils	762	13
Other "B" Pupils	667	12
Non-federal Pupils	2,343	40
Totals	5,779	100

These districts typically have a smaller tax base per pupil than their neighbors due to

the presence of the military installation, on-base housing and base exchange activities. Military personnel typically retain legal residences in their home states. As a result, they are not subject to state income taxes in the state where their children attend school. Sales on base exchanges are not subject to local sales taxes. On the average, 48% of the pupils in a typical district are dependents of those in the uniformed services and 12 percent are dependents of civilian employees who work on base. Thus, 60% of the students are federally connected. These percentages will vary from district to district, * * *.

A typical district among these 30 districts will expend approximately 80%-90% of the amount per pupil as is expended by its neighbors which are not severely impacted. At least a half dozen of these 30 districts have experienced financial crisis in the past five years as was predicted in the Battelle Report, since the prorations of P.L. 874 first began in 1970. School closings, staff reductions or program reductions have occurred in almost all of these 30 districts during the past five years since P.L. 874 prorations first began.

Attached are three tables listing the 81 districts which have 25% or more impaction of "A" pupils and also have a military "B" impaction. For each district, there is also listed the total enrollment, the relative impaction of the total of "A's" and military "B's" (counting a military "B" as one-half a pupil), the entitlements for "A's", military "B's", and other "B's" and the amount of military "B" entitlement which is funded only when Tier III is funded.

It is proposed that legislation be introduced that would provide 100% funding for the military "B" category through Tier II when a district is also 25% impacted with "A" pupils.

If passed, such legislation would have the following effect:

1. It would apply only to military "B" funding in the 81 districts which have military "B" entitlements in addition to their Super "A" entitlement.

2. It would move $2,978,474 of entitlement from Tier III to Tier II but would not increase the total of entitlements.

3. It would increase the number of districts receiving 100% of entitlement through Tier II from 39 to 45. The increase in funding through Tier II for these six districts would total only $6,679, an insignificant amount when compared with the total appropriations. Thus, the proposal has little effect upon the number of districts guaranteed full funding through Tier II.

4. The 30 districts which are most severely impacted with military "B" pupils presently have 11.0 percent of their entitlements funded in Tier III. The proposal, if passed, would reduce the amount in Tier III to 5.4% of total entitlement, increasing funding through Tier II by $2,861,833.

5. In addition to the 30 districts which were identified above are 51 districts with relatively small military "B" impaction. Of these, 24 are identified in the table attached, the remaining 27 are grouped by state since their "B" military entitlements are small. Full payment for the military "B's" for these districts would have little effect upon the totals since only $116,641 would be moved from Tier III funding to Tier II for these districts. These districts typically have an "A" impaction much greater than the 25% minimum and have a relatively large civilian "B" impaction.

These 51 districts presently have a 9.2% of their enttlement in Tier III. The proposal would reduce Tier III funding to 9.1%.

6. 75 districts, of the total 81, would continue to have a significant portion of their entitlements (that for the civilian "B's") funded only if funds were appropriated for some or all of Tier III.

In summary, the proposed legislation would correct some of the inequities that result when reductions are made in the funding for the districts severely impacted with military "B" pupils.

Justification for the proposal is based upon the premise that there is a distinct difference between a military impaction and a civilian impaction, a distinction that has been recognized in every study that has been made of impact aid.

Obviously, these 30 districts are not, and have not been capable of exerting sufficient political influence to correct the situation. They make up less than one percent of the total applicants, yet their entitlements for section 3 pupils equal almost 10% of the total entitlements for impact aid. They represent only 18 states. In 12 of the states, only one district is among the 30. In only one state, California, are there as many as 5 districts among the 30. Enrolled in these 30 districts are 167,797 pupils, of whom, 48% or 81,023, are dependents of those in the uniformed services. The proposed legislation, if enacted would result in a minimum change in the authorization language, yet would correct one of the most glaring inequities which result from the prorations of P.L. 874 funding of the past 5 years. For these 30 districts at least, the need for full funding for the military connected pupils is unchanged from the date of original enactment of the law in 1950.

DECEMBER 1975—ANALYSIS OF 81 PUBLIC LAW 874 APPLICANTS WHICH ARE 25 PERCENT OR MORE IMPACTED WITH "A" PUPILS AND ALSO HAVE AN IMPACTION OF MILITARY "B" PUPILS

Applicant	Total enrollment	Percent impaction ("A's"+½ of military "B's")	Total entitlement "A"	Total entitlement Military "B"	Total entitlement Other "B"	Portion of military "B' in tier III
Killeen, Tex	14,879	43	$2,197,144	$1,256,911	$404,357	$502,764
Bellevue, Nebr	10,393	51	3,167,726	1,116,292	295,559	446,517
Clover Park, Wash	14,998	39	2,824,570	578,102	426,329	231,241
Monterey Peninsula, Calif	16,752	32	3,450,477	513,028	845,763	205,211
Oak Harbour, Wash	5,337	42	836,119	445,177	226,543	178,071
Junction City, Kans	6,841	48	1,689,695	408,470	241,023	163,388
Lompoc, Calif	11,421	29	2,173,059	246,856	1,188,539	98,742
Del Valle, Tex	4,242	58	1,059,996	203,043	56,486	81,217
Atwater, Calif	3,412	42	624,178	200,709	48,057	80,283
Biloxi, Miss	8,223	31	1,040,444	193,131	270,288	77,252
Air Force Academy, Colo	4,657	37	728,313	192,651	99,719	77,060
Groton, Conn	8,563	32	1,599,134	178,107	164,701	71,243
Burkburnett, Tex	3,643	33	457,702	165,827	105,902	66,331
Waynesville, Mo	4,803	63	1,389,061	161,036	95,337	64,414
North Chicago, Ill	4,043	48	1,179,988	145,553	190,399	58,221
Rantoul, Ill	3,214	54	927,141	138,189	109,577	55,276
El Paso, County, Colo	3,705	60	1,038,811	112,747	618,572	45,099
Mountain Home, Idaho	3,803	44	808,682	102,933	141,994	41,173
Oscoda, Mich	4,001	38	776,530	99,570	109,298	39,828
Prince George County, Va	5,308	31	785,301	80,622	85,725	32,249
Douglas, S. Dak	3,174	79	1,811,390	76,416	9,797	30,566
Central S.D. of P., N.Y.	3,862	34	1,103,176	69,003	69,877	27,601
Fallbrook U.S.D., Calif	1,200	56	297,242	71,447	51,813	28,579
Knob Noster, Mo	1,969	62	552,265	69,157	30,133	27,663
Ayer, Mass	3,351	61	1,695,628	65,183	80,622	26,073
Mascoutah, Ill	3,930	63	1,536,997	62,069	56,949	24,828
Maconaquah, Idaho	3,740	34	639,276	55,732	48,629	22,293
Ocean View, Calif	2,143	34	342,185	53,780	110,195	21,512
Medical Lake, Wash	2,311	56	687,526	52,843	45,535	21,137
Lakehurst, N.J	879	35	255,256	40,003	31,431	16,001
Total, 30 applicants	168,797	48	37,675,012	7,154,587	6,259,149	2,861,3
Eatontown, N.J	2,261	46	$887,792	$28,100	$57,957	$11,240
Adelanto, Calif	1,608	93	776,094	25,308	13,181	10,123
Center Jt. S.D., Calif	1,041	61	336,480	22,506	16,317	9,002
Wheatland, S.D., Calif	1,987	83	856,781	18,454	8,436	7,382
Northern Burlington, N.J	2,135	44	884,303	18,144	36,289	7,258
Wheatland U.S.D., Calif	706	69	414,352	16,750	14,106	6,700
Randolph Field, Tex	1,354	94	1,061,521	13,448	12,607	5,379
North Hanover, N.J	1,778	77	955,096	11,886	7,691	4,754
Minot, N. Dak	8,535	26	1,237,036	10,395	1,444,941	4,158
Gallup-McKinley, N. Mex	13,270	61	4,034,446	9,933	214,561	3,973
Flour Bluff, Tex	3,196	26	421,947	9,533	202,193	3,813
Highwood-Highland, Ill	1,454	33	952,474	8,414	12,153	3,366
Travis, Calif	2,977	100	2,054,850	8,219		3,288
Fort Sam Houston, Tex	1,565	82	994,535	7,825	386,546	3,130
Tularosa, N. Mex	1,558	35	282,242	7,237	106,487	2,895
Muroc, Calif	3,350	71	1,692,331	7,051	71,924	2,820
Rudyard, Twp	2,149	67	819,448	6,867	28,040	2,747
Limestone, Maine	2,050	62	663,602	6,260	352,148	2,504
Alaska State Operations	18,639	80	27,428,880	5,200	8,815,440	2,080
Mineral County, Nev	1,620	40	329,729	5,168	435,676	2,067
Sierra Sands, Calif	6,295	34	1,499,356	4,795	715,773	1,918
North Chicago H.S., Ill	1,396	30	555,422	3,986	204,629	1,594
Lackland, Tex	996	99	768,549	3,897		1,559
Seeley, Calif	486	34	92,185	2,845	6,259	1,138
Total, 24 applicants	82,397	55	49,989,451	262,221	13,163,354	104,888

Source: Listing provided by U.S. Office of Education.

Mr. HRUSKA. Our colleagues from Texas also have a strong interest in amending the impact aid formula in the manner that I had proposed to the Senator from Rhode Island. They also have statements on the subject.

I thank the Senator from Rhode Island once more for his assurances.

Mr. GARY HART. Mr. President, S. 2657 would amend section 405(c)(2) of the General Education Provisions Act to include a new subsection which would set aside at least 25 percent of the funds appropriated to NIE for grants and contracts exclusively with research laboratories and centers. This subsection reads as follows:

(f)(1) In carrying out the functions of the Institute under this section, the Director of NIE shall make grants to, and enter into contracts with—

(A) regional educational laboratories established by public agencies or private nonprofit organizations; and,

(B) research and development centers established by institutions of higher education.

Mr. President, I would like to obtain clarification from the committee regarding the implications of this subsection as it applies to the National Center for Higher Education Management Systems—NCHEMS. Since 1971, NCHEMS has been one of those institutions included among NIE sponsored labs and centers and I feel certain that the authors of this legislation intend NCHEMS to be included as one of the labs and centers eligible for funding under this set-aside provision. However, it has recently been brought to my attention that the above referenced language might be interpreted by some to exclude NCHEMS. I would like to briefly review the source of ambiguity on this point.

First, although NCHEMS does not have the word "laboratory" in its title, it is a laboratory. The word "center" was chosen over "laboratory" in order to avoid confusion with the National Laboratory of Higher Education in North Carolina which was also a laboratory in 1971. The North Carolina lab has since lost its laboratory status. As I understand NIE's technical definition of center and the language in the bill before us, it refers to research and development institutions established by institutions of higher education. While NCHEMS is governed by a board of directors made up of representatives from institutions and State agencies of higher education, it is not a "center" in that sense of the word.

Second, NCHEMS was initially established by the Western Interstate Commission for Higher Education—WICHE—a compact of the 13 western States—to serve the western region of the United States. However, its programs and products soon became of national interest and as a result of requests to WICHE by national associations and Federal agencies, WICHE agreed that a nationally representative board of directors should govern NCHEMS and that NCHEMS should become a laboratory funded by NIE.

With this change, NCHEMS shifted its focus from the specific needs of western institutions of higher education to serving the planning and management needs of all institutions of higher education across the nation. Thus, when NCHEMS became a laboratory in 1971 it already had a national rather than regional focus.

Mr. President, NCHEMS is widely known for its highly competitive and excellent achievements in improving planning and management capabilities in postsecondary education through research, development, dissemination and implementation activities. The center's objectives are first, to improve basic knowledge and understanding of modern planning and management concepts, systems, and practices in postsecondary education; second, to improve the quality and flow of information relevant to policy and managerial decisions in postsecondary education; and, third, to enhance the ability of planners and managers to make effective use of this information. It has made outstanding advances in all those areas.

Mr. President, I would greatly appreciate clarification and comment by the committee on the question I have raised regarding NCHEMS. As I mentioned earlier, I feel confident that it was the intent of the committee to include NCHEMS under this provision. I would like to have that point established for the record.

Mr. EAGLETON. Mr. President, as sponsor of this amendment in the committee, let me respond to Senator HART's concern.

Section 405(c)(2) was amended in committee to assure a continuing strong role for regional educational laboratories and research and development centers. The committee intends that those laboratories and centers now being supported by the National Institute of Education continue to be supported under the set-aside if their proposals have merit. During the fiscal year 1976 House Appropriations hearings on the Education Division appropriations bill, the NIE provided a list of those laboratories and centers which were being supported by NIE as follows:

Appalachian Education Laboratory, Charleston, W.Va.

Center for Educational Policy and Management, Eugene, Oreg.

Central Midwestern Regional Education Laboratory, St. Louis, Mo.

Center for the Study of Evaluation, Los Angeles, Calif.

Center for the Social Organization of Schools, Baltimore, Md.

Far West Laboratory for Education Research and Development, San Francisco, Calif.

Learning Research and Development Center, Pittsburgh, Pa.

Mid-Continent Regional Education Laboratory, Kansas City, Mo.

National Center for Higher Education Management Systems, Boulder, Colo.

Northwest Regional Education Laboratory, Portland, Oreg.

Research for Better Schools, Philadelphia, Pa.

Research and Development Center for Teacher Education, Austin, Tex.

Southwest Educational Development Laboratory, Austin, Tex.

Southwest Regional Laboratory, Los Alamitos, Calif.

Stanford Center for Research and Development in Teaching, Stanford, Calif.

Wisconsin Research and Development Center for Cognitive Learning, Madison, Wis.

The committee intends that all of the above agencies be eligible under the 25 percent set-aside, but does wish to make clear that by listing these 16 laboratories and centers the committee does not wish to preclude other institutions from eligibility if they meet the criteria in the legislation. Let me add that the list provided by NIE to the House Appropriations Committee also included the Center for Vocational Education in Columbus, Ohio. It is the committee's intent that the center continue to be eligible under the 25 percent set-aside if it does not become designated as the National Center for Vocational Education as contemplated in the House-passed vocational education bill, H.R. 12835.

Mr. HASKELL. Mr. President, the National Center for Higher Education Management Systems—NCHEMS—was established in 1971 as a national research and development laboratory to design, develop and field test planning and management information systems. Over the past 5 years, NCHEMS has achieved a high degree of credibility in all sectors of postsecondary education. More than 600 institutions have signed participation agreements with the Center. The Center has developed an extensive network of cooperative relationships with institutions, State and Federal agencies, and with consultants and task forces of experts to insure that the Center's products address high-priority concerns ultimately are useful to planners and managers.

Postsecondary education is among the most complex and diffusely organized of all enterprises and its substance, process, and environment change over time. Modern management concepts and techniques developed for business, industry, and government cannot be adapted to the unique needs of postsecondary education without extensive further research and development. These techniques are being constantly improved and therefore, the need for research and development efforts to apply them to postsecondary education will continue indefinitely into the future.

I would like, therefore, to join with Senator GARY HART in endorsing the clarification relating to the National Center for Higher Education Management Systems. I am pleased that the committee has cleared any ambiguity surrounding the intent of the National Institute of Education to continue funding of those centers in compliance with the above-referenced provisions of the law, and I am confident that the continued funding of NCHEMS will insure that our Nation's postsecondary education institutions receive the most expertise information in the areas of planning and management.

Mr. EAGLETON. Mr. President, I shall take a moment to clarify the committee's intent on section 127(1) of the bill. Section 127(1) provides for elimination as a lender of any school with an annual default rate of 15 percent or greater for 2 consecutive years. Further, the Commissioner is directed to waive the eligibility termination if he finds that termination

of the institution as a lender would present a hardship to present or prospective students or if he finds that the institution has the ability to improve loan collections within 1 year.

It is my understanding that the Commissioner cannot terminate an institution's eligibility prior to making some determination under the waiver criteria. If he finds that collections will improve or that termination of eligibility would have a negative impact on educationally disadvantaged students in an institution, he must grant a waiver. Is that also your understanding, Mr. Chairman?

Mr. PELL. That is correct. The Commissioner must make a finding as to the institution's ability to improve collections or the impact of terminating eligibility on the institution's student body before he can take any school out of the lending business. If he finds that either of the above two conditions exist, he must grant a waiver.

Mr. TAFT. Mr. President, Federal support of education is an investment in the future. Expenditures for education can result in increased lifetime earnings for individuals, reduce the costs of welfare, unemployment, delinquency, and crime. Payoff in these terms alone, to say nothing of the individual dignity, fulfillment, and social stability, makes our commitment to education a worthwhile and necessary investment. An excellent education can, therefore, fully serve the needs of the individual and the needs of society.

Mr. President, I rise in support of the bill before us, S. 2657, the Education Amendments of 1976, which I cosponsored as reported by the Committee on Labor and Public Welfare. This is an omnibus bill, and as we are all aware, we cannot have everything to our liking in a bill of this size. Overall it is a good and comprehensive piece of legislation, and the committee has worked long and hard to come up with a bill that it hopes is satisfactory to the various facets of the education community.

HIGHER EDUCATION

The education that can be derived from colleges or various universities is the stepping stone to many career opportunities and it exposes students to vocations that match their aptitudes and interests. Students are more likely to be productive and receive the highest personal satisfaction in a chosen profession. This increased education also enhances the versatility of people by widening their options, and reduces the risk of their possible personal stagnation, by enabling them to know how to learn to progress to other things.

The reported bill extends the Higher Education Act of 1965 through fiscal year 1982—revises existing programs and adds some new ones.

The community services program is amended to include postsecondary education in community problems such as housing, poverty, government, recreation, employment, youth opportunities, transportation, health, and land use.

Continuing education is expanded to include postsecondary education.

A new program of lifelong learning opportunities is provided for those persons who have left the traditionally sequenced education system.

Special programs and projects relating to problems of the elderly as well as the national advisory council on extension and continuing education are extended.

College library assistance and library training and research is strengthened to promote research and education of high quality throughout the United States by providing financial assistance to major research libraries.

Special assistance to strengthen developing institutions is extended unchanged.

STUDENT ASSISTANCE

The amount of the basic educational opportunity grant is increased from $1,400 to $1,800. In addition, institutions are allowed $15 per academic year for each student enrolled so the institution can provide students with information concerning such financial aid and to defray the cost of administering this program the one-half cost limitation is retained, that is, for any academic year the amount of a basic grant shall not exceed 50 per centum of the actual cost of attendance—actual per-student charges for tuition, fees, room and board—or expenses related to reasonable commuting—books, and an allowance for such other expenses as the Commissioner determines by regulation to be reasonably related to attendance at the institution at which the student is in attendance.

The State incentive grants program—SSIG—by which the Federal Government provides grants to States to assist them in providing individual grants, based on financial need, to undergraduate students to attend institutions of higher education, is amended to provide that if the non-Federal portion of the grant is less than 150 per centum of the Federal payment to a State, effective after September 30, 1976, no difference is to be made between students whether they attend an educational institution within or outside the State, thus providing for the portability of SSIG funds across State lines.

The special programs for students from disadvantaged backgrounds includes a new special focus program to assist individuals from isolated rural backgrounds and minority group individuals underrepresented in specific careers. Also, a special service learning center program is added to provide remedial, counseling, tutorial, and other services for students with special educational needs. A new program is established to provide educational outreach, guidance, counseling, information, referral, and placement services for all persons who desire them.

The veterans cost-of-instruction program—VCI—which was designed to provide incentives and support funds for colleges and universities to recruit veterans and to establish special programs and services necessary to assist veterans in readjusting to an academic setting, especially educationally disadvantaged veterans, is amended to resolve the problem of participatng institutions regarding their continued eligibility on the basis of their count of veteran students. The program is also amended to emphasize the need to insure that educationally disadvantaged veterans are fully informed of the GI bill benefits and other opportunities available to them. In addition, the VCI program must be administered by an identifiable administrative unit.

Under the guaranteed student loan program a student may borrow money from a bank, savings and loan association, credit union, or other lender, to attend either institutions of higher education or vocational schools. The Federal Government guarantees the repayment of loan principal, and subsidizes interest payment for certain borrowers based on their adjusted family income. Some of the amendments adopted to strengthen the program are as follows:

First, elimination of the defense from repayment by reason of infancy.

Second, easing of minimum repayment period of the loan when agreeable to lender and borrower.

Third, provision of lower monthly payment for two spouses who both have loans.

Fourth, encouragement of lenders to make multiple disbursements.

Fifth, mandate that any loan insured or guaranteed cannot be discharged on account of bankruptcy for a 5-year period beginning on the date of commencement of the repayment period of the loan.

Sixth, eligibility for Federal interest payments is broadened to include students with an adjusted family income level of $25,000—an adjustment from $15,000 now.

Seventh, eligible institutions shall receive $10 per academic year for each student enrolled and who is a recipient of a guaranteed loan to carry out certain administrative duties, especially the student consumer information services program established by this bill.

The work-study program which stimulates and promotes the part-time employment of students is enlarged so that students may work for Federal, State, or local public agencies. This program is also amended to mandate that work-study institutions employ work-study students to provide financial aid, counseling, and information for students.

Cooperative education, which integrates classroom experience and practical work experience and as a result satisfies the dual desire of providing income-producing jobs that at the same time extend and amplify the learning process of students, is amended to allow participating students to alternate part-time work with part-time study periods.

The direct loan program which authorizes the commissioner to help establish funds at institutions of higher education for the making of low-interest loans to needy students is amended to provide for the cancellation of loans in cases where borrowers die or become disabled. The cancellation provisions of present law for certain public services, will no longer be applicable after the date of enactment of this bill.

Effective September 30, 1976, the Education Professions Development Act is

repealed, except for the Teachers Corps. The Teachers Corps program is amended to encourage institutions to participate in teacher training in areas where there is a concentration of low-income families. The category of people who may serve under this program is broadened. The length of time that an institution may participate in a Teachers Corps program is increased from 2 to 5 years. A new program of teacher centers is authorized, as well as training of higher education personnel and grants for improvement of graduate programs of education.

The construction of academic facilities program is amended to enable the Commissioner to make loans to institutions of higher education for the purposes of reconstruction or renovation to conserve energy; enable the facilities to meet health and safety requirements imposed by the Occupational Safety and Health Act; and remove architectural barriers for the handicapped.

The graduate fellowships and assistance program is amended to broaden the range of activities authorized, emphasizing innovation and development.

The law school clinical assistance program is extended unchanged.

The program to assist the States in supporting community college program is extended at current level of funding.

VOCATIONAL EDUCATION

New discoveries in the sciences and technology occur almost daily and this knowledge requires that people be exposed to a broader educational base. Vocational education is a main tool in the ability of our society to funnel sophisticated scientific and technological advances down to our everyday uses. The Federal Government has been supporting vocational education since 1917, with the passage of the Smith-Hughes Act. As society has changed, the original act has been amended and expanded many times to reflect social and economic conditions. Vocational education needs our continuing support, to supply our citizens with the very best opportunities that can be available for them. It remains one of the firmest foundations between man and his works.

Existing law concerning Federal assistance to vocational education is extended through fiscal year 1977, then is rewritten for fiscal years 1978 through 1982. The revision calls for a State planning commission to be responsible for the development and preparation of comprehensive statewide long-range and annual plans. The membership of the State Planning Commission for Vocational Education must include:

First. A representative of the State agency having responsibility for secondary vocational education programs, designated by that agency;

Second. A representative of the State agency if such separate agency exists, having responsibility for postsecondary vocational education programs, designated by that agency;

Third. A representative of the State agency, if such separate agency exists, having responsibility for community and junior colleges, designated by that agency;

Fourth. A representative of the State agency, if such separate agency exists, having responsibility for institutions of higher education in the State, designated by that agency;

Fifth. A representative of a local board or committee;

Sixth. A representative of vocational education teachers;

Seventh. A representative of local school administrators;

Eighth. A representative of the State manpower services council.

If the State board of education membership meets the membership requirements of the State Planning Commission, then the State board may serve as the commission.

If the agencies named to the State Planning Commission certify to the commissioner of education that they have had the opportunity to participate in the making of the comprehensive statewide and annual plans, the Commissioner is required to waive the planning commission requirement and the State board is authorized to carry out the functions of the State Planning Commission.

As already required by existing law, States wishing to participate in programs under the Vocational Education Act are required to establish a State advisory council. However, the mandated membership of the council has been broadened and must provide for the following representation:

First. Are representative of, and familiar with, the vocational needs and problems of management in the State;

Second. Are representative of, and familiar with, the vocational needs and problems of labor in the State;

Third. Are representative of, and familiar with, the vocational needs and problems of agriculture in the State;

Fourth. Represent State industrial and economic development agencies;

Fifth. Are representatives of community and junior colleges;

Sixth. Are representative of other institutions of higher education, area vocational schools, technical institutes, and postsecondary agencies or institutions which provide programs of vocational or technical education and training;

Seventh. Have special knowledge, experience, or qualification: with respect to vocational education but are not involved in the administration of State or local education programs;

Eighth. Are representative of, and familiar with, public programs of vocational education and comprehensive secondary schools;

Ninth. Are representative of, and familiar with, private programs of vocational education;

Tenth. Are representative of, and familiar with, vocational guidance and counseling services;

Eleventh. Are representative of State correctional institutions;

Twelfth. Are representative of local education agencies;

Thirteenth. Are representative of a State or local public manpower agency;

Fourteenth. Represent school systems with large concentrations of persons who have special academic, social, economic, and cultural needs and of persons who have limited English-speaking ability;

Fifteenth. Are familiar with the special experiences and special problems of women and problems of sex stereotyping in vocational education;

Sixteenth. Have special knowledge, experience, or qualifications with respect to the special educational needs of physically or mentally handicaped persons;

Seventeenth. Are representative of the general public, including a person or persons representative of and knowledgeable about the poor and disadvantaged; and

Eighteenth. Are representative of vocational education students who are not qualified for membership under any of the preceding clauses of this paragraph.

In addition, the members of the State advisory council may not represent more than one of the above-specified categories. Appointments to the State advisory council must insure that there is appropriate representation of both sexes, of racial and ethnic minorities, and of the various geographic regions of the State.

States are required to submit and maintain a general application on file with the Commissioner, giving assurance that necessary methods of administration will be provided, that an office for women will be established, that standard accounting procedures will be used, that Federal funds will not be used to supplant State funds, that the State will make such reports to the Commissioner as he or she deems necessary, and that funds shall be distributed with regard to local interest. Priority is to be given to programs dealing with persons with special needs, with areas of particular need, or with innovative programs.

The Commissioner is authorized to make grants for vocational guidance and counseling services, including cooperative programs with community groups and agencies, to individuals of all ages; improving the qualifications of persons serving in vocational education programs by enrolling potential leaders in advanced study programs, that is, the training or retraining of teachers, training or retraining of guidance personnel, exchange programs, graduate study as leadership development awards, and, provide funds to institutions which carry out leadership development programs; grants to State local educational agencies, institutions of higher education, and other public and private agencies in order to develop and disseminate exemplary and innovative programs. Priority in funding is given to projects dealing with areas with high concentrations of unemployed, persons with limited English-speaking ability, physical or social handicaps, and programs to reduce sex stereotyping. After consultation with the National Advisory Council on Vocation Education, the Commissioner is authorized to make grants to develop and disseminate vocational education materials for new and changing occupations, to overcome sex bias, to coordinate Federal information output, and to train personnel in curriculum development.

The Commissioner is authorized to allot funds to each State for the compensation of students employed in approved

work-study programs. He is authorized to make grants to States to establish and operate programs of cooperative vocational education related to students' occupational and educational objectives.

The Commissioner is authorized to make grants for a limited period of time to local educational agencies to modernize facilities and equipment.

The world has changed at a careening pace over the last few years, and our educational systems have been hard put to keep up with the advances. Information made available through home economics may very well make an essential difference in our young peoples' future. To this end, funds are provided for the purpose of assisting the States to prepare males and females for homemaking, including consumer education.

Students need to have their sights raised in accord with their potential, and to identify themselves with the diverse occupational possibilities open to them and with the preparation programs required. To achieve this goal, the reported bill creates a new and expanded program to develop and conduct career education and career development programs.

To improve the professional qualifications of guidance counselors, a new program of guidance and counseling is created providing training for supervisory and technical personnel having responsibilities for guidance and counseling.

Mr. President, education is the tool to a better life. We bear no greater responsibility in a selfgoverning society than that of educating our citizenry. I commend the distinguished chairman of the Education Subcommittee (Mr. PELL) and the ranking minority member (Mr. BEALL) for the careful work and many significant improvements the bill brings to higher education.

Mr. JACKSON. Mr. President, I wish to commend the Senator from Rhode Island and his subcommittee for including in their education amendments bill, S. 2657, an extension of the authorization for the International Education Act—IEA. The act expresses the determination of the Federal Government to assist in the development of the educational resources necessary to meet our national need for increased knowledge and understanding of foreign states, peoples, and cultures. I am particularly pleased to note that IEA is authorized to provide specific assistance to centers of advanced foreign affairs research.

Mr. President, it is urgent that, at this time, we promote the search for imaginative, thoughtful, and innovative ideas and insights in the field of foreign affairs and national security. This Nation's safety can be jeopardized and creative opportunities for promoting international peace and stability missed should the quality of the centers producing new knowledge deteriorate, and a shortage of highly trained specialists in foreign areas and languages develop. First-rate specialists representing a variety of viewpoints are indispensable to inform the deliberations of the executive and legislative branches of the Federal Government in the fields of foreign affairs and national security policy.

Yet the centers of advanced foreign affairs study throughout the country are in trouble. Until recently, the advanced foreign studies function was supported very largely by private foundations—notably the Ford, Carnegie, and Rockefeller Foundations. This support generally took the form of aid to research centers, both those that are university affiliated—e.g. the Russian Institute at Columbia University, the Latin American Studies Center at the University of Florida, the Near Eastern Studies Center at Princeton University, and the Comparative and Foreign Studies Institute at the University of Washington—and those that are non-university-related such as the Brookings Institution and the Hudson Institute. Private philanthropy, however, has changed its priorities and largely pulled away from the support of foreign affairs research centers. Inflation has taken a tremendous toll. In the decade from 1969 to 1970 alone, the Ford Foundation committed over $242 million to the field, an average of $22 million per year. Since then, commitments have declined sharply, and, by 1978, the Ford Foundation expects to be spending only $3 to $4 million a year in this area. Almost none of these funds will go to institutions of higher learning.

The impact of these declining commitments has had serious effects on advanced research centers. For example, the Center for Chinese Studies at the University of Michigan received over $2 million from the Ford Foundation between 1961 and 1975, but now receives nothing, and has found no satisfactory alternative source of funding. The Russian Research Center at Harvard University has gone from an annual budget of $300,000 in the late 1950's to about $100,000 and is assured of only $50,000 in 1976–77. Yale's Southeast Asia Program has been eliminated completely.

In university-associated centers around the country, important library acquisitions have been reduced; fewer faculty have been given released time from teaching to conduct frontier research on the intentions and behaviors of other nations and of international organizations; specialized support staff for translation and for library coding have been let go; fewer post-doctoral visitors have been funded from other colleges and universities and from other lands.

Parent institutions, predominantly universities, have not found it possible to fill the gap left by the decline in foundation support. Meanwhile, the National Defense Education Act, which provides funds for training in international education under its title VI, is expressly barred from supporting foreign studies research.

For this reason, I am greatly encouraged that Senator PELL'S subcommittee has included in S. 2657 an authorization of funds which includes assistance to American centers of advanced foreign policy studies. This is a constructive move in the direction of maintaining and enriching the base of knowledge essential to the wise development of national policy—by the executive branch and by the Congress.

Mr. BURDICK. Mr. President, I would like to engage in a short colloquy with Senator KENNEDY, who, I understand, is the author of the Teacher Corps amendments contained in S. 2657.

Mr. President, I think the amendments to the Teacher Corps program contained in this bill are good ones, and I want to commend Senators KENNEDY and PELL for their work on this fine program. There is one section, however, which I believe should be clarified now so that the legislative intent of the law is absolutely clear to those who will administer the program.

Section 513(f) directs the Commissioner of Education to establish procedures designed to assure a ratio in the Teacher Corps of five teachers who are employed by a local educational agency at the time of their enrollment to one individual who has not been so employed.

Mr. KENNEDY. Yes, we believe the in-service trend should be balanced with an effort to recruit new teachers in urban and rural poverty areas, especially teachers who will reflect the backgrounds of the students they will be teaching.

Mr. BURDICK. This ratio is to be a national one rather than one imposed on each project, is that correct?

Mr. KENNEDY. Yes, that is the intent of the law. This is a national ratio. Some projects may train experienced teachers primarily; others may have a lower ratio and put a greater emphasis on training new teachers. The language permits variation as long as the overall ratio is maintained.

Mr. BURDICK. The language refers to individuals who have not previously been teachers. As I understand it, these individuals may be undergraduate students, as long as they fulfill the program's goals of training new minority teachers to meet the specific needs of such groups as American Indians, migrants, and bilingual children where there is still a shortage of teachers and so long as they continue to meet the Teacher Corps' upper division standards.

Mr. KENNEDY. Yes; that is correct. This language allows undergraduates from minority backgrounds to participate as full Teacher Corps interns and receive the full stipend payable to such interns.

Mr. BURDICK. I thank the distinguished Senator for his clarification of this matter. At the University of North Dakota, we have an outstanding Teacher Corps program which has put a special emphasis on training new American Indian teachers—who are badly needed nationwide. As a rule these Indian students are undergraduates, but they are older than the average students and often have families. Thus, they need the stipend available to full interns. These Indian Teacher Corps interns receive a bachelor of science degree through the program and have been returning in high numbers to teach on or near Indian reservations. They become active members of the Indian communities and provide new and innovative teaching methods to students who have historically been severely overlooked and disadvantaged. In this situation, I believe it makes sense to allow the Teacher Corps to include undergraduates

as Teacher Corps interns, and so I appreciate the opportunity to make it clear that this will be permitted under the provisions of this bill. This is the understanding of the manager of the bill; is it not?

Mr. PELL. Yes; I fully concur with the intent expressed here by the Senators from North Dakota and Massachusetts. The 5-to-1 ratio is for the program as a whole, not for each individual project, and undergraduate such as those described by Senator BURDICK may be included in the program as full interns.

Mr. BURDICK. I thank the distinguished Senator.

Mr. BEALL. Mr. President, as a cosponsor, I recommend and urge the Senate to pass S. 2657, the Education Amendments of 1976.

Before discussing the bill's substantive features, I want to congratulate Chairman PELL for his leadership and legislative skill in bringing this measure to the Senate with the unanimous support of the committee. Since I have become the ranking minority member of the Education Subcommittee, I have enjoyed the opportunity to work with the chairman. He has been fair and helpful to all committee members, and I am grateful to have had the opportunity to work with him in shaping education legislation.

Also, I wish to particularly note the excellent staff work of majority counsel, Jean Frohlicher, and Greg Fusco of the minority. I believe this is the first major education legislation they have directed, and their work was outstanding and augurs well for education legislation and education generally. I am certain that I speak for the entire minority when I congratulate them for a job well done.

S. 2657 is an omnibus education bill. While important changes and initiatives are included, the bill basically builds on the 1972 Higher Education Act and the 1968 Vocational Education Act. In effect, we endorse the essential soundness of the overall direction and program concepts charted by these two landmark acts. This is not to say, no new initiatives are included; they are. But the essential and core elements of these acts are endorsed and extended.

Now, I would like to discuss the bill's provisions.

The higher education provisions, which are found in title I of S. 2657, are extended through 1982, and include the following:

First, the bill amends the community services provision of the Higher Education Act of 1965, as amended, by extending the existing program and by authorizing a new program of continuing education and lifetime learning.

Mr. President, I had the pleasure of serving on the National Commission on Postsecondary Education, which issued its report in 1972. Some of the trends and developments in education, which now are beginning to have major influence and impact on both society and our education system, the Commission saw unfolding. The Commission called for us to broaden our vision from the narrow and traditional higher education to what it termed postsecondary education. The Commission saw continuing education increasingly becoming a perpetual or lifelong proposition for everyone, and particularly for the various professions. Many of the professions are offering, and some are requiring, continuing education programs to make certain their members stay abreast of developments in their field. Nontraditional approaches and greater utilization of technology are likely. The continuing education concept is consistent with the Commission's report and the needs of society.

LIBRARY SUPPORT

The committee extends the college library resources and the college library training program of the Higher Education Act. This program provides basic grants to college libraries, provides training support and library demonstration projects.

I am particularly pleased that the Major Research Libraries Assistance Act of 1976, which I introduced as S. 3244, was adopted as an amendment to this legislation by the committee. This proposal would amend part C of title II of the Higher Education Act by authorizing the Commissioner of Education to make grants for library resources to public or private nonprofit institutions which serve as major research libraries.

Based on a recommendation of the Carnegie Council on Policy Studies in Higher Education, this amendment has wide support among education and research groups, including the American Library Association, the Association of Research Libraries, the American Association of University Professors, the American Council on Education, and the National Board on Graduate Education.

Research libraries are collectively a single national resource of recorded knowledge, central to higher education and necessary to the research which expands our horizons and improves our lives. These libraries today are finding it difficult to continue to acquire all the materials scholars and researchers require. They are also finding it more and more difficult to find room for, organize for use, and make available all the manuscripts, photographs, recordings, films, and memorabilia that constitute the record of our times.

Take a close look at the many excellent and fascinating Bicentennial displays here in Washington and all across the country which bring our Nation's history alive and help us to know ourselves better. The fine print under many of the documents, pictures, and artifacts in these displays shows that they come from the fine research collections and archives in all parts of the country. I would hope that 100 and 200 years from now we would be able to display as complete a record of our Nation's history as I have seen in this Bicentennial Year.

Preserving our Nation's heritage is one of the important functions of research libraries which must be continued, and which deserves our support. My amendment is a modest attempt to help these libraries, providing an authorization of $10 million for fiscal year 1977, $15 million for fiscal year 1978, and $20 million for each of the following 4 fiscal years.

All types of libraries which serve as major research libraries would be eligible—academic, public, and State libraries, and nonprofit independent research libraries. Libraries receiving grants should meet State, regional or national research needs. In addition, this amendment requires regional and institutional balance in the distribution of grant awards, and will benefit libraries in all parts of the country. Besides the direct benefits to those institutions receiving grants, other libraries in every State will benefit indirectly from this amendment.

First, a library receiving a grant for resources under the new title II–C would not be eligible to receive a title II–A basic grant, and thus the other academic libraries in each State would receive a larger basic grant. Second, all libraries which must provide access to research materials for their users would benefit from the strengthening of major research libraries so that they can continue to make their holdings available to other libraries.

Both the direct and indirect benefits are mentioned over and over again in the many letters of support for this amendment from libraries across the country. The number of small 2- and 4-year colleges expressing strong support for this proposal is truly impressive, and confirms my belief that research libraries are indeed a national resource. I ask unanimous consent, Mr. President, that a sample of comments from these letters be inserted in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BEALL. This program recognizes that the major research libraries are regional and national resources. They are vital for research and scholarship and they increasingly are the hub of growing interlibrary lending. With total resources in excess of 200 volumes, they obviously loan more than they borrow from small libraries. Thus, they serve and reach far beyond their own clients. While inflation has hit all segments of society, and particularly the service sector, costs in the library field have increased rapidly with the result that major research libraries have found it difficult to purchase books, materials, and required periodicals. Inflation is running 15 to 20 percent for books and journals with the highest increases occurring in the hard sciences.

Yet, the budgets for research libraries is going down. This is resulting from fuel bills—Maryland University lost $50,000 alone as a result of fuel costs—and also because of general budgetary problems. In my State, two libraries— Maryland University and Johns Hopkins University—have experienced actual dollar reductions. If such reductions continue, these regional resources face both quantity and quality problems.

Thus, Mr. President, this new program is designed to make certain that research libraries will maintain their quality and continue to serve as the

repository of accumulated knowledge and learning and a mecca for students and researchers of the region and Nation.

Mr. President, I urge my colleagues to support this amendment so that all Americans will benefit from the improved research capability of major research libraries. These libraries are an essential element in higher education and research in every part of the country, and must be enabled to continue to keep up with the increase in recorded knowledge and the increased cost of acquiring and maintaining that knowledge.

DEVELOPING INSTITUTIONS

S. 2657 extends title III of the Higher Education Act at the level of $120 million yearly. Of this sum, approximately three-fourths is earmarked for 4-year institutions. Many black institutions have been aided under this title.

While these institutions, as well as other institutions in the respective States, are not segregated and are—or are becoming—integrated, such institutions, for a variety of reasons—proximity to students, costs, choice—still serve a high proportion of minority students. While good progress has been made in educational opportunity for minority and other students, the task is not completed. Therefore, this provision helps to encourage developing institutions to continue such evolution and to improve their quality, and to attract all students.

STUDENT AID

Student assistance programs are at the heart of Federal support for postsecondary education. And the centerpiece of the student assistance program are the Basic Opportunity Grants—BOGs, BOGs, as they are called, originated with Chairman PELL and were enacted in 1972. I was pleased to support BOGs then, and strongly endorsed the extension of this program in this bill. This fall will mark the first time that all four classes—freshman through senior—will be eligible. It is estimated that 1.3 million students will receive such grants. Access to postsecondary education, not just traditional higher education, has been enhanced by this program. At a time when so much of the news is bad news, and the impression is often conveyed that the Nation's continued quest for enlarged and equal opportunity for all citizens is not continuing, more needs to be written about BOGs. For, BOGs alone shows the quest continues.

The committee, in general, made no basic changes in the program. I considered a proposal which would have allowed a student, at his or her option, to elect to receive a higher percentage grant for the freshman year, with either a straight or increasing percentage reduction in the subsequent 3 years. Such a proposal, I felt, would expand access, be more equitable to students who attended only for a year or two, and reduce default rates. However, I was persuaded by the chairman, at least for the first extension of BOGs, that we should now add administrative complexities to the program. In addition, there were BOG amendments advanced by public and private colleges and their associations. For the same reasons, the committee elected not to adopt any of those recommendations.

CAMPUS-BASED ASSISTANCE PROGRAMS

S. 2657 extends the Supplemental Educational Opportunity Grants—SEOG's—essentially unchanged. The private schools advanced a proposal which in effect would have changed this program to make the goal of access primarily the function of BOG's, and refocus SEOG's on choice. This would have enabled SEOG's particularly to aid higher cost institutions. While not adopted, this and other proposals, I am certain, will be continually examined by our subcommittee. Although financial need is a criterion, SEOG's income limitations are not as restricted as BOG's, and institutions have more flexibility to determine those in need.

The reported bill also extends the popular and successful work-study program. This program has enabled many students to earn their way through college and at the same time receive job experience. While I do not feel the postsecondary community has been as imaginative as it could have been with respect to job opportunities, the program is still an excellent one. The committee included an amendment to encourage the use of students as counselors for assistance programs. The bill also makes clear—which I always felt was the case—that work-study students could be employed by Government and public agencies.

STATE STUDENT INCENTIVE GRANTS

This was another one of those imaginative programs that was part of the 1972 Act. Authored by Senator JAVITS with my strong support, this program was designed to encourage the development and expansion of State scholarship programs. All the States are now participating in this program and in fiscal year 1976, 176,000 students from low- and middle-income families were assisted by the program.

The committee, in order to encourage States' guaranteed student loan programs, adopted a bonus allotment under the State student incentive grant program. When appropriations for this program exceed $50 million, one-half of the excess appropriations up to $200 million will go to States with their own guaranteed loan program, and the other half under the regular formula. For appropriations over $200 million, all will go to States with their own programs. For 1976–77, Maryland received $765,154 in Federal funds which will be matched by State funds.

GUARANTEED LOAN PROGRAM

Mr. President, under this program, the Federal Government guarantees student loans made by private lending institutions. In addition, for certain borrowers, the interest rate is subsidized. This is one program that is critical to middle-income Americans. Certainly, we have a responsibility to see that middle-income Americans have access at least to the loan markets. College costs are skyrocketing, and this—combined with the inflation and other economic difficulties, including fewer youth jobs—has resulted in parents and students of middle-income Americans being squeezed and, frankly, having increasing difficulties in meeting tuition and other education costs.

Middle Americans, although often abused and frequently forgotten, remain the backbone of this Nation. That is why I joined Senator MONDALE, the chairman, and others in raising the student interest subsidy from the 1965 level of $15,000 to $25,000. Students from families with income levels above that limit remain eligible for the guaranteed loans, but do not receive a subsidy. The Consumer Price Index increased by 65 per cent since 1965. This increase, which I still feel is too low, at least restores the number eligible, which has been reducing yearly, as inflation has pushed individual incomes into higher brackets.

Mr. President, in fiscal year 1976, 891,000 students received new loan guarantees, bringing the total number who have benefitted to over eight million. The cumulative loan volume is in excess of $8 billion.

While the guaranteed loan program is successful, the Congress and the administration are aware that the student default rate and other fraud and abuse are "cancers" to the program which must be addressed and removed if the program is to remain healthy.

The committee incorporated a number of provisions of my bill, S. 1229, to—

First, remove infancy as a defense from repayment for student borrower;

Second, encourage lending institutions to make multiple disbursements to minimize default if students fail to complete programs; and

Third, prohibit students from utilizing bankruptcy to wipe out their loans.

Mr. President, the need for this last provision can be best illustrated by a case from Little Rock, Ark. In this instance, a legal aid lawyer and his wife utilized the Federal bankruptcy laws to avoid paying some $18,382 in student loans. Although this couple had combined earnings of $19,500, they successfully claimed bankruptcy. This was possible because bankruptcy proceedings only require the listing of earnings for the 2-year period prior to filing. Being students during such period, this couple had no earnings, and Uncle Sam was left holding the bag and paying the bill.

Insignificant funds are not involved here. Almost $3.7 million was paid to lenders under the Federal guaranteed loan programs for students who entered bankruptcy in fiscal year 1975. In addition, almost $4.5 million was claimed in the same period but was not paid lenders by June 30, 1975. Also, another $1.6 million was paid under reinsurance agreements with the various State agencies.

All this added up to a 60-percent increase over payments for bankruptcy over the previous year. And, since the inception of both programs, over $17 million has been paid on behalf of student borrowers who are in bankruptcy. The committee by adopting the provisions of S. 1229 with respect to bankruptcy disallowing a student from using the defense of bankruptcy for a 5-year period

will save the taxpayers money and prevent the abuses, such as the Arkansas case. Further, the committee included a provision terminating an institution's eligibility as a lender, if such institution default rate is too high.

Mr. President, S. 1229 also adopted a number of other provisions to improve the loan program by—

First, allowing lower monthly payments when both husband and wife have been student borrowers; and

Second, easing minimum loan repayment period when agreeable to both student-borrower and lender.

In addition, the committee added an additional "grace period" for repayment when student-borrower, upon graduation, is unable to find a job.

Let me also take a moment to express appreciation for the excellent work contributed by the Government Operations Committee under the leadership of Senators NUNN and PERCY, which along with our Labor and Public Welfare Committee's examination and action will significantly reduce the abuses in the loan programs.

Thus, while we are supportive of this guaranteed loan program, we are determined to put an end to this massive loss of public funds whether caused by student borrowing, poor administration or whatever the reason.

Mr. President, one final word, the guaranteed loan program is a voluntary program. Its success depends on the voluntary participation of lending institutions. We have received reports that administrative delays and uncertainties are discouraging, causing cutbacks, or leading to the dropping out of the program altogether. Congressman GUDE introduced H.R. 12703 and I introduced S. 3246, a companion bill on the Senate side. These bills simply would require HEW to make payments of money due and owing to lending institutions "within 30 days * * * after receipt of itemized voucher."

The committee has included a number of provisions addressing these problems—provisions to improve the fairness and timeliness of rate determinations and additional staffing for OE to administer the student aid programs. Further, since the introduction of S. 3246, improvements in payments have occurred. The committee contemplates not only that such improvements be continued, but also improved upon.

TITLE VI

The committee included an amendment advanced by me at the behest of Georgetown University. This would enable the Secretary to use title VI funds for construction of facilities for model intercultural programs to integrate substantive knowledge and language proficiency. It is not our intent that such funds come from existing programs, but that Georgetown secure an additional appropriations under title VI for this purpose.

EDUCATION ADMINISTRATION

Mr. President, the bill eliminates the position of Assistant Secretary for Education and upgrades education within the Department. The 1972 Education Amendments created the position of Assistant Secretary for Education. I did not believe that it made sense then, and experience has confirmed my initial feelings. The Commissioner of Education has the authority for education programs. A separate spokesman, which is about what the Assistant Secretary position amounted to, is both unnecessary, confusing, and administratively unsound. I support this change.

NATIONAL INSTITUTE OF EDUCATION

The committee extends the NIE for 7 years, and incorporates the provisions of S. 1498—which I introduced—providing additional clarity and focus to the Institute's mission, and establishes the following priorities:

First. Improvement in student achievement in the basic educational skills, including reading and mathematics;

Second. Overcoming problems of finance, productivity, and management in educational institutions;

Third. Improving the ability of schools to meet their responsibilities to provide equal educational opportunities for students of limited English-speaking ability, women, and students who are socially, economically, or educationally disadvantaged;

Fourth. Preparation of youth and adults for entering and progressing in careers; and

Fifth. Improved dissemination of the results of, and knowledge gained from, educational research and development including assistance to educational agencies and institutions in the application of such results and knowledge.

As one who has been deeply interested in the reading problem—a problem which is receiving increased attention in the Nation—I am delighted that this is listed as a top priority of NIE.

The committee also earmarked 25 percent of NIE appropriations for the regional educational laboratories and research and development centers. It should be made clear that this direction is not meant to interfere with the mandate of the conference committee in the Education Amendments of 1974, when we directed the establishment of a reading lab or center. NIE is in the process of implementing that mandate, and I, for one, could not support any action that interfered with or excluded the reading center—which, incidentally, NIE will be naming soon.

NIE has not been without its growing pains. But education is too important, and notwithstanding the fact that we have been at it for a long time, there remain many mysteries with respect to learning and the learning processes. Education is a $119 billion industry, one of the largest in the Nation. It is most appropriate that the Federal Government support research in education. Education has always occupied a central and priority position in our Nation and has been a major contributor to our economic growth and opportunity. The new NIE Director, Harold L. Hodgkinson, seems to have provided the needed direction. Congress must provide the support and also have some patience. If both are forthcoming, I believe dividends and directions will be forthcoming from NIE.

VOCATIONAL EDUCATION

Mr. President, the committee devoted considerable time to the vocational education provisions. This was not only because a number of difficult problems surfaced, but also the committee feels strongly that this is one of the most important of the Nation's education programs.

This is not to say that the 1963 and 1968 Vocational Education Acts were not successful. They were, and the reported bill essentially endorses the direction and program under those Acts. There is little question that Federal vocational education funds contributed to an extraordinary growth of both quantity and quality of vocational education programs.

From 1963 to 1974, total expenditures for vocational education increased by more than a thousand percent, exceeding $3 billion in 1974. While Federal funds during this period increased 354 percent, reaching $468 million in 1974, the Federal share of total vocational education spending continues to decrease, dropping from 34.4 percent in 1965 to 13.6 percent in 1974. State and local governments continue to overmatch Federal funds. In 1973, the States spent over $5 dollars for every Federal dollar. My State of Maryland expended $7 for every Federal dollar.

During this same 1965–74 period, enrollment in vocational education programs increased 151 percent, from 5.4 million to 13.6 million.

In addition, the 1968 act attempted to focus on various special needs categories, such as, the handicapped and disadvantaged. At that time it was found that only 2 percent of the Federal funds were going to special needs populations. The 1968 act provides a set-aside and other incentives to increase the amount of funds allocated to special needs. As a result, in 1974, over 30 percent of the total Federal funds were channeled to the special needs categories. The hearing and the GAO report did raise the issue of the State matching of special needs categories, for whereas overall matching of Federal vocational education funds by States is over 5 to 1, States only match disadvantaged 2 to 1, and handicapped, 1 to 1. Maryland State plan in 1975 indicated that the State was reaching only 2,800 of some 10,000 handicapped students at the secondary level. In view of the need for special needs categories, there has been disappointment over the failure of Federal funds to stimulate a greater response by State and local government.

Finally, there was substantial growth in postsecondary vocational education programs. Enrollment in programs in this sector increased 660 percent, from 207,000 in 1965 to 1.6 million in 1974. In Maryland, postsecondary vocational education experienced a growth of approximately 130 percent in the 1971 to 1974 period. Vocational education programs

comprised 32 percent of the total community college enrollment in 1973 in Maryland.

The vocational education provisions of S. 2657 seek to—

First. Improve the planning process and involve the active and wide participation of the interested parties in the development of the long-range and annual vocational education plans developed by the State board;

Second. Assure attention to special populations—handicapped, disadvantaged, and persons with limited English-speaking ability, and to areas having high concentration of youth unemployment and school dropouts;

Third. Strengthen vocational guidance and counseling;

Fourth. Provide training and retraining opportunities for vocational education teachers and authorize grants to outstanding individuals for leadership development in vocational education;

Fifth. Encourage innovation through support of exemplary programs and projects and for curriculum development for new and changing occupations;

Sixth. Continue strong support for essential work-study and cooperative education programs;

Seventh. Authorize emergency renovation and remodeling assistance for vocational education facilities in rural and urban areas;

Eighth. Create an office for women in the respective States to address problems of sex stereotyping and sex discrimination;

Ninth. Provide for a special evaluation of vocational education patterned after the GAO evaluation, which was helpful to the committee;

Tenth. Promote vocational education research at both the Federal and State levels; and

Eleventh. Simplify application procedure so as to reduce paperwork.

VOCATIONAL PLANNING

Mr. President, there is little question that more and better State planning is needed. State plans which the committee examined, although including considerable statistics, in general have no real discussion of priorities, such as what to do about the large dropout problem and high youth unemployment rates and how to best respond to the needs of the handicapped or the disadvantaged. Few discuss problems or barriers, if any, preventing their responding appropriately.

In short, State plans generally were compliance, rather than planning, documents. They were interesting and contain some useful data, but they were not as helpful as they should be in examining and evaluating overall priorities or pointing to new directions.

Planning inadequacies and funding allocation among various levels led the committee to require the creation of a new State Planning Commission for Vocational Education. For reasons, which I will spell out later, I do not feel we need another layer of bureaucracy.

While there is disagreement over mechanisms to address these problems, there is no agreement over the necessity for improvements.

In addition to the controversial planning commission provision, the bill includes numerous provisions by—

First. Requiring the development of long-range (4 to 6 years) and annual plans which shall set forth vocational and manpower goals. In developing such long-range plans, a State would be required to access—the manpower needs and how such needs square with enrollments; existing facilities and institutions and the most effective means of utilizing such resources; and the needs of special populations. Also, the bill requires coordination of vocational and manpower efforts;

Second. Encouraging the involvement of various participants—secondary education, postsecondary education, Advisory Councils, local communities—in the process;

Third. Mandating that priority programs and areas be addressed;

Fourth. Strengthening the Advisory Council's role in planning and evaluation; and

Fifth. Assuring better evaluation at both the Federal and state levels.

SPECIAL NEEDS

The committee bill incorporates a number of provisions to assure greater attention to priority areas and to priority populations with special needs. This includes the establishment of a series of national priority programs with a specific, minimum reservation of the State's basic grants as follows:

First, 10 percent of the funds to pay 60 percent of the cost for handicapped persons;

Second, 15 percent for academic and economically disadvantaged students; and

Third, 15 percent for postsecondary education.

To make certain that States make special efforts in these priority areas, States would be required to match Federal dollars at the rate of two State dollars for every three Federal dollars.

VOCATIONAL GUIDANCE

There is a need for improved guidance and counseling. The bill's provisions provide Federal funds to support existing efforts and to develop new guidance and counseling efforts. States desiring to participate under this program would include in their annual plan how they plan to allocate such funds among eligible recipients.

While I believe that schools and guidance counselors overall have done a good job, given the client-counselor ratio with which they work, with respect to college-bound students, I believe more and improved efforts are required for the now college-bound students. One use of such funds, which I have advocated, could be the naming of a community guidance and job placement officer whose responsibilities would be—

To work with guidance personnel in the county schools to make certain they are knowledgeable about job markets and that they pay attention to the needs of vocational students and become as involved in job placement for such students as they have traditionally done with college-bound students;

To serve as a liaison officer with the community—including industry, unions, State employment offices, manpower programs, and community colleges;

To understand the job needs of the community and region, and to encourage work-study slots in the community; and

To improve follow-up and placement activities.

This certainly would be a good use to which a school district could elect to use these funds.

TEACHER AND LEADERSHIP TRAINING

Under these sections, a program for the training of vocational education personnel is authorized. While such training includes training and retraining of experienced teachers, it also seeks to attract individuals who have the necessary technical and skill training, but who lack the educational requirements. This would enable school districts to utilize such individuals and enable such individuals to secure some teacher training.

Also, the bill authorizes leadership development grants to outstanding individuals with the potential of leadership in this field.

INNOVATION

S. 2657 authorizes the Commissioner to make grants for exemplary programs and projects. Fifty percent of the funds allocated under this part would be reserved for the Commissioner; the other 50 percent would be to the States for grants and contracts pursuant to the State's annual plan.

Specific priorities are delineated for the Commissioner's funds, although the committee makes it clear that he could add additional priorities to the list. They include—

First, high quality programs for urban and rural areas;

Second, guidance and placement centers;

Third, cooperative programs with education and manpower agencies; and

Fourth, programs for individuals with limited English-speaking ability.

While the States obviously can use their innovation funds for the national priorities, they have discretion, in addition, to select their own priorities.

It should be emphasized that funding under this innovation should be coordinated with the State plans.

There are two further aspects of the innovative projects that merit mentioning. First, since the provision is designed to encourage exemplary or innovative projects, the bill makes it clear that support for innovation projects will be for only 3 years. In certain circumstances of national significance, an additional year could be excluded. This hopefully will encourage innovative projects which are realistic, and that successful programs will be incorporated into the regular school program. Often such projects are unrealistic and little thought is given to the fate of the program when the Federal funds terminate.

The second part of the innovation section provides assistance for curriculum development in new and changing occupations.

WORK-STUDY PROGRAMS

These are some of the most important and popular programs in the act. The work-study and cooperative programs are both extended. Under the former, students who need the earnings are provided work opportunities. Under the cooperative education program, the students alternate periods in the classroom with work on the job.

Today's students for the most part are in need of work opportunities. Many of today's youth no longer have even household chores. We simply must find ways of wedding the world of education and the world of work. This is particularly true for vocational students. I believe work experiences are important for two reasons. First, there is the recognized value of work, and, secondly, students, generally, want to end their isolation from the adult world, and experience and see the relevant real world. Work-study and cooperative education programs make sense for students, schools and society.

EMERGENCY AID

Mr. President, the committee heard testimony with respect to the plight of big cities, and the condition of facilities therein. For example, the Council of the Great Cities schools survey showed a dire need for upgrading urban facilities. This survey revealed one of two buildings in three major cities, including Baltimore, was built before World War II. The National Advisory Council on Vocational Education urged a "crash funding" for urban facilities.

The Committee provides a 4-year emergency program to remodel and renovate vocational facilities. However, the committee also made rural areas eligible. The Commissioner would be required to rank applicants on the basis of "need" and then fund such projects at the Federal share of 75 percent.

CONSUMER AND HOMEMAKING

The bill extends the consumer and homemaking provisions. Many changes have been, and are, taking place in society, but the importance of the home and homemaking remains. The Federal share of expenditures for consumer and homemaking is 50 percent.

VOCATIONAL RESEARCH

This section authorizes funds for grants and contracts for research. As in the innovation area, 50 percent would go to the Commissioner and 50 percent would be distributed to the States.

SPECIAL EDUCATION

Mr. President, the committee adopted an amendment offered by me calling for an in-depth evaluation, patterned after the GAO study which has been most helpful and certainly far surpassed other evaluations, of at least five States. States would be classified either as urban or rural, and at least one State from each classification would be selected. Each State evaluated will have an opportunity to comment prior to the submission of the evaluation to the Congress. In addition, those states not evaluated would be expected to comment on the applicability of the funding to them.

The vocational education title also includes a special energy education section authored by Senator RANDOLPH; special grants to overcome sex discrimination; and an extension of the bilingual vocational training program.

CAREER EDUCATION

Title V establishes an expanded career education program. Also, the Commissioner would be required to collect and disseminate information on career education.

GUIDANCE AND COUNSELING

Part B creates a new program of guidance and counseling.

Grants under this part may be awarded for institutions, workshops, and seminars to improve counseling and the professionals involved in this important field. Also, this part allows the Commissioner to make grants to States to assist them in implementing and coordinating new and existing guidance and counseling programs.

Mr. President, from my discussion, it is obvious that S. 2657 is critical to American education. In view of its importance, it is imperative that this measure be enacted this year. We have worked too long and hard on this bill to allow this session to close without S. 2657 becoming law. This measure, in short, is "must" legislation, and I hope the Senate will take early and favorable action, and that the conference committee will be able to resolve the differences so that the measure may become law.

EXHIBIT 1

COMMENTS FROM ACADEMIC LIBRARIANS ON AID TO MAJOR RESEARCH LIBRARIES AMENDMENT (TITLE II–C)

California: (specialized college)—Our library would benefit both directly and indirectly. Directly, because the proposal would free more funds for title II–A (college library resources) basic grants, for which this library is eligible, and indirectly, because it would help to maintain the quality of the large research libraries. Serious researchers at smaller institutions such as ours depend heavily on the resources of the major library collections for their specialized needs.

Georgia: (public university)—Research libraries have been hard put to maintain their collections and services in the past several years in the face of crippling inflation and static (or decreasing) funding. Our library, as an example, has had to expend for serials subscriptions approximately 90 percent of its resources funds in FY 1976. In FY 1968 the percent spent for serial subscriptions was about 60 percent. The 1968 ratio is a healthy one. The 1976 ratio reveals a sick library. Each of the major research libraries of the state is suffering from bibliographic malnutrition. We are trying to cooperate and stretch resources but are finding the growing demands by the research community harder and harder to meet.

Illinois: (private college)—Last year about one third of the college's students and most of the faculty used some form of interlibrary loan. Scores of others visited the Newberry and Crerar libraries, the libraries of Northwestern and the University of Chicago. Our programs benefit directly from the riches of these collections. The young people of Illinois and of other states who study here benefit directly from these strong libraries. These institutions have been hit hard by the depression in higher education and by inflation. Quality already has deteriorated and further loss of effectiveness can be seen if no support is forthcoming.

Maryland: (public community college)—Because of reduced materials budgets and inflated materials costs libraries must develop better means of sharing resources. In order to share collections with smaller libraries, major research libraries need to at least maintain their level of acquisitions. The proposed amendment to the revised HEA, S. 2657, by assisting them in so doing, will improve the resources available to the entire academic library community.

Massachusetts: (private college)—We wish to add our endorsement to the proposed amendment. We see the value and the effects of the daily contributions being made by our large research libraries. As a small, private, liberal arts college library, we are often the beneficiary of the expertise and resources of this type of institution, especially in the area of interlibrary lending. It seems only just that these support systems for smaller libraries be, in turn, supported by federal funds for the procurement of the necessary resources to service the varied users beyond their primary clientele.

New Mexico: (private university)—Because we cannot acquire research materials, we must rely on larger research libraries to supply these materials. If these research libraries are funded to help maintain and strengthen their collections and to assist them in making their holdings available to other libraries whose users have need for research materials, then we, as a small academic library, are benefitting from this funding through interlibrary loan of these research materials.

North Dakota: (public university)—Though the State Board of Higher Education through the Legislature has worked valiantly to increase support for academic libraries, we are still far short of adequate resources to meet the needs of our graduate students and research personnel. The interlibrary loan activity here has doubled, tripled and quadrupled within the last few years, attesting to the fact that this library is an indispensable resource to the state and region.

Ohio: (private college)—This amendment would serve the interest of our college by enriching the resources of the large libraries from which we borrow hundreds of volumes every year. The research needs of our faculty and students would often go ill served without the help we receive from these great libraries. It is not too much to say that the welfare of our country is also dependent upon the strength of these institutions and the completeness and currency of the information they make available to the scholarly world. Research libraries make research possible. If they are weak, they cannot support first-rate research. In a world as complex and dangerous as ours we cannot afford second-rate research.

Oregon: (public community college)—I am interested in this amendment, for it is mandatory that large research libraries get more funds for resources and for sharing those resources by loaning to smaller libraries. The cost of interlibrary lending is forcing many large research libraries to consider no lending to users beyond their own clientele or to consider charging for that lending. I feel that we in smaller towns and

cities and in small libraries must have access to the materials located in larger libraries.

Tennessee: (public university)—Our library serves as a state resource for the state. All residents of the state have access through interlibrary borrowing to our collections here. We serve as a central repository of recorded knowledge for the entire state and are central to all levels of Tennessee higher education. In addition, through the sharing of our collections with libraries in other states whose collections we in turn share, the entire nation as well as Tennessee will benefit from the II-C amendment.

Vermont: (private college)—The intent of this legislation is to provide special funding for a small group of large research libraries which really constitutes a national resource and should receive national support. It is imperative to the development of scholarship and the national interest that the collections and services of these libraries be maintained. Much of the material each receives is unique in this country and, unfortunately, this is the very type of material which may no longer be purchased because of attrition of funds.

Virginia: (public community college)—Data from a state survey of interlibrary loan patterns indicate that the research needs of scholars and industry are served without regard to state boundaries yet recent financial stringencies in state budgeting and rapid increases in quantity and costs of library materials are causing reduction in growth of the research collections which are basic to the Nation's research effort.

Wisconsin: (private college)—It is obvious that the bibliographic foundation of the nation's research libraries must not be allowed to deteriorate, and yet it is. Exceptionally rapid increases in cost of library materials and financial stringency have forced many leading research libraries to cut back on purchases of materials and even to reduce the number of hours the libraries are open. Erosion of a source of such strength to the nation must be stopped. As one of the small academic libraries in the state of Wisconsin and so dependent on the resources of the research libraries, it is chilling to consider the effects of either limited access or access to limited resources.

Mr. DOMENICI. Mr. President, I want to compliment the Education Subcommittee for its extensive work on the complex and far-reaching legislation before us today. Particularly, I want to thank the chairman and the other members of the subcommittee for including certain provisions I believe are important contributions to the present law.

Early last year, I conducted two education seminars in New Mexico to discuss education issues with many university officials, financial officers, and students. As a result of these highly productive meetings, I introduced several amendments to the higher education legislation, several of which I am pleased to note are similar to those included in the bill, S. 2657.

For example, the provision to expand the work-study program by allowing Federal, State, or local agencies to act as cooperating employers was suggested by the New Mexico educators. Such cooperation between public agencies and the universities should assist students studying certain subjects such as in health-related areas, forestry, or many diverse fields. The work-study program has probably been the best received program of Federal student assistance, both from the students' and the institutions' viewpoints. I am sure we would agree that the "earn-learn" philosophy brings about many more benefits than students earning a salary simply to defray their college expenses. Certainly expanding the work opportunities to include public agencies will enhance this particular student aid program as well as indicating a strong government endorsement.

Besides this change in the work-study program, I would like to endorse a firm $15,000 to $25,000 provision to increase the family income eligibility under the guaranteed student loan program, to prohibit students from declaring bankruptcy after securing their education with GSL moneys, and to allow title VII construction funds to be used for renovation of existing facilities for energy conservation. These provisions are also similar to those amendments which I introduced last October on behalf of the New Mexico educators and students.

Mr. President, there will be many amendments to S. 2657 offered today prior to the passage of the bill. I only wish to indicate my support at this time for those provisions of the bill which I believe to be particularly reflective of the views of my New Mexican constituency, and I urge my colleagues' serious consideration on their behalf.

The PRESIDING OFFICER. The Senate will be in order. Will the Senators kindly clear the aisles.

ORDER FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS AND RESUMING CONSIDERATION OF S. 2657 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders are recognized on tomorrow there be a period for the transaction of routine morning business not to extend beyond the hour of 9:20 a.m. and with statements limited therein to 2 minutes each; and that at the conclusion of routine morning business tomorrow the Senate resume consideration of the unfinished business, S. 2657.

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

ORDER OF BUSINESS FOR MONDAY, AUGUST 30, 1976

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, after the two leaders have been recognized under the standing order, it be in order for the leadership to call up either H.R. 13372, the New River bill, or S. 3084, the Export Administration Act.

The PRESIDING OFFICER. The Chair would state there is an order for recognition on Monday after the two leaders have been recognized. The senior Senator from Virginia has been recognized under the order.

Mr. ROBERT C. BYRD. I thank the Chair.

Then I ask unanimous consent that following the consummation of that order or any other orders for Senators that may be entered in the meantime, it be in order for the leadership to call up either the New River bill or the Export Administration Act.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER MAKING TIME-LIMITATION AGREEMENT APPLICABLE TO S. 3037 AND S. 2710

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time limitations applicable to Calendar Order 827, S. 3037, the Federal Water Pollution Control Act, apply as well to S. 2710, an act dealing with the amendments to the Federal Water Pollution Act. It is my understanding that the Public Works Committee may use the latter bill rather than S. 3037 for its vehicle.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER REFERRING H.R. 13955 TO COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. ROBERT C. BYRD. Mr. President, H.R. 13955, a bill to provide for amendments of the Bretton Woods Agreements Act has been reported from the Committee on Foreign Relations as of August 10. By request of Mr. Proxmire—and I understand the request has been cleared on both sides—I ask unanimous consent that that bill may have a 30-day referral to the Committee on Banking, Housing and Urban Affairs.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

DR. STANLEY M. WAGNER

Mr. HASKELL. Mr. President, I wish to express my thanks to Dr. Edward Elson, Chaplain of the Senate, for extending an invitation to a distinguished rabbi from the State of Colorado. Dr. Stanley M. Wagner, spiritual leader of the Beth Ha Medrosh Hagodol Congregation, is also professor of Judaic studies and director of the Center For Judaic Studies at the University of Denver, and serves as Jewish chaplain for the Denver Police Department and Colorado State Patrol.

Dr. Wagner has just returned from a 2-week visit to the Soviet Union where he spent a great deal of time with many

members of the Jewish communities of Leningrad, Kiev, and Moscow. He shared with me some of his findings concerning the tragic condition of Russian Jewry—facts which belie the reports of the leaders of the U.S.S.R. that "all is well" for these unfortunate people.

Despite the agreements reached at Helsinki, to which Russia was a signator, and notwithstanding the Kremlin's statements about the rights of national groups within the Soviet Union, Rabbi Wagner has brought with him evidence of the harassment of Jewis in Russia who have applied for visas for Israel to be reunited with their families and proof of the cultural annihilation being perpetrated by Soviet officials against the Jewish community.

I wish to remind this distinguished body that the American people are not prepared to ignore the plight of the persecuted Jews in Russia. We must be willing, despite our desire for détente, to call the Soviet Union to task for infractions of international agreements.

If Russia can unashamedly proclaim to the world that its treatment of Russian Jewry does not violate the principles and ideals of the United Nations Commission on Human Rights and the Helsinki accord—a contention which Dr. Wagner and others are prepared to show is outrageously incorrect—then shall we not be wary of their promises and statements in all other areas?

I am pleased that Rabbi Wagner shared his findings with me, and through me, with the Senate. He is prepared to meet with any Senator or staff member to discuss the most current information on the tragic circumstances confronting Russian Jewry which he collected during his recent visit to the Soviet Union.

I would conclude by saying that since America is regarded the world over as a champion of freedom and human dignity, we must do everything in our power to persuade the U.S.S.R. to permit Soviet Jewry to freely emigrate to Israel and to desist from intimidating those who apply for visas for this purpose. We cannot close our eyes to this denial of elemental human rights.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, tomorrow the Senate will convene at 9 a.m. After the two leaders or their designees have been recognized under the standing order, there will be a period for the transaction of routine morning business with statements limited therein to 2 minutes each for a period not to extend beyond the hour of 9:20 a.m.

Upon the conclusion of routine morning business, the Senate will resume consideration of the unfinished business. The pending question at that time will be the adoption of the amendment offered by Mr. PEARSON for Mr. DOLE on which there is a 10-minute time limitation.

At the expiration of that time, and not before 9:30 a.m., the yeas and nays will occur, they having already been ordered.

Upon the disposition of the Pearson-Dole amendment, the Senate will proceed to the consideration of two McClure amendments on which there is a time agreement in the aggregate of 40 minutes, and with rollcall votes thereon to occur back to back.

Upon the disposition of the two McClure amendments, the Senate will proceed to the consideration of the Bellmon amendment on which there is a 20-minute time limitation, and there will be a rollcall vote upon that amendment.

All rollcall votes tomorrow in relation to the unfinished business, motions and amendments in regard thereto, will be limited to 10 minutes each under the order previously entered. So there will be rollcall votes tomorrow, several in number, the first to occur at no earlier than 9:30 a.m.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. GRIFFIN. I understand the limits of time, but I wonder if we should provide that the first rollcall at 9:30 be 10 minutes or should it be 15 minutes?

Mr. ROBERT C. BYRD. I think that is a good idea.

Mr. GRIFFIN. I think we can try to notify Senators, but I think they will expect the first rollcall of the day will be 15 minutes.

Mr. ROBERT C. BYRD. I agree.

ORDER FOR FIRST ROLLCALL VOTE OF 15 MINUTES

Mr. President, I ask unanimous consent that the first rollcall vote—it will come early enough—be limited to 15 minutes, rather than 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR RECESS ON TOMORROW TO MONDAY, AUGUST 30, 1976 AT 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate, when it completes its business tomorrow, stand in recess until the hour of 9 a.m. on Monday.

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

ADJOURNMENT TO 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 9 o'clock tomorrow morning.

The motion was agreed to; and at 8:16 p.m., the Senate adjourned until tomorrow, Friday, August 27, 1976, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate August 26, 1976:

DEPARTMENT OF STATE

Ralph E. Becker, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Honduras.

Davis Eugene Bostor, of Ohio, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Guatemala.

Francois M. Dickman, of Wyoming, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Arab Emirates.

INTERNATIONAL ATOMIC ENERGY AGENCY

The following-named persons to be the Representative and Alternate Representatives of the United States of America to the Twentieth Session of the General Conference of the International Atomic Energy Agency:

Representative: Robert C. Seamans, Jr., of Massachusetts.

Alternate Representatives: Frederick Irving, of Rhode Island; Richard T. Kennedy, of the District of Columbia; Myron B. Kratzer, of Maryland; Edward A. Mason, of Massachusetts; Nelson F. Sievering, Jr., of Maryland; Galen L. Stone, of the District of Columbia; Gerald F. Tape, of Maryland.

DEPARTMENT OF DEFENSE

John J. Bennett, of Virginia, to be an Assistant Secretary of the Navy, vice Jack L. Bowers, resigning.

IN THE JUDICIARY

Kenneth K. Hall, of West Virginia, to be U.S. circuit judge for the fourth circuit, vice John A. Field, Jr., retired.

John T. Copenhaver, Jr., of West Virginia, to be U.S. district judge for the southern district of West Virginia, vice Kenneth K. Hall.

Howard G. Munson, of New York, to be U.S. district judge for the northern district of New York, vice Edmund Port, retired.

Vincent L. Broderick, of New York, to be U.S. district judge for the southern district of New York, vice Harold R. Tyler, Jr., resigned.

DEPARTMENT OF JUSTICE

Thomas A. Grace, Jr., of Louisiana, to be U.S. marshal for the middle district of Louisiana for the term of 4 years (reappointment).

Everett R. Langford, of Oregon, to be U.S. marshal for the district of Oregon for the term of 4 years (reappointment).

CONFIRMATIONS

Executive nominations confirmed by the Senate August 26, 1976:

DEPARTMENT OF JUSTICE

Donald I. Baker, of New York, to be an Assistant Attorney General.

William C. Smitherman, or Arizona, to be U.S. attorney for the district of Arizona for the term of 4 years.

U.S. PAROLE COMMISSION

Dorothy Parker, of Virginia, to be a Commissioner of the U.S. Parole Commission for the term of 6 years.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

Marion J. Callister, of Idaho, to be U.S. district judge for the district of Idaho.

EXTENSIONS OF REMARKS

HON. STEPHEN L. NEAL'S VOTING RECORD

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. NEAL. Mr. Speaker, it has been my practice ever since becoming a Member of Congress to publish my complete voting record in such a way that any interested citizen or constituent may read and understand it without having to wade through a maze of unrelated material.

Following is a compilation of all the record votes I cast between January 1, 1976, and June 30, 1976:

REPRESENTATIVE STEPHEN L. NEAL VOTING RECORD, JANUARY-JUNE 1976

Following is a compilation of all record votes cast by Representative Stephen L. Neal from January 1, 1976, through June 30, 1976. Each listing is identified by its roll number. The "Yes" or "No" is Congressman Neal's vote. The North Carolina delegation total is in parentheses. DNV indicates "did not vote." Yes votes appear first.

(2) *Indochina Refugees: Amendment to reimburse school districts for only the actual cost of providing supplemental education to refugees. Yes (9-1). Passed 235-143.

(3) *Indochina Refugees: Final passage to reimburse school districts for cost of supplemental education. Yes (5-5). Passed 311-75.

(5) *To authorize two irrigation projects and modification of dam spillways in Wyoming, Oregon, North Dakota, South Dakota. Yes (6-4). Passed 284-110.

(6) *To authorize 101st Airborne Assn. to erect memorial in D.C. Yes (10-0). Passed 400-0.

(7) *To vacate previous action on Railroad Revitalization and Regulatory Reform Act and recommit to conference. Yes (8-2). Passed 383-15.

(9) *To consider Federal Coal Leasing Amendments. Yes (10-0). Passed 366-12.

(10) *Coal Leasing: Amendment to prohibit coal mining in National Park System. Yes (11-0). Passed 370-32.

(11) *Coal Leasing: Amendment to remove 25,000 acre lease limitation. No (2-9). Failed 97-301.

(12) *Coal Leasing: Motion to recommit (kill). No (0-11). Failed 80-319.

(13) *Coal Leasing: Final pasage to establish terms and duration of leases. Yes (11-0). Passed 344-51.

(14) *To consider (adopt rule) on Motor Vehicle Information Amendments. Yes (10-0). Passed 386-0.

(15) *Motor Vehicle Amendments: To Enforce federal standards of safety and quality of auto construction. Yes (11-0). Passed 369-18.

(20) *Veto override: Labor/HEW appropriations. Yes (9-2). Overridden 310-113.

(21) *Defense: To prohibit use of any funds under the bill for direct or indirect military aid to any of the factions fighting in Angola. Yes (9-1). Passed 323-99.

(24) *To authorize $6.4 billion for railroads, including $2.1 billion in loans to ConRail, $1.6 billion for intercity passenger service, and $1.6 billion for capital assistance to railroads other than ConRail. No (6-4). Passed 353-62.

(26) *Public Works Employment: Motion to strike (discard), aid to state and local governments to maintain basic services if unemployment above 6 per cent. No (5-5). Failed 133-268.

(27) *Public Works Employment: To adopt conference report on Public Works Employment Act to provide $6.1 billion for public works project and other programs to create as many as 800,000 jobs. Yes (8-2). Passed 321-80.

(28) *Substitute to Renegotiation Act Amendments (contracts between government and private contractors). No (2-8). Failed 129-251.

(29) *Intelligence Report: Amendment to limit distribution of report of Select Committee unless president certified it contained no classified material. Yes (10-0). Passed 246-124.

(32) *Natural Gas: To consider (adopt rule). Yes (10-0). Passed 230-184.

(34) *Natural Gas: Eckhardt amendment to delete provision that ended FPC authority to reduce price ceilings on gas still under federal regulation. Yes (8-3). Passed 232-184.

(35) *Natural Gas: Amendment to allow FPC to set varying five-year ceilings on prices for offshore natural gas. Yes (1-10). Failed 182-236.

(36) *To adjourn from Feb. 11 to Feb. 16. No (10-1). Passed 327-80.

(37) *Natural Gas: Amendment to give "feedstocks" priority to industrial and agricultural users. No (0-11). Failed 131-274.

(38) *Natural Gas: Substitute to deregulate prices for all independent gas producers with less than 100 million Mcf per year, with more flexible and incentive pricing formula for others. Yes (1-10). Passed 205-201.

(39) *To affirm the foregoing action. Yes (3-8). Passed 219-184.

(40) *Natural Gas: Motion to recommit (kill). No (9-2). Failed 198-204.

(41) *Natural Gas: Passage of bill to deregulate independent producers of less than 100,000 Mcf per year and adjust price levels for others. Yes (11-0). Passed 205-194.

(43) *To consider (adopt rule) on Animal Welfare Act. Yes (10-0). Passed 352-5.

(44) *Amendment to make violations of Animal Welfare Act subject only to state enforcement. No (0-11). Failed 56-312.

(45) *Amendment to prohibit use of interstate facilities for the purpose of cockfighting. Yes (11-0). Passed 269-76.

(46) *Passage, Animal Welfare Act Amendments. To protect animals during shipment and prohibit dog and cockfights. Yes (8-3). Passed 335-34.

(48) *To approve $97.3 million of president's rescission of impact aid. No (4-7). Failed 134-267.

(50) *To consider (adopt rule) Emergency Employment Project Amendments. Yes (11-0). Passed 360-42.

(51) *Substitute to continue CETA funding levels through 1977 but no funding for increased number of public service jobs. Yes (11-0). Failed 175-226.

(52) *To change formula for Part B CETA funds. Yes (9-2). Failed 189-206.

(53) *Final passage, public service jobs bill, authorizing funds to maintain a level of 32,000 public service jobs and add 260,000 jobs under a new program. No (2-9). Passed 239-154.

(56) *To extend Library Services and Construction Act for five years. Yes (9-0). Passed 378-7.

(57) *To authorize funds for acquiring 4,340 acres for Indiana Dunes National Lakeshore expansion. Yes (6-4). Passed 272-118.

(58) *To authorize $33 million for completion of Madison Building, Library of Congress. Yes (10-0). Passed 342-48.

(60) *To appropriate $2.03 billion for purchase of ConRail debentures and preferred stock over four years. No (3-8). Passed 298-95.

(62) *Veto override: To authorize funds for grants to states and localities for public works projects to create as many as 800,000 jobs. Yes (9-2). Overridden 319-98.

(63) *To refer to Rules Committee a resolution concerning Daniel Schorr's part in publication of report of Select Committee on Intelligence. No (0-11). Failed 172-219.

(64) *To direct Committee on Standards of Official Conduct to investigate publication of parts of the final report of Select Committee on Intelligence. Yes (11-0). Passed 269-115.

(67) *To appropriate $33 million for completion of Madison Building, Library of Congress. Yes (11-0). Passed 336-52.

(68) *To consider (adopt rule) increase in the temporary public debt ceiling. No (10-1). Passed 348-53.

(69) *To increase temporary public debt ceiling to $627 billion. No (1-9). Passed 212-189.

(71) *To require resolution, bills, committee and conference reports be distributed to members two hours before floor consideration. Yes (9-1). Passed 258-107.

(73) *To exempt actions of five New York City pension plans purchasing city obligations from rules which otherwise would jeopardize their special tax status. Yes (9-0). Passed 298-45.

(75) *To consider (adopt rule) Black Lung Benefits Reform Act. Yes (6-4). Passed 275-118.

(77) *To strike from black lung bill provision permitting survivors of miners killed in mine accidents prior to 1971 to receive benefits. No (6-5). Failed 141-253.

(78) *To provide black lung benefits without medical evidence. No (1-9). Passed 210-183.

(80) *Motion to close debate on subpoena power in Schorr investigation. Yes (11-0). Passed 306-99.

(81) *To give subpoena power to committee investigating correspondent Daniel Schorr. Yes (11-0). Passed 321-85.

(82) *To continue military sales cutoff to Chile. Yes (1-9). Failed 139-266.

(83) *To discontinue provision permitting trade with North and South Vietnam if such trade does not adversely affect U.S. shortages, U.S. national security, and does not increase military capability of North or South Vietnam. No (7-3). Failed 185-223.

(84) *To authorize $3.46 billion in military assistance and foreign military sales credits. No (1-9). Passed 240-169.

(86) *To consider (adopt rule), Foreign Assistance Appropriations for FY 1976. No (2-9). Passed 229-168.

(88) *Foreign Aid: To restore committee cut of $9 million for assisting private voluntary organizations in running programs and shipping materials overseas. No (0-10). Failed 161-237.

(89) *Foreign Aid: To delete funds for United Nations Development Program. No (8-2). Failed 179-208.

(90) *Foreign Aid: To prohibit use of any funds to carry out or planning assassinations or influencing peacetime foreign elections. Yes (8-2). Passed 250-129.

(91) *Foreign Aid: To reduce by $200 million the $1.5 billion foreign military credit sales of arms to Israel. No (0-10). Failed 32-342.

(92) *Foreign Aid: To prohibit aid to any nation in default of a U.S. obligation for

more than one year. Yes (9-1). Passed 229-139.

(93) *Foreign Aid: Final passage, $4.99 billion in foreign economic and military aid programs. No. (1-8). Passed 214-152.

(95) *Conference report, Equal Credit Opportunity, adding age, race, color, religion and national origin to sex and marital status as categories under which no creditor can discriminate against an applicant. Yes (9-0). Passed 384-3.

(96) *To consider (adopt rule) Medical Devices Amendments. Yes (10-0). Passed 379-6.

(97) *To send 25-member congressional delegation to England at request of British government to pick up copy of Magna Carta. No (2-8). Failed 167-219.

(98) *Final passage, Medical Devices Amendments, requiring classification of all medical devices intended for human use. Yes (8-1). Passed 362-32.

(100) *To authorize a four-part Coastal Energy Activity Program to deal with impact of Outer Continental Shelf activity and other energy siting. Yes (10-0). Passed 370-14.

(101) *To increase cadet student subsidy at six state maritime academies. No (0-10). Failed 53-292.

(102) *To authorize $444.8 million for maritime programs, including $403.7 million subsidy to merchant fleet. No. (6-4). Passed 315-42.

(104) *Community Services Act Amendments (technical changes). Yes (10-0). Passed 346-2.

(105) *To authorize $43.2 million for implementation of Pennsylvania Avenue Corp. plan. No (2-8). Failed 149-201.

(106) *To allow all elderly persons, regardless of income, to continue to receive services at federal senior citizens centers. Yes (11-0). Passed 383-0.

(107) *Continuing appropriations for government functions for which regular appropriations not yet enacted. Yes (7-4). Passed 309-75.

(108) *To consider (adopt rule) resolution proposing full representation in Congress for District of Columbia. Yes (11-0). Passed 313-72.

(112) *To reduce size of Magna Carta delegation from 25 to 5. No (3-8). Failed 94-306.

(113) *To bring Senate version of Magna Carta resolution into conformity with House version. Yes (8-2). Passed 294-98.

(115) *Antitrust: To restrict aggregation of damages provision of Parens Patriae Act, and permit reduction from treble to single damages in parens patriae suits where defendants have acted in good faith. Yes (10-0). Passed 220-171.

(116) *Antitrust: To allow private attorneys to be contracted on contingency fee basis in parens patriae suits. No (0-9). Failed 167-217.

(117) *Antitrust: Motion to recommit Parens Patriae Act. No. (6-3). Failed 150-223.

(119) *To authorize funds ($81 million) for Peace Corps. Yes (7-2). Passed 274-75.

(120) *To authorize $25 million for earthquake disaster relief in Guatemala. Yes (11-0). Passed 357-3.

(121) *To authorize $3.70 billion for NASA research and development, construction, and program management. Yes (11-0). Passed 330-35.

(123) *To adopt rule and waive provisions of Budget Act on conference report, Child Day Care Standards. Yes (7-4). Passed 275-123).

(124) *Motion to recommit Child Day Care Standards. DNV (6-4). Failed 153-237.

(125) *Adoption of conference report, Child Day Care Standards. DNV (8-2). Passed 316-72.

(127) *D.C. Representation (one member of House). Yes (3-8). Passed 221-188.

(128) *Amendment to provide D.C. full representation in the House. No (9-2). Failed 67-338.

(129) *To propose amending constitution to provide D.C. a voting member in the House. (⅔ required). Yes (3-8). Failed 229-181.

(130) *To consider (adopt rule) amending Title 10, Economic Opportunity Act. Yes (10-1). Passed 343-44.

(132) *To amend Title 10, Economic Opportunity Act, to permit Legal Services Corp. to use 10 percent of funds for research and training, technical assistance, and clearinghouse activities. Yes (5-6). Passed 256-143.

(133) *To authorize $338.7 million for United States Information Agency. No (7-4). Passed 327-81.

(134) *To adopt conference report approving purchase of $2.03 billion in ConRail securities, $50 million for improvement of the Northeast Corridor, and $36.5 million for grants to Amtrak. No (3-8). Passed 288-105.

(135) *To require National Science Foundation to inform all Members of Congress, not just appropriate committees, of all its activities within days of such action. No (3-8). Failed 136-257.

(136) *To transfer $1.4 million in NSF funds to summer programs for elementary and secondary science and math teachers. Yes (4-7). Failed 160-232.

(137) *To authorize funds ($801 million) for National Science Foundation for FY 1977. Yes (10-1). Passed 358-33.

(138) *Motion to recommit Judiciary Committee Funding Resolution. Yes (8-2). Failed 158-193.

(140) *To fund Ethics Committee investigation of Daniel Schorr. Yes (10-0). Passed 278-87.

(141) *To authorize $58.4 million for Radio Liberty and Radio Free Europe. DNV (7-1). Passed 287-70.

(143) *To permit voluntary political activity by federal employees as of Jan. 1, 1977, and prohibit coercion of employees for political purposes. No (3-7). Passed 241-164.

(144) *To adopt conference report, Fishery Conservation and Management Act. Yes (9-1). Passed 346-52.

(145) *To consider (adopt rule) Federal Election Campaign Act Amendments. Yes (11-0). Passed 333-73.

(147) *To eliminate provision that all Federal Election Commission opinions become regulations subject to the approval of Congress. No (2-8). Failed 134-269.

(148) *To require candidates and committees to file duplicate reports with secretaries of state. Yes (8-2). Passed 293-111.

(149) *To establish three petroleum reserves in Alaska. Yes. (10-0). Passed 390-5.

(151) *To require labor unions and corporations to report all funds spent on internal communications advocating election or defeat of a candidate for federal office. No (4-6). Failed 175-220.

(152) *To eliminate provision allowing either House or Senate to terminate authority of Federal Election Commission. Yes (8-2). Passed 276-120.

(153) *To limit debate on Burton amendment, Federal Election Campaign Act Amendments. No (6-4). Passed 200-187.

(154) *To provide for public financing of Congressional elections on a matching fund basis beginning in 1978. Yes (1-9). Failed 121-274.

(155) *Motion to recommit Federal Election Campaign Act Amendments. No (4-6). Failed 153-240.

(156) *Final passage, Federal Election Campaign Act Amendments. Bill reconstituted Federal Election Commission to comply with Supreme Court mandate. Yes (7-3). Passed 241-155.

(157) *To provide 18-member U.S. delegation for Atlantic Convention to discuss agreement on a declaration of more effective unity among Western democracies. Yes (3-7). Failed 165-194.

(158) *To consider (adopt rule) Grain Standards Act. Yes (6-0). Passed 295-0.

(159) *Amendment to require complete federalization of grain inspection system at export points. No (1-5). Failed 112-183.

(160) *Final passage, Grain Standards Act, requiring USDA or state agencies to inspect and weigh grain at export locations. Yes (6-0). Passed 246-33.

(162) *To expand federal jurisdiction to prevent all government supervisors from threatening employees with dismissal if they do not contribute to a political party. Yes (8-0). Passed 358-3.

(163) *To authorize $2.2 million for development of a national cemetery at Quantico Marine Base. Yes (8-0). Passed 358-8.

(164) *To designate April 13, 1976, as Thomas Jefferson Day. Yes (8-0). Passed 363-2.

(165) *To declare second week in March 1977, "National Employ the Older Worker Week." Yes (8-0). Passed 365-2.

(166) *To designate as "National Family Week" that week in which Thanksgiving occurs. Yes (8-0). Passed 362-5.

(167) *To implement the 1972 Convention on the International Regulations for Preventing Collisions at Sea. Yes (8-0). Passed 366-1.

(168) *To authorize $304.1 million for Coast Guard. Yes (8-0). Passed 358-9.

(169) *To appropriate $135 million for nationwide swine flu immunization program. No (7-1). Passed 354-12.

(171) *To authorize $57 million supplemental appropriation for Energy Research and Development Administration. Yes (7-0). Passed 311-66.

(173) *To diminish boundaries of Eagle's Nest Wilderness. No (3-5). Failed 109-273.

(174) *To accept conference report on Animal Welfare Act amendments. Yes (9-0). Passed 332-31.

(176) *To transfer census records to National Archives. Yes (9-0). Passed 376-4.

(177) *To remove penalties for refusing to answer census questions. Yes (9-1). Passed 248-140.

(179) *To recommit National Health Promotion and Disease Prevention Act. Yes (7-3). Failed 185-207.

(181) *To delay $960.5 million in procurement funds for B-1 bombers. No (0-10). Failed 177-210.

(182) *To defer any expenditure of funds for a new nuclear aircraft carrier pending completion of a congressional study. Yes (4-6). Failed 182-195.

(184) *To prohibit overland testing of MaRV nuclear warheads. No (0-10). Failed 95-267.

(185) *To reduce 2,100,000 active forces level by 47,000, with reduction coming from 454,000 personnel stationed overseas. No (0-10). Failed 88-275.

(186) *To require three-year notice of military base closings. No (1-9). Failed 152-202.

(187) *To authorize $33.26 billion for Military Procurement and Research and Development. Yes (10-0). Passed 298-52.

(189) *To extend one year the District of Columbia Medical and Dental Manpower Act. Yes (8-2). Passed 264-90.

(190) *To reject President's proposed deferral of $118 million soil conservation funds appropriated for emergency watershed repair work. Yes (10-0). Passed 338-23.

(191) *To authorize $1.25 billion (two years) for prevention and control of lung and heart disease. Yes (10-0). Passed 360-0.

(193) *To add $60 million for education of handicapped and $315 for Basic Educational Opportunity Grant Programs. Yes (10-0). Passed 318-68.

(194) Supplemental appropriations for various departments and agencies of government. Yes (9-1). Passed 352-35.

(196) *To disapprove exemption of resid-

ual fuel oil from price and allocation controls. No (0-10). Failed 109-272.

(197) *To recommit conference report on Consumer Product Safety Commission Improvements Act. No (5-5). Failed 177-192.

(199) *Final passage, Arts, Humanities, and Cultural Affairs Act of 1976. Yes (7-3). Passed 279-59.

(202) *To recommit (kill) conference report on International Security Assistance and Arms Export Control, authorizing $3.17 billion for grant military aid, foreign military credit sales and guarantees, security supporting assistance, etc. Yes (9-1). Failed 185-214.

(203) To adopt conference report (approve) International Security Assistance and Arms Export Control. No. (1-9). Passed 215-185.

(204) *Budget resolution: To add $610 million for possible extension of GI Bill education benefits. Yes (8-2). Passed 218-188.

(205) *Budget resolution: To increase target for veterans entitlement programs tied to cost of living. Yes (10-0). Passed 397-6.

(206) *Budget resolution: To reduce defense spending target by $2 billion. Yes (1-9). Failed 145-255.

(208) *Veto override: To override President's veto of Hatch Act Reform. (Two-thirds required). Yes (5-5). Failed 243-160.

(209) *Budget resolution: To reduce defense spending target by $7.5 billion. No (0-9). Failed 85-317.

(210) *Budget resolution: To remove $50 million in start-up funds for Humphrey-Hawkins and $50 million for national health insurance legislation. Yes (8-2). Failed 153-230.

(211) *Budget resolution: To remove $50 million start-up of Humphrey-Hawkins. Yes (10-0). Failed 177-206.

(212) *Budget resolution: To reduce target for food stamp program by $1 billion. No (5-5). Failed 147-220.

(213) *Budget resolution: To substitute Administration's budget proposals. No (2-8). Failed 145-230.

(214) *Budget resolution: To reduce targets to achieve a balanced budget immediately. No (2-8). Failed 105-272.

(215) *Budget resolution: Final passage, setting spending and income targets; rejecting Administration's proposed cuts in human resources programs, and accepting its proposed level of spending for defense and energy. Yes (5-4). Passed 221-155.

(217) *To earmark 1% of jobs funds for unemployed artists. Yes (1-7). Failed 78-246.

(218) *Final passage, Emergency Jobs Programs Stopgap Extension to maintain 273,000 public service jobs through Sept. 30, 1976. Yes (8-1). Passed 287-42.

(219) *To require all payments in Public Safety Officers Benefits Act be made through general revenue sharing funds. No (2-5). Failed 98-202.

(220) *To provide a $50,000 payment by Law Enforcement Assistance Administration to spouse or dependent of law enforcement personnel who die of injuries sustained in performance of duty. Yes (2-4). Passed 199-93.

(221) *To provide $50,000 payment by LEAA to spouse or dependents of firefighting personnel who die of injuries sustained in performance of duty. Yes (2-3). Passed 178-80.

(223) *To adopt conference report on Federal Election Campaign Act Amendments. Yes (10-1). Passed 201-81.

(224) *To adopt conference report on Beef Research and Information Act. Yes (10-1). Passed 200-170.

(225) *Final passage, Administration of Fish and Wildlife Programs. Yes (11-0). Passed 360-0.

(226) *Final passage, Marine Protection, Research and Sanctuaries Act Authorization. Yes (10-0). Passed 362-0.

(227) *Final passage, one-year extension of National Sea Grant College and Program Act. Yes (10-1). Passed 326-34.

(228) *Final passage, to close tax loopholes by which wealthy individuals join together to diversify their stock holdings and redistribute their stock market risks while postponing tax on the unrealized gains in the stock they pool. Yes (11-0). Passed 348-14.

(229) *Final passage, Natural Gas Pipeline Safety Act Amendments, appropriating $7.6 million for Office of Pipeline Safety operations and grants to states. No (7-4). Passed 227-88.

(231) *Veto override: Child Day Care Centers bill to postpone until July 1, 1976, requirement that day care centers meet federal staffing standards. (⅔ required). Yes (9-2). Passed 301-101.

(232) *To extend authorization for Domestic Volunteer Service Act. Yes (10-0). Passed 367-31.

(233) *To require that regulations promulgated in connection with research and development under the Environmental Protection Act be subject to congressional disapproval. Yes (10-1). Passed 228-167.

(234) *To authorize $256.6 million for research and development program of EPA. Yes (11-0). Passed 381-16.

(236) *To reduce authorization levels 1979 through 1989 under Land and Water Conservation Fund Act. Yes (10-0). Failed 111-282.

(237) *To lower revised state allocation formula in Land And Water Conservation Fund Act. No (0-10). Failed 177-221.

(238) *To prevent Land and Water Conservation funds from being used for shelters for swimming pools and ice skating rinks. Yes (7-4). Passed 248-147.

(239) *Final passage, Land and Water Conservation Fund authorization. Yes (10-0). Passed 392-3.

(240) *To consider (adopt rule) Packers and Stockyards Amendments. Yes (11-0). Passed 371-3.

(242) *To consider (adopt rule) Military Construction Authorization. Yes (11-0). Passed 385-0.

(243) *To strike requirement in Flexible and Compressed Work Week bill pertaining to federal agencies, making program voluntary. Yes (9-2). Passed 240-112.

(244) *To require workers represented by unions include waiver of overtime in contract with federal agency. No (1-10). Failed 76-268.

(248) *Defense: To require one year advance notice and justification for closing or transfer of military bases. No (0-11). Failed 83-237.

(249) *Defense: To eliminate section in Military Construction bill extending Davis-Bacon Act wage protection to certain nonadvertised military construction contracts. Yes (3-8). Failed 35-279.

(250) *Defense: To authorize $3.33 billion for military construction and family housing for military personnel. Yes (11-0). Passed 299-14.

(252) *To consider (adopt rule) Career Incentives for Navy Nuclear Officers. Yes (8-0). Passed 333-0.

(253) *To increase pay incentives to enable Navy to attract and retain qualified officers for nuclear vessels. Yes (9-0). Passed 322-27.

(254) *To authorize $274.3 million for Nuclear Regulatory Commission. Yes (9-0). Passed 356-5.

(255) *To consider (adopt rule) Federal Reserve Reform Act. Yes (8-1). Passed 354-3.

(256) *Final passage, Federal Reserve Reform Act, making terms of chairman and vice chairman of Federal Reserve coterminous with President of U.S., and to increase directors of Federal Banks from nine to 12. Yes (9-0). Passed 279-85.

(257) *To consider (adopt rule) Higher Education Act Amendments. Yes (9-0). Passed 362-0.

(259) *To extend Vocational Education Act and increase funding for vocational education programs. Yes (10-0). Passed 390-3.

(262) *To strike requirement, Higher Education Act, that when student aid exceeds $2.5 billion, additional funds triggered for other programs. No (4-6). Failed 146-255.

(263) *To prohibit use of Higher Education Act funds for the teaching of "secular humanism." Yes (10-0). Passed 222-174.

(264) *Higher Education Act: To extend sex antidiscrimination to professional fraternities and sororities. No (4-6). Failed 121-272.

(265) *Final passage, to extend for one year provisions of Higher Education Act, including student aid programs, and Title VI of National Defense Education Act. Yes (10-0). Passed 388-7.

(267) *Budget resolution: To adopt conference report setting guidelines for spending and income. Yes (3-6). Passed 224-170.

(268) *To adopt conference report, Small Business Act Amendments, easing funding for acquisition of pollution control equipment, liberalizing provisions of Small Business Investment Act, and requiring studies of federal disaster loan programs and the role of small business in the economy. Yes (9-0). Passed 392-0.

(269) *To authorize funds ($2.5 billion) for grants to state and local governments for local public works projects on which on-site labor could begin within 90 days. Yes (10-0). Passed 339-57.

(271) *To establish a 15-member Commission on Security and Cooperation in Europe. No (3-6). Passed 240-95.

(272) *To consider (adopt rule) Unemployment Compensation Amendments, which would extend coverage and increase employer-paid unemployment compensation taxes. No (0-8). Failed 125-219.

(276) *To extend War Risk Insurance (for air carriers which have contracts with Defense or State Departments). Yes (10-0). Passed 392-1.

(277) *To increase maximum direct federal housing loan to veterans from $25,000 to $29,000. Yes (10-0). 386-2.

(278) *To adopt conference report on Second Supplemental Appropriations ($12 billion, including $2.6 billion to fund a 5% wage increase for federal workers; $2.7 billion for public assistance payments). No (3-8). Passed 286-100.

(280) *To reduce funding for solar energy research and development. No (7-3). Failed 188-207.

(281) *To redistribute funds for solar research. No (6-4). Passed 265-127.

(282) *To distribute solar research and development funds equally between solar heating and cooling, and other forms of solar. Yes. (5-5). Passed 321-68.

(284) *To consider (adopt rule) International Security Assistance and Arms Export Control Act. Yes. (10-0). Passed 350-35.

(286) *To adopt conference report on Increased U.S. Participation in the Inter-American Development Bank. DNV (3-4). Passed 257-120.

(287) *To eliminate $1.2 billion for nuclear weapons activities from Energy Research and Development Administration Authorization Act. No (0-9). Failed 97-286.

(288) *To require utilities in Clinch River Breeder Reactor joint venture pay part of cost overruns. Yes (1-7). Failed 173-209.

(289) *To lessen public health and safety requirements during construction of Clinch River nuclear plant. No (8-1). Passed 238-140.

(290) *To authorize $6.97 billion for Energy Research and Development Administration, with $5.25 billion for nuclear programs. DNV (8-0). Passed 316-26.

(291) *To authorize $3.7 billion for National Aeronautics and Space Administration. DNV (6-0). Passed 255-20.

(292) *To consider (adopt rule) Alcohol Abuse and Alcoholism Amendments. DNV (7-4). Passed 279-0.

(293) *To authorize $481.5 million for three-year federal effort to meet problems of alcoholism. DNV (6-0). Passed 271-3.

(294) *To recommit with instructions Health Services Research bill. No. (4-3). Failed 111-172.

(295) *To authorize $318.3 million for three years for health services research. Yes (7-0). Passed 268-8.

(297) *To publish D.C. Code. Yes (9-0). Passed 259-48.

(298) *To require Comptroller General enter into contracts for financial planning, reporting and budget control for D.C. government. Yes (9-0). Passed 308-2.

(299) *To consider authorizing additional Assistant Secretary of Commerce. Yes (9-0). Passed 302-10.

(300) *To authorize an additional Assistant Secretary of Commerce for Congressional Affairs. No (3-7). Failed 143-178.

(302) *To create year-round Young Adult Conservation Corps. Yes (7-0). Passed 291-70.

(303) *To consider (adopt rule) Housing Authorization Act. Yes (11-0). Passed 319-35.

(306) *District of Columbia appropriations for FY 1976. Yes (10-0). Passed 350-13.

(307) *To strike set-asides from Housing Authorization Act. Yes (10-0). Passed 260-110.

(308) *To provide that social security benefit increases not be used in computing income of tenants in public housing. Yes (7-3). Passed 260-99.

(309) *To create new direct housing loan program for middle-income homebuyers. No (0-10). Failed 116-243.

(310) *Final passage, Housing Authorization Act to extend and amend existing housing and community development programs. Yes (10-0). Passed 332-27.

(313) *To consider (adopt rule) Federal Energy Administration Authorization for FY 1977. Yes (9-1). Passed 238-116.

(315) *To reduce Office of Conservation and Environment funds from $50 to $12.6 million. Yes (10-0). Passed 220-154.

(316) *To prohibit FEA from making oil price and control allocation changes in a single action. No (0-10). Passed 200-175.

(317) *To allow Congress to reject any FEA rule or regulation within 60 days of promulgation. Yes (9-1). Passed 226-147.

(318) *To reduce extension of FEA to 18 months from 39 months. Yes (2-8). Passed 194-172.

(319) *To require FEA rules hearings be held within affected areas. Yes (9-1). Passed 267-95.

(320) *Final passage, $172 million for Federal Energy Administration. Yes (10-0). Passed 270-94.

(323) *International Security Assistance: to delete $200 million ceiling on sales to South Korea. DNV (10-0). Passed 241-159.

(324) *$7.1 billion for International Security Assistance in FY 1976, FY 1977, and transition quarter. DNV (2-8). Passed 255-140.

(326) *Five year program to develop auto propulsion systems, allot $20 million for FY 1977. No (4-7). Passed 296-86.

(327) *To end use of government funds as of Oct. 1, 1977, for promotion and research program of Cotton Board. Yes (11-0). Passed 370-6.

(329) *Water Pollution Control: To limit jurisdiction of Corps of Engineers. Yes (11-0). Passed 234-121.

(330) *Water Pollution Control: $18.2 billion through FY 1979, including $17 billion for matching grants for waste treatment. Yes (10-0). Passed 339-5.

(332) *To adopt rule (consider) Outer Continental Shelf Lands Act amendments. Yes (9-0). Passed 294-27.

(335) *To fund Small Business Administration programs for FY 1978-79. Yes (10-0). Passed 341-2.

(337) *To establish Valley Forge National Park. Yes (10-0). Passed 364-4.

(338) *To grant duty exemption for certain aircraft parts. Yes (10-0). Passed 359-4.

(339) *To clarify law regarding lobbying by tax exempt organizations. Yes (11-0). Passed 355-14.

(340) *To establish Old Ninety-Six (S.C.) National Historical Site. Yes (11-0). Passed 359-7.

(342) *To adopt rule (consider) revenue sharing amendments. Yes (7-0). Passed 358-1.

(343) *To resolve into Committee of the Whole House to consider revenue sharing. Yes (8-0). Passed 358-0.

(344) *To adopt rule (consider) State Department Authorization Act. Yes (8-0). Passed 378-6.

(345) *To reaffirm U.S. interest in Italian democracy and Italy's participation in NATO. Yes (8-0). Passed 388-0.

(346) To adopt rule (consider) U.S. Information Agency Authorization. Yes (8-0). Passed 387-1.

(347) *To adopt rule (consider) Winter Olympic Games Authorization. Yes (8-0). Passed 377-2.

(348) *To adopt rule (consider) Amtrak Improvement Act. Yes (8-0). Passed 359-21.

(349) *To adopt rule (consider) Federal Railroad Safety Authorization Act. Yes (9-0). Passed 375-4.

(351) *To adopt rule (consider) Ethics Committee Funding. Yes (11-0). Passed 400-0.

(352) *Ethics Committee Funding: For remainder of 94th Congress, only expenses of committee be paid from contingency fund of House solely upon presentation of vouchers signed by chairman and ranking minority member. Yes (11-0). Passed 400-0.

(353) *Revenue Sharing: Fountain substitute. Yes (11-0). Passed 233-172.

(354) *Revenue Sharing: To require that 20% of funds received by local governments be used to decrease property taxes. No (0-11). Failed 64-340.

(355) *Revenue Sharing: To equalize revenue sharing payments to cities and townships that perform similar activities. No (0-11). Failed 158-229.

(356) *Revenue Sharing: To fund first two years of four-year extension as an entitlement program, other two years on annual basis, instead of four-year entitlement. Yes (1-10). Failed 150-244.

(357) *Revenue Sharing: To restore Davis-Bacon provisions eliminated by Fountain substitute. No (0-11). Failed 174-218.

(358) *Revenue Sharing: Final passage, extend through Sept. 30, 1980, authorize $24.95 billion entitlement for that period. Yes (11-0). Passed 361-35.

(360) *To resolve into Committee of Whole House to consider Railroad Safety Act. DNV (10-0). Passed 322-0.

(361) *Railroad Safety: Skubitz substitute. DNV (0-9). Failed 37-298.

(362) *Railroad Safety: Final passage. DNV (10-0). Passed 332-11.

(363) *Final passage, to authorize $49 million for construction of facilities for 1980 Olympic winter games at Lake Placid, N.Y. No (3-7). Passed 179-147.

(364) *To adopt rule (consider) National Traffic and Motor Vehicle Safety Act Authorization. Yes (11-0). Passed 318-1.

(367) *To prohibit use of any Treasury/Postal funds by IRS to pay rewards to those who inform the IRS of suspected tax law violator. Yes (3-5). Failed 160-187.

(368) *To reduce Treasury/Postal/General Government expenditures by 5 per cent. Yes (6-2). Failed 159-191.

(369) *To prohibit IRS from compiling or making public records of contacts made by Members of Congress concerning any matter pending before IRS. No (1-7). Failed 67-291.

(370) *To appropriate $8.27 billion for Treasury, Postal Service, Office of President, and other agencies. No (5-2). Passed 261-99.

(371) *To adopt rule (consider) Increase in Debt Ceiling. No (5-2). Passed 295-57.

(372) *To increase temporary debt ceiling in three stages to $700 billion. No (1-7). Passed 184-177.

(374) *Technical amendment to Minority substitute, Outer Continental Shelf Lands Act. No (2-5). Failed 156-201.

(375) *To delete requiring evaluation of impact on competition of a proposed Outer Continental Shelf lease sale. DNV (0-6). Failed 114-231.

(376) *Minority substitute. Outer Continental Shelf. DNV (3-4). Failed 139-209.

(378) *To adopt rule (consider) Public Works/Energy Research Appropriations. DNV (7-0). Passed 363-0.

(380) *Public Works: To eliminate $12.6 million for land acquisition for Lone Tree Reservoir. Yes (3-8). Failed 156-244.

(381) *Public Works: To reduce expenditures across the board 5 per cent. Yes (8-3). Failed 129-270.

(382) *Public Works: Final passage, $9.55 billion for public works, water and power development. Yes (9-2). Passed 378-20.

(386) *Agriculture: Amendment to limit peanut price support to $59 million for 1977 crop year. No (0-11). Failed 175-229.

(387) *Agriculture: To reduce appropriations for food stamp program from $4.8 billion to $4 billion. Yes (9-2). Failed 184-222.

(388) *Agriculture: To reduce appropriations by 5 per cent. No (2-9). Failed 103-298.

(389) *Agriculture: Final passage, $11.70 billion for Ag Dept. and related agencies. Yes (11-0). Passed 377-26.

(390) *To adopt conference report, $3.3 billion in military construction authorization. Yes (11-0). Passed 375-20.

(392) *Military Construction: 5 per cent reduction in expenditures. Yes (7-3). Failed 151-232.

(393) *Military Construction: Final Passage, $3.4 billion. Yes (10-0). Passed 361-22.

(394) *Defense: To adopt rule (consider) Defense Appropriations. Yes (10-0). Passed 375-2.

(397) *Defense: To restore $10.1 million for consolidated helicopter pilot training, debate $17.5 million for separate Navy-Marine school. Yes (7-4). Passed 288-110.

(398) *Defense: To eliminate 1% add-on to cost-of-living increases for retired military personnel. Yes (9-2). Passed 331-64.

(399) *Defense: To eliminate $350 million advance procurement funds for Nimitz-class nuclear aircraft carrier. No (1-10). Failed 179-213.

(400) *Defense: To postpone procurement of B-1 bomber until March 1, 1977. Yes (2-9). Failed 186-207.

(401) *Defense: $105.6 billion for Dept. of Defense. ($1.2 billion less than administration's request; $13 billion more than previous year.) Yes (11-0). Passed 331-53.

(403) *To direct president to negotiate a treaty with Panama which "perpetuates U.S. sovereignty and control" over Panama Canal. Yes (9-2). Failed 157-197.

(404) *To use weaker "protect the vital interests of U.S." in renegotiation of Panama Canal treaty. No (4-7). Passed 220-130.

(405) *To reaffirm "protect the vital interest" language on Panama Canal treaty. Yes (11-0). Passed 339-12.

(406) *State Department authorization, $1.05 billion, including Panama Canal treaty instructions. Yes (10-0). Passed 327-22.

(407) *U.S. Information Agency appropriation, $269.1 million. Yes (10-0). Passed 313-25.

(408) *To adopt rule (consider) State/Justice/Commerce appropriations. Yes (10–0). Passed 326–8.

(410) *State/Justice: To increase funding for Law Enforcement Assistance Administration by $138 million. Yes (4–5). Passed 176–95.

(411) *State/Justice: To recommit with instructions to reduce by 5 percent. Yes (4–5). Failed 66–153.

(412) *State/Justice: $6.4 billion for Departments of State, Justice, and Commerce, and the judiciary and related agencies. Yes (8–0). Passed 208–9.

(414) *To extend Guaranteed Student Loan Program through Sept. 30, 1976. Yes (11–0). Passed 350–0.

(415) *Veterans: To increase by 8 per cent the rates of disability compensation for service-connected disabled veterans, etc. Yes (10–0). Passed 351–0.

(416) *Veterans: To extend "interim" 8% increase in pension benefits and provide, at beginning of 1977, a 7% increase in pension benefits for veterans and their survivors; similar increase for parents receiving dependency and indemnity compensation. Yes (10–0). Passed 354–0.

(417) *To permit 24-hour display of an all-weather flag, if properly illuminated. Yes (10–0). Passed 352–0.

(418) *To permit translator broadcast stations to originate limited amounts of local programming Yes (10–0). Passed 349–0.

(419) *Horse Protection Act: To prohibit the practice of "soring." Yes (10–0). Passed 346–6.

(422) *To eliminate bracket system of taxing large cigars, replacing with flat 8.5 per cent on wholesale price. Yes (11–0). Passed 269–138.

(423) *To prevent special tax on amounts inadvertently distributed by life insurance company and returned in same taxable year. Yes (11–0). Passed 339–66.

(424) *To extend suspension of duty on certain bicycle parts. Yes (10–1). Passed 370–41.

(425) *That Postal Service not close or suspend the operation of any small post office unless there is a compelling need to do so. Yes (11–0). Passed 399–14.

(426) *Bretton Woods Agreement Act Amendments (regarding International Monetary Fund). 2/3 required. Yes (6–5). Failed 264–147.

(427) *To tighten government control and set new procedures for transfer of cash receipts from food stamp vendors to federal government. Yes (11–0). Passed 407–0.

(428) *To extend Federal Energy Administration through Sept. 30. Yes (9–2). Failed 194–216.

(430) *To recommit conference report on International Security Assistance and Arms Export Control. No (5–6). Failed 128–279.

(431) *To adopt conference report, International Security Assistance and Arms Export Control. No (1–10). Passed 258–146.

(432) *To adopt rule (consider) HUD/Independent Agencies Appropriations. Yes (11–0). Passed 399–5.

(434) *To reduce HUD appropriations bill by 5 per cent. Yes (6–5). Failed 98–294.

(435) *$42.9 billion for HUD and independent agencies, including NASA and Veterans Administration. Yes (8–0). Passed 369–18.

(436) *To meet at noon June 23, 1976. Yes (6–1). Passed 180–43.

(437) *To elect Rep. Thompson chairman of House Administration Committee (to replace Rep. Wayne Hays). Yes (10–0). Passed 295–4.

(438) *To adopt rule (consider) conference report on Public Works Employment Act. Yes (10–0). Passed 393–7.

(439) *To delete Title II from conference report, Public Works Employment Act. No (5–6). Failed 153–259.

(440) *Public Works: To authorize funds for public works projects on which on-site labor could begin within 90 days; for grants to state and local governments, etc. Yes (9–2). Passed 328–83.

(442) *Labor/HEW: To increase funding for summer youth jobs program by $66.6 million. Yes (4–7). Passed 205–201.

(443) *To rise from consideration of H.R. 14232 and adjourn for the day. Yes (9–1). Passed 303–96.

(445) *Labor/HEW: To end debate on Skubitz amendment at noon. Yes (9–2). Passed 247–150.

(446) *Labor/HEW: To exempt farmers employing fewer than 5 workers from OSHA regulation. No (0–11). Failed 151–245.

(447) *Labor/HEW: To exempt farmers employing fewer than 11 workers from OSHA regulations. Yes (11–0). Passed 273–124.

(448) *Labor/HEW: To exempt any business employing 10 or less workers from OSHA regulations. Yes (11–0). Passed 231–161.

(449) *Labor/HEW: To increase funds for Center for Population Research ($8.7 million). No (0–10). Failed 122–278.

(450) *Labor/HEW: To increase by $24 million funds for mental health research and community centers. Yes (7–2). Passed 248–136.

(451) *Labor/HEW: To add $10 million for multipurpose senior citizen centers. Yes (6–4). Passed 318–67.

(452) *Labor/HEW: To prohibit funds for abortions. No (4–6). Passed 207–167.

(453) *Labor/HEW: To reduce expenditure 5 per cent, no program cut below previous level. Yes (9–1). Failed 143–218.

(454) *Labor/HEW: Cut expenditures 5% across the board. No (4–6). Failed 87–271.

(455) *To affirm increase in funding for summer jobs program. Yes (4–6). Passed 183–181.

(456) *Labor/HEW: No funds in bill may be used to pay for abortions. No (3–7). Passed 199–165.

(457) *To adopt rule (consider) Foreign Assistance Appropriations. Yes (10–1). Passed 304–45.

(460) *To adopt rule (consider) Interior Appropriations. Yes (9–0). Passed 348–8.

(461) *Interior: To increase ERDA energy conservation programs by $67.5 million. Yes (3–7). Passed 170–157.

(462) *Interior: To reduce expenditures 5%. Yes (6–4). Failed 84–219.

(463) *Interior: $5.6 billion to Interior Department and related agencies. Yes (10–1). Passed 295–1.

(465) *To adopt rule (consider) Transportation Department and Related Agencies Appropriations. Yes (10–0). Passed 329–0.

(467) *Transportation: To prohibit SST aircraft (Concorde) from landing in U.S. No (0–11). Failed 126–269.

(468) *Transportation: To prohibit SST landings at Kennedy Airport. No (0–11). Failed 170–228.

(469) *Transportation: To delete limit on obligations for Federal-Aid Highway and Highway Safety Construction programs during FY 1977. No (7–4). Passed 251–146.

(470) *Transportation: $5.3 billion for Department of Transportation and related agencies. Yes (10–1). Passed 376–21.

(471) *Foreign Aid: Adoption of conference report; $5.94 billion for FY 1976 and transition quarter. No (1–10). Passed 231–158.

(473) *Public Works: To adopt conference report on Public Works Appropriations; $9.7 billion. Yes (9–2). Passed 381–15.

(474) *To adopt conference report on continuation of community programs for alcohol abuse and alcoholism. Yes (11–0). Passed 386–6.

(475) *Agriculture: To adopt conference report on providing $12.6 billion for Dept. Agriculture and related agencies. Yes (11–0). Passed 372–27.

(476) *To reduce appropriations for World Bank's International Development Assn. ($128 million). Yes (9–2). Failed 165–229.

(477) *Foreign Aid: To reduce across the board 5 per cent. Yes (9–2). Failed 187–214.

(478) *Foreign Aid: To prohibit funds for production of palm oil. Yes (11–0). Failed 198–210.

(479) *Foreign Aid: To appropriate $4.8 billion for foreign military and economic assistance. No (1–10). Passed 238–169.

(480) *To authorize $1.05 billion for State Department and $88.4 million for U.S. Information Agency. Yes (7–3). Passed 358–45.

(481) *To designate Eagle's Nest Wilderness. Yes (9–0). Passed 388–13.

(482) *To adopt rule (consider) Mine Safety and Health Act. Yes (10–0). Passed 363–36.

(484) *To adopt rule (consider) on extending FEA Act. Yes (10–0). Passed 351–51.

(485) *To adopt rule (consider) Department of Defense authorization for FY 1977. Yes (10–0). Passed 363–41.

(486) *To extend the FEA Act through July 30, 1976. Yes (7–4). Passed 283–122.

(487) *To recommit conference report on Housing Authorization Act Amendments. No (2–9). Failed 157–250.

(488) *To adopt conference report on Housing Authorization Act Amendments. Yes (9–2). Passed 341–68.

(489) *To adopt conference report on $8.3 billion for Treasury, Postal Service, and Executive Office of the President. Yes (9–2). Passed 318–82.

(490) *To concur in Senate amendment banning GSA purchase of foreign flatware. No (4–7). Passed 206–201.

(491) *To adopt conference report, Airport and Airway Development Act Amendments. Yes (10–0). Passed 309–103.

(492) *Motion to recommit conference report on Department of Defense Authorization. No (0–10). Failed 112–298.

(493) *To adopt conference report—$32.5 billion for weapons and research and development. Yes (10–0). Passed 339–66.

(494) *To adopt conference report on Coastal Zone Management Act Amendments. Yes (10–0). Passed 391–14.

(495) *To adopt conference report on State/Justice/Commerce Appropriations ($6.7 billion). Yes (8–2). Passed 360–42.

(496) *To reject motion to discharge Interstate Committee from further consideration of Energy Actions 3 and 4. No (0–10). Failed 194–208.

U.S. STRATEGY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. FASCELL. Mr. Speaker, I call to the attention of the House the following commentary by C. L. Sulzberger as printed in the August 4 edition of the New York Times.

The ongoing discussion stimulated by Professor Gouré deserves our attention particularly in light of the many outstanding questions concerning Soviet ambitions and strengths. We have yet to comprehend fully the significance of Soviet involvement in Africa and of their growing emphasis on seapower. Only recently agreed on our calculation of the magnitude of Soviet defense expenditures, we continue to debate the meas-

urement of their overall military force. We should continue to review the elements that make up their overall strategic design to test whether our own assumptions are secure.

Professor Gouré is the director of Soviet studies at the Center for Advanced International Studies of the University of Miami. I heartily applaud the very important work that the center is doing.

The article follows:

[From the New York Times, Aug. 4, 1976]

ARE WE—OR IS OUR STRATEGY—MAD?

(By C. L. Sulzberger)

PARIS.—A gloomy stir has been created in NATO Europe by the University of Miami's publication of a book called "War Survival in Soviet Strategy," by Prof. Leon Gouré. The Russian-born Gouré emigrated to the United States in 1940, eventually becoming an adviser on civil defense to the United States Government.

He believes Moscow has never accepted the American idea of a balance of terror or that Dr. Strangelove idea, MAD—acronym for "Mutual Assured Destruction." The latter reckons if either superpower can count on retaining enough strategic nuclear weapons to destroy the other after suffering a surprise attack, no government could afford to risk war.

Former Defense Secretary Robert McNamara was the original prophet of the formula, and current Washington concepts of "mutual sufficiency"—meaning we need enough power to convince Moscow an assault would be insane—stem from it.

During the past week two formidable critiques of allied strategic thinking have been mounted, one in The Times of London by Lord Chalfont, once the paper's defense correspondent and a minister of state, the other in the widely circulated "Foreign Report" of The Economist. Both seem persuaded of the accuracy of Gouré's information and come to terrifying conclusions.

"I am deeply sorry if I tread on anyone's dreams," Chalfont writes, "but I feel bound to draw attention to the fact that the nuclear balance, always a fragile and uncertain edifice, is being demolished before our very eyes. . . . While the strategic arms limitation talks [SALT] have been going on, and partly as a result of American concessions during those negotiations, the Soviet Union has achieved a position of strategic nuclear superiority over the United States. . . .

"The nuclear balance ceases to exist at the moment when one side believes it has acquired the capacity to deliver an effective nuclear attack upon the other and survive the ensuing retaliation. My proposition is that the Soviet Union is resolved to acquire that capacity in the very near future."

"Foreign Report" predicts the U.S.S.R. will have valid strategic superiority by the end of this year and asserts its leaders believe they could then destroy an adversary without suffering unacceptable reprisals. It says Moscow has invested enormously in civil defense and survival programs while the Americans have unilaterally mothballed their antimissile defense system. Russian military writers believe their country's casualties in the nuclear war would be about equal to or even less than those of World War II.

Moscow has made civil defense into a separate service of the armed forces under a colonel general, according to "Foreign Report." Most new factories are built away from large urban areas and "Russian society is now equipped to go underground at short notice," with immense food stocks being buried. Missile sites have been hardened to about 15 times the strength of those in the United States.

In the past decade Moscow has spent more than $65 billion on assorted civil defense measures, compared with $17 billion in the United States. Frequent evacuation exercises are held in Soviet plants and there is a drumbeat of propaganda on preparedness.

The Russians are deploying ten new land-based ballistic missile systems and are already ahead of America in nuclear throw-weight, total ICBM's and submarine-launched missiles and megatonnage. By 1980 it is possible they may surpass the United States in strategic bombers. They have accelerated development of chemical and biological weapons while our program has been scrapped.

"Foreign Report" relates all this to a background of Kremlin sweet talk featured by last year's Helsinki European security accord. It quotes a Colonel Korzun as noting the "unpopularity of civil defense among the wide masses of the population" in the West.

I am in no position to judge the veracity of this information but it is certainly well within the realm of probability that approximately this kind of approach has been going on. For years something similar has lain at the heart of Chinese defensive strategy.

Chairman Mao was quoted long ago as telling French Socialists that even if half China's population was killed in a conflict, more than enough would survive for China to be victorious.

Surely the American people have a right to be informed about the truth of the statements made above so that they can debate whether it is necessary to revise our strategic assumptions. Mere national survival should be the paramount issue of this autumn's election. Are we—or is our strategy—MAD?

VOTING RIGHTS ACT REPEALER

HON. M. CALDWELL BUTLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. BUTLER. Mr. Speaker, I was delighted to see a resolution that the National Association of Secretaries of State passed at their annual meeting of July 21, 1976, calling for a repeal of the preclearance requirements of the Voting Rights Act of 1965.

The following resolution is provided for consideration by all Members:

RESOLUTION

Whereas, the National Association of Secretaries of State recognizes that from time to time various states may enter into legitimate disputes with the federal government concerning administration of the election law; and

Whereas, the NASS recognizes that such disputes may arise specifically concerning the Voting Rights Act of 1965, as amended; and

Whereas, a fair and impartial resolution of such disputes is necessary to preserve the proper relationship between the federal government, the various states, and individual citizens who are affected by the disputes; and

Whereas, the Constitution and legal tradition mandate that such disputes shall be resolved through the federal judicial process; and

Whereas, the substitution of an administrative decree for the judicial process is an abrogation of the proper legal procedures.

Now, therefore, be it resolved that the NASS supports an amendment to the Voting Rights Act of 1965, as amended, removing from the Justice Department the power of preclearance over election statutes promulgated by the various individual state governments; and

Be it further resolved that the NASS believes the federal judicial process should be utilized to ascertain the compliance or noncompliance of any state election statute with the Voting Rights Act of 1965, as amended; and

Be it further resolved that copies of this resolution be forwarded to each member of Congress and to the President of the United States.

Adopted by the National Association of Secretaries of State on this twenty-first day of July, 1976.

NUCLEAR WAR IN SOVIET MILITARY THINKING—THE IMPLICATIONS FOR U.S. SECURITY PART II

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. KEMP. Mr. Speaker, the second part of an important article, coauthored by my legislative assistant, Mary Rose Edwards, about the implications for U.S. security of nuclear war in Soviet military thinking follows:

While much attention has focused on the Soviet military build-up, very little attention has been devoted to the Soviet civil defense program, a program which must be considered destabilizing if the arguments which led to the ABM treaty are accepted. And only now is the Congress and the U.S. Department of Defense beginning to think of what the consequences of this preparation are in terms of our strategic thinking, and our own strategic capabilities.*

Two of this country's foremost experts on the Soviet civil defense program are Dr. Leon Goure, with the University of Miami's Advanced Institute for International Studies, and Mr. T. K. Jones, the top technical advisor to former SALT negotiator Paul Nitze, and current product evaluation manager of the Boeing Aerospace Company.[14] As part of the House of Representatives' consideration of the fiscal year 1977 defense authorization legislation, Jones and Goure appeared before the Civil Defense Subcommittee of the House Committee on Armed Services. And in a rare U.S. public forum on Soviet civil defense they discussed the implications of this program for U.S. national security.[15]

The Soviet civil defense preparations are the direct derivative of that country's strategic thinking, a strategic thinking which considers civil defense a determining factor in the course and outcome of a possible nuclear war. Commenting on this, the head of the Soviet Civil Defense Ministry, Colonel-General A. Altunin, in 1973 wrote:

"Under present conditions the preparation of the country's rear for defense against means of mass destruction has become without a doubt, one of the decisive strategic factors ensuring the ability of the state to function in wartime, and in the final analysis, the attainment of victory." [16]

Predicated on the belief that nuclear war is both thinkable and survivable—even capable of producing a victor—the Soviet Union has undertaken a civil defense program which, conservatively estimated, costs the U.S.S.R. approximately $1 billion annually in equivalent U.S. terms, or roughly $4 for every Soviet citizen. The Soviet Civil Defense Ministry has a permanent organization staff of some 72,000, which can be augmented by the U.S.S.R.'s 500,000 member police force, and the civil defense program is an integral component of all Soviet na-

Footnotes at end of article.

tional planning, from urban planning to industrial organization. This has led, among other things, to the dispersion of critical Soviet industries, (with 80% of all new industry having been dispersed to some one thousand new small and medium-sized towns built during the last decade), extensive bomb-resistant construction, low building density, and the stockpiling of a one-year food supply for population and livestock, with plans to expand the food supply further. Civil defense training is mandatory for all Soviet citizens; it is included in the school curriculum, and there is a twenty-one hour basic training program for all adults, followed by a mandatory twenty hours of refresher courses. In 1975, camouflaged as "military sport games", 23 million Russians of predominantly school age were involved in a detailed exercise of various civil defense role assignments. There continue to be reports of evacuation planning and staff exercises, and special towns have been constructed for this purpose.

The Soviet civil defense program is organized on the "territorial production principle", and oversight of the program extends from the Central Committee of the Communist Party of the Soviet Union and the Council of Ministers down through the republics, territories, regions, cities, to the district level. For analytical purposes the Soviet civil defense manual divides the CD role into three groups. The first group includes tasks related to civilian population protection, e.g., basic education in the preparation and construction of protective shelters, and the evacuation and dispersion procedures from the urban centers. In the second and third groups tasks relating to increasing the survivability of the industrial facilities, the execution and rescue of emergency repair, among others, can be found. And it is not by accident that this program embodies the recommendations which resulted from the U.S. strategic bombing survey of Nagasaki and Hiroshima, a study undertaken to assess the precautions necessary to survive a possible future nuclear attack on the United States. All steps, then, which are necessary to guarantee population and industrial survival and political continuity in the event of a nuclear war are covered in the Soviet civil defense program.[17]

Can the Soviet Union's civil defense program be dismissed as mere propaganda? The attention to detail, and the amount of time, human and financial resources that are being devoted to this program would make this a very expensive exercise indeed. Nevertheless, it would be an effort well worth the expense if the United States could be led into believing that it did not have the capability to inflict 'assured destruction' on the Soviet Union. From available evidence, however, it is apparent that the Soviet civil defense preparation is more than mere propaganda.* The Soviet leaders for substantive reasons, consider CD of major strategic significance, as critical a component of defense as the active capabilities of its military.

In an effort to verify the Soviet claims regarding the viability of their CD program, Mr. Jones, with the support of the Boeing Aerospace Company, has undertaken a number of studies. These studies revealed that Soviet claims of minimal population losses (three to four percent of their total population, or some 7 to 11 million people) in a U.S. nuclear retaliatory attack, appear quite realistic.

In testimony before the House Armed Service Committee, Jones discussed in some detail the survival prospects of the Soviet population from a U.S. second strike. Jones made the disclosure that if all the weapons in the U.S. retaliatory arsenal were delivered against Soviet territory, they would destroy all the people in an aggregate area equal only to three percent of the Soviet land area; the people in the remaining 97 percent of the land were would survive. These figures assume that the population was not protected by buildings or terrain, and all blast, thermal and radiation effects of the weapons detonated were above ground. Assuming even simple protection, such as foxhole-type shelters, the area covered by U.S. weapons would be reduced to about one-third of one percent. If the U.S. weapons were detonated at ground level, the lethal fallout might cover about ten percent of the Soviet land area (variations would result from such factors as wind, rain, and topography). But such a detonation would reduce by half the lethal area of the U.S. weapons against the urban-industrial targets, and people could be protected from the fallout. Soviet population evacuation and dispersal to a U.S. attack would reduce fatalities to about eight percent of the total population (some 20 million), even if the evacuees were not protected from fallout. This fatality level could, however, be reduced even further. If the evacuating population built simple shelters fatalities could be kept to about two percent. (Shelters capable of holding ten people, with a blast resistance of forty pounds per square inch, and a radiation factor of about one thousand, would take only a matter of hours to build, and directions for their construction are included in the civil defense training). Assuming a U.S. retaliatory attack were directed against the Soviet urban-industrial areas, the weapons were burst above ground, and the population was evacuated without protective shelters, Soviet fatalities would be slightly over two percent. The estimates for the Soviet population loss as a result of a U.S. nuclear retaliatory attack then range between six and twenty million. Such a population loss compares with the loss of twenty million Russians during World War II, and some thirty million self-inflicted losses during the Stalin purges of the 1930's.

Even under the most adverse conditions to the Soviet Union, testimony before the House Armed Services Committee revealed, a U.S. retaliatory attack could destroy only about 70 million Russians, or 27% of the Soviet population. But the level of fatality to the Soviet population would be determined largely by factors the Soviet Union controlled, such as the level of evacuation and dispersal, and whether or not even primitive shelters were built. The highest official U.S. estimate that 100 million Russians could be killed in a U.S. retaliatory attack presupposes that the Soviet urban population would remain concentrated in the cities, an expectation that is wholly without foundation, given Soviet strategic thinking and the extent of the civil defense preparation.

Soviet industrial centers, like the urban population, could withstand a U.S. retaliatory attack. Industrial survival rate estimates range from fifty to ninety percent, with damage so limited that machinery would not have to be rebuilt. By changing from two workshifts a day to three, the Soviets could more than adequately compensate for damaged machinery, and need not suffer a loss of productive capacity. In the Boeing studies undertaken to estimate the effectiveness of the Soviet industrial protective measures, using the Seattle-Tacoma area as a labortory, preliminary results indicated that the civil defense measures were particularly effective against low-yield, low accuracy characteristics of the surviving U.S. retaliatory force. The preliminary results revealed further that if the Soviet industrial targets were attacked with the Poseidon and Trident warheads, and these targets were protected in the way prescribed by the Soviet civil defense manual, only 25 to 50 percent of the targeted industry would be destroyed in the primary area. The supporting industries would have an even better survival rate e.g., 75% of the blast furnaces, 75% of the foundries, 90% of the machine shops, 80% of the aircraft-related industries, and 80% of the steel fabrication facilities survived. In short, the preliminary results of the Boeing studies confirmed the feasibility of the Soviet civil defense program.[18]

Having discussed the impact of a nuclear exchange on the Soviet Union it would serve well to discuss the possible impact of such exchange on the United States. The U.S. Defense Civil Preparedness Agency undertook a post-nuclear attack study (PONAST II) on the survival and recovery prospects of the United States and the Soviet Union. A hypothetical massive nuclear attack upon the United States by the Soviet Union, followed by a U.S. counter-attack, was considered.

The scenario presupposed the Soviet Union delivered 1,400 warheads, with 6,800 megatons, on the United States. Approximately one-third of the Soviet megatonnage was delivered to U.S. urban industrial targets, with the remaining going to U.S. military targets. The scenario further presupposed that 10 percent of the U.S. urban population had evacuated the large cities.

In this postulated attack, 109 million people, or 43 percent of the U.S. population survived.

The 57 percent population loss is explained by the fact that the U.S. population is concentrated in only 140 cities with no effective civil defense program. (For the United States to inflict an equivalent amount of damage on the Soviet population, 1,000 Soviet cities would have to be attacked and the Soviets would have to fail to implement civil defense procedures).

In the study, U.S. industry labor force survival generally coincided with the overall population survival rate.

Because U.S. manufacturing facilities are not protected against nuclear blast, only 27 percent of the U.S. manufacturing industry received light or no damage. Electric power, raw materials and transportation survived at higher rates, and presented little constraint for U.S. recovery.

Seventeen of 50 federal government agencies with 22 percent of their employees survived, and the Governors and principal elements of 20 of the 50 state governments survived.

The study concluded it would take the United States some 60 to 90 days to restore operation of the federal government, and some 6 years to effect a civil recovery to the 1965 per capita level of production.

While the PONAST II study was very controlled, the variables reflected what are considered to be realistic conditions of nuclear war.[19] The study could not, of course, assess the untold human suffering that would result from a nuclear exchange. Significantly, however, the study showed that despite lack of preparation, the United States as a nation survived the postulated nuclear attack. Nuclear war, then, is survivable. As such, no country can afford to mortgage its future on deterrence alone, particularly a deterrence posture that is not backed up with the capability or will to actually carry out the threat, or a deterrence posture that lacks credibility. Despite the spectre of mass destruction raised by the possibility of a nuclear war, the Soviet belief that nuclear war is survivable—even winnable—must be given credence. Indeed, the U.S. National Academy of Sciences in a report published last year, concluded that man, the biosphere, and its ecosystems would survive nuclear war. This conclusion contrasts sharply with the widely prevalent belief in the United States that the superpowers have enough nuclear weapons to destroy not only each other, but the entire world many times over, so-called overkill. The simple truth is that the United States has never possessed overkill capability, as it is commonly understood. Both public officials and popular perceptions have been overly impressed with the aggregate numbers of strategic weapons systems and the technical properties of these weapons, without proper

Footnotes at end of article.

regard given to the tactical and strategic doctrines which underlie the use of these weapons. The fallacious assumptions and simplified interpretations regarding the awesomeness of nuclear weapons have then led to the continuing belief in the myth of overkill. Commenting on overkill at a Harvard-MIT seminar Mr. O. C. Boileau, the President of the Boeing Aerospace Company observed:

"Ever since the Soviet Union got its first nuclear weapon, the American policy has been to deter nuclear conflict rather than to attempt to win it. I'm sure that most Americans believe that if the Soviet Union were insane enough to attack us, it would be annihilated by the U.S. retaliation. 'Overkill' has become a buzz word. We're told that the U.S. has the capability to kill every man, woman and child in the Soviet Union many times over.

"Actually, the U.S. has never had this kind of capability. We do have more than enough capability to kill the people in Russia's cities, provided they don't leave town. But the term overkill is nothing but mathematical fiddle-faddle; it has nothing to do with reality. After all, you could put the world's entire population in one piece of territory 19 miles in diameter, and kill them all with half a dozen bombs." [20]

The misconceptions in this country regarding overkill, and the belief that stability exists through mutual assured destruction, particularly in this age of detente, have made thoughtful and objective analysis concerning the political and military threat confronting the United States extraordinarily difficult. Yet while the United States has advocated a policy of stability through MAD it has done so unilaterally, with the result that this country may not in fact have the capability to inflict assured destruction on the Soviet Union in a retaliatory attack, thus placing the credibility of the U.S. deterrence posture in doubt. The Soviet Union, by contrast, has prepared for the possibility of nuclear war, and is prepared to emerge from such a war with a viable social, economic and political order. The consequences of the asymmetry in U.S. Soviet strategic thinking are, then, significant. As Professor James Dougherty has cautioned:

"As technology develops, the anxiety of nation-states which are really free to pursue policies of their own choosing still prefer to base their security on some form of deterrence or power balance than on the expectation of disarmament and effective international peacekeeping. Perhaps this will strike many as illogical. But the realm of international politics is governed by more than logic, and often by less. When we think about national armaments, we have to think not only about how we would like nations to behave—based on the ethical and rational ideals of Western civilization—but also about how nations do in fact behave." [21]

The Soviets have undertaken a massive military build-up in conventional and strategic forces; they are making rapid technological advances in strategic arms, and they have undertaken an intensive civil defense preparation program. These efforts combine to pose an ever-growing threat to U.S. security and global stability. Dr. Malcolm Currie has estimated that by late 1977 the Soviet Union could launch an ICBM attack against the United States, absorb a retaliatory and counter-military attack, and still have the capacity to attack strategic Chinese and NATO targets and have more throw-weight than the United States. Indeed, since 1973 the Soviet Union has enjoyed substantial post-exchange superiority. The Soviet post-exchange advantage has continued to grow since that time, and it has now become evident that nuclear parity with the United States was never a Soviet objective. On the contrary, available evidence indicates that the U.S.S.R. is seeking superiority over the United States in every significant area of military power. If nuclear superiority is devoid of any operational meaning, as Secretary Kissinger has argued, the relevant question is why do the Soviets seek it? A look at the historical record would indicate that the Soviets have aggressively attempted to exploit their military capability for political purposes, even when they were strategically inferior to the United States. Soviet strategic superiority would, then, likely result in an intensification on their part to translate military might into political ends. They would seek the fruits of war without the cost of war.

Were the Soviets directly or indirectly to bring their strategic edge to bear during an international crisis, the U.S.—or its allies—might easily be intimidated. Given current strategic realities, any Western leader might hesitate to challenge a direct Soviet military threat when a vital interest of the U.S.S.R. was at stake, much less employ strategic weapons in the event of lower-level Soviet aggression. It is for this reason that the credibility of the U.S. deterrence posture must be questioned; and it is for this reason that the United States must continue to pursue vigorously those strategic programs designed to enhance the U.S. counterforce capability. If the United States is to have a credible nuclear deterrent its strategic missiles must have greater accuracy to compensate for the payload and launcher advantages allowed the Soviets under SALT I. Further, this country's strategic weapons must be able to accommodate the Soviet civil defense program by having the capability to hit Soviet targets that have been hardened to withstand nuclear attack. As Congressman Jack Kemp has argued, "Our weapons will always have the capability to knock down buildings and blow off roofs in the Soviet Union. But the machinery in those buildings may be hardened against inaccurate (low-yield) weapons. Such hardening would enable the Soviet Union to restore production much more rapidly than the United States, where machinery is fully exposed to the effects of Soviet weapons." [22] Additionally, however, it is also important that the United States undertake its own vigorous civil defense preparation. Recognizing the importance of such a program Senator Howard Baker (R-Tenn.), in a speech before the U.S. Senate observed:

I believe that an expanded civil defense effort is an important ingredient of the U.S. defense posture, that such an effort would discourage nuclear blackmail and therefore, contribute to detente, and that civil defense, coupled with arms limitations, would constitute the harbinger of a more realistic peace than any state of 'mutually assured destruction' could bring about.[23]

It is increasingly evident that detente has encouraged false hopes and stimulated wishful thinking in the West regarding Soviet intentions and the goals that can be set for improving relations between the superpowers. In fact, there is no true detente between the United States and the Soviet Union, even where detente is defined in a minimum way to mean the acceptance of a stable military balance between the two powers. Much less is there a true detente if that word is defined more broadly as a situation in which both powers agree to pursue foreign policies which are essentially status quo in nature. The danger, however, now exists that the United States, beguiled by its own moral principles and the horror of nuclear war, may be making nuclear war increasingly thinkable, and perhaps even increasingly likely. The time has come, therefore, to reassess U.S. strategic thinking and educate the American public to the realities of the nuclear age. For only then will it be possible to determine the adequacy of the nation's foreign policy and defense posture.

FOOTNOTES

*See, for example, the hearings announced by Senator William Proxmire (D-Wisconsin) in the April 14, 1976 Congressional Record, p. 10995. Under the Chairmanship of Senator Proxmire the Joint Committee on Defense Production has begun a "comprehensive review of the nation's industrial, economic, and civil readiness—the first such congressional review in over 25 years."

[14] The importance of the studies undertaken by Messrs. Jones and Goure on the Soviet civil defense program cannot be overemphasized. Dr. Goure's most recent book, *War Survival in Soviet Strategy* is the most definitive book available on this subject today. (Coral Gables, Florida: Center for Advanced International Studies, University of Miami, 1976).

[15] See "March 2, 1976 Hearings."

[16] *Soviet Civil Defense in the Seventies*, p. 27.

[17] The translation of the Soviet civil defense manual is available to the American public through the U.S. Department of Commerce, National Technical Information Service. See e.g. "Civil Defense, Moscow, 1970, ORNL-TR-2793" and "Civil Defense, Moscow, 1974, ORNL-TR-2845."

*Countering the critique that large-scale evacuation cannot be successful unless the population has the experience of frequent exercises, Mr. Jones in his testimony before the Armed Services Committee cited the results of a recent Stanford Research Institute study. This study concluded that the most important preparatory measures for a successful civil defense are planning and the existence and training of the cadre which will direct evacuation operations. As Mr. Jones pointed out, the evidence is that the Soviets are implementing these preparatory measures.

[18] For a detailed discussion see the following: "March 2, 1976 Hearings," testimony by Mr. T. K. Jones. See also Mr. Jones' *Trends in the Strategic Balance and Their Significance*, (Washington, D.C.: The Institute of American Relations, 1976).

An excellent and concise review, not only of the Boeing Studies, but also of Soviet strategic thinking and the current strategic balance can be found in "Nuclear War: A Soviet Option." This paper was presented by O. C. Boileau, President, Boeing Aerospace Company, to the Harvard-MIT Seminar on Technology and International Security, Boston, Massachusetts, March 23, 1976. Hereafter referred to as "Nuclear War: A Soviet Option."

[19] U.S. Defense Civil Preparedness Agency, PONAST II. This study was recently undertaken by an interagency study group comprising over twenty federal agencies at the request of the Joint Chiefs of Staff. The briefing is unclassified. For a discussion on the same subject see: "Briefing on Counterforce Attacks," Committee Hearings, Committee on Foreign Relations, U.S. Senate, January, 1975. At these hearings former Secretary of Defense Schlesinger detailed the casualties and destruction expected to result from nuclear counterforce attacks against U.S. military installations.

[20] "Nuclear War: A Soviet Option," p. 13. For a brief illustration of the importance of military doctrine see William Schneider, Jr., "The Military Balance on the Korean Peninsula," in *Korea in the World Today*, ed. Roger Pearson (Washington, D.C.: Council on American Affairs, 1976) pp. 23-39.

[21] See James Dougherty, *How to Think About Arms Control and Disarmament* (N.Y., N.Y.: Crane, Dursak, & Co., 1973), p. 7. This study was published for the National Strategy Information Center, Inc. An important contribution to the current debate concerning the adequacy of this country's deterrence posture is made by Paul Nitze. See "Assuring Strategic Stability In An Era of Detente," *Foreign Affairs*, LIV (January, 1976), pp. 207-232.

[22] See *Congressional Record*, April 8, 1976, p. 9969-9972.

[23] See *Congressional Record*, June 24, 1975, p. 20462-63.

*See news conference by Dr. Malcolm Currie, Director of Research and Engineering, The Pentagon, February 26, 1976.

ENERGY'S EFFECTS ON ECONOMY AND UNEMPLOYMENT

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. HILLIS. Mr. Speaker, as the United States begins to gear up for the final 8 weeks of this year's election, I believe it will behoove us all to reflect upon some of the major issues being discussed by the candidates. It is already apparent that two of the major issues which will be receiving a great deal of attention are unemployment and the state of our economy. We all know through a simple understanding of economics that unemployment and the state of the economy are closely associated. However, it appears from the discussions I have heard so far this year that another major factor which affects these two issues, as much as they affect each other, has been forgotten. The factor being our declining energy situation.

In talking about unemployment, the discussion always seems to center around the debate over the Humphrey-Hawkins bill. In discussing our economy, we always seem to rely upon figures which describe the inflation rate and/or the proximity to which American business approaches our maximum industrial capacity potential. It is most disturbing that we seldom hear about the role which our energy situation plays in the scenario of future economic and employment growth. By focusing our attention solely on unemployment, inflation, and our industrial output, it appears to me that we are trying to solve the problem by attacking the symptoms.

During the next decade, millions of new jobs will be required if we are to take care of our increasing national work force. The only way our free enterprise system can produce these needed jobs is through a growing and healthy economy. If our economy fails to grow, unemployment surely will. I do not believe it is necessary to point out that high unemployment benefits no one. When the unemployment rate increases, we all feel the effects.

If the unemployment rate is to be reduced, and if the economy is to grow, the United States must have increased supplies of energy. It is unfortunate that the American people, and seemingly most candidates for public office, fail to understand this vital relationship. A recent Gallop poll indicates that only 2 percent of the voting population considers our energy situation the most important national issue. I am convinced that this lack of concern is due, in large part, to the lack of attention most candidates have given to the role energy plays in improving our unemployment and economic situations.

In a time when the Congress and the administration should be working overtime to develop a national energy policy designed to free the American people from dependence on OPEC oil, Time Magazine this week reports, and I quote:

Today, Project Independence is largely dead; Federal energy analysts concede that there is no way for the U.S. to become totally independent from foreign oil.

While we may not be able to become completely independent of imported oil, I believe we can at least reduce our dependence substantially.

The United States passed from an era of cheap, abundant energy into an era of shortages and expensive fuels. I realize that this situation is hard for the American people to comprehend having grown up in a life style based on cheap mobility and a seemly abundant amount of energy resources to meet whatever demands might occur. Americans have come to believe that our affluence is not a product of fortuitous circumstances, but is an inevitability. Our affluence has made it almost impossible for the American people to visualize anything but the preceived status quo of inexhaustible natural resources. Nevertheless, the United States must face the hard fact that our dependence on imported crude oil is a threat to our future well-being and to our present efforts to improve the economy.

In 1976 the United States will pay $35 billion to import oil. This money will slow the U.S. economic recovery through a transfer of payments to the OPEC nations and thereby reduce consumer buying power. With the attitude adopted by this Congress of "let's worry about tomorrow's problems tomorrow," this transfer of payments and reduced purchasing power will continue as oil imports increase. We cannot wait until 1980 or 1985 to begin serious attempts to solve our energy shortages. It may now be too late to avoid serious and harmful ramifications of our past neglect of our energy resources—it certainly will be too late if we do not act until 1980.

As the opinion leaders of this country, it is the duty of the Congress to convince the 98 percent of the American people who do not place our energy situation on the top of their list of potential problems that they may be shortsighted. Congress must not delay its decision on what scenario we are to use in solving our energy problems. I do not think we need to engage in an argument concerning the pros and cons of nuclear power or any other potential source of new energy at this point since the need for some type of scenario surpasses the desirability of any one particular course of action.

In conclusion, I strongly urge everyone running for office this year to address himself to our energy situation. We must be willing to become educators of the American people if we are to expect them to support efforts by the Federal Government necessary to insure America's freedom from imported oil. I disagree with the analysts of Time magazine—Project Independence is not dead, but is merely asleep.

PARK MEMORIALIZES A BEAUTIFUL WOMAN

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. BOLLING. Mr. Speaker, the memorials we create are present to remind us of persons and events of singular value. One such memorial, Brown Memorial Park in Merriam, Kans., helps us to recall past struggles for human dignity steadfastly fought for by Esther Brown of Kansas City. Mrs. Brown was instrumental in bringing the 1954 school desegregation case to a decision by the U.S. Supreme Court.

A recent column in the Washington Post poignantly tells of the beauty, the compassion, and the strength of this remarkable woman and her family who gave of themselves that we all might experience more fully opportunities which once belonged to only a few.

[From the Washington Post, Aug. 17, 1976]

PARK MEMORIALIZES A BEAUTIFUL WOMAN

(By Richard Cohen)

KANSAS CITY.—Anyone who ever saw Esther Brown says she was beautiful. It's a word that appears over and over again—beautiful. Beautiful in the editorials that were printed when she died six years ago of cancer, and beautiful in the eulogies that were said for her and beautiful, finally, in the picture that hangs on her husband's living room wall—a dark-haired woman of classic looks, posing with her husband, Paul Brown.

But there is no mention of her beauty on the simple wooden sign that says Brown Memorial Park in the Kansas City suburb of Merriam, Kan. Around the corner from the park is the old black school and nearby also is the former all-white school and in between is the park named after Esther Brown because she managed to make the two schools one. She got mad or concerned or, some people said, crazy, and she went to work. When she finished and slapped her hands in satisfaction, the Supreme Court of the United States had outlawed segregation in the public schools. That was 1954 and Esther Brown was instrumental in bringing that case to a decision.

So we sat in Paul Brown's car on a drizzly day and he told how he had brought his grandson to the park. "He played on those things," he said pointing to the swings and climbing equipment. I looked, and then I looked back at Brown. His face was puffy and he was struggling with a tear. "I get a chill when I come here," he said. And then he pulled himself out of it, saying once again how ironic it was that the town had named a park for his wife.

In 1950, of course, they had run the Browns out of town.

I looked up Paul Brown because there is a Republican National Convention here and some of the delegates still won't forgive the Browns for what they did. They are still arguing here about busing and school aid and the rights of the states to run their schools as they please. I looked him up also because when you're at a convention you can start to think that everyone who is important is here and that it is always the politicians who make things happen. Esther Brown never believed that and after the 1954 decision when she once referred to herself, she said, "Little people like us."

There was, of course, nothing little about Esther Brown and her husband, Paul. If

you ask him what it was like for them, he hands you newspaper clippings. They tell the story. They say that in 1948, Esther Brown, a middle-class housewife and something a causist, got into a conversation with her black maid, the two of them deciding right on the spot that blacks as well as whites should use the new school in the South Park area of Merriam. The black school was a mess, the sort of structure that mocked the separate-but-equal doctrine. It had outdoor toilets and in the winter, when the wind drove the rains, water came into the building, accumulating on the floor.

So Esther Brown organized. She led meetings at the Philadelphia Missionary Church in the black section, finally taking the kids out of school and teaching them herself. She petitioned the school board and it responded. The board would provide the black school with a mailbox and a stop sign on the corner. Mrs. Brown hired a lawyer, a black man named Elisha Scott, and they sued.

Soon, the Brown's phone was ringing—late-night calls, threats to their children, shouted obscenities. A cross was burned on their lawn. Paul Brown, recently out of the Army and working for his father, was called in one day. His father didn't like Esther's activity one bit. "Tell your wife to stop," he ordered. Paul Brown cleared out his desk that day. Soon he had to borrow money for the groceries.

"They didn't understand her," he said. "They thought she was a crazy Jewish girl, a radical." The "they" was mostly everyone—members of the family, their neighbors, even people in the black community. In 1950, the Browns moved back to Kansas City, but Esther Brown did not quit. She pressured the NAACP to challenge school segregation laws and, finally, they picked their spot—Topeka. It was Esther Brown who found Oliver Brown, a Topeka black man and asked him if his daughter, Linda, would become a plaintiff. The rest, as they say, is history—Brown vs. The Board of Education of Topeka.

Esther and Paul Brown did not work on their own. Others were bringing similar cases elsewhere. The NAACP was moving across the nation. The time had come. But this is no reason to discount what the Browns did, to forget the late-night phone calls, the fear they had for their own children, the cross on the lawn, the way it hurts when members of your own family say—as they did say—enough, Esther, think of your own children.

The other day, Paul Brown took me around. He showed me places that should have historic markers on them—the old black school, the once all-white school, the house where the maid lived, which is now an empty lot, and the church where Esther Brown did her organizing. It was not an easy thing for him to do. Later, he drove me back downtown to my hotel. Delegates and journalists were on the street, milling around, talking about important things, while Paul Brown and I said goodbye. They did not know that the 58-year-old man was Esther Brown's husband.

Everyone says she was a beautiful woman.

CONGRESS IS THE CULPRIT IN RUNAWAY SPENDING—PART II

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. ASHBROOK. Mr. Speaker, in the January 20 CONGRESSIONAL RECORD, I pointed out that Congress must bear the ultimate responsibility for runaway Federal spending. It is, after all, the votes of Congressmen that have made such spending possible. No money can be spent without specific authority. And the Congress has been all too willing to give its authority.

The 94th Congress especially deserves to be called the spendthrift Congress. It has spent billions of dollars that our Nation simply does not have.

This year it is estimated that the budget deficit will run in the neighborhood of $43 billion. This follows on the heals of last year's $70 billion deficit. Such massive deficits are the major cause of our present inflation and unemployment problems.

I have selected a number of key votes occurring during the first 8 months of 1976 which show the irresponsible spending engaged in by the House of Representatives. Anyone looking at these votes should be able to understand why the Federal Government is going deeper and deeper into the red. In each case I voted for the reduction or against the additional spending.

Rollcall No. 93. H.R. 12203, a bill appropriating $5.3 billion for foreign aid programs for fiscal year 1977. Passed March 4, 214 to 152.

Rollcall No. 137. H.R. 12566, a bill authorizing $811 million to the National Science Foundation without necessary restrictions to prevent wasteful research projects. Passed March 25, 358 to 33.

Rollcall No. 214. House Concurrent Resolution 611, an amendment to balance the budget and hold the increase in the public debt to $15.1 billion. Defeated April 29, 105 to 272.

Rollcall No. 286. Conference report on H.R. 9721, to provide for increased financial participation in the Inter-American Development Bank and initial participation in the African Development Fund. Passed May 20, 257 to 120.

Rollcall No. 372. H.R. 14114, a bill to increase the limit on the public debt by $73 billion over a 15-month period. Passed June 14, 184 to 177.

Rollcall No. 476. H.R. 14260, an amendment to reduce U.S. contributions to the International Development Association by $128 million. Defeated June 29, 165 to 229.

Rollcall No. 534. Veto override of S. 3201, a bill authorizing an additional $4 billion for public works projects. Passed July 22, 310 to 96.

Rollcall No. 542. H.R. 7743, a bill authorizing an initial $38.8 million to revitalize the Pennsylvania Avenue corridor. Passed July 26, 225 to 149.

Rollcall No. 633. Conference report on H.R. 14232, a bill appropriating $56.6 billion to the Departments of Labor and Health, Education, and Welfare—approximately $4 billion over the budget. Passed August 10, 279 to 100.

GRAND JURY ABUSE

HON. JOHN L. BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. JOHN L. BURTON. Mr. Speaker, sometime next year the Members of the House will face the issue of Federal grand jury reform. Currently, the Judiciary Subcommittee on Immigration, Citizenship, and International Law, chaired by our colleague Representative JOSHUA EILBERG, himself a leading figure in the drive for a just and fair grand jury system, is holding hearings on the numerous pieces of grand jury reform legislation that have been introduced.

These hearings are extremely important. For too long the veil of secrecy over grand jury proceedings has hidden prosecutorial conduct, conduct that a free society cannot tolerate. Unfortunately, though, the hearings have received nowhere near the public attention they deserve.

On Thursday, July 29, Representative JOHN CONYERS was one of the several congressional witnesses who testified before the subcommittee. I feel that his remarks raise important questions that we all need to consider, and I insert an excerpt from them in the RECORD at this point:

TESTIMONY OF THE HONORABLE JOHN CONYERS, JR. BEFORE THE HOUSE JUDICIARY COMMITTEE, SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, AND INTERNATIONAL LAW, JULY 29, 1976

GRAND JURY REFORM ACT OF 1976

If FBI Director Clarence Kelley were to come before Congress tomorrow and request that Bureau agents be granted subpoena power, the Congress would overwhelmingly rebuff Mr. Kelley's request, as it has done in the past with similar requests from Mr. Hoover. The idea of giving FBI agents—or U.S. attorneys or any executive branch criminal law enforcement officials for that matter—compulsory process authority is unthinkable. Nations that allow law enforcement officials to compel people to answer questions and punish those who refuse are police states, not democratic societies. Congress would not dare give law enforcement officials such unaccountable discretion, especially now that we are so painfully aware of the FBI's track record on civil liberties.

Yet, in reality, the FBI now has that discretion anayway. The FBI currently can compel people to asnwer questions and punish them if they refuse, and the Bureau has gained this dangerous power not through a statute debated by the representatives of the American people, but through the ill-defined authority of the grand jury.

The process is simple. It can begin anytime a person approached by FBI agents refuses to answer their questions, and that, it appears, is a course that growing numbers of people the FBI seeks to interrogate are taking, for a variety of reasons. Many, particularly activists and suporters of political groups we now know the FBI has been systematically disrupting over the years, basically do not trust the FBI enough to give it information, any information. They may feel that by visiting their homes and workplaces, the FBI is chilling their right to engage in political activity and warning others to stay away, too. They may feel that the FBI has no right to traipse through their personal lives. They may be outraged by arrogant FBI attempts to intimidate them into answering, or they may be aware that giving false information to the FBI is a crime and, rather than risk giving an incorrect answer, decide to remain silent.

In any case, the law does not care why a person refuses to answer FBI questions. Every person has the legal right to slam the door in an FBI agent's face if he or she so chooses.

Once a person refuses to answer questions, however, FBI agents have ways to step up

their pressure. Talk to us, they say, or you will have to talk to the grand jury. Sometimes the threat of a grand jury subpoena and all the disruption and unfavorable publicity that could mean will scare a person who intended to remain silent into answering questions. But the FBI's subpoena threat is not an idle one, and should the person steadfastly reiterate his or her legal right not to answer FBI questions, the Bureau can alway have it executed. A quick phone call to the nearest cooperative U.S. attorney is often sufficient to produce the grand jury subpoena sought. Sometimes phone calls are not even necessary. The U.S. Attorney in my home city of Detroit, for example, openly stated last summer that FBI agents are sent out to question witnesses with subpoenas in their pockets. If a prospective witness does not cooperate to the extent the FBI sees fit, out comes the subpoena.

For the FBI's unfortunate target, the grand jury subpoena nullifies the legal right not to talk to the FBI. Once inside the grand jury chamber, the same questions the FBI agents wanted answered are asked by federal prosecutors, and this time the inquiries *must* be answered. If witnesses should invoke the Fifth Amendment, then the prosecutors, by simply obtaining the approval of the Attorney-General, can "immunize" them. Continued silence at this point brings contempt and an incarceration that will last as long as the grand jury's term and can be begun again with the convening of a new grand jury. By such a process, the FBI can have someone thrown into jail for an indefinite period without ever having to produce a shred of evidence of the person's criminal activity.

I wish that the above scenario were only an idle theoretical exercise. But it is not. In case after case over the past six years Justice Department officials have used the grand jury to railroad—the only word that adequately describes a situation where there are no accusers, accused or evidence—their enemies and irritants behind bars. The Nixon Administration pioneered this strategem, and many researchers have studied the incredible extent to which the Nixon-Mitchell Justice Department bent the grand jury system to its needs. But let us be absolutely clear about one thing. We are not talking about past history. We are not talking about the sorry exploits of a Richard Nixon and a J. Edgar Hoover that must not be allowed to happen again. We are talking about horrors that are continuing at this very moment. The stories of the Ft. Worth Five, the Harrisburg Eight and Prof. Samuel Popkin, to name some of the more celebrated grand jury victims of the Nixon years, are fairly familiar to anyone who has read on the grand jury issue. Let me note briefly here some appalling instances of grand jury abuse that are the responsibility of the *present* Administration.

I can start, arbitrarily, with Cynthia Garvey, a young Oakland woman active in various Bay Area radical political activities. At the height of the FBI's embarrassment over its failure to find missing heiress Patty Hearst, Ms. Garvey was approached by FBI agents, presumably because she had once been, but no longer was, close to one of the people involved with the SLA. Ms. Garvey had no sympathy for the SLA, and she mac'e this no secret. She refused to cooperate with the SLA defense in a subsequent criminal trial. But Ms. Garvey also did not trust the FBI, feeling strongly that the Bureau was eng.ged in a desperate search for scapegoats, and she refused to answer FBI questions. She was then subpoenaed, immunized and jailed for contempt when she refused to answer the same questions before the grand jury. In all, she was behind bars for about nine months in 1975. Counting time off for litigation, the government took the better part of a year out of her life before releasing Ms. Garvey at the expiration of the grand jury's term last September.

It is still not clear how much time the government will take out of Lureida Torres' life. Ms. Torres is an unemployed New York City schoolteacher. She is also a member of the Puerto Rican Socialist Party (PSP), which is basically why she is presently in jail. For over a year now the government has been investigating a series of bombings that ripped New York City between October, 1974, and October, 1975. The FALN, a tiny fringe group that backs independence for Puerto Rico, claimed credit for the blasts, and last fall, the government, frustrated in its search for the FALN bombers, began indiscriminately questioning anyone who believes (or believed) in Puerto Rican independence, apparently under the theory that anyone who supports independence for Puerto Rico might have something to do with the bombings. Right from the start of these widespread aggressive "visits," the PSP, many of whose members were being approached, suspected that there were ulterior m tives to the FBI's interest in the party. Members felt the FBI was trying to discredit the party, which had denounced the FALN terrorism, by tying it to the bombings, thus discouraging people from attending the July 4th demonstration the PSP was helping to plan in Philadelphia and also hurting the party's chances in the upcoming island elections.

In January, Ms. Torres refused to let FBI agents into her apartment. They had her subpoenaed, immunized and finally, after litigation that went all the way up to the Supreme Court, jailed at the end of June. Needless to say, there is no evidence that Ms. Torres is involved in any bombing. Yet she is in jail, and will be there until the end of October when the term of the grand jury expires and may then be resubpoenaed and reincarcerted by a new grand jury.

The fact that Ms. Torres can be jailed indefinitely because she would not answer FBI questions does not, I suppose, faze some people. Ms. Torres is, after all, a radical, enough reason for some people to believe she should be behind bars. There is, however, a more sophisticated rationalization for the ordeal Ms. Torres is undergoing. Ms. Torres (or any of the dozens of political activists incarcerated for civil contempt), according to this reasoning, is not in jail because the government wants her there. The government merely wants information. Ms. Torres has brought incarceration upon herself by stubbornly refusing to supply that information. Far from being incarcerated "indefinitely," she is free to go at any time. All she has to do is testify. The keys to her jail cell, runs the cliche that has appeared in numerous judicial opinions, are in her pocket.

This reasoning is seductive, but, at its heart, constitutionally bankrupt. Karen DeCrow, the president of the National Organization for Women (NOW) and an attorney who has written widely on legal issues, exposed it strikingly in a speech she gave early last April to demand the release of three women then in jail for grand jury contempt—Jill Raymond, a Kentucky feminist, JoAnna LeDeaux, a Native American legal worker from South Dakota, and Veronica Vigil, a Colorado Chicano activist. Said Ms. DeCrow:

"All they have to do is testify. What does that mean? It means that all Jill, JoAnna and Veronica have to do is give up their Constitutional rights to silence, to privacy, to political association; all they have to do is answer any question the FBI wants answered; all they have to do is help the FBI stuff its intelligence files on the feminist, Native American and Chicano movements; all they have to do is give the government information that can be manipulated to send their coworkers and friends to jail; all they have to do, in short, is forget their consciences."

If the many Englishmen and women in centuries past who sacrificed their freedom and even lives to struggle against inquisitorial tyranny had forgotten their consciences, we would have no Bill of Rights today.

What will halt the modern, inquisitorial use of the grand jury? The safeguards I noted earlier, as valuable and necessary as they are, are not sufficient in themselves. Preventing more "Ft. Worths" requires a broader set of changes, and of those I would isolate the following as fundamental.

(1) Reduce the prosecutorial control over the grand jury's subpoena power. No subpoena should be issued unless first approved by at least 12 grand jurors. If a prosecutor cannot justify issuing a subpoena to the grand jury from whose authority the subpoena derives, it should not be issued. We must realize, however, that sometimes a prosecutor may be able to justify an improper subpoena to 12 grand jurors. Witnesses, then, must be able to ask the court to quash subpoenas that are either punitive, would impose an unreasonable burden or are designed to collect information for the trial of a person under indictment. H.R. 2986 and H.R. 11660 include such provisions, as does H.R. 6006, which was introduced by our colleagues, Rep. Robert Kastenmeier and Rep. Tom Railsback.

(2) Prohibit confinements where the request to testify is based on a violation of the witness' constitutional or statutory rights. H.R. 1277 prohibits confining a witness who has been asked to testify on the basis of a violation of the federal wiretap law. H.R.s 2986, 11660 and 6006 extend this prohibition to include all witness rights. In other words, if material is illegally seized from a person's home, that person could not be incarcerated for refusing to answer grand jury chamber questions about the illegally seized materials.

(3) Limit contempt confinements to six months. All the omnibus bills include this key provision. It also appears in H.R. 14146, which Rep. Holtzman has introduced.

(4) Make grants of immunity conditional on the consent of the witness, the court and the grand jury in addition to the government. This "consensual immunity," which is provided for by H.R.s 2986, 11660 and Rep. Robert Drinan's 11870, is the single most important change in the grand jury system that we can make.

Immunizing a witness is a very serious step to take, one that should not be taken until the particular case involved is subjected to the closest scrutiny. The purpose of making immunity "consensual" is to provide this scrutiny. First, the government would have to make the determination that a person's testimony is so valuable that it would be willing to trade safety from future prosecution for it. The grand jurors would then have to make a similar determination. Is the community's best interest served by shielding the witness in question from all future prosecution? If the grand jurors decide it is, then an offer of immunity can be made to the witness, who would be free to *accept or reject it.* If the witness accepts, however, the grant of immunity may still be nullified by the supervisory court involved, if the bench, for instance, should determine that the prosecution and the witness have conspired to create an "immunity bath."

Under current law, only the Attorney General need approve an immunity order. The 1970 Organized Crime Control Act reduced the court to a mere rubberstamp in the immunization process.

This same legislation also created the highly controversial limited "use" immunity. I agree with the growing sentiment that this quasi-immunity must be abolished, but the simple substitution of full "transactional" immunity for use would leave immunity co-

crcive, and it is this coercive aspect of the present immunity statute that makes it the most dangerous inquisitorial weapon in the prosecutorial arsenal. It is the Justice Department's power to force witnesses to testify that has turned the grand jury into what some critics call "a trap door" to prison.

I recognize that witness consent has never been required by past U.S. immunity statutes. On the face of it, this would seem to indicate that consensual immunity is a bold, new departure that might, as the Justice Department would have us believe, wreak havoc in the administration of criminal justice. As Attorney General Levi told this Subcommittee June 10: "The practice of providing immunity against the use of compelled incriminatory testimony has an unquestioned tradition in English legal history.

This assertion is, at best, an oversimplification of a complex historical record. It would certainly shock the English people whose struggles against the hated *oath ex officio*, the Medieval compulsory testimony legalism, laid the groundwork for our Fifth Amendment. It is also instructive to note that despite the "unquestioned tradition" the Attorney General alludes to, there was no immunity provision in the United States criminal law until 1954. The first such statute was passed at the height of the anticommunist hysteria and was aimed specifically at "Fifth Amendment Commies," those beleaguered souls who stood on their Fifth Amendment rights when grilled by such powerful witch hunters as Sen. Joseph McCarthy. The opposition to this precedent-setting legislation, our Attorney General might be interested to know, included O. John Rogge, a former Assistant U.S. Attorney General in charge of the Criminal Division of the Department of Justice.

"An immunity act will add little, if anything, to our store of knowledge in this field," Mr. Rogge later wrote. "By passing an immunity act in order to obtain this possible additional mite, we give up part of our heritage. The cost is too great."

"(I)n order to try to reach the illusion of the additional information which such acts hold out to us," Mr. Rogge explained in an eloquent passage that deserves our attention and praise:

"We take a step in the direction of the inquisitorial technique, and degrade individuals by giving them the choice either of confessing their sins and naming their associates or going to jail. We give up part of our birthright for less than a mess of pottage. Our accusatorial method has helped us to develop a more independent and mature citizenry than will be found in eastern countries. With us an individual does not have to be submissive when the state points an accusing finger at him: he has the right to remain silent, along with a right to counsel, to a formal accusation, to bail in nearly all cases, to a public trial, to be confronted with his accusers, and to be proved guilty beyond a reasonable doubt. We should not let any of these rights atrophy, least of all the right of silence. The compulsory confession of one's sins and the naming of one's associates may be standard operating procedure in authoritarian regimes, but is unbecoming a free people."

By recommending that the government's power to compel testimony by immunizing away the Fifth Amendment be conditional on the targeted person's consent, I am not recommending anything more than a return to the status quo as existed in this country's criminal law before 1954. Before that time the government had no legal means in a criminal matter to force an American citizen to give testimony over that person's Fifth Amendment objection. From 1954 until 1970 the types of criminal cases where involuntary immunity could be used were extended until immunity was applicable to any offense in the Federal Criminal Code. For the past six years we have lived with this far-reaching involuntary immunity statute on the books, and we have also lived with one Ft. Worth after another. It is time to admit that our experience with involuntary immunity has been a disaster.

But what about organized crime, the shibboleth that is invariably invoked to justify the slashing of our citizens' rights? Will the abolition of involuntary immunity prove a devastating roadblock to the successful prosecution of mobsters? Common sense would seem to tell us that a grant of immunity provides little incentive for a genuine mob figure to talk. Against the government's threat of contempt confinement if the subpoenaed hoodlum doesn't inform, the other side has the none-too-subtle threat of physical reprisals if he does.

In addition, we have no evidence that expunging involuntary immunity from the criminal code would hamper legitimate organized crime prosecutions. It is virtually impossible to measure statistically the instances where involuntary immunity has been essential to a successful prosecution, for to do so, one would have to know not only the number of successful prosecutions claimed, but also whether the witness would have testified if the immunity had been offered, not forced, or if the threat of a possible indictment for noncooperation would have been incentive enough to produce testimony.

Finally, even if the effectiveness of a coercive immunity statute could be demonstrated, how can society "balance" the "side-effects" involved? In the Ft. Worth case, the government manipulated involuntary immunity to upset the lives and smear the reputations of five witnesses who were never charged, tried or convicted of a crime. How many mobsters have to be sent up for how many years to balance off what happened at Ft. Worth—or at Camden, Tucson, Harrisburg, Detroit, Lexington, New Haven, New York, Rapid City, all the other Ft. Worths we have and still are witnessing?

"The history of liberty," Justice Felix Frankfurter wrote some years ago, "has largely been the history of procedural safeguards."

This Subcommitee, this Congress, has the opportunity to add a significant chapter to the history of liberty. Let us not leave this chapter unfinished. Let us give the grand jury process a solid shield of safeguards from which it can withstand government attempts to abuse it. It took Congress 185 years to take a searching look at the grand jury system, and it may well be another 185 years before this important institution comes under such close scrutiny again.

"SPIRIT OF '76" AIRSHOW HELD IN NASSAU COUNTY

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. WYDLER. Mr. Speaker, the people in my congressional district in Nassau County, Long Island, were recently treated to both an excellent air show and an exciting speaker, Astronaut Bruce McCandless II. Mr. McCandless, in his excellent speech, touched upon the history of aviation and the Space Shuttle, giving those in attendance a wonderful opportunity to view the remarkable progress that has been made in the short history of men in flight.

With your permission, I would like to share Mr. McCandless' words as well as my remarks of introduction, with you:

MR. WYDLER'S REMARKS IN INTRODUCTION OF ASTRONAUT BRUCE MCCANDLESS AT NASSAU COUNTY—"SPIRIT OF '76" AIR SHOW

I think the most surprising aspect of this Air Show is the fact that we haven't had one for such a long time in this most appropriate place. Long Island has a romantic past from Lindbergh to the development of that strange but reliable beast, the Lunar Module. Every important figure in the first half century of American Aviation used Long Island as home base—from Jimmy Doolittle to Amelia Earhart. But I'm not going to stand here and recount a lot of names and aerospace firsts for you—I'd rather take this opportunity to remind you of a quality these pioneers shared and which the aerospace industry, and indeed the country, must retain. That is, the spark of innovation zeal.

Here on Long Island the aerospace industry is such a vital part of our economy that its future is literally a bread and butter issue. Although activity is down from the peak days of Apollo, there are some positive trends and the fact that Nassau County's unemployment is below the national average reflects that. We've got two firms in this district doing Space Shuttle subcontracting and, in addition, filling the needs for the F–14 and A–10 planes should provide a continually improving economic base.

I think we're seeing a generally positive trend for aerospace as the country recovers from its anti-technology binge of the early 1970's and defense needs become more pressing. Every R&D dollar the government spends on aerospace is returned sevenfold and the export of aerospace goods results in the biggest plus in our balance of payments outside of agriculture. So let's not lose sight of just how valuable this activity has been in providing international economic strength, as well as prestige.

From my position as Ranking Minority Member of the Aviation and Transportation R&D Subcommittee and Member of the Space Science and Applications Subcommittee, I've been involved in key decisions on government's role in aerospace for well over a decade. Today, I want to repeat my encouragement to NASA and the industry, that they look beyond today's problems and provide a strong advanced technology base so we can always have new projects to stretch our minds and wills.

In the course of my Committee work, I have continually been impressed by the quality of people that NASA has assigned to key roles of responsibility in the Agency. Commander Bruce McCandless, our visiting astronaut, is no exception to this pattern.

He comes from a strong academic background—first, at the Naval Academy, and then at Stanford University. He has gained flying proficiency in virtually every high performance aircraft the Navy uses, including helicopters, and yet has found time to pursue a spectrum of hobbies from electronics to scuba diving. He is representative of the accomplishments of the Agency and the quality of its personnel. He has been involved in the Apollo and Skylab Missions as an experimental investigator in addition to performing back-up and support crew duties.

Let us look ahead with hope for both the Nation and technology's future. Certainly with a renewal of the pioneer spirit this country will continue to push back technology's frontiers. I'm sure that with people such as Commander McCandless involved, those frontiers will continue to provide us with an improved quality of life while we protect a fragile environment. But let's not deceive ourselves, meeting this challenge will require lots of hard work but with great rewards.

Let me close with the words of a great President, and great environmentalist, after whose aviator son one of Long Island's historic airfields was named. Theodore Roosevelt said of men like Bruce McCandless and his fellow astronauts:

"It is the man who does actually strive to do the deeds; who knows the great enthusiasm; the great devotions; who spends himself in a worthy cause; who at the best knows in the end of the triumph of high achievement—and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory nor defeat."

MR. MCCANDLESS' SPEECH

Thank you Congressman Wydler.

It is indeed a pleasure to be with you today at this magnificent air show; to participate in recognizing and honoring Long Island's historic role as the "Cradle of American Aviation;" to reminisce a bit about the history of aeronautics; and, to talk briefly about our country's future manned space program, the Space Shuttle.

During this Bicentennial Year, it is appropriate that we pause and reflect upon our heritage and our national progress during the past 200 years. In this connection, we give special recognition today to the people of Long Island and to the honor roll of aerospace industries situated here: Grumman, Republic, Glenn L. Martin, Sperry, Curtiss-Wright, and United Aircraft.

The important experimental flights of Glen Curtiss were conducted here in Uniondale, and the takeoff of Lindbergh's solo transatlantic flight in 1927 was from Roosevelt Field. During the 1930's, the combination of a growing healthy commercial aviation enterprise and a military policy supporting continuous development of new types of aircraft as technology advanced put a solid floor under the enormous and vital war-time expansion of the early forties. From the now venerable but still flying Republic Seabees, from the Navy fighters of the so-called "Grumman Iron Works," the foresight, creativeness, and capabilities of the people of New York have kept pace with the coming of the age of space. It was only a few scant miles from this coliseum that Grumman built the lunar modules that took men—American men—to the lunar surface and back six times, flawlessly, and it was a Grumman lunar module that saved the day following the near-catastrophic explosion onboard Apollo 13.

The history of man's attempts to fly, of course spans much more than our 200 bicentennial years. Dating from Babylonian scripts of 4,000 B.C., flight by man has been a dream through the ages, largely frustrated until the beginning of the 20th century.

Only in 1783, just seven years after the signing of the Declaration of Independence, did the Montgolfier brothers in France discover that an inverted paper bag would hold and be buoyed up by hot air. They were the first to send a balloon into the air—using paper of their own manufacture, and carrying for its crew some barnyard animals.

In 1869, a gentleman by the name of Marriott built a balloon-airplane, which he called "Avitor," that used steam for power. It made 5 miles per hour on its trial trip to California.

And in 1903, Orville and Wilbur Wright, in the first successful flight of a "heavier-than-air" plane, attained a speed of 31 miles per hour. Inside the coliseum today there are models, replicas, or photos of many of these early machines.

In 1927, at the time of Lindbergh's flight, the speed of aircraft had risen to approximately 110 miles per hour. Four years later, Wiley Post circumnavigated the globe in 8 days! Only 29 short years after that, John Glenn circled the Earth three times in 4 hours and 55 minutes!

Today the bulk of our air traffic move at slightly less—about 85%—than the speed of sound, or about 600 miles per hour. Some notable exceptions are carrying passengers at more than twice the speed of sound over major portions of their routes. In space we talk in terms of 17,500 miles per hour for vehicles in low Earth orbit and 25,000 miles per hour on lunar missions.

The speed at which man can travel can be considered an index of his technological progress. The increase in aeronautical speeds from 5 miles per hour to 25,000 miles per hour over the relatively short span of 107 years is indeed remarkable. In the preceding thousands of years of mankind's history, man's speed had never before exceeded the speed of the fastest horse—about 35 miles per hour.

In our space programs, speed has generally not been pursued as an end in itself. The required velocities to perform various missions are unalterably determined by the laws of physics—as discovered, not written, by man.

As an interesting sidelight, the startling progression in reductions of time to circumnavigate the Earth—from Jules Verne's "Around the World in 80 Days," to Post's 8 days, to the 90 minutes required by spacecraft in low Earth orbit—may well have reached a minimum. In space, if you try to go faster, the orbit becomes larger, and it actually takes *longer* to complete a revolution; if you make the orbit much smaller than that corresponding to a 100-mile altitude, the spacecraft sinks into the atmosphere, heats up, and reenters.

Our future manned space vehicle, the Shuttle, like all of its predecessors—Mercury, Gemini, and Apollo—will be reentering the Earth's atmosphere at the end of its missions at these high, nearly orbital, velocities—supersonic speeds to be sure—and creating sonic booms. Unlike the supersonic transport, which has stimulated much concern about noise pollution, there is no other way to fly the Shuttle—there is no other way to come back from space except by decelerating through the supersonic regime in the atmosphere.

Just as we have learned to use trucks, trains, ships, airplanes, and other means of transportation to improve our standard of living, so we are now adapting the use of space transportation for the benefit of man. The National Aeronautics and Space Administration is embarking on a phase of space *exploitation* in contrast to space *exploration*. The ability to realize scientific and economic gains is largely dependent on the capability to transport goods to and from space in a safe, straightforward, and economical manner.

We at NASA recognized that the next great breakthrough must be the development of a transportation system that will simplify and economize travel from Earth to space—a system that will remove the stringent limitations on payload weight and that will be largely reusable—the *Space Shuttle*.

It is officially called the Space Shuttle, but it is really a *space truck* to haul large loads into and out of Earth orbit routinely and economically. The accomplishment of this task is as tough as going to the Moon—in some ways it is more difficult. The Shuttle is intended to be the "DC-3" or "Gooney Bird" of the space era—the unglamorous utilitarian vehicle.

The drive to develop the Space Shuttle began in early 1970—less than a year after Armstrong and Aldrin made history as the first human beings ever to set foot on the Moon.

As it is now being built, the Shuttle consists of a reusable manned aerospace craft, called the "Orbiter," mounted on a large liquid-propellant tank and two reusable solid-propellant rocket boosters.

The orbiter itself will resemble a delta-winged airplane, about the size of a medium-range jetliner, and will have a cargo bay 60 feet long and 15 feet in diameter. It will be capable of carrying over 32 tons of payload into orbit in this way, and of returning 16 tons to Earth.

The Space Shuttle will be manned by a professional crew of three, consisting of a pilot, copilot, and mission specialist. Besides the crew, there are accommodations for up to four payload specialists. The crew and specialists will not require space suits enroute and will undergo forces of not more than 3g's during launch and reentry. We are building this vehicle to accommodate a wide cross-section of average healthy human beings, men and women, rather than selecting only those few who are qualified to be astronauts, and are now accepting applications from additional prospective crewmembers.

The greatest benefit of the space transportation system will be to the multitude of payloads that can go into space aboard the Shuttle. The Shuttle will provide the double advantages of a more economical launch vehicle and greater payload capacity, making possible more payloads of less sophisticated and, therefore, less costly design.

With the Shuttle automated satellites can be repaired or serviced by men in space, or returned to Earth for refurbishment and reuse. Thus, when the Shuttle becomes operational, it will carry into space almost all of the nation's payloads, as well as payloads for international groups and other nations. NASA estimated that up to 60 missions a year will be required to handle the volume of space payloads anticipated during the 1980's.

As one of the many Orbiter payloads, a unique international venture by the European Space Agency will invest more than $350-million of its own money in building a modular space laboratory—Spacelab—to be carried in the Orbiter. It will be capable of supporting several different categories of experiments and investigations and will be able to operate in orbit for up to 30 days.

After completion of its orbital mission, comes perhaps the most crucial part of the Shuttle flight, and that is reentry. We are taking a big step there. As you can imagine, the Orbiter gets very hot during entry and must have a superb thermal protection system. This system consists of a lightweight silica material that looks very much like flat bricks attached to the skin of the vehicle—leading to innumerable wisecracks about this being the world's first brick airplane!

The Orbiter will descend the last 13 miles of altitude to touchdown in about 4½ minutes. Near the ground it will flare to an approach like that of a modern fighter, with a touchdown speed nominally around 200 miles per hour. Since the returning Orbiter lacks propulsive power, however, every landing is a "dead stick" landing and only the first one counts; but the Orbiter is engineered and planned so that each vehicle will fly over 100 missions.

The first flight stage of the development program is the approach and landing test to be conducted at Edwards Air Force Base in early 1977. There, we will carry the Orbiter aloft, mounted on the back of a Boeing 747, and release it for landing tests.

Our first orbital test missions will also recover at Edwards Air Force Base where we have the large dry lake on which to land the Shuttle. Later missions will both launch from and recover to the Kennedy Space Center in Florida.

It's going to be an intriguing program to the pilots involved because the Orbiter is what is called a control configured vehicle with a digital fly-by-wire control system—

without a conventional backup. This will be the first testing of an aircraft that is completely digitally, electronically controlled—computer controlled—with no mechanical linkage between controls and control surfaces.

The Space Shuttle system is now entering its period of peak development and testing, leading to the first manned orbital flight in mid-1979, and is being developed without increase to the present level of the NASA budget—which is running about 1¢ out of the federal tax dollar.

When the Shuttle becomes operational, the cost savings to the nation over a 12-year period beginning about 1980 are estimated at a total of $12- to $13-billion.

There are good scientific and technical reasons for doing all these things I have mentioned, but the major advantage of the Space Shuttle is in the economics. We expect that when the Shuttle starts flying regularly in the eighties, the cost of launches will be down by a factor of ten for large payloads. And, in addition, just as Skylab and Apollo did, the new, more cost-effective Space Shuttle will open more avenues to science, stimulate the development of advanced technology, inaugurate the age of manufacturing production in zero gravity, and perhaps provide solar power from space to help solve our energy crunch.

From the first days of powered flight, the United States has played a leading role in the development of aviation. Through the steady application of new technology, we have continually developed faster, safer, larger, and more reliable aircraft. In recent years, the United States has been absolutely preeminent in the high technology marketplaces of the world. Today, 85% of the commercial aircraft flying in the free world are of U.S. manufacture. The economic benefits of this alone have been very substantial.

Satellites, too, will get bigger and more versatile, and they will play a more and more dominant role in the commercial, cultural, scientific, and political life of the Earth's population; bringing us into the international age. The communications have been the first to go commercial, the first to pay their own way. But more and more, NASA is becoming a service organization rather than just a research and development agency. For example, out of the 21 launches scheduled during this year, 17 of them are reimbursable from other countries, other governmental agencies, or commercial firms.

We have found space an extremely useful place to be. We have found that space gives us a unique capability to look out towards the universe without the veil of our atmosphere—it gives us the capability to look back at the entire Earth in perspective and to see how its many complex parts interact and affect one another—it provides a unique laboratory for investigating things as diverse as the growth of crystals in a gravity-free environment and the adaptation of men to the space environment.

The scope of what we can do in space is already great. The knowledge we have gained thus far is only the beginning, and men with vision will look ahead to the future.

From Columbus and Washington—to Bell and Edison—to the Wright brothers and Goddard—to Glen Curtis and John Glenn—to the scientists and engineers of today, our nation's history tells the story of civilization's march forward because men of faith and skill lived and worked together.

Not only does 1976 mark the 200th Anniversary of our Declaration of Independence and the first ringing of the Liberty Bell, but it is also the 100th Anniversary of the telephone, the 50th Anniversary of the first liquid-fuel rocket launched by Dr. Robert Goddard, and the 49th Anniversary of Lindberg's flight. Last month also marked the 7th Anniversary of the first lunar landing and the 1st Anniversary of the first international meeting in space. At this very moment we are engaged on the surface of Mars aimed at the determination of whether or not life exists there.

What will the people of 2176 remember as they look back over the next 200 years? Perhaps the words of Dr. Goddard, who is known as the "Father of American Rocketry," could serve as a motto for each of us during this Bicentennial Year:

"It is difficult to say what is impossible, for the dream of yesterday is the hope of today, and the reality of tomorrow."

WATERWAY DAMAGE THROUGH CARELESS FOREST HARVESTING—STILL UNCORRECTED

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. BROWN of California. Mr. Speaker, a great deal of evidence on the destructive effects of clearcutting close to watercourses was submitted in both the Senate and House hearings on the issue of national forest management. Cases of salmon fishery problems due to rises in water temperature which harmed the spawning process—temperature increases caused by removal of cooling foliage along the cold-water rivers and streams in Washington, Oregon, and Alaska—were cited. Problems with debris and nutrient runoff polluting our waterways due to careless forest harvesting practices causing needless soil erosion were listed, with some of California's streams holding the top posion for degree of damage.

Such testimony shocked me at the time and continues to do so. This is a very definite problem which should have been addressed in the House Agriculture Subcommittee on Forests' bill on national forest management recently reported to the full committee. But no section of this bill, H.R. 15069, contains any reference to this problem—no improved guidelines, no clarification of intent, no directions whatsoever. It is a serious matter which needs attention.

I would like to insert in the RECORD the following letter which appeared in the Mendocino Grapevine in July 1976. It is a clear summary of one of the many cases of damage to our waterways by careless forest harvesting. I hope my colleagues will take a brief moment to skim the material put forth within:

JUAN CREEK DESTRUCTION

DEAR GRAPEVINE: In the early fall of 1975 I began hearing a lot of talk about a very poorly managed logging operation in the Juan Creek watershed north of Westport which was so destructive that it may have been in violation of state forestry practices and water quality law. The Juan Creek watershed is characterized by very steep slopes, and the state requirement was for cable logging which keeps bulldozers off of these slopes.

Louisiana-Pacific was the owner of this piece of timberland, with the James Waibel Co. of Oregon doing the actual logging and hauling. Why local people were not employed at Juan Creek I didn't find out until later.

The complaints that I heard were mostly that this beautiful little stream was being degraded, and the returning salmon-steelhead runs killed off by silt, topsoil, slash, trash, and debris of all kinds being shoved either into or too close to the stream by the logging company. Friends in Westport (including a sensitive logging truck driver-fisherman friend of mine), and people living at the mouth of Juan Creek, were in agreement that the stream had been clear-running before logging began in the watershed, that the fish were beginning to return, but that with the first fall rains, the creek became a muddy torrent, full of sediments and debris.

In February of 1976, we asked the state to investigate the situation for violations of the Porter-Cologne Water Quality Act, and the State Forestry Practices Act. This began with a personal Fort Bragg interview with Mr. Robert Rappleye, the State Forestry Inspector in charge of inspecting the Juan Creek operation. Mr. Rappleye assured me that all was in compliance.

On March 4, Mr. Gary D. Weatherford, Deputy Secretary for Resources, wrote to thank us for our concern, and said that the matter would be investigated by Mr. Larry Richey, State Forester.

On April 5, Mr. Bill B. Dendy, Executive Officer of the State Water Resources Control Board, wrote to say that the degradation of Juan Creek and its watershed had been going on for 20 years, but that the current logging operation appeared to be in compliance with state water quality requirements.

On May 11, Mr. Richey, State Forester, wrote to say that his staff had investigated the matter and failed to confirm any of our contentions. He went on to say that Forestry Inspector Rappleye had been making regular inspections, had found violations of forest laws in the operation, but that those that were correctable had been corrected.

Mr. Richey's implication that uncorrectable damage had been done to Juan Creek and its watershed by the current logging operation was the first break in the stonewall.

On May 14, we wrote to Governor Brown, explaining the situation, and asking that state records of the operation be released to us for our review. The matter was turned over to Claire Dedrick, Secretary for Resources, a dedicated conservationist, and one of Governor Brown's most important appointments.

On June 15, Mr. Thomas L. Neil, State Forest Ranger-Ukiah, sent the inspection records. With the arrival of these records, part of the Juan Creek story can now be told; but only part, as there was no information sent on the uncorrectable violations that Mr. Richey mentioned in his May 11 letter.

Beginning on June 6, 1975, Inspector Rappleye reported that the Waibel loggers had not disposed of non-biodegradable refuse, litter, trash, and debris as required by state law.

On December 23, he again reported these violations, and in addition, reported that slash and debris had not been removed from below the stream transition line. Mr. Rappleye also commented that state law requires trees cut within 50 feet of a stream to be felled as nearly as possible at right angles away from the stream.

On January 14, 1976, Mr. Rappleye again reported both violations of State Forestry Practices Law, and finally on January 16, 7 months after the original report had been filed, and after the winter rains had washed logging silt, slash, and debris into Juan Creek, Mr. Rappleye reported the violations as being corrected.

A June 23 phone call to Mr. Bill Smith, an L-P forester in the Ukiah office, confirmed what we knew already: The Waibel Oregon logging outfit had been called in to log Juan Creek because . . . "no one locally could meet state requirements for cable logging," and that, "We hired them to log Juan Creek during the winter to keep them off unemployment."

What this statement means to every logger in this area is that unless L-P and the rest of the local logging companies get their acts together to start meeting the new state logging requirements, there is going to be increasing numbers of logging jobs farmed out to logging companies out of the area who have the desire to stay in the business, and the environmental conscience and good business sense to use the new logging techniques which drastically reduce the damage to soils, watersheds, and streams.

What we have learned so far about Juan Creek raises questions. Among them:

Why did it take 7 months, including the period of heaviest rainfall from the date of the first citation for violation of state forestry practices and water quality law, for L-P and the Waibel Company to clean the slash, non-biodegradable material, and other logging debris out of the Juan Creek transitional zone?

What are the uncorrectable violations that State Forester Richey mentioned in his May 11 letter? Why weren't they revealed?

Why was it required for L-P to hire an Oregon company to log at Juan Creek? Why is there no one locally who has the equipment to meet California logging requirements for steep slopes? If L-P, G-P, and the rest of the locals intend to stay in the logging business, as they say they do, why aren't they investing some of their enormous profits in equipment which would drastically reduce the logging damage to soils, watersheds, and streams, and which they are going to be required to use if they intend to stay in the logging business? Do these companies intend to cut out as fast as they can for the next 10 years or so, and then go into the real estate business when the timber supply is exhausted?

The whole sorry Juan Creek affair, even the small part of the story that the state and the logging companies have allowed us to see so far, points again to the near desperate need for forestry practices and water quality reform legislation which would give much more consideration to soils, watersheds, streams, and wildlife; which would withdraw steep, unstable, and marginal lands from logging entirely; and which would limit timber harvesting to large, dead, and mature trees only.

Coming next! Ukiah State Forest Ranger Nell has agreed to inspect Georgia-Pacific's virgin redwood clearcut on Big River for violations of state forestry practices and water quality law. Forester Bill Richards of the Ukiah office will do the inspecting, and will respond directly to those interested. This was the clearcut that was described in a State Parks Department internal memo as the worst waste of valuable timber that the author had seen, with virgin redwood logs in one canyon—criss-crossed and splintered, and apparently felled down hill rather than up. It made the author wonder as to the effectiveness of the new Timber Practices Act. This clearcut and the circumstances surrounding it was written up by Nicholas Wilson in the May 6 Grapevine.

RON GUENTHER,
Fort Bragg.

KISSINGER—A FORD LIABILITY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. DERWINSKI. Mr. Speaker, we are often told that politics should stop at the water's edge. But it is really difficult to separate foreign policy from domestic political considerations. This truism has never been quite appreciated by Secretary Kissinger. In my judgment that accounts for the growing complications he has encountered in the Congress and the effective manner in which Governor Reagan was able to attack Kissinger policies during his Presidential campaign.

Frank Starr, longtime Moscow bureau chief for the Chicago Tribune and now a columnist with that publication, accurately analyzes the situation in his column on August 25:

FOREIGN POLICY FUROR SHOWS KISSINGER AS A FORD LIABILITY

(By Frank Starr)

WASHINGTON.—Last February Henry Kissinger told a reporter that if it ever became obvious to him that his presence was a burden to President Ford's campaign, he would quit his post.

Last week, a bare six months later, Kissinger was clearly a burden. In fact for a few hours he endangered Ford's nomination. Now he pretends it didn't happen. The incident raises the question whether Kissinger will continue to place his own concerns before the President's as the fall campaign continues.

The issue was that innocuous little statement of principle on foreign policy that the Reagan people wanted the full convention to insert in the platform. Except for a few buzz words intended to set Kissinger on his ear, the Reagan plank restated principles that every Republican holds dear.

Against principles like avoiding "undue concessions" in negotiation and remaining aware of "the nature of tyranny" were balanced the buzz words: "Alexander Solzhenitsyn," "detente," "the Helsinki Pact," and "secret agreements."

The Ford staff saw the plank accurately as a ploy to draw the White House into an unnecessary defense of Kissinger at the cost of seeming to oppose sacred principles of openness and anticommunism.

They were barely squeaking through on the crucial floor vote to defeat rule 16-C that would have required Ford to name his running mate before he himself was nominated. They weren't about to dilute their slim margin on such a questionable and unnecessary platform plank. "Accept it," they said. "It's not worth a fight."

Back in Washington, however, Kissinger had read the local press accounts and had reacted violently. Soon he was busy persuading Ford to oppose it. Ford hesitated, then sought a compromise.

As the platform debate drew near late Tuesday evening, Senators Strom Thurmond (S.C.) and Roman Hruska (Neb.) and Rep. David Treen (La.), representing Reagan and Ford, were standing in the back of the hall looking over compromise language which Kissinger had helped to draft. Thurmond checked with the Reagan people: "No deal." As late as 11:30 p.m. Ford floor leaders didn't know what their position would be. Ford was being urged not to fight. At 11:45 came the first sign he had decided to accept the Reagan plank. At 12:30 it passed by voice vote.

To win that internal struggle, it had been necessary for Nelson Rockefeller, Kissinger's old patron, to telephone and persuade Kissinger the White House would argue that the plank represented the basis of foreign policy as already practiced. Thus, Kissinger was told, the plank was not a personal attack on him, but was simply a tactical move by the Reagan forces.

If Kissinger looked sour as he sat watching the convention Thursday night it was because he *was* sour. And he sourly told David Brinkley that the plank was no problem for him because it was "simply a tactical move."

Once the superstar of the Republican White House, he was now a political pariah whose arrival in Kansas City was the subject of bitter jokes. One high ranking Ford campaign official said of Kissinger before his arrival, "We're very short of tickets, and I'm not sure we'll have enough until after the vote."

Ford's convention floor manager, Sen. Robert P. Griffin, was seen after the Tuesday night vote carrying a newspaper with the headline "Kissinger to Fly Here Tomorrow."

"Who the hell makes decisions like that?" wondered Griffin. "I can't understand it."

The conventional wisdom had it that Kissinger would be troublesome only before the nomination and would be an advantage in the fall. But Jimmy Carter has already begun criticizing him on one of the Reagan platform issues, secret agreements.

Kissinger might well find himself under pressure in coming weeks to announce his intention to retire in January.

AN ANALYSIS OF THE IMPACT OF PALM OIL IMPORTS

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. BEARD of Tennessee. Mr. Speaker, once again we are faced with another disturbing example of conflict between the path we are following in foreign policy, and our domestic policy objectives. Once again our Nation's farmers will be adversely affected as a result of misdirected foreign policy decisions made to achieve some international objective without regard for the potentially dangerous impact such decisions may have here at home. Let me outline this example.

With the massive assistance of U.S. dollars, international financial institutions are subsidizing an ever-increasing production of a foreign grown crop—palm oil—which competes directly in the world market with soybeans, the largest single export item of American farmers. While the impact of this situation falls most heavily on soybean producers, many other elements of the domestic vegetable oil industry are also affected.

Twenty-six percent of the world production of palm oil is due directly to low interest loans from international lending institutions to which the United States supplies a substantial amount of capital. For example, since 1966, we have contributed $462 million to the Asian Development Bank, and over half of those funds were spent for loans to increase palm oil production. Such loans helped to increase that production by about 300,000 metric tons from 1972–75. It is estimated that more than two-thirds of that production was exported.

Now I do not bring this example to the attention of the House to condemn the efforts of underdeveloped nations to acquire loans in order to increase their capability to produce food and fiber, to alleviate malnutrition, to prevent starvation, and to upgrade the diets of their own people. Indeed, I would commend them for doing so. My complaint, is that

our foreign policy has encouraged self-help projects not for an underdeveloped nation's internal consumption, but rather for export. In this case, that export is in direct competition with our own largest export commodity.

Palm oil exports from developing countries have not only increased, but a disproportionate share of that increase has come to markets in the United States. This trend toward increased imports is not expected to decline. Indeed, imports are expected to triple in the next 10 years, and palm oil will surely gain a greater share of the U.S. vegetable oil market. From 1969 to 1974 we imported 296 million pounds of palm oil, but our 1974–75 imports were 757 million pounds and they are expected to reach 1 billion pounds by this year.

The inevitable result will be not only lower income for farmers, but also higher prices for consumers. Soybean meal, the major soybean product, is bound to rise if soybean prices are depressed. The price of livestock, dairy, and poultry feed grains will be affected and the increased cost passed on to the consumer in higher prices for meat, eggs, milk and other dairy products.

Last year farm income from soybeans dropped $1.5 million at a time palm oil imports to this country increased by 118 percent. There is no question, that at least in part, that loss of income can be attributed to increased palm oil imports.

The subsidy we provide for the production of palm oil is only a portion of the overall problem. The increases we have experienced in imports are not only a result of substantially increased world production we helped to finance, but also the result of trade restrictions placed on palm oil by every nation in the world, except the United States. This makes our country the dumping ground for the bulk of that production.

The American farmer is not afraid of free trade, indeed, mutually beneficial and open trade with all nations is the policy we should be pursuing. However, there is not free trade in palm oil. The European community, Japan, and all other industrial and underdeveloped nations have placed severe restrictions on its importation.

This situation is especially unreasonable in the case of the many nations of the world whose people suffer from low nutritional levels. For example, both Brazil and Venezuela have import quotas on palm oil of 150 percent and 250 percent respectively. Yet, the per capita nutritional level of both countries falls far below the standards set by the World Health Organization. This example only demonstrates that there are potential markets for increased production that would not interfere with our own export trade, alleviate the flood on our domestic market, and provide a substantially improved diet for much of our world's inadequately fed population.

Mr. Speaker, I have reviewed much of the material available on this problem, and I find it incomplete and unsatisfactory. A recent Department of Agriculture, Economic Research Service report, entitled "Analysis of the Fats and Oil Industry to 1980—With Implications for Palm Oil Imports," deals with projections only, and none of the important aspects of the problem I have discussed today. It is my feeling that before we pursue any further action, we need a rapidly completed report which builds upon the information already developed. To the existing study we need to add an analysis of what alternative markets are potentially available for the increasing world production of palm oil and we need to address the problem of artificial constraints on its importation by other nations. As a part of this report some recommendations should be made as to what action the U.S. Government can take to ease those restrictions through international agreements.

Today I have introduced a bill that directs the Foreign Assistance Service of the U.S. Department of Agriculture to undertake such a study. Also, I have sent a letter to the President requesting that he direct his special trade representative in Geneva to make every effort to find some means of agreement on this problem as soon as possible. In that letter I have also indicated my concern that this problem arose out of a failure to sufficiently coordinate foreign policy decisions with those who could best judge the impact of those decisions here at home. I hope that others will join me in contacting the President on this issue.

100th JUBILEE CELEBRATION OF ST. JOHN'S SCHOOL FOR THE DEAF IN MILWAUKEE

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. ZABLOCKI. Mr. Speaker, in the recent Summer Olympics Games at Montreal, Canada, athletes from around the world displayed extraordinary discipline and perseverance in their attempts to earn the world's recognition through displays of excellence in their given areas of expertise. Today I would like to bring to the attention of my colleagues the attainment of what must be an all-time record of perseverance in quite a different field of endeavor—service in the cause of the deaf. St. John's School for the Deaf, located in my congressional district in St. Francis, Wis., is presently celebrating its 100th Jubilee as an institution which inspired nine people to give more than 50 years of their lives in full-time service and benefited at the same time from the donated hours of the Sisters of St. Francis of Assisi.

St. John's opened its doors to 17 students in the fall of 1876, some of whom were adult deaf who had never had a prior chance for an education. Fund raising difficulties prompted the school to foster job-training programs, teaching its students such useful trades as typsetting, shoe repair and other vocational training, through which additional funds could be earned. By 1891, large workshops were built for the manufacture of church furniture, an activity which brought the school $30,000 in the first year alone. Academic subjects taught at this time included reading, writing, arithmetic, geography, and Christian doctrine. This is even more remarkable when one realizes that these activities were conducted by teachers who had been trained to teach children without such handicaps.

In viewing the remarkable success of this school, it is necessary to recognize the tremendous contribution of Father Matthias Gerend, who was rector of St. John's from 1889 to his death in 1938. It was under his discretion that substantial improvements were made to the buildings and grounds, and additional funds were raised through the sale of books published by Catholic authors for the benefit of the deaf. As annual sales of these books soon grew to 20,000 volumes, by 1897 St. John's became one of the finest schools in the Nation, well-staffed and largely self-supporting.

Overcoming a disastrous fire in 1907, the school grew over the next 70 years into a vital institution, involved in religious instruction, retreats for the deaf, counseling, and connections with Boy and Girl Scout organizations. The annual charity basketball game earns increasingly large sums for improvements in the facilities, and St. John's continues to draw dedicated support from the surrounding community.

At present total communication is used as the most effective means of instructing the students, involving speech, speech-reading, auditory training, fingerspelling, sign language, dramatization, writing and visual aids. St. John's thereby proves that while it is understandably proud of its admirable past achievements, it remains a functioning and contributing part of our society and is truly deserving of our support and admiration.

The success of the school is in no small measure attributable to Rev. Matthias M. Gerend, the rector of St. John's from 1889 to 1938; the subsequent directors, Rev. Eugene Gehl (1938–1963), Rev. Lawrence (1963–1974), and the present director, Rev. Donald Zerkel.

Mr. Speaker, I join the citizens of St. Francis and the Milwaukee Metropolitan Area in saluting the present and past administrators of St. John's School for the Deaf, and I sincerely wish them and their students the best of success in their second hundred years of service.

At this time, Mr. Speaker, I would like to insert the August 11 Milwaukee Journal article by Edward S. Kerstein, entitled "School for the Deaf: 100 Years on the Job," which further highlights the accomplishments and contributions to the Milwaukee community made by the St. John's School for the Deaf:

SCHOOL FOR THE DEAF: 100 YEARS ON THE JOB

(By Edward S. Kerstein)

For many decades after St. John's School for the Deaf was founded 100 years ago on the outskirts of the South Side, few jobs were open to the deaf.

Many of the school's students became printers, typesetters, shoe repairers, bricklayers, carpenters and cabinetmakers.

In recent years, however, with the opening of technical and career colleges, jobs for the deaf have expanded.

Graduates of St. John's at 3630 S. Kinnickinnic Ave., St. Francis, now are employed as engineers, teachers, accountants, machinists, medical technicians, dental assistants, radiologists, optical technicians, social workers, insurance agents, computer operators and in many other positions that would have appeared unbelievable to the founder of the pioneer institution.

FIRST STUDENTS IN 1876

Father Theodore Bruener brought the idea of teaching and training deaf children from Germany. While rector of the old Pio Nono college and Catholic Normal School in St. Francis, Bruener accepted two deaf students May 10, 1876, and housed them in the upper rooms of the college gymnasium.

One of the students was from Dubuque, Iowa; the other from Sheboygan.

That fall, 17 students enrolled. Some were adults who never had had a chance for an education.

TAUGHT FOR 51 YEARS

Three years later, the original St. John's School for the Deaf—a two story, 40 by 70 foot brick building, with an attic and basement—was built. Each room was heated by an individual stove until about 1884, when a wood furnace was installed.

Louis Mihm, who had been teaching in Washington, D.C., was recruited in 1878 and taught at St. John's for 51 years. Another pioneer teacher was Sister Mary Longina, a Franciscan from St. Louis.

Bruener went to Alton, Ill., in 1879, when Father John Friedl became rector of Pio Nono and the School for the Deaf. Friedl was succeeded by Father Charles Fessler in 1881.

Originally known as the Catholic Deaf and Dumb Asylum, the school in 1882 began to teach typesetting and two years later added shoe repairing, under the guidance of Matt Heck, a deaf man.

CLOSED TEMPORARILY

The school was closed temporarily in 1889 because of lack of money until Father Matthias Gerend of Westport, Wis., took charge of Pio Nono College and obtained permission from Archbishop Heiss to reopen the institution for the deaf.

The archbishop died shortly after, leaving his estate for the School for the Deaf.

Gerend renamed the institution St. John's Institute for the Deaf before it received its present name. He erected workshops in which deaf students made church furniture to help support the school.

The first $30,000 worth of furniture, consisting primarily of church pews, is still in use in the main chapel of the motherhouse of the Sisters of St. Francis of Assisi, who had come to teach and to care for the deaf students.

Reading, writing, arithmetic, geography and Christian Doctrine were among the academic subjects taught then. In addition, speech and lipreading were emphasized in St. John's early history, but manual signs and fingerspelling were used as needed. Although speech and lipreading continued, the use of sign language remained a component of communication.

To help support the school, girl students, who were taught sewing, cooking and baking, worked in the kitchen and laundry.

The school was in an idyllic setting, bordered by prosperous farms, woods and streams, as well as St. Francis Seminary, St. Aemilian's Orphanage and the motherhouse of the Sisters of St. Francis of Assisi.

When the school was largely self supporting by 1907 and regarded as one of the finest of its kind in the nation, a fire broke out in the attic of the institution and almost destroyed it.

Public sympathy was aroused by stories and pictures of the extensive damage in Milwaukee newspapers and public donations poured in. Within a year a new school was built.

Gerend, assisted by his students and two pet donkeys trained to carry heavy loads of brick, supervised the construction of the new building. It resembled the red tile, roofed monastery schools in Italy.

When Gerend, who had been elevated to the rank of monsignor, died April 26, 1938, his successor was Father Eugene Gehl. Gehl, a member of the school's faculty since 1909, served as director until his death May 10, 1963. His successor, Father Lawrence Murphy, undertook an extensive construction of a new school complex between 1965 and 1973 at a cost of $3 million.

ONE HUNDRED AND THIRTEEN ENROLLED

After 24 years of teaching, hard work, vast improvements and heavy responsibilities, Murphy resigned as director and principal in 1974. Father Donald F. Zerkel, who served as assistant director for seven years, succeeded Murphy.

Zerkel, 45, said that while the school was operated by the Catholic Archdiocese, it accepted students from all parts of the U.S. regardless of their race, religion, sex or origin. Enrolled during the 1975–'76 academic year were 113 preschool, elementary and high school pupils from 11 states, aged 2½ to 20.

"Deaf persons are marked by a high level of vocational competence, a remarkable absence of psychiatric illness, personal independence, wholesome involvement in social functions and an overall cheerful disposition," said Zerkel.

Preschool children are taught the beginnings of language formation, word recognition (reading lips), word formation (speech) and manual communication (sign language). The existence of the school, since its founding 100 years ago, has become known primarily through its reputation among parents of deaf students and the students themselves.

FACULTY OF TWENTY-TWO

The school is listed in various catalogs and directories of educational services, but it has not advertised itself. Its pupil capacity is 160, and its highest enrollment was 158 in 1971. The institution has an athletic program that includes swimming, basketball, volleyball and cross country running.

Sister Roberta Le Pine, school principal since 1974, said 22 teachers were on the faculty, including nine sisters, 12 lay persons and Zerkel.

"Teaching of a deaf pupil requires specialized teacher training," said Sister Roberta. "Every faculty member is a certified teacher of the deaf."

St. John's is primarily funded by tuition, Catholic charities, bequests, scholarship funds, an annual picnic sponsored by Council 4614 of the Knights of Columbus and fund raising programs planned by the students.

Among other groups that have given financial or other aid are other KC councils, Christ Child Society (a woman's group), the Jaycees, Moose, Elks, Optimists, Soroptomists (a woman's group), Shriners, Lions Clubs and the Catholic Knights of Wisconsin. Cardinal Stritch Council 4614 of the Knights of Columbus is sponsoring its 17th annual picnic for the benefit of St. John's.

TRIBUTE TO FRANCIS E. HART

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. CONTE. Mr. Speaker, this week, the House will debate the Law Enforcement Assistance Act and its efforts to further the cause of criminal justice in this country.

At the same time, the town of Amherst in the First Congressional District of Massachusetts, is mourning the loss of a man who embodied all that is good in law enforcement, retired Police Chief Francis E. Hart.

Frank Hart's career of 38 years as a police officer in the service of the town of Amherst is thought to be a record in that community. But more than the amount of time Frank Hart dedicated to his job and his town is the quality of that service. Recognized for his skill as an investigator, his ability to defuse potentially volatile situations, his compassion, and his knowledge of the criminal justice system, he knew and loved his job. He was respected by his peers in law enforcement and beloved by his community. These sentiments are certainly evident in the heartfelt eulogies spontaneously delivered by his friends and coworkers in the articles I will submit for the RECORD.

At this time, I want to express my deepest sympathy to Frank Hart's wife, Margaret, and the entire Hart family.

[From the Springfield (Mass.) Morning Union, July 26, 1976]

FRANCIS E. HART, 67, WAS AMHERST CHIEF

AMHERST.—Francis E. Hart, 67, Hampshire County Deputy Sheriff and retired Amherst Police Chief, who had become one of the most respected law enforcement officers in Western Massachusetts at the time of his mandatory retirement, died Monday in Cooley Dickinson Hospital, Northampton.

Hart, of 232 Strong Ave., served on the Amherst Police force 38 years, the last 15 as chief of police for the mushrooming university town, until his retirement in November, 1973.

He continued to serve as a deputy sheriff during sittings of Hampshire County Superior Court until last month when he was hospitalized.

When he was not in court advising both the judge, lawyers and their clients on "court decorum" he was actively working his Amherst dairy farm.

Hart related to the criminal, members of his department, students in the Pioneer Valley, citizens of Amherst and peers in Western Massachusetts law enforcement.

Although Hart had built a strong police department, in this college town, he also built an image around his seemingly dry sense of humor, his hair-curling words that could make one's face turn as red as his ruddy complexion, and his ability to lead and organize an intensive investigation.

Hart was never a man of titles. He preferred to be called "Frank" rather than chief. But whatever the name, the job was done well and efficiently.

He was credited with preventing major student disturbances on the University of Massachusetts-Amherst and Amherst College campuses during the late 1960s by keeping a line of communication open between his department and student leaders.

But "Frank" was not a big person on pomp and circumstances. "No retirement party for me," he told Amherst civic leaders. "You can have it, but the guest of honor won't be there," he told them.

Rather than recognition, he sought to create an ongoing scholarship fund.

Donald N. Maia, deputy chief, named chief following a national search, along with community leaders began the Francis E. Hart Scholarship Fund for graduates of Amherst-Pelham Regional High School alternating annually between a boy and girl recipient. And one of the considerations was that the

award did not have to go to the person with the highest academic rank, but one who showed the ability to perform to the utmost of her or his capacity.

The fund has accumulated $10,200 and Hart was the highest single contributor.

Many police and court officials were stunned by the news Tuesday. Amherst Police Lt. Clarence G. Babb said "He was Mr. Amherst to all of us . . . he had a gruff way but was a very compassionate man."

John M. Callahan, Northwestern district attorney, spoke of him as having great wit and insight along with being both a good police officer and a devoted family man.

Hampshire County Sheriff John F. Boyle and Salvatore A. Polito, clerk of Superior Court, each termed him a close, dear friend and one of a kind.

Born in Whitman, Nov. 16, 1908, he was graduated from Massachusetts Agricultural College, later known as UMass.

In 1932, he began his police career as a campus patrolman at Massachusetts State College where he stayed until 1935, transferring to the Amherst Police department as a patrolman.

Fourteen years later, he was promoted to deputy chief and nine years later he was named chief.

Chief Hart is believed to have the longest number of years service as an employe to this community.

He leaves his wife, Mrs. Margaret (Kelley) Hart; a son, Edward of Amherst; three daughters, Mrs. Mary Murphy of Monson, Mrs. Geraldine Smyth of South Hadley and Mrs. Regina Gulliver of Pelham; three brothers, J. Joseph of Scituate, Edward J. of Marshfield and Murray J. of West Palm Beach, Fla. a sister, Mrs. Theodore Chisholm of Rockland, and 16 grandchildren.

The funeral will be Thursday at the Amherst funeral home and in St. Brigid's Church. Burial will be in St. Brigid's Cemetery.

Donations may be made to the Francis E. Hart Scholarship Fund in care of the First National Bank of Amherst.

GEORGE C. JORDAN III.

[From the Daily Hampshire (Mass.) Gazette, July 27, 1976]

FRANK HART, RETIRED AMHERST POLICE CHIEF, DIES

AMHERST.—Retired Police Francis E. (Frank) Hart, 67, a member of the Amherst police force for 38 years and a longtime Hampshire County Court officer died yesterday evening at the Cooley Dickinson Hospital following a long illness.

He was the husband of the former Margaret Kelley and lived on a dairy farm at 232 Strong St.

Hart retired from the Amherst Police Department in November, 1973, after having served as chief for 15 years.

During his colorful career on the force, Hart established a reputation as a tough investigator whose salty language enlivened both the police station and the Hampshire County courthouse.

Former Town Manager Allen Torrey, who appointed Hart as chief recalled this morning, "His outward appearance was gruff and severe but for anyone who really knew him that wasn't the case at all. His knowledge and concept of justice and law enforcement was ahead of his time. What we're doing today in law enforcement, Frank did instinctively; he had a feeling for human rights and a concern for the underdog."

With thousands of college students in Amherst, Hart used a mild approach, and he remembered his own student days when solving problems.

THOUGHTS ON YOUTHS

In an interview the year he retired Hart said, "The kids come up here straight out of high school . . . they get into a little mischief . . . Who the hell woudn't? I did when I was a kid . . . that's why I know who to look for and where . . ."

He was proud of the fact that during his 38 years on the force, no policeman ever fired a gun, and no policeman had ever used a drop of tear gas. In fact, the town did not even stock tear gas.

During the anti-Vietnam War demonstrations, Amherst was the only major college town that did not have major disruptions. When demonstrations occurred, Hart would walk into the crowd and calmly discuss the issues.

As he said in 1973, "There's nothing to me more boiling than a bunch of big cops carrying clubs and wearing riot equipment. If I were a student, I'd take that as a challenge."

He solved some difficult crimes, including the only two murders that occurred in his years on the force. His reputation as an investigator was so established that during the 1950s, an arsonist testified in District Court that he had delayed his crime when he heard that Hart was on duty.

The arsonist set fire to the building on Hart's night off, but he was captured nevertheless.

Hart continued working as a court officer in Superior Court until last month. He worked as both a police and a court officer on a full-time basis for many years, as well as tending to his dairy farm.

Police Lt. Clarence Babb, who worked with Hart for 20 years, said, "He was Mr. Amherst to all of us. He had a gruff way, but he was one of the most compassionate men I ever knew."

Franklin-Hampshire Dist. Atty. John Callahan today characterized Hart as a "thoughful, sensitive man of great wit and insight, but most of all as a warm and devoted husband and father to his family and as a friend of thousands of people who will miss him very much."

Salvatore Polito, clerk of Superior Court said, "We're all going to miss him; he was a friend to everybody. It's hard to believe he's gone, he was one of a kind."

Hart was born in Whitman, Nov. 16, 1908, son of the late Edward J. and Mary (Murray) Hart. He was educated in Whitman schools and graduated from the Stockbridge School of Agriculture here in 1930.

In 1933, Hart served as the first campus policeman on the University of Massachusetts campus. Two years later, he joined the Amherst police force, where he was promoted to deputy chief in 1949 and became chief in 1958.

He was married Oct. 23, 1929 in St. Brigid's Church.

Besides his wife, he is survived by a son, Edward, of Amherst; three daughters, Mary Murphy, of Monson, Geraldine Smyth, of South Hadley, and Regina Gulliver, of Pelham; three brothers, J. Joseph Hart, of Scituate, Edward J. Hart of Marshfield and Murray J. Hart of West Palm Beach, Fla.; a sister, Mrs. Theodore Chisholm of Rockland, Maine and 16 grandchildren.

The funeral will be Thursday at 9:30 a.m. from the Amherst Funeral Home with a concelebrated liturgy of Christian burial at 10 a.m. in St. Brigid's Church.

The burial will be in St. Brigid's Cemetery.

The calling hours at the funeral home are tomorrow from 2 to 4 and 7 to 9 p.m.

Memorial donations may be made to the Frank E. Hart Scholarship Fund c/o the First National Bank of Amherst.

SOCIAL SECURITY NUMBERS AND THE TAX BILL

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Ms. ABZUG. Mr. Speaker, the House and Senate conferees are presently considering H.R. 10612, the "Tax Reform Act of 1976." One provision of the bill as passed by the Senate effectively repeals section 7(a) of the Privacy Act of 1974.

As chairwoman of the Subcommittee on Government Information and Individual Rights, which has jurisdiction over the Privacy Act, I urge the conferees not to accede to section 1211 of the Senate version of the bill. The reasons for this request are spelled out in a letter which I have sent to all House conferees, the text of which follows:

WASHINGTON, D.C.,
August 25, 1976.

Hon. AL ULLMAN,
U.S. House of Representatives,
Rayburn House Office Building,
Washington, D.C.

Re: Conference on H.R. 10612, Tax Reform Act of 1976

DEAR AL: I am writing to call your attention to a provision of the Senate version of the Tax Reform Act—Section 1211—which would effectively repeal Section 7(a) of the Privacy Act of 1974 which limits the use of Social Security account numbers.

The House-passed bill contained no similar provision. Yet the Senate, without holding hearings on the matter, and in contravention of the recommendation of the Privacy Protection Study Commission, has amended an important provision of the Privacy Act of 1974.

The Senate bill provides that any State or political subdivision may—

"In the administration of any tax, general public assistance, driver's license, or motor vehicle registration law within its jurisdiction, utilize the social security account numbers issued by the Secretary for the purpose of establishing the identification of individuals affected by such laws, and may require any individual who is or appears to be so affected to furnish to such state (or political subdivision thereof) . . . the social security account number . . . issued to him by the Secretary."

It should be emphasized that one of the most important provisions of the Privacy Act of 1974 is Section 7(a) which limits the right of local, state and federal government agencies to compel disclosure of the Social Security number unless specifically provided for by law. This provision was fought for, over a period of many years, by the distinguished former Senator Sam Ervin. It was overwhelmingly agreed to by both Houses of Congress after extensive discussion on the floor and in committee on the need to guard against further invasion of privacy by the expansion of the use of the Social Security number as a universal identifier.

Since passage of the Privacy Act of 1974, it has been claimed that state governments do need access to the Social Security number for the purposes of tax administration, since state tax administration depends upon coordination between the states and the Internal Revenue Service to assure that information in federal returns conforms with

information filed in state returns. However, there is no valid purpose in extending the requirement that individuals disclose their Social Security number to government officials in the areas of general public assistance, driver's licenses or motor vehicle registration.

I therefore urge that the House conferees recede from disagreement to Senate Section 1211, or, at minimum, strike the language dealing with general public assistance, driver's licenses and motor vehicle registration.

It should be noted that the struggle to prevent further utilization of the Social Security number as a universal identifier is one supported by those of all political persuasions. For example, Seantor Goldwater stated on the floor of the Senate in connection with the debate over Section 1211

"I am shocked that there is a provision in the pending tax reform bill to repeal much of the Percy-Goldwater law which now puts a halt to new uses of the Social Security number . . . in 1974, we put a halt to federal, state or local government forcing anyone to disclose his Social Security number for any reason that was not already a part of federal law. Now, the Finance Committee wants to change this . . . Mr. President, this is wrong."

In addition to Senator Goldwater, the Social Security provision was opposed by Senators Muskie, Percy and Ribicoff, who were instrumental on the Senate side in passage of the Privacy Act of 1974.

I urge the House conferees to reject this proposal, or, at minimum, to limit it to tax administration.

Sincerely,

BELLA S. ABZUG,
Chairwoman.

ENERGY CONSERVATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. HAMILTON. Mr. Speaker, the regrettable fact is that the United States is back on a carefree energy consuming binge. Gasoline is being consumed at a rate nearly 7 percent higher than last year. Electric power consumption has risen nearly 6 percent above last year at this time. This present pattern of demand implies a need to double the country's electric generating capacity over the next decade.

Energy consumption in the United States has grown rapidly, particularly since World War II at a rate of about 3.5 percent each year from 1950 to 1965 and 4.5 percent a year from 1965 to 1973. In 1974 consumption fell 2.2 percent and in 1975 the total consumption declined another 2.5 percent. It is likely that this change in trend, however, was the result of an economic slowdown, rather than conservation efforts.

Dependence on Arab oil exports has also risen dramatically and, as market power shifts to the Arab world, the Arab oil ministers will meet soon to decide how much to increase their prices. It is dangerous for the United States to become increasingly dependent upon oil imports from the Middle East.

So the real challenge today is to keep the American appetite for energy from continuing to rise as fast as it has risen during most of our recent past. The need for effective energy conservation is real and urgent, and will exist for a long time. Many studies of our energy needs for the rest of the century show a serious supply deficiency, requiring either strong measures to curtail our consumption or such substantial imports as to cause serious economic problems.

Our energy conservation record, however, is not good. The United States remains close to the bottom of the list in national efforts to reduce energy consumption. For example, last year the United States wasted as much energy as two-thirds of the world's population consumed.

This week the Congress approved a set of far-reaching energy conservation measures. The legislation sets energy conservation standards for new construction and uses loan guarantees to encourage individuals to insulate their homes and install efficient heating and cooling equipment. Under this legislation low-income families will get grants to weatherize their homes, information on the benefits of conservation will be made available, and demonstration programs will encourage efficient use of energy.

This legislation is not a comprehensive blueprint for achieving energy savings, but the proposals in it represent a good start toward conservation in commercial and residential housing, the area where 29 percent of all energy in the United States is consumed.

Energy conservation, which practically everybody favors and finds necessary, is neither simple nor quickly achieved, but that is no reason to abandon interest in it. The experts tell us that roughly one-half the energy produced in this country is wasted, but you can get some real arguments over which half. Floridians believe we use too much fuel heating homes and residents of Maine think we waste a lot of energy on air conditioning. Reducing Sunday driving may be a waste to some people, but Sunday driving is vital to the American tourist industry. A heavy tax on gasoline may save gas, but it might also be bad for jobs in the automobile industry. At the same time if the demand for energy outstrips supply, and energy shortages occur, it would mean certain unemployment. Some energy conservation measures, however, like home insulation, actually create jobs.

The Congress is right in my view in insisting on a firm commitment to the conservation of energy. The target should be to keep the annual rise in energy consumption down around 2 per cent a year. This rate of increase still requires increased power production but at a manageable rate consistent with sound environmental protection. No one wants an energy conservation program that reduces the standard of living, but rather an energy conservation program that complements a strategy to increase the supply of fuels and stresses the efficient use of energy.

Energy conservation means not only smaller cars, lower highway speeds, turning off unneeded lights, doubling the average number of passengers in automobiles from 1½ to 3, colder homes in winter and warmer homes in summer, but also modernizing factories, improving urban mass transit systems that use less energy, using waste heat to supply domestic hot water, burning garbage for energy, and recycling steel cans and paper. Although no single change will make much of a dent in the total amount of energy consumed, the cumulative impact of energy-conscious individuals and enterprises can be significant. If the burden of energy conservation is spread, its impact on people and the economy will be less.

A major conservation effort is the indispensible first step in a comprehensive energy policy. All of us must make a realistic assessment of our use of energy and begin to find ways and means to reduce our consumption. We can no longer view energy as an abundant wastable resource. Saving energy will save dollars. The government must become much more aggressive in asking Americans to get serious about energy conservation. Policy steps by the government must encourage and reinforce those efforts and, where necessary, regulate to eliminate wasteful consumption.

SAM DAVIS TO RECEIVE NATIONAL B'NAI B'RITH TRIBUTE

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. GIBBONS. Mr. Speaker, Sam Davis is a man whom I have known for a long time. We live in Tampa, Fla., and have been friends since the 1930's. Sam Davis is being honored by B'nai B'rith. He has received the national B'nai B'rith tribute. Sam Davis is a big man, not only large in stature, befitting of his athletic days, but he has a big heart and an optimistic outlook that make him so attractive to those who have an opportunity to know him.

Sam Davis has been and is a crusader. He has led numerous drives in our area for better government, elimination of organized crime, and improving the opportunities of those who need help.

Mr. Speaker, Mrs. Gibbons and I want to extend to Sam and his wife Helen our best wishes and congratulations. We wish that we could be present on September 15 for this occasion in Tampa, but, as you know, the House will be in session in that day. But, our best wishes will be with Sam. Mr. Speaker, I present now for insertion in the RECORD a news release from B'nai B'rith concerning this affair:

B'NAI B'RITH YOUTH SERVICES APPEAL,
Washington, D.C.

SAM DAVIS TO RECEIVE NATIONAL B'NAI B'RITH TRIBUTE

WASHINGTON, D.C.—Sam Davis, President of Florida Downs and Turf Club and Chair-

man of the Tampa Ship Repair and Drydock Company, will be honored by B'nai B'rith with its coveted National Humanitarian Award.

Mr. Davis will be cited for outstanding communal service at the "Humanitarian Award Testimonial," Wednesday, September 15 at the Airport Hotel, Tampa.

The tribute was announced by David M. Blumberg, International President of the 500,000 member Jewish service organization.

"Throughout the years Mr. Davis has been deeply dedicated to the betterment of mankind through a host of civic and philanthropic activities," Mr. Blumberg said. "B'nai B'rith is proud to honor an outstanding American."

The dinner in Mr. Davis' honor will help support B'nai B'rith Youth Services. With a $9 million annual budget, the organization supports a wide range of cultural, religious, counseling, civic and brotherhood activities for young people in every part of the country.

B'nai B'rith Hillel Foundations serve students on over 300 campuses including the University of South Florida, Florida State, University of Miami and University of Florida, the latter of which Mr. Davis is a distinguished alumnus.

The B'nai B'rith Young Organization conducts meaningful programs for teenagers in communities throughout Florida, and the B'nai B'rith Career and Counseling Services assist thousands of young people and their parents every year.

Mr. Davis' broad scope of activities in the Tampa community include leadership positions in numerous fund raising campaigns, including the Community Chest, Salvation Army, Childrens Home and Tampa Guidance Center.

He is a board member of the University of Tampa, Thorobred Racing Association of America, General Telephone of Florida, American Bureau of Shipping and First National Bank of Tampa.

He also served as the chairman of the Tampa Crime Commission, County Sports Committee and the Committee of 100.

In addition, Mr. Davis has been honored with numerous awards, including the National Football Hall of Fame's "Distinguished American Award", Sertoma Club's "Service to Mankind" award, and was named Tampa's Outstanding Citizen.

Mr. Davis has the distinction of being the first man on the West Coast of Florida to be honored with the B'nai B'rith Humanitarian Award. Previous recipients include John deButts of AT&T; Gus Levy, former Chairman, N.Y. Stock Exchange; Bill Veeck, President, Chicago White Sox; and Maurice Ferre, Mayor of Miami.

SOUTH DAKOTA DROUGHT

HON. LARRY PRESSLER

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. PRESSLER. Mr. Speaker, I have just returned from South Dakota, which continues to suffer from the summer drought. Many have compared this year's drought to the one of the 1930's—all agree that our farmers and rural communities have been extremely hard hit.

In early July, I sent a questionnaire to the people of South Dakota's First Congressional District. My staff and I have tabulated over 4,500 responses, with the results showing how critically the drought is affecting South Dakota's economy:

Farming

Have you been forced to sell any of your livestock herd because of the drought?

Average percent of herd sold, 51 percent.

Total number of head sold, 23,255.

Average number head sold per farmer, 58.

Could you estimate for each type of crop you planted, what percentage of it will be lost because of the drought?

Corn, 78 percent.
Wheat, 78 percent.
Oats, 74 percent.
Soybeans, 63 percent.
Barley, millet, rye, 79 percent.
Hay, alfalfa, pasture, 78 percent.
Flax, 84 percent.
Sunflowers, 86 percent.

Businessmen

Are you currently experiencing a significant drop in your retail sales due to drought?

What percent?—33 percent.
Yes, 75 percent.
No, 25 percent.

Have you been forced to lay off or reduce work hours for your employees because of drought-related decreases in business?

Yes, 41 percent.
No, 59 percent.

Wage-earners

Have you had your work hours reduced or do you anticipate that they will be reduced if the drought continues?

Yes, 36 percent.
No, 64 percent.

Have you been laid off recently or do you anticipate being laid off because of a drought-related decline in your employer's business?

Yes, 19 percent.
No, 81 percent.

Excerpts from South Dakotans on drought questionnaire:

In Washington you just can't realize. . . . The grain was too short to cut. . . . Our government programs are nothing but a big hoax. . . . As a young farmer, I've had to sell my herd at a loss, and the grain isn't worth combining. . . . Why 2% loans for overseas, and 9% loans to us? . . . Our corn is shrinking, not growing. . . . Our chances of meeting expenses are nil. . . . With business down, we just can't hire any more help. . . . Make a living? . . . When crops are gone, it's hard for small stores to get business.

While I appreciate that the Members have been hearing about the drought most of this summer, there may be some who think the situation has improved. That is not the case. A summary of precipitation prepared by the South Dakota Office of Statistical Reporting Service of the National Weather Service verified the continuation of the hot, dry weather for the week ending August 23, 1976, with the following report. The northeastern part of the State continues to be the driest, down some 11 inches from their normal total of 14 inches:

SOUTH DAKOTA WEATHER, CROP AND LIVESTOCK REPORT, G.D.D., TEMPERATURE AND PRECIPITATION, WEEK ENDING AUGUST 22, 1976

Station	Growing degree days		Temperature past week (degrees)				Precipitation (inches)					
							Totals			Departure from normal		
	Total growing degree days since Mar. 29 [1]	Departure from normal	Average	Departure from normal	Highest	Lowest	Weekly	Since Jan. 1	Since Mar. 29	Past week	Since Jan. 1	Since Mar. 29
Northeast:												
Milbank	2,352	+211	84	+14	103	56	0.06	5.74	3.21	−0.52	−10.68	−11.37
Watertown	2,280	+382	83	+14	100	66	.05	7.76	4.81	−.51	−8.29	−9.21
Aberdeen	2,426	+423	85	+14	104	63	T	6.30	4.27	−.49	−8.24	−8.33
Faulkton	2,551	+518	84	+14	106	60	0	7.87	6.48	−.49	−6.92	−6.73
Huron	2,393	+232	84	+13	103	67	.01	7.82	5.82	−.48	−6.54	−6.43
Brookings	2,105	+14	77	+7	96	54	0	10.52	7.99	−.63	−6.01	−6.89
Southeast:												
Sioux Falls	2,568	+373	81	+10	98	64	.52	9.49	7.10	−.11	−8.39	−7.95
Yankton	2,410	+152	78	+4	96	60	1.02	14.76	12.57	+.32	−3.27	−3.32
Pickstown	2,596	+368	84	+11	99	68	.17	10.98	9.09	−.46	−7.56	−6.34
Mitchell	2,531	+216	82	+10	101	66	.04	10.19	8.56	−.66	−5.98	−5.55
Sioux City, Iowa	2,494	+236	79	+5	97	57	.14	11.52	8.76	−.56	−7.19	−7.10
Central and west:												
Mobridge	2,305	+171	83	+10	101	68	T	9.45	7.23	−.49	−4.26	−4.96
Dupree	2,395	+463	81	+10	102	53	.08	13.41	11.47	−.27	+.97	+.54
Lemmon	1,990	+208	79	+10	96	59	0	16.29	14.48	−.42	+2.46	+2.41
Camp Crook	2,068	+170	81	+11	95	48	.03	12.57	11.51	−.32	+1.86	+1.88
Vale	2,209	+182	77	+7	97	55	0	15.21	13.50	−.28	+2.05	+1.78
Pierre	2,671	+464	87	+13	108	67	0	5.38	3.68	−.49	−8.72	−8.53
Philip	2,407	+258	82	+9	105	57	.08	10.89	10.01	−.27	−1.23	−.97
Rapid City	2,016	−34	79	+8	100	59	T	13.43	12.35	−.35	−.37	+.43
Oelrichs	2,273	+108	78	+9	102	52	0	13.46	11.53	−.28	+.18	−.12
Winner	2,796	+436	85	+11	103	63	.08	9.77	8.53	−.59	−6.56	−5.80

[1] Revised to include corrections or data available since last issue.

The Watertown Public Opinion is a fine daily newspaper serving the northeastern part of South Dakota. Recently, as an excellent service, this newspaper devoted a portion of their paper to a drought questionnaire form and solicited statements from farmers and businesspeople as to the direct effects of the drought. I am pleased to insert some of these into the CONGRESSIONAL RECORD. These are representative of the responses that we received and are by no means the worst situations. I invite anyone who wishes to read more of the statements to contact my office.

EXCERPTS FROM DROUGHT QUESTIONNAIRE IN WATERTOWN PUBLIC OPINION

Mr. CONGRESSMAN: I farm 400 acres in Roberts County. This year's harvest has consisted of 16 acres of oats that yielded 15 bushels per acre. Nothing else has been worth harvesting. I have a foundation herd of 40 Hereford stock cows that have taken a lifetime to acquire. Since both hayland and pasture are dried up, the only way I am keeping them alive is feeding hay for which I am paying $75 per ton. Unless relief is provided soon we'll have to sell the cattle. Thank you.

Mr. CONGRESSMAN: My son with his two sons, both married, farm my land—This year our crop was a total loss—I can manage with Social Security—my son can borrow and hang on for a year—but my two grandsons just starting need machinery, seed, fertilizer, etc. They are completely discouraged and are trying in every way to find a way to carry on.

Mr. CONGRESSMAN: If there ever was a year a farmer needed help this is it! We plowed up our winter wheat and the other crops are very poor—(3 bushels of flax to the acre, 10-15 bushels of oats to the acre and corn will make very little silage). We have 300 head of cattle and around one month's supply of feed. Our pastures are grazed down—and it is only the first part of August! In my opinion if grants are out of the question, a 1% loan would be a big boost to the drought stricken farmers.

Mr. CONGRESSMAN: The drought is the worst I have ever seen. I was here in the 30's but the costs weren't so high then. The farmers just can't make it. Three of my sons have milk cows, so please supply them with help since they have no crops and no rain.

Mr. CONGRESSMAN: Our wheat did about 4-4½ bushels. Our barley never even headed out. And our corn is actually too short to cut for feed. We planted some sunflowers after a rain in July, but I don't think they're going to make it either.

I applied for some Emergency Feed (oats) and didn't qualify for that. I think these programs should be revised to help the farmers who need help.

Mr. CONGRESSMAN: I farm 400 acres of cultivated land and was able to harvest just 7 acres—just enough to get my seed back. This just happens to be my first year of farming after high school and it is very tough.

I don't know what can be done but something must be done and soon not only to help the farmer because of any help the farmer gets, the businessman gets.

Mr. CONGRESSMAN: The farm conditions in the area are very—very poor. I just got done mowing and baling 50 acres of prarie hay and I got 103 bales of hay. That sure doesn't go far towards living and trying to pay taxes—especially with high machinery costs. If some aid isn't made available there will be a lot of idle land next year. We aren't asking for welfare, but a grant would give a person a chance to buy hay—which is now around $100.00 a ton. If you feed a ton of hay a day, how can a person keep his foundation herd around. Some of us must sell out!

Mr. CONGRESSMAN: We have to sell most of our dairy cows, if no help can be furnished. Also, where will the money come from next spring? Am trying to find a job for working in town, but that is very hard to do. I have medical bills that I cannot pay now.

Mr. CONGRESSMAN: A farmer is against many odds such as weather, poor cattle prices, high priced fuel, repairs, machinery, interest and taxes. The least that could be done is to allow everyone to buy 52c oats and $40 a ton hay regardless of a financial statement. Everyone suffered the same loss and pays taxes. Financial statements are not always true. Don't penalize a full time farmer for working hard and trying.

Emergency measures which have been provided through the Federal Government have not been adequate to meet the problems. There is a great deal of frustration as evidenced by the news release written by Mr. Ben Radcliffe, president of the South Dakota Farmers Union on August 19, 1976:

HURON.—South Dakota's drought-stricken farmers cannot wait for economic assistance until the 1977 Congress convenes, South Dakota Farmers Union president Ben Radcliffe said today.

"Only now, as the drought reports continue to come in, has it become possible to assess the full, terrible economic and social impact this drought is having on the lives of our farmers and small town businessmen," Radcliffe declared.

At least one-third of all the farmers in South Dakota have been devastated by this year's drought, the Farmers Union president explained.

"A substantial portion of them have been forced to liquidate their livestock and now face the possible end of their farming careers unless meaningful federal assistance is forthcoming this year," he continued.

Radcliffe said that in spite of determined efforts on the part of delegations of South Dakota farmers and businessmen who have gone to Washington, D.C., to personally tell the story of the drought disaster and in spite of the best efforts of members of the state's Congressional delegation, the Ford Administration and Secretary of Agriculture Earl Butz have continued to turn a deaf ear.

"Instead of offering a helping hand to dried out farmers and ranchers the penny-pinchers at the Department of Agriculture have fought every inch of the way in an attempt to avoid proper administration of disaster legislation," Radcliffe said.

"Secretary Butz' proposal last week to eliminate all federal disaster relief programs was just one more chapter in the USDA record of failure to offer any meaningful aid to South Dakota farmers and ranchers who are now fighting for their agricultural lives," Radcliffe said.

"Now that the political convention season is over, perhaps Secretary Butz can get his mind back on the problems of rural Americans," Radcliffe concluded.

VICE PRESIDENT OF PANAMA SPEAKS ON PROBLEMS AND PLANS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. FASCELL. Mr. Speaker, spurred by the widespread interest in the U.S. negotiations presently underway with Panama over the future of the Panama Canal, there has been a great deal of interest expressed in Congress and in the press about the ideological nature of Panama's government. Because of this I would like to call to the attention of the House a news account of a speech by the Vice President of Panama in which he gives his perception of his country's attitude.

The text of the article from the August 4, 1976 edition of Panama's Star and Herald follows:

[From the Star & Herald (Panama, R. P.), Aug. 4, 1976]

GONZALEZ SAYS NO SOCIALISM FOR R.P.

Panama will never be a Socialist country, Vice-President Gerardo Gonzalez declared in remarks at the closing session of a political awareness seminar attended by 800 government officials.

The Vice President echoed statements made by Chief of Government Brig. Gen. Omar Torrijos following a visit to Cuba, the only Socialist state in the Hemisphere, last January.

Torrijos told Cuban newsmen in Havanna then that Panama could achieve social change through ways other than socialism.

"Those who go around saying that we should carry out a Socialist revolution first and then go after the canal should be told that for the first time the people are united behind a government that seeks national liberation."

In his remarks, Gonzalez said the most important issue in the Panama treaty negotiations with the United States is the duration, including the "liquidation of the colonial relationship" in that period. Once this is done, he added, economic activities can be undertaken around the Canal that will contribute to national progress.

Gonzalez said that if a treaty is signed in 1977, it will be submitted to approval in a national plebiscite as required by the 1972 Constitution. He said that the government will not permit debate on the treaty to become a political issue. A serious and thorough program of information on the treaty will be undertaken so that the people will go to the polls fully cognizant of what they want to do.

The Vice President said that prior to 1968 there were in Panama a nationalist middle class and economically powerful groups that were controlled politically by Washington. The policy prior to 1968 with respect to the Canal he added, was one of revisionism instead of liberation, reflected in demands for a larger annuity.

Turning to domestic problems, Gonzales said that the retail price of sugar had to be increased because the world price of sugar had dropped and the local sugar mills could not cover their losses in the local market. He emphasized, however, that the price increase does not benefit the government, since the state-owned mills sell their entire production abroad.

By 1978, when two additional state sugar mills are in operation, Panama's income from sugar operations will exceed the benefits it now receives from the Panama Canal, he predicted.

Referring to the problems in connection with generation of electricity, Vice President Gonzalez pointed out that when the Revolutionary Government came into power in 1968, the price of a barrel of crude petroleum was about 3 balboas. Now it is approximately 12 balboas.

"We have a whole series of economic and dependence problems which involve large expenditures, decreased fiscal revenue, transport deficiency and belt-tightening", he declared.

ARNA BONTEMPS AND THE SOUL OF THE SOUTH

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. YOUNG of Georgia. Mr. Speaker, much is said these days about the "New South," for progressive changes have come—slowly, but inevitably—to that part of the country. While we celebrate the shift from oppression toward freedom let us not forget the rich history made in that region by the black people who supported the Old South's economy

and population. Arna Bontemps was a product of the Old South. He wrote with perceptions of southern black life "as vivid and valid" as any in American literature. Colman McCarthy's article from the August 25 issue of the Washington Post talks of Bontemps and his memorable portrayals of life in the Old South.

Let us not forget.

The article follows:

ARNA BONTEMPS AND THE SOUL OF THE SOUTH

(By Colman McCarthy)

Stories of the "New South" are appearing again, now that Southern politics has shown the nation someone other than George Wallace or Strom Thurmond. But whenever Northern reporters come on with their "significant trend" stories, the Old South is wordlessly dismissed. Everyone knows about the cruelties of the past, so why mention them again?

The trouble with that dismissal is that much of the region's past richness and ardor is smothered, especially as it came from blacks. Whether among the caneworkers of Louisiana, the woodcutters of the Gulf coast or sharecroppers of the Carolina highlands, the blacks of the Old South—in the 1920s and 30s—had a resourcefulness and depth that no institutionalized assaults ever destroyed. Black survival meant that family life often had runic strengths, the weak were embraced as a natural part of the community and small pleasures were accepted with gaiety and thanks. Before comparisons are made between the "better" New South and the "worse" Old South, some probings into the work of Arna Bontemps ought to be made—in the pursuit of balance, but also to get away from contemporary sensibilities that are bored with the past but overdazzled by our own shiny present.

Arna Bontemps, long associated with Fisk University as its librarian and then its writer-in-residence until his death in 1973, gained a reputation as an anthologist. With Langston Hughes, he produced "Poetry of the Negro, 1746–1970" and "The Book of Negro Folklore." But if the anthologies revealed his affection for black writing and history, Bontemps' fiction and poetry created ties to black life that flowed with perceptions as vivid and valid as any in American literature.

Bontemps never wrote a single masterwork and let that one book carry his thought, as did a Jean Toomer or Ralph Ellison. Instead, the force of his production was in its breadth. He wrote poetry that met the standards of aesthetic requirements and he produced fiction that was a path of meditation across fields of black experience. His poem "The Day-breakers" appeared years before the civil rights movement but it described subtly the nonviolent strategy that was to follow:

"We are not come to wage a strife
With swords upon this hill;
It is not wise to waste the life
Against a stubborn will.
Yet would we die as some have done:
Beating a way for the rising sun.

Bontemps has faced some suns himself. He was born in Alexandria, Louisiana in 1902, the son of a stonemason and a school teacher. In the preface to his final book, "The Old South," he wrote that "mine had not been the varmint-infested childhood so often the hallmark of Negro American autobiography. My parents and grandparents had been well-fed, well-clothed and well-housed. One does not speak of ancestors who lived publicly—Creole style—with their colored families and gave proof of fealty to dark offspring. Some have called these genealogies unwritten history. I have come to feel that mine was fairly typical. I observe with more than mild surprise, for example, that all the Negroes in the Congress bear the mark of a similiar tradition, that many faces conspicuous in government, in the U.N., even among the Black Muslims, are so obviously of mixed ancestry that the bald expurgation of this fact from the history of the South becomes increasingly comical. The cold—or hot—fact is that down here there is a widespread kinship, sometimes unknown, generally unacknowledged."

The family moved to Los Angeles when Arna was three. His early experiences in Watts were to be matched by later exposures to Harlem and Chicago's South Side. These wanderings were to prompt Bontemps to write in 1966 (with Jack Conroy) "Anyplace But Here." It is the sociological account of the internal migration of Negroes in the United States, a period of American life that is all but forgotten today, especially in this year of bunting and flutes. The Negro migrations covered 100 years. "And just as every man who went West had his own personal reasons, so every Negro who left the South behind was motivated by a set of circumstances peculiar to himself."

Bontemps' reasons for shifting around were neither odd nor strange. Out of college in California, he came east to be a writer. In the preface to a small collection of verse, "Personals," he wrote that "in some places the autumn of 1924 may have been an unremarkable season. In Harlem it was like a foretaste of paradise. A blue haze descended at night and with it strings of fairy lights on the broad avenues. From the window of a small room in an apartment on 5th and 129th Street I looked over the rooftop of Negrodom and tried to believe my eyes. What a city! What a world! . . . Nothing could have been sweeter to young people who only a few weeks or months earlier had been regarded anything but remarkable in Topeka and Cleveland and Eatonville and Salt Lake City—young people who, more often than otherwise, had seemed a trifle whacky to the home folks. In Harlem we were heralds of a dawning day. We were the first-born of the dark renaissance."

One of Bontemps' more wry short stories, "A Woman With a Mission," is about the effect of Harlem's renaissance on a white patroness in Larchmont. She would pick out "promising" young black artists and subsidize them. "The refined races have lost something vital," she believed, "an essential vitamin, a certain mystic power . . . The Negroes possess it in abundance." In trying to make a Harlem musician out of a salon black, the dowager is frustrated. He was grateful to have his talents developed but he believed the directions that development would take him should be decided in his own heart, not in the Larchmont tea room.

The most memorable Bontemps short stories are in "The Old South." The narratives of Southern musicians, alcoholics, aging sharecroppers or troublesome relatives tell of a people whose lives may have lacked the elevated drama of high fiction, but the lives were at least true. Pain was integrated, not bought off. Tests were met, consistency honored. About these stories, Bontemps wrote: "One was obliged to notice that Negroes in the South seemed better armed for a struggle with spiritual overtones than their kinfolk in the North. I suspected, and still believe, that they are less likely to go berserk than the Harlemites. Willing to sacrifice, even to take risks . . . Perhaps the word is morale. Moreover, you can communicate with them because you know where to find them."

Arna Bontemps can be found too—among those who want to remember the enchantments of the South and to keep alive a desire for vibrant writing about its black folk. If the nation wants to celebrate this year, much of what truly is worthy of excitement first happened among the people Arna Bontemps carefully and honestly observed.

THE KOREAN TRAGEDY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. FRASER. Mr. Speaker, our colleague, the gentleman from New York (Mr. MURPHY), is right about the murder of two U.S. officers at Panmunjom by the North Koreans. As Mr. MURPHY stated August 24, "The American people, allied with South Korea throughout a bloody war and through 23 years since then, deserve much more than a brief note of regret for the continued murder of our men" from the North Koreans. The savage attack on U.S. military men in the demilitarized zone dividing North and South Korea was brutal and unjustified.

But, Mr. Speaker, the American people also deserve more from the South Korean Goverment.

These two young Americans were defending, in effect, a government that was recently described by the Senate majority leader, Senator MANSFIELD, as "a military-bureaucratic authoritarianism under the control of President Park Chung-Hee." Senator MANSFIELD accurately pointed out that in South Korea, civil liberties are suspended and all opposition has been silenced by fear of death or imprisonment. A South Korean history professor recently said:

The facade of openness here makes it seem ridiculous, but control of protest here is tighter than many Communist countries . . . The present Polish level of dissidence is unthinkable here, and Sakharov is able to operate in the U.S.S.R. in ways impossible here. Under the Hitler regime in the '30s, the German people were able to be more outspoken than we can be in Seoul today.

Non-Communist South Korean patriots are today on trial in Seoul. Their crime? Openly advocating a return to democracy in South Korea.

A South Korean Solzhenitsyn would not be invited to the Blue House or exiled, he or she would be tried and imprisoned—if lucky.

Thus, the tragedy of the deaths of the two American officers is not only the loss to our country and their families. The tragedy also is that after 23 years and a bloody war our Government asked these men to risk spilling their blood for a despotic government headed by a man who tolerates no opposition.

Once again, our Government is asking the U.S. military to defend an authoritarian regime.

An August 24, 1976 New York Times editorial puts it well:

[T]he deployment of American strength abroad must have positive and worthy goals. The American people know what United States forces stand against in Korea; they have a responsibility to ask what they stand for as well.

FAVORABLE BUSINESS CLIMATE

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. COLLINS of Texas. Mr. Speaker, in Texas the citizens appreciate and encourage business being in our community. We have what is known as a favorable business climate. Business is taxed with equity. We want business to prosper because when business grows, it means more jobs for our community. We are "pro business."

It is jobs with their payrolls that provide the basic economic strength for every section of America. I am always appalled to hear discussions in Congress where the impact of the legislation will be to stifle development and growth of business.

Massachusetts is a great State. I have warm memories of Boston where I graduated from Harvard Business School, where I became engaged to my wife on the Boston Commons, where I shipped out of Fort Devens to go to Europe, and where I came back to Devens when the war was over. There are no finer folks in the world than the Irish of Boston. All our girls went to Wellesley and the boys to Harvard. Massachusetts is a great intellectual center. The Boston area has as much book knowledge and theory as any one spot in the world.

I am a stockholder in a company named Dennison Manufacture Co. whose main plant is in Framingham, Mass., but they have recently built another plant in Mississippi. In their annual meeting a stockholder asked about why the company was building a plant in Mississippi, and he was answered by Mr. Nelson S. Gifford, president of Dennison. The exact statement of Dennison's head man is a message in common sense that all America should hear:

I might say parenthetically that some of you might wonder what we are doing with a second plant in Mississippi. It is incredible, the difference between the climate of doing business in the State of Massachusetts and doing business in the State of Mississippi.

The State of Massachusetts is currently $700 million bankrupt on its unemployment fund. You heard the caterwauling that went up about the State Income Tax which only had to raise three or four hundred million dollars from corporations and individuals combined. The corporations ALONE are going to have to make up this $700 million deficit.

We also have the flat rate electricity issue. On the 5th of May the Legislature on Beacon Hill will vote on flat rate electricity. If they pass that and raise our rate to 4.85 cents per kilowatt-hour, it will be an incredible increase in the cost to the Company, $200,000 to $300,000 out of your pocket. And what are the benefits you will get back? The employees will get a reduction of 85 cents a week in their electric bill.

In the part of the world that we live in, it is very expensive to do business. So we will continue to place our plants where we think they are geographically best located for distribution as well as the economies of taxes, labor costs, and distribution costs.

MINERS SOFTBALL TEAM THIRD IN THE NATION

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. YATRON. Mr. Speaker, The Miners Softball Team, a part of the Minersville Little League, has compiled a record of accomplishments of which they should be justifiably proud.

The young women who played in the senior division recently placed third in the world series held in Portland, Oreg. The Miners played their best and brought home national recognition to the community of Minersville, the county of Schuylkill, and the entire Sixth Congressional District.

In testimony of the Miners' accomplishments, I am submitting an article that was published in the Pottsville, Pa. Republican on Friday, August 20, 1976, which gives the account of the Miners' final game of the series and their prospects for next season.

MINERS—THIRD IN NATION

(By Alan Kerr, Assistant Sports Editor)

PORTLAND, OREG.—The citizens of Minersville and all of Schuylkill County will in the years ahead be able to look back on 1976 with a great deal of pride in what a group of 14 young ladies did for sports in the county and the northeast.

The Minersville Senior Division Little League girls—Pennsylvania and Eastern Regional Champions—finally met their match Thursday evening in the world series here, losing 6-0 to south representative Tampa Bay, Florida.

It was the Miners second loss in the double elimination tournament against one victory which placed them third in the four team playoff, ahead of Dayton, Ohio.

There were few if any tears to mark only the Miners' third loss since they began their championship quest a few weeks ago.

There wasn't the emotion that reddened 14 pair of eyes in two previous defeats.

The Miners had indeed lost, but they seemed to finally realize that there is no shame in finishing third in the nation.

They had done their best: on Thursday night, that just wasn't quite enough.

Take away Tampa Bay's first two innings and it's a different game. The Florida girls scored three runs in each of the opening two frames to establish their margin of victory. After that, though they were in some hot water in almost every inning, the Miners kept Tampa off the scoreboard. And Tampa has a very good offensive club—one that hits well and is extremely quick on the bases and has the ability to make things happen.

On Monday night, when Tampa and Minersville tangled in the tournament's opening game, Miners pitcher Beth Ann Lechleitner held her opponents to just three hits in winning a 2-1 decision. The girls from Florida came out swinging against Lechleitner Thursday pounding nine hits.

Again some fine defense by outfielders Brenda Miller and Mary Ann Cremo kept Minersville within sight of a possible comeback.

Tampa Bay pitcher Michelle Lamont was a big part of why the comeback did not materialize. Lamont, who got herself in trouble Monday against the Miners by walking eight changed her pitching style and cut down the free passes to three. She made the Miners hit the ball, and though they rapped five hits and had runners on in every inning, they could not score on the south's defense which did not allow a runner past second base.

"I really slowed down tonight," Lamont said. "I wasn't going for the strikeouts. I knew we had a great defense so I was just trying to make them hit the ball. If I got behind on the count, like 2-0, then I tried to throw a hard strike, but I was mostly pitching a lot slower than Monday."

Minersville mounted its biggest threat against Lamont in the fourth. Miller rifled a line drive single off Lamont's glove and an out later, moved to second when Bonnie Wenner walked, Krista Borrell then ripped a shot down the third base line but Jeanette Rodriguez fielded the ball, stepped on third to retire Miller, then threw to second to get Wenner for an inning ending double play.

Minersville had two runners on base in just one other inning, the fifth. Michaelle Pizzico got on after forcing Cheryl Shulkusky at second and with two outs Kelley Borrell singled to left. Cremo flied out to end the inning.

FIRST INNING DECISIVE

Tampa Bay got all the runs it needed in the first. Therese Balbin flied out to open the game but speedy Carmen Orihuela beat out an infield roller to second and Lamont reached on a bloop single which fell in front of Miller in left. Dori Vila was retired for the second out, but Debbi Portugues walked to load the bases.

Lefthanded batter Rodriguez then stroked a hit to left which bounced away from Miller and sent three runners across. Rodriguez wound up at third with a triple and the biggest hit of the game.

Tampa Bay came right back in the second. Sandra Espino walked and Kim Andersen got a bunt single. Balbin singled to center for a run and she and Andersen moved up an extra base on the throw to the plate. Shortstop Wenner couldn't handle Orihuela's one hop line drive and as the ball bounced off Wenner's leg into left, Tampa's runs five and six scored.

Minersville retired the Florida girls in order in the third and left them with two runners stranded in fourth and fifth. Miller made two key catches in the sixth, the second a diving grab to rob Lamont of a base hit.

TALK OF NEXT YEAR

Even while fans were still filing out of Alpenrose Stadium following the final out, some of the Miners, particularly Cremo and Kelley Borrell, were talking about next year. Both Cremo and Borrell will be too old to play next season, but their spirit in defeat seemed to typify the feeling in all of the Miners.

Something should also be said about tiny Carolyn Harley who was among the smallest if not the smallest player on any of the four senior division teams.

"Shorty" generated the most offense for the Miners in their three tournament games reaching base safely 10 straight times before Tampa Bay finally got her out last two times up Thursday. Harley drew nine walks and also got a single in 12 plate appearances.

Tampa Bay, now 2 and 1, will move into Saturday's finals against west champ Hawthorne, California, a hard-hitting team which dropped the Miners 13-7 Wednesday. Tampa will have to beat Hawthorne twice on Saturday in order to win the championship.

Today is get together day for all the girls who took part in the little league and senior division tournament, and with the pressure off, the Miners should have no trouble enjoying the day's festivities. An awards banquet Saturday night will officially end world series week in Portland.

The Miners and the contingent of Minersville fans who made the trip to the coast will fly home together on Monday.

Tampa Bay, Fla.	ab	r	h	bi	Minersville	ab	r	h	bi
Balbin lf	4	1	1	1	Harley 2b	2	0	0	0
Orihuela ss	4	1	1	0	Bosack ph	1	0	0	0
Lamont p	4	1	2	0	Kelley Borrell rf	4	0	1	1
Vila 2b	3	0	1	0	Cremo cf	3	0	0	0
Portugues cf	2	1	0	0	Miller, lf	3	0	2	0
Coto cf	0	0	0	0	Lechleitner p	3	0	0	0
Rodriguez 3b	4	0	2	3	Wenner ss	2	0	1	0
DeLaCruz 1b	3	0	1	0	Kirsta Borrell 3b	3	0	0	0
Solomon 1b	1	0	0	0	Shulkasky c	2	0	0	0
Espino rf	2	1	0	0	M. Pizzico 1b	3	0	1	0
Morales rf	1	0	0	0	Totals	26	0	5	0
Andersen c	3	1	0	0					
Totals	31	6	9	4					

Tampa Bay	330	000	0—6	9	1
Minersville	000	000	0—0	5	2

E — Vila, Wenner 2. DP — Tampa Bay 1. LOB — Tampa Bay 8, Minersville 8. 3B — Rodriguez. SB — Andersen.

	IP	H	R	ER	BB	SO
Lamont (W)	7	5	0	0	3	2
Lechleitner (L)	7	9	6	4	4	3

AMENDMENT TO SYNTHETIC FUELS BILL, H.R. 12112

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. TEAGUE. Mr. Speaker, I would like at this time to call to the attention of all the Members a package amendment to H.R. 12112, the Synthetic Fuels Loan Guaranty bill, placed in the amendment section of the RECORD which contains the language agreed to by the Committee on Science and Technology, the Committee on Banking, Currency and Housing, and the Committee on Ways and Means. As you know, the bill, H.R. 12112, which was introduced on February 25, 1976, and reported by the Committee on Science and Technology on May 15, was sequentially referred to three additional committees. To reflect the work of the Committees on Science and Technology, Banking, Currency and Housing, and Ways and Means, we have prepared this amendment so that the Members will have an opportunity to review and study the provisions that three of the four committees agree should be incorporated in H.R. 12112.

To facilitate consideration of H.R. 12112 on the floor, the Committee on Science and Technology, the Committee on Banking, Currency and Housing, and the Committee on Ways and Means will ask the Rules Committee to consider this amendment as the text for purposes of amendment.

We have worked very hard with other committees referring the bill. Three of the four committees have agreed with this approach. I would like to alert all Members that if they wish to offer amendments to the package amendment we are printing in the RECORD today, the amendments should be drafted to the text we are placing in the RECORD.

IMPORTANT ANTI-CRIME MEASURE

HON. CHRISTOPHER J. DODD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. DODD. Mr. Speaker, earlier this week the House passed a long overdue measure designed to make the streets of our Nation's capital safer. This legislation, the District of Columbia pretrial release or detention bill, H.R. 14957, was approved by this body on August 23 by a voice vote, thus giving clear indication of the overwhelming, bipartisan support it enjoys. I am hopeful that the bill will receive equally favorable consideration before the Senate.

My only reservation in supporting this bill, Mr. Speaker, was that it does not go as far as I would have liked. The District of Columbia is only one of many areas of the country where the safety of law-abiding citizens is jeopardized because repeat offenders, accused of violent crimes, are released on bail.

As many of my colleagues know, I introduced a similar, though more comprehensive bill earlier this year. The pretrial detention bill which I sponsored, H.R. 13997, would have applied to Federal district courts, as well as to courts in the District of Columbia. It would have allowed a judge to deny pretrial release to a person charged with an act of violence, including crimes involving the use of a dangerous weapon, intentional infliction of death or serious physical injury, or commission of sexual assault. The bill the House passed on Monday would apply only to District of Columbia courts, and is limited in scope to the crimes of first degree murder and forcible rape. Given the number of instances where a recidivist is released on bail and commits another violent crime, I feel the more comprehensive approach would have been preferable.

I believe, Mr. Speaker, that it is entirely reasonable to allow a judge the discretion to deny release, after a preliminary hearing, if it is determined that the accused poses a clear threat to the community, or if the accused is likely to flee. It is a necessary step toward making many areas of this country safer to live in and travel through. And it is an important step toward providing an effective deterrent against violent crimes committed by repeat offenders.

We have heard time and time again from police commissioners across the Nation that this sort of legislation is essential if we are to curb the problem of the "revolving door" through which recidivists continue to pass. The concept of pretrial detention in cases involving repeat offenders and violent crimes has received broad, bipartisan support here in Congress, from the administration, and most importantly, from the general public.

Although the bill the House passed is more limited in terms of scope and jurisdiction, I feel it will prove to be a positive first step in the right direction. It will serve as a testing ground and an example for State legislatures to follow. It will be a pilot program for the Federal Government, which hopefully can be extended to apply to all Federal courts in the near future. Furthermore, it will address a problem here in the Nation's Capital, where an appalling 70 percent of persons indicted for robbery are rearrested for similar or more serious offenses while on release pending trial; and where many residents and visitors are afraid to walk the streets day or night.

The House bill also provides an important measure to protect the right of due process for the accused. When the House Committee on the District of Columbia held hearings on this legislation I testified in support of a provision to allow judges to hold a preliminary hearing to determine the appropriateness of pretrial detention before it is imposed. I am pleased to note that this provision for a hearing is included in the House-passed bill.

ST. ELIZABETH SETON

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. MURPHY of New York. Mr. Speaker, this Saturday, August 28, 1976, is the 202d anniversary of the birth of Elizabeth Bayley, known today as St. Elizabeth Seton. Almost 1 year ago, the Congress overwhelmingly passed a resolution requesting the President to issue the proclamation which designated Sunday, September 14, 1975, as "National St. Elizabeth Seton Day." This was done in honor of the day Mother Seton was canonized and proclaimed a saint by Pope Paul VI. She was the first native born American to be so honored. Although the official ceremonies have been completed, it is fitting on the anniversary of her birth that we reflect on the remarkable accomplishments of this great American woman. Widowed in 1803, with 5 children to support, she went to Baltimore to open a private girls school at the invitation of Bishop John Carroll, America's first Catholic bishop. She later moved to Emmitsburg, Md., where she founded not only the first religious order for women in the United States but also the first American Catholic parish school. She was responsible for the establishment of many of the first orphanages in America as well as many badly needed hospital facilities. During her lifetime she was deeply involved in the problems of the poor and disadvantaged of all faiths. Her schools, hospitals and welfare institutions were open to everyone in need, regardless of race, nationality or creed. Today, over 10,000 women trace the origins of their respective religious foundations to the Sisters of Charity of St. Joseph, the religious order founded by Elizabeth Seton at Emmitsburg, Md., on July 31, 1809. The courage and spirit by which she lived

served as an inspiration to many in her lifetime. She was a symbol of hope for the future and this hope is still reflected in the lives and works of her followers.

U.S.S.R. REFUSES PERMISSION TO ABE STOLAR FAMILY TO EMIGRATE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. ANNUNZIO. Mr. Speaker, the final act of the Conference on Security and Cooperation in Europe was signed on August 1, 1975, in Helsinki, Finland, and contains provisions designed to guarantee basic human rights and to allow for the free movement of people, information, and ideas between East and West. The Soviet Union led in the organization of this conference and, after considerably watering down their original promise to include strong guarantees for wider dissemination of information and freer movement of peoples, signed the document, thus endorsing the weakened human rights provisions.

One year has passed since the signing of that document and it is now clear that the U.S.S.R. had no intention of even honoring the weakened provisions of the accord with regard to human rights, and continues in its denial of requests by its citizens to emigrate. I cosponsored and strongly supported legislation to create the Commission on Security and Cooperation in Europe, which will monitor Soviet compliance with the Helsinki accord, and this bill is now public law.

The case of the Abe Stolar family illustrates the effects of these sadistic Soviet policies, and I call the attention of my colleagues to an article on the sad plight of the Stolar family which appeared in the Chicago Tribune, in addition to the letter I wrote to the Soviet Embassy on the family's behalf as well as the reply I received.

The article and the letters follow:

"STATELESS, BROKE" JEW YEARNING FOR DIVISION STREET HOME

(By James O. Jackson, Moscow Correspondent)

Moscow.—Abe Stolar was born on West Division Street in Chicago and loves the city. As a boy he roamed its streets, played ball in its parks, went to movies in the Loop, and looked at the pictures in the Art Institute.

He would very much like to visit his home town once more, but he cannot. Forty-four years ago he came to the Soviet Union, and the Russians have never let him out.

Stolar, 63, told his strange, sad story this week after he had exhausted his efforts to obtain official permission to emigrate with his wife, Gitta, and his 16-year-old son, Mikhail.

"We're stateless, broke, and desperate," Stolar said, his speech edged with the flat Midwestern accent he picked up on the streets of Chicago so long ago. "I figure our best hope is to make as much noise as we can."

Stolar does not look like the noisy type. He is shy and bookish, with thinning gray hear and sad brown eyes. He has never before delivered a protest, sought publicity, nor talked with foreign newspapermen.

He began by explaining how he came to be transplanted from Division Street to Moscow. He said his father, who was a Jew and a Communist, fled the persecutions of Czarist Russian in 1909 and settled in Chicago. He worked as a printer, but the Depression struck so in 1931 he took his family and returned to Russia, full of hope and Communist fervor.

Soon, hope turned to anxiety, and then to fear as the great Stalinist terror of the thirties swept the land.

"They arrested my father one night in 1937," Stolar said. "They just took him away for no reason, and of course we never heard from him again. Things like that happened all the time in those days."

Stolar said he managed to avoid arrest, altho both his sister and her husband were taken. He worked first as a poster artist, and then as a translator for Moscow radio. Sometimes he dreamed of leaving, he said, "But I didn't try to go to the American embassy. In those days, people who went to the American embassy always disappeared later."

But in 1971 when other Jews began getting permission to emigrate to Israel, Stolar decided to try. He applied, with his family, to go to Israel.

"At first things went well," he said. "In May, they finally said we could go so we sold all our things, got rid of our apartment, and on June 18 we went to meet the flight."

"We cleared customs," he said, "but at passport control they said something was wrong with my wife's visa."

The Stolars went back to the city to straighten out the problem, but at the visa office officials took all their documents from them.

"The officials said my wife, who was a chemist, had done secret work," he said. He shook his head ruefully. "But she retired two years ago, and she hasn't done any secret work since the war. It's ridiculous, and we just don't understand."

Now, he said, he is without work, low on money, and low on hope. He is especially worried about his son, who is nearing the age for the military draft. Once in the army, it would be years before he could hope to leave the country.

"He's a bright kid," Stolar said. "I don't want him to have to live here. I don't want him to have to think one thing, but say another, like I have done all my life."

Stolar said he has visited the United States embassy and asked for help. Embassy officials are checking to determine if he still is considered a U.S. citizen, and, if so, they can formally intervene with the Soviet government.

Stolar said he does not know whether he would rather go to Israel or to America. "We have a joke here," he said. "It's not so much a matter of where you're going to. What's important is where you're going from."

But Chicago was the place of his youth, he said, and his eyes soften when he remembers it. "I used to play in Humboldt Park, and later we lived out by Portage Park," he said. "I worked in my uncle's drug store on Grand Avenue."

"I loved that city, I really did," he said. "I have lots of good memories."

Stolar sit silent, looking at the gray Moscow day.

"I'd sure like to see that town again," he said.

AUGUST 26, 1975.

Hon. ANATOLY F. DOBRYNIN,
Ambassador of the Union of Soviet Socialist Republics,
Office of the Embassy,
1125 16th Street, N.W.,
Washington, D.C.

DEAR MR. AMBASSADOR: In view of the recent agreement between the United States and the Soviet Union signed in Helsinki, Finland, providing for less restrictive emigration procedures, I appeal to you on behalf of Mr. Abe Stolar, who along with his wife and son requested permission from Soviet authorities to emigrate to Israel in 1971 but have never been allowed to leave the Soviet Union.

I urgently request that you use your good offices to facilitate the grant of permission to emigrate as requested by these individuals.

Sincerely,

FRANK ANNUNZIO,
Member of Congress.

EMBASSY OF THE
UNION OF SOVIET SOCIALIST REPUBLICS,
Washington, D.C., September 3, 1975.

Hon. FRANK ANNUNZIO,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. ANNUNZIO: With reference to your letter of August 26, 1975, I would like to inform you that the Embassy does not deal with questions concerning Soviet citizens' departure from the USSR for permanent residence elsewhere.

These matters come under the jurisdiction of appropriate authorities in the Soviet Union, which consider them only on the basis of applications by Soviet citizens themselves.

Sincerely,

Y. GALISHNIKOV,
Chief, Consular Division.

LONDON SCHOOLS SYMPHONY ORCHESTRA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. WAXMAN. Mr. Speaker, the Hollywood Bowl in Los Angeles will be the scene of a major cultural exchange when the Los Angeles Community College District presents the London Schools Symphony Orchestra in concert on Sunday, September 19, 1976.

The British Bicentennial Arts Committee has chosen this orchestra made up of 100 of Britain's finest young musicians as the sole representation of all the youth orchestras which flourish in Britain today.

Not only will there be a fine interaction with the young musicians of Los Angeles but also a mingling of cultures through the hospitality of Los Angeles as they open their homes to the musicians.

Leading the London School Symphony is one of Britain's most brilliant young conductors, Simon Rattle, whose sudden rise to fame at the age of 21 has had a dramatic impact on the musical world. He and the orchestra have been acclaimed for performances at the Philharmonic, West Berlin, Beethovenhalle, Bonn, Surbonne, Paris, Guildhall and Sadler Wells, London.

The Los Angeles Community College District, the largest in the country, with nine colleges and 140,000 students, seeks community involvement through a flexible program of cultural, educational, social, recreational enrichment.

Through lecture series, mobile counseling, theatrical productions, senior citizen centers, art exhibits, workshops, conferences and career centers, the College District stimulates and assists programs of community action.

This cultural highlight through cooperation with the British Bicentennial Arts Committee and the Los Angeles colleges is an outstanding example of the kind of international friendship which leads to peace and understanding.

It is my pleasure to congratulate the Los Angeles Community College District and Chancellor Koltai for this fine undertaking.

DEDICATION OF MEMORIAL SECTION, WOOD NATIONAL CEMETERY AND MEMORIAL SERVICE FOR LT. TOM CRESS, USN

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. ZABLOCKI. Mr. Speaker, on Tuesday, August 17, 1976, I had the privilege of participating in the dedication of the memorial section of the Veterans Administration Cemetery, Wood, Wis. A portion of the VA cemetery has been set aside as a memorial to those who have lost their lives in the service of their country but whose remains cannot be returned here for a final resting place.

It was also a most appropriate time to honor and memorialize Lt. Tom Cress, USN, who was lost at sea on January 6, 1961, while serving his country.

Tom sang in my choir at St. Vincents Church, Milwaukee, Wis., when he was a boy and had a beautiful boy soprano voice. He showed leadership qualities even in his youth and was an outstanding young man in every way. He served his country well, and his death was a great loss to his family and friends and to our Nation. There is consolation in knowing that his life and heroic sacrifice added to the heritage of our great country.

An example of Tom's outlook on life and his dedication to duty and devotion to God is exemplified in the following poem, one of many he composed while on ship duty:

The sun sank slowly in a golden mantle of color.
Man watched
And was awed.
God looked down and smiled.
Such little things in nature made the creature aware of beauty.
But what of the spirit?
Somber gray towers stretched to the heavens.
The sea was disturbed by massive structures of might,
And this was not in nature,
But it was a part of it.
This was that intruder, man,
Drinking in the purple, and red, and golden sun sinking into the sea.
But not merely as a watcher
For his task was more terrible.
The somber towers of destruction were there for another purpose.
Man was being taught to destroy man!
Yet the creature saw God's beauty and was awed.
His heart was not in this grisly business.
And God saw
And looked down
And smiled.
For man was not built to study destruction.
He was made as a companion to man
And his nature rebeled against his action.
He felt,
But he did not realize.
Still God smiled;
For it was in the nature of these, his creatures, that peace and order lived,
And thrived.
Man would continue his war against man,
For a awhile,
But his nature would rise triumphant.
For man is good.
He was made by He who is All-good.
As was the earth,
And the sky,
And all things.
He could not rebel forever,
But soon would surrender himself to his nature,
And thus to his God.

The memorial ceremony at Wood was a fitting and well deserved honor to the memory of this fine young American, and as I shared the occasion with Tom's family and friends as well as officials of the Veterans' Administration and the veterans service organizations, I could not help but reflect that the price of freedom has often been high—that the preservation of freedom and our democratic ideals has at times demanded the supreme sacrifice of some of our Nation's finest. This was the theme of the dedication address of Rev. J. E. Trethewey, Chief of the Chaplain Service, which follows:

In his address at Gettysburg President Lincoln said:

"We are met on a great battlefield . . .

We have come to dedicate a portion of that field as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this."

It seems altogether fitting and proper that we dedicate a portion of this National Cemetery, as has been done in other National Cemeteries, as a Memorial to those who also gave their lives for their country but whose remains cannot be returned here for a final resting-place.

Military service and warfare demands that those in the service of our country often face danger on land, in the air, on the sea and under the sea. Tragically, some are lost at sea; some are missing in action as a result of carrying out dangerous and often lonely assignments, and after a period of time, are presumed to have died. We shall honor the memory of those veterans by inscribing their names on individual markers and placing them in this section set aside in their memory.

The parents and other loved ones of Tom Cress, who was lost at sea while serving his country are present at this Dedication. We can only begin to understand the significance of this occasion for you personally. We stand with you and by you today.

The first marker to be placed in this section is inscribed "In Memory of Tom Cress." From time to time, other stone markers will be inscribed and placed in memory of other veterans. To this place loved ones may come to memorialize their loved ones.

But we, too, recognize as did President Lincoln at Gettysburg, that "in a larger sense, we cannot dedicate, we cannot consecrate—we cannot hallow—this ground" either, "because brave men have consecrated it far above our poor power to add or detract."

The appropriate Dedication, now then, is a Dedication of ourselves "to the great task remaining before us" also—the task of defending the right to be free.

Mr. Speaker, I take this opportunity to commend the Veterans' Administration for initiating the policy of setting aside memorial sections in National cemeteries for servicemen lost in action whose remains cannot be returned for interment. Particularly, Mr. Mack Cochenour, cemetery superintendent at Wood, has the undying gratitude of the families of such servicemen for initiating and promoting a memorial section at Wood, Wis.

At the dedication ceremony the Veterans Administration was represented by Wood VA staff personnel and veterans service organizations. The family and friends of Lt. Tom Cress are grateful to them.

The Veterans' Administration staff personnel and veterans service organizations representatives present and participating in the dedication service were as follows:

Mr. A. L. Modin, Center Director.
Mr. J. T. Krajcek, Assistant Center Director.
Mr. James N. Santelle, Special Asst. to Director.
Mack Cochenour, Cemetery Superintendent.
Chaplain J. Trethewey, Chief, Chaplain Service.
Mel Nimitz, Station Photographer.
Robert Krebs, Asst. Chief, Engineering Service.
Richard Reid, Chief, Voluntary Service.
D. N. Felty, Chief, Engineering Service.
H. R. McClanahan, Asst. Chief, Bldg. Mgmt. Service.
Mr. Fred C. Heinle, State Service Officer, The American Legion.
Mr. Harold Henry, American Legion Hospital Representative.
Mr. Ralph Gerlach, Asst. State Service Officer, VFW.
Mr. Thomas Murach, VAVS Hospital Representative, VFW.
Susie Heitkemper, VAVS Deputy Representative, Disabled American Veterans.
Monica Witt, Hospital Representative, American Legion Aux.
Martha Marlowe, State VAVS Representative, AMVETS.
Russ Sheldon, Hospital Representative, Masonic Service.
Mr. Ed McDonald, Field Representative (Washington, D.C.), American Legion.
Wm. Markhoff, Hospital Representative, Military Order of the Purple Heart.
Frank C. Kroiczyk, Asst. National Service Officer, Disabled American Veterans.
Albert J. Hanna, Department Adjutant, Disabled American Veterans.

Mr. Speaker, there will be other individuals like Tom who will be honored throughout our Nation, and this should be an inspiration to each of us to rededicate ourselves to the principles for which these brave men and women have given their lives.

BIG ERNIE DESERVES MORE THAN MENTION WITH END IN SIGHT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. CLAY. Mr. Speaker, recently an article appeared in the St. Louis Post Dispatch about one of the greatest sportspersons I have known. Many of you will remember Ernie McMillan. It is with great pleasure that I rise today to pay

tribute to a fine person and a personal friend.

I commend the following article dated Aug. 22, 1976 to my colleagues:

[From St. Louis Post-Dispatch, Aug. 22, 1976]

BIG ERNIE DESERVES MORE THAN MENTION WITH END IN SIGHT

(By Tom Fitzpatrick)

CHICAGO, Aug. 21.—It all ended so quietly.

There was a brief wire service story out of Green Bay, Wis. It told how Ernie McMillan has been out by the Packers. He had been in the National Football league as an offensive tackle for 15 years; the first 14 with the St. Louis Cardinals.

McMillan was 38 years old, the story said. He was coming off winter knee surgery and the Packers had to make way for their No. 1 draft choice, Mark Concar, an offensive tackle out of the University of Colorado. Concar is 23.

The story intrigued me because McMillan started playing football at DuSable High in Chicago under Jim Brown. He went on to play at the University of Illinois with Ed O'Bradovich and Bill Brown.

There was a time when McMillan was considered the best pass blocker in the NFL. He had been offensive captain and played in 162 consecutive games for the Cardinals. He made the pro bowl game four times.

Now he was leaving, and he was barely a footnote to the news.

Some things should not end in silence. Ernie McMillan deserves more than a passing mention, I thought.

"It was the saddest thing I've seen in a long time," a Green Bay man said "Practice was agony for Ernie this year. His body just gave up on him. It's a damned shame a decent guy like Ernie can't go on forever."

When it came down to it, Bart Starr, the Packer coach, who is only four years older than Ernie, called him to his office.

"Ernie," Starr said, "It's time for you to retire. I brought you here from St. Louis a year ago when they let you go because you were exactly the high quality kind of guy we needed to turn our program around.

"You did a fine job for us but now it's time to quit. Why don't you let us announce your retirement?"

Ernie McMillan sat there thinking for several minutes before answering. He has always taken every step with caution.

"No, Bart," McMillan finally said. "I'm not ready to quit. I still think I can play and help somebody. Just put me on waivers. That way every other team in the league will know I'm still available."

It was the same decision McMillan had made a year previously when Joe Sullivan, the general manager of the Cardinals, called him into his office.

"Ernie, you've been one of the greatest players in Cardinal history," Sullivan begged. "Let us tell the world how great you've been for this club. Let's announce your retirement and have one hell of a big party for you."

Sullivan remembers the desperate look that came into Ernie's eyes when he answered.

"This is my life," McMillan said. "Pro football is everything I have ever dreamed about in the world. I still think I have something left."

So Ernie was dropped by the Cardinals and headed for Green Bay. He would be missed.

Don Coryell, the present coach of the Cardinals, will never forget the sight of Ernie on the sidelines during the final game of the season against the New York Giants in 1974.

"Ernie had been injured and couldn't play," Coryell says. "A coach doesn't usually know what's going on behind him on the bench. But I couldn't help but notice Ernie there in his civilian clothes.

"He was eating his heart out, he wanted to play so bad. It was raining and Ernie stood there handing out towels to everyone and even helped wipe the balls off for the officials.

"We were losing 14–0 at half and we needed that game to win the division title. Ernie went around the dressing room talking quietly and encouraging everyone. We came back and won 26–14."

Jim Brown remembers Ernie when he was a high school kid playing for DuSable.

"I coached 20 years," Brown says, "and I never had a kid who worked as hard or was more reliable. Nobody knows what a price Ernie paid to become a great athlete."

Ernie's older brother, Shelly, was a great basketball player as was Ernie's younger brother, Floyd. Shelly went to Indiana University and then transferred to Bradley where he was a star and then on to a career in pro basketball.

"Actually, I thought Ernie could be a great basketball player, too," said Brown, "because he was so good around the boards, but I couldn't get Indiana to give him a basketball scholarship. So I went down to Illinois and got them to give him a football scholarship.

"Nobody knows what a torture chamber he went through down there. He didn't play in anything but scrimmages for the first two years.

"After spring practice was over he'd come back home to Chicago. You know what he'd do then? He'd get up at 5 a.m. and go out jogging in Washington Park. Then, he'd put heavy gauze over both his forearms and tape them.

"Then he'd pick out a big tree and he'd just wear himself out attacking that tree trying to block it."

Brown hesitated.

"The thing about Ernie McMillan is that he was never able to convince anyone right at the start how good he was. Everyone always underrated him."

Ernie played defensive end in his last two years at Illinois. When he was a senior, Illinois was picked to win the Big Ten title. They had nine players who were drafted by the NFL. But they finished with a 5-4 record.

"I've finished high school and college," Ernie said then, "and I've never been with a winner. I want to be with a winner before I finish up as a pro."

So Ernie went to the Cardinals as a thirteenth-round draft choice.

Ernie played on some fine Cardinals teams that came close. And there are those who credit him with his finest hour in the game when he stepped in and helped mediate an ugly racial situation that was developing on the Cardinals in 1970.

Still, McMillan never played in a Super Bowl. Not having reached the summit, he has a hard time accepting the end.

"I still think I can help some team," McMillan said.

Jim Brown was close to tears when he heard that.

"I've got my fingers crossed for Ernie," he said. "Wouldn't it be great if somebody picked him up and he got his chance to play in the Super Bowl after all?"

It would be great, of course. But dammit, life just doesn't work that way.

WE ARE THE FOUNDING FATHERS OF THE FUTURE

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. GIBBONS. Mr. Speaker, Mr. Sidney Eisenberger, of Apollo Beach, Fla., which is within the congressional district that I am privileged to represent, is the first place winner in the Bicentennial awards program, "Toward Our Third Century," sponsored by Wells Fargo Bank in cooperation with the Smithsonian Institution. The program challenged Americans of all backgrounds to present thoughts on the Nation's next 100 years.

Prior to moving to Florida, Mr. Eisenberger lived in New York. He has an impressive educational and business background. With a masters degree in chemical engineering from Columbia University and a B.A. in the same subject from City College, New York, he is a member of MENSA—an international organization of persons whose IQ's are in the upper 2 percent of the population—and the Apollo Beach Civic Association.

The "Statement of Purpose" of the awards program included the following words—

America's future rests upon the dreams, the resourcefulness, the determination, and the skill of all its people in seeking solutions to the critical issues facing our society. Now is the time to invite all who live in this country to shape a vision of the future that can profoundly affect our nation's existence.

Mr. Eisenberger's paper does just that, and, after reading it, it is easy to understand why he was a winner. I commend it to Members of the House and to all Americans:

WE ARE THE FOUNDING FATHERS OF THE FUTURE

(By Sidney Eisenberger)

($10,000 First Place Award Essay by Adult)

ADAPT OR DIE

Stars explode and their fireballs grow dim in the sky. Galactic clouds condense into new suns and new planets. Continents drift. New mountain ranges rise. Shallow seas turn into great plains. Grasslands replace forests and are replaced by deserts. Rivers slice through rising strata and build new land where their waters join the seas. Polar ice caps advance and retreat. Climates become hotter or colder, wetter or drier. Nature is restless, everchanging.

Living organisms must adapt to the fickle moods of nature or their species die out. To maintain harmony between their mode of living and the changing environment in which they live, they must evolve. Only Homo sapiens is not subject to this compulsion. Man has reached the end of the evolutionary line not because he has achieved perfection but because he has found another way to cope with nature. He has evolved into a technological animal. He has acquired the ability to use tools, to communicate, to study nature and pass information to succeeding generations, to transport himself and his goods over vast distances, to protect himself from extremes of weather, and to supplement his muscles with other sources of energy. Man can carry his life supports with him to the Sahara or the South Pole or even the moon.

Yet most of Man's technology would have died aborning had he not also become a social animal. His cultural, economic, and political institutions have made it possible for the many to act in concert for the benefit of all, however unevenly the benefits are distributed. Thus, the evolution of Man as a species is no longer sensitive to nature's variability. To be larger or stronger or fleeter of foot has ceased to possess survival value. Changes in body structure or function are not required to guarantee the continued existence of future generations.

For Man, the need to evolve has passed from species to societies.

THE CHANGING SOCIAL CLIMATE

Two hundred years ago, thirteen thinly populated English colonies on the Atlantic seaboard of North America banded together to fight a revolutionary war for their independence. They founded the United States of America, now the most powerful, the most affluent nation the world has ever seen. In those two centuries, Man's ability to control and exploit nature has been profoundly enlarged, producing changes in social environment at such a rapid pace that human societies have difficulty adapting to them.

A very small percentage of our present population grows enough food to feed the rest of us with a surplus for the needs of other nations. Nuclear reactors and the combustion of fossil fuels supply every American with many times the amount of energy than that which was available to the colonists from wood, horses, slaves, and the push of rivers against waterwheels. Mass production pours manufactured goods out of our factories with an ever-diminishing need for human labor. Conestoga wagons averaging less than fifty miles a day have given way to huge cargo planes and diesel trucks spanning the continent in a few hours or a few days. Laboriously handwritten letters, requiring weeks to cross the Atlantic via fast sailing vessels, have been replaced by the almost instantaneous transmission of pictures and voices bounced off satellites hovering thousands of miles above the earth's surface. Special materials have been developed for all kinds of mundane and exotic purposes—new metals, new ceramics, and a bewildering variety of plastics. Computers are taking over the tedious aspects of mathematical calculation and the storage and retrieval of information. Pestilential scourges—smallpox, diphtheria, malaria, typhoid, polio—are almost non-existent in our land, and life expectancy has just about doubled since colonial days. Weather can be made to order almost everywhere except on a golf course, and air-conditioned golf carts are not too far away.

Unfortunately, not all of our expanded capabilities are benign. Many of our rivers and lakes and some ocean areas have been converted into open sewers and cess pools. We are running short of clean, potable water. Our thin layer of life-supporting air is being poisoned. Those few inches of soil on top of the earth's crust which ultimately feed all species is being exposed to the erosion of wind and water. Fish and game have become scarce. Access to unspoiled nature has been constricted by unplanned growth and the rapacious exploitation of natural resources. And worst of all, warfare has changed from the hand to hand combat of the few to the push-button killing of unseen millions halfway round the world.

The evil consequences of our technological sins are no longer local: they affect the entire planet, the space ship we call earth. Our power to destroy has brought Armageddon in sight.

SOCIAL ADAPTATION

Though Homo sapiens has become fortified against the vagaries of nature, nothing protects Man's societies from the iron law of evolution: adapt or die. If they fail to maintain harmony between their institutions and the everchanging status of ideas, knowledge, relationships, and needs, nations will crumble and a new age of darkness will descend upon us. As information accumulates and understanding improves, we need new ways of looking at the world. As the demand for natural resources increases and access becomes more difficult, we must find better ways to order our economy. As the temptations of power and the rewards of corruption grow, we must make our political system more accountable to the common people or we shall lose our liberties. As our numbers increase and our capacity for destruction becomes increasingly alarming, we must develop more effective institutions for promoting peace among men and harmony with nature.

The threat of obsolescence may no longer exist for us as individuals but it hangs heavy over any nation dedicated to what is instead of what can be. As the history of vanished civilizations shows us, those that outstrip their competition are particularly vulnerable to this insidious form of national suicide. It is so easy for the winners to believe that the status quo is the best of all possible worlds.

Thus, our Bicentennial is not a time for boasting and self-satisfaction. We should use this occasion to examine the problems of getting to our Tricentennial in good shape. Maintaining our supremacy by holding other nations down will get us into trouble. Staying on top by national self-improvement will keep us out of trouble. Constantly matching our institutions to the requirements of changing circumstances will help us survive and prosper.

Being larger or stronger or fleeter of foot may again have survival value if we fail.

REVOLUTION AND EVOLUTION

The mid-wife presiding at our birth was revolution. We look with forgiving eyes at the failure of a revolution which drowned our country in blood before our first centennial. The United States has contributed more than any other nation to industrial and technological revolutions. It is ironic, therefore, that we have come to regard the word, "revolution", with hostility and deep suspicion, equating it with raging mobs, covert murder, and dark terror. It is a useful word for signifying the sudden appearance of something new, something that is not merely the result of growth, of step by step change. If we lay aside our semantic prejudice, we shall discover that revolution and evolution are not contending mechanisms for achieving change but rather complementary processes in the struggle for survival.

On the 200th anniversary of our own revolution, it is most appropriate that we restore this word to respectability.

That revolution and evolution are two faces of the same coin can be seen most clearly in nature where we are less troubled by our own bias. Mutation is the revolutionary process that suddenly produces characteristics never previously displayed by a given species. Natural selection is the gradual evolutionary force that weeds out characteristics threatening survival and encourages those favoring survival.

Without mutation there is no variation.

Without variation there is no natural selection.

Without natural selection there is no evolution.

Without evolution there is no adaption to environmental change.

Without adaption there is no survival.

A species will persist as long as its pool of characteristics includes those required to meet the challenge of changes. If the rate of mutation is inadequate, which is most likely when change is rapid, or if the new characteristics are inappropriate, the continued existence of the species is threatened.

Thus, revolution and evolution go hand in hand in nature.

No species can control the nature and the rate of its own mutations. But Homo sapiens does have the ability to invent new concepts, new institutions, new relationships to draw upon as it becomes necessary for societies to evolve under the pressure of a changing social environment. When Man has used this capability wisely, which has not always been the case, his revolutions have been bloodless and free of terror. When the flow of social mutations has been constricted by blind adherence to tradition or narrow concepts of self-interest, as was the case in England two hundred years ago, then his revolutions have been violent. Since the complementary nature of revolution and evolution is as inevitable for the survival of societies as it is for the survival of living species, the only influence we can have on revolution is whether they will be peaceful or violent.

We must be wary of the argument that what is working will continue to work and that violence is the consequence of stubborn, impatient, irrational insistence on unnecessarily drastic reforms. The instability of established order and the pressure for change are not always visible, and the voices of disaffection may be our only warning that our society is no longer in harmony with its social climate. The solid, unmoving earth over the San Andreas fault hides the enormous tensions being built up by huge rock formations trying but unable to slide past each other. The calm persists for years. Heedless men ignore slight tremors and go right on building hospitals, schools, and housing developments over the fault. Inevitably, the breaking point arrives and the rock masses get past each other. The violence of passage shakes the earth and the building come tumbling down.

LOOKING BACKWARD—AND FORWARD

Chronologically, the United States is no longer young. In a sense, we are the oldest of the great nations. Nevertheless, we are still young in drive and vigor, though perhaps not always in purpose which is sometimes murky even to ourselves. We have reduced to absurdity the melancholy view of John Jay's friend who, only seventeen years after we won our independence, wrote:

". . . we have lived to see (the United States) in its dotage, with all the maladies and imbecilities of extreme old age."

That we have survived and prospered for two hundred years is clear proof that revolutionary and evolutionary forces have been at work keeping our institutions adequately, though not perfectly and not always smoothly, adjusted to drastic changes in social climate. That our wisdom has been flawed is evident in the violence accompanying such historical events as Shay's Rebellion (our 18th century equivalent of a socialist revolution), the destruction of the institution of slavery, and the struggles between capital and labor. Nevertheless, our wisdom has been good enough to forge a system which can depose a head of state without disorder, which gives poor people upward mobility on the economic ladder, which legally, though not always in practice, bans all manner of discrimination, and which provides reasonably easy access to the political process for all.

It is, therefore, fair to say that we have developed a system which, in a general sense, is as good as we, the people, are willing to make it. If we fail to pay close attention to the public record of a political candidate, it is not the system's fault when we get a crooked president. When we allow a bombastic senator to frighten us with misty ghosts of subversion so that we are no longer able to distinguish fact from fiction, then it is no weakness of the system if our political institutions function with diminished effectiveness. If we allow the passage of gun control laws to be frustrated, then it is we, not the system, who have decided that the assassination of public figures and a reduction in the number of murders is less important than the inconvenience of sportsmen. If we flinch from the words, "socialized medicine", then it is not the fault of the system if, despite our superior medical research and medical centers, the health care delivered to common people is the poorest to be found among developed nations. Fortunately, we have always been given enough

chances, sometimes painful, to correct our shortcomings. But it is better to avoid sins than to atone for them.

We now face the question: is our system good enough to continue adapting our institutions to the requirements of change? The pressure of exploding populations, the finite limits to our natural resources, and our awful power of destruction no longer provide much room for delay, fumble, and apathy. What has been good enough in the past may not be good enough now.

THE ENERGY CRISIS TESTS OUR WILL

To understand how drastic changes in social climate create a strong need to generate new characteristics in our institutions and force us to make hard decisions with respect to the evolution of our society, let us briefly examine the energy crisis.

The collapse of colonial systems in the last few decades has produced a large number of underdeveloped nations determined to eradicate their poverty via power-consuming industrialization. The advance of power-consuming technology in the developed nations continues at a rapid pace. Population increases guarantee greater power consumption even if a moratorium were to be declared on the aspirations of underdeveloped nations and on technological progress. Put these all together and the result is an enormous acceleration of an already huge demand for oil and natural gas. Since the world is running out of oil and gas, we are looking at a severe change in social climate.

There are various ways to adapt. We might undertake a program based on the resubjugation of former colonies: the suppression of industrialization, the rigid enforcement of birth control, and the elimination of excess population via famine and pestilence. The United States is not and is not likely to be the nation for such a task. That has not been the direction of our evolution. Perhaps Hitler's Germany would have considered it. But no matter how brutal a nation is prepared to be or how reckless it is in risking international conflict, this approach cannot work. It can only buy a little time. To the human race, it makes no difference whether oil wells run dry in 2000 A.D. or 2030 A.D.

Or, we could take severe measures to conserve supplies, including putting an end to our love affair with the automobile and enduring more of the discomforts of hot or cold weather. But conservation, though highly desirable for several reasons, can also do more than postpone the inevitable.

Or, we can rely on our free enterprise system, as it is presently constituted, where the prices of oil and gas are supposed to rise as supplies decline until the next source of energy on the cost ladder becomes economically more desirable considering both price and the capital cost of changing over. The many complications in this approach and its many serious drawbacks will not be discussed because there is actually only one feature commanding our strict attention as the present argument is developed: only direct costs count in the choice of energy source, barring intervention in the marketplace by governments or cartels. Since the most socially desirable energy sources are the least competitive on a direct cost basis, it will be a long time before we turn to them in any substantial way. For example, in all but direct cost, sunshine is an ideal source of energy. It is present in substantial supply almost everywhere on earth and is inexhaustible. It is free of hazard and contributes absolutely nothing to pollution. It does not burn raw materials which are better employed for the production of pharmaceuticals, dyes, plastics and other useful products. It will not cause unpleasant genetic malformations in future generations. Yet all government estimates indicate that solar energy will not play a significant role until well into the 21st century.

This, therefore, suggests still another approach to the energy crisis. We can introduce the revolutionary idea that marketplace decisions must somehow be based on social costs as well as direct costs. If a coal burning plant had to pay for the health and property damage resulting from the pall of vitriol and cinders it spreads over the landscape, it might discover that solar energy is more economical. Adding social costs to the equations of commerce will not destroy our free enterprise system. It will merely compel it to evolve in such a way that its decisions will automatically be better adapted to changes in social climate and will be arrived at with greater speed and less strife. Had we been able to respond sooner and more decisively to the obvious fact, accurately forecast many years ago, that the wells were running dry, there would be no energy crisis today, there would be no controversy on this issue between Congress and the President, and there would be less cause for international tension.

THE NEXT HUNDRED YEARS

We have come a long way since 1776. The road has been rough. We have survived a civil war, two world wars, a disastrous adventure in Southeast Asia, and the wild gyrations of economic cycles. We have stumbled and fallen. We have picked ourselves up and gone on. But all along the way, we have polished our institutions or revolutionized them so that when the chips were down, our society has never failed to find reasonably good adaptations to great changes in social environment. Every amendment to the Constitution, every public service provided by the government, every protection we have against the greed and rapacity of men started out during the past two hundred years as a revolutionary idea opposed by the majority.

We are now at the pinnacle of our success. The fifty states extend from the Atlantic to the Pacific and beyond. For the first time in human history, it has become possible for a nation to eradicate poverty. The world looks to us for leadership. Yet, our examination of the energy crisis leads to the suspicion that our social environment is changing too rapidly for the institutional characteristics we have acquired to date and that our society is not adapting fast enough because the flow of revolutionary ideas is being impeded. It would seem, therefore, that our most difficult problem, as we journey toward our Tricentennial, will be the release and encouragement of those creative forces in our society which produce totally new concepts and new methods.

Workable revolutionary ideas are hard to come by when only the outraged and the unstable dare to oppose a hostile majority. Thus, the first step toward solving our problem is to recognize that civil rights do more than protect the right of an individual to be obnoxious; they are vital to our revolutionary development. There are few among us who object to free speech in principle but many who, at the drop of a hard hat, are eager to suppress it in practice. Perhaps it takes a sense of humor to understand that no one needs free speech until he wants to contradict prevailing opinion. It should not be a great strain on our common sense to see that dissent and disloyalty are not the same and that no amount of foreign gold can grow enough disloyalty to give us serious concern if we ourselves do not fertilize the soil of disaffection.

It will also be helpful if we return to an older concept of patriotism, honoring those who see greatness in the future instead of glory in the past. The founding fathers had no past to celebrate: that was for Tories. They had no stars and stripes to salute, no loyalty oath to take, and no national anthem to sing. Nevertheless, they produced the Declaration of Independence, the Constitution, and the Bill of Rights, becoming thereby our first and purest patriots. This is a fact beyond the reach of muckrakers who can prove only that the founders were men and not gods.

The 200th anniversary of our first revolution is a good time to salute the revolutions of the future. May our devotion to life and the challenge of change make them peaceful. May the celebrants of the Tricentennial commend us as we commend the patriots of 1776.

INFLATION AND THE ELDERLY

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. BLANCHARD. Mr. Speaker, I was pleased to support a needed change in the law relating to the supplemental security income program today. I refer to the Ketchum amendment which, fortunately, was adopted by voice vote. This amendment corrects a serious injustice which has been working against the elderly in our Nation, an injustice caused by inflation.

Currently the law allows HEW to set limits on the value of a home which a person can own and still be eligible for SSI benefits. The amendment eliminates that provision, and thus will allow the elderly to be treated more fairly in this time of inflation and economic hardship.

One of the best examples as to why this change in the law is needed comes from the treasurer of the city of Warren, Mr. Edward J. McLaughlin. I am privileged to represent Warren here in Congress, and Mr. McLaughlin's letter, I believe, sheds valuable light on this important subject.

Mr. McLaughlin writes:

CITY OF WARREN,
OFFICE OF CITY TREASURER,
Warren, Mich.

Hon. JAMES BLANCHARD,
House of Representatives,
Washington, D.C.

DEAR SIR: I would like to bring to your attention a problem, that perhaps with your assistance can be rectified.

A Warren resident brought in a notification received by his ninety one year old mother, advising her that Social Security Supplemental benefits were discontinued and not to cash but return any checks she received in the future. Reason given: her home is valued in excess of $25,000.

We both realize that the value of property has been increasing by leaps and bounds every year which is a detriment to the aged who want to remain in their homestead filled with memories until called by the dear Lord. Without additional income so desperately needed to exist in today's world of spiralling costs, it is truly an injustice that they are deprived of this income through no fault of their own.

As you know in Michigan property is assessed at 50% of the cash value, just this year of 1976 valuations were increased 22%. I realize that this increase not only affected Warren residents but the entire state of Michigan and every state in these United States.

I have included a recent article published in the Detroit Free Press which states that the median price of new, single family homes have increased 71% since 1971 at which time the median price was $25,200, in May of 1976 the price is $48,000.

One of our Warren residents included a valuation breakdown of his property since 1966 when his property was assessed at $8,000, today it is assessed for $14,521, making the cash value of the property $29,000 (copy enclosed).

I also submit a copy of page 5 of the Guide to Supplemental Security Income, (DHEW Publication No. SSA75-11015).

Your cooperation and assistance in changing the formula used for a basis in providing additional income to the aged, so that these people are protected, will certainly rectify this injustice on behalf of the elderly.

Your efforts in correcting this situation will be most appreciated.

Respectfully yours,

EDWARD J. MCLAUGHLIN,
Warren City Treasurer.

BILINGUAL WASTE

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. McCLORY. Mr. Speaker, on July 21, 1976, the National Association of Secretaries of State passed a resolution condemning the waste of materials and manpower required to prepare bilingual ballots and election materials under the Voting Rights Act as amended in the 1975 act.

In December of 1975 I introduced H.R. 10997 calling for the repeal of the onerous and burdensome bilingual provisions of the Voting Rights Act Amendments of 1975. Subsequently, I introduced H.R. 13137 and H.R. 13485 with over 30 cosponsors to accomplish this much needed repeal.

My colleagues should take note that the National Association of Secretaries of State, which represents the office of Secretary of State in each of the 50 States of our great Nation, has concurred in the need to limit the distribution of bilingual ballots to those cases where more than 5 percent of the total population use only a second language other than English.

I submit the following resolution to reinforce my belief that DON EDWARDS, chairman of the Subcommittee on Civil and Constitutional Rights, should take action on my bills to repeal the ill-considered bilingual Voting Rights Act amendments of 1975.

RESOLUTION

Whereas, the National Association of Secretaries of State opposes on principle the inclusion of wasteful or confusing provisions in all laws governing the electoral process; and

Whereas, the requirement that ballots and other eelctions materials and voter assistance in any or all of the 50 United States be furnished bilingually without regard to the efficacy of doing so or the relative number of voters using only a second language other than English would in all likelihood contribute to such circumstances; and

Whereas, the requirement for bilingual ballots, materials, and assistance specifically increases the expense of conducting elections; and

Whereas, the bilingual requirement likewise increases the cost of elections in terms of man hours; and

Whereas, the preparation of bilingual ballots, materials, and assistance serves to increase confusion in areas lacking a population which uses only a second language other than English; and

Whereas, the presence of bilingual ballots, materials, and assistance serves no practical purpose in areas lacking a population utilizing only a second language other than English.

Now, therefore, be it resolved that the NASS takes the position that bilingual ballots, materials, and assistance should be mandated only in counties and cities in which at least five percent of the total population utilizes only a second language other than English, as ascertained by the U.S. Bureau of the Census; and

Be it further resolved that the NASS urges Congress and the various state governments to adopt such a standard in mandating distribution of bilingual ballots, materials, and assistance; and

Be it further resolved that copies of this resolution be forwarded to each member of the Congress and to the President of the United States.

Adopted by the National Association of Secretaries of State on this twenty-first day of July, 1976.

ELWILL M. SHANAHAN,
President.

PAT PERKINSON,
Chairman, Resolutions Committee.

REMEMBERING THE SOVIET INVASION OF CZECHOSLOVAKIA

HON. MILLICENT FENWICK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. FENWICK. Mr. Speaker, 8 years ago this month the Soviet Union moved with force into the Czechoslovak Socialist Republic, smothering the political reforms that had been initiated just months before.

The Soviet intervention ended a "Prague spring" which had ushered in a few human freedoms. The courageous leadership of Alexander Dubcek sought to democratize and humanize a political system that had become far removed from the people it was to serve.

Soviet intervention was followed by enunciation of the so-called Brezhnev doctrine, which asserted that it was the right of the U.S.S.R. to intervene militarily in any socialist country which deviated from the "common laws governing socialist construction" or which threatened "the cause of socialism."

Despite the Soviet tanks and troops, despite the August 1968 intervention and the subsequent Brezhnev doctrine, the people's desire for freedom lives on in Czechoslovakia.

The convening of the Conference on Security and Cooperation in Europe and the signing of the final act at Helsinki were acts of hope for them, in reaffirming their human rights.

Because of our own commitment to these values, we have established in Congress a Commission to monitor compliance with the Helsinki accord. It is important for us to follow up on such a major international agreement in which the signatories—including Czechoslovakia—acknowledged that certain human freedoms were international concerns.

Our pursuit of these ideals is an indication of our continuing repudiation of military acts against a sovereign people.

REDTAPE BLUES

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. PAUL. Mr. Speaker, on August 25, I found myself on the receiving end of a 391 to 3 vote. The bill in question, Guaranteed Student Loan Amendments of 1976, H.R. 14070, was obviously quite popular with my colleagues. No doubt they believed that a vote in favor of this bill was a vote for better education for more people. Yet I am firmly convinced that the inevitable result of Federal aid to education at any level is bureaucratic education—the very antithesis of independent education, the only kind worth getting.

He who pays the piper calls the tune. In our day, this means that the massive, frequently unpredictable bureaucracy which administers the programs that are voted into existence by the Congress calls the tune. And the tune is all too often very loud and off key. The federalization of American education is the bureaucratization of American education, pure and simple. There is only one way that parents and students can regain control over the educational system in this country: buy it back. Federally guaranteed loans are simply one more nail pounded into the casket of free education. Education, if it is to remain free, will not be cheap. Besides there is no constitutional justification for Federal intervention in education.

Congress seems to be the last group to discover the implications of the programs that Congress creates and requires taxpayers to finance. We require poorer taxpayers to finance loan programs that are used overwhelmingly by the children of the middle class and upper middle class. We vote for programs that we know will be poorly administered by Federal bureaucrats, yet we act as if we were not responsible for the actions of those to whom we delegate the supervision of these programs. In the name of better education we are hamstringing education.

Federal rules now cost colleges and universities almost $2 billion a year to comply with, and this figure is growing rapidly. These student loan programs are being used by Washington's bureaucrats to compel university officials to revamp whole programs and physical plants on campus. As evidence, I offer a Newsweek article which appears in the August 30, 1976 issue. There is only one way to cure this bureaucratic nightmare: we have to stop voting for Federal aid to education. Federal money serves as the cutting wedge of the Federal bureaucracy. If education is to be saved from bureaucratic paralysis, we as legislators must stop subsidizing its strangulation. The answer to the horrors described by Newsweek is

freedom—the freedom of each man to seek out the best education he can afford—or win a scholarship or private loan to finance. Until we face this fact, we will continue to smother education with tax-supported kindness.

The federalization of American education is the bureaucratization of American education.

The article follows:

REDTAPE BLUES

The U.S. Government gives colleges and universities nearly $9 billion a year. But there is a catch. Frustrated educators find that they are spending a lot of this largesse not to teach students but to comply with arcane bureaucratic regulations. The University of Illinois, for example, may soon have to spend $557,000 to correct a minor violation of the Occupational Safety and Health Act. The school must repair an elevated walkway connecting the buildings of its Chicago Circle campus; the solid granite slabs that form its banisters fall 5 inches short of the OSHA specification that all railings must stand 42 inches high. Federal inspectors recently warned Stanford that the university's 6,000 chromium-plated fire extinguishers did not meet U.S. standards, which require that all such devices must be colored red. Exasperated officials figured out a way to comply: they wrapped the offending fixtures in red tape.

Since the mid-1960s, when both government funds and regulations began to accelerate at an unprecedented rate, the nation's colleges have labored especially hard to comply. They must meet all the standards required of corporate and industrial employers, such as health and hiring regulations, and at the same time fulfill a set of obligations designed for educational institutions alone. Every Federal regulation means inspections, corrections, record keeping and the possibility of costly court battles if a school's compliance is challenged. By the best estimates available, the Byzantine Federal rules now cost colleges and universities almost $2 billion a year—a figure that is roughly equal to the entire sum the institutions raise through voluntary donations. Noncompliance, of course, can be even more expensive. A school that does not meet the government's standards is in danger of losing its Federal assistance.

The American Council on Education has completed a new study of the problem that highlights the colleges' worst troubles. Using detailed figures of six representative institutions, from the private College of Wooster in Ohio to the cosmopolitan University of Illinois, ACE has determined that compliance costs between 1 and 4 per cent of the schools' operating budgets—enough in these tight times to force cuts in departmental funds. Many of the newest regulations the report notes, concern employment, an area that hits the labor-intensive colleges much harder than it does an ordinary manufacturing concern.

Bureaucrats are little moved by protests that a university academic department is different from a factory assembly line. A college may want to add more blacks to its faculty, but that can be difficult when its only job openings are in eighteenth-century French literature or sub-particle physics and there are not enough black Ph.D.'s to go around. In their search for more women and blacks, many institutions have hired special personnel officers—and even outside "head hunters"—to prove their good faith.

OBLIGATIONS

While most colleges support the principles that the Federal regulations are designed to uphold—from fair hiring to environmental protection—they deplore the sheer complexity of the bureaucratic demands. In order to fulfill their obligations under the new educational privacy act, for example, school officials not only must keep complete student records, but must painstakingly note every occasion on which anyone, anywhere, requests access to them. At Ohio State, this process costs $250,000 a year. Harvard president Derek Bok reports that the Harvard faculty spent more than 60,000 hours in the school year 1974–75 meeting the record-keeping requirements of Federal programs. "It's not hard to imagine a day," says Duke president Terry Sanford, "when faculties and administrators will spend all of their time just filling out government forms."

Perhaps worst of all, some educators see a threat of government intrusion in the classrooms themselves. When the Department of Health, Education and Welfare recently proposed a review of all college curriculums to root out racism and sexism, so many schools protested the censorship implications that HEW withdrew the request. Yale President Kingman Brewster thinks that interference is inevitable when the government spends so much money on higher education. "It's the old syndrome," he says. " 'Now that I have bought the button, I have a right to design the coat'."

The last straw for some weary college administrators proved to be the regulations against sex discrimination in education known as Title IX, which, among other things, ordered schools to equalize their spending on athletic opportunities for both men and women. Last spring, two institutions—Hillsdale College in Michigan and Brigham Young University in Utah—refused to comply, and invited the government to retaliate. Neither of these colleges receives direct Federal money for any of its programs. But they do stand to lose all Federal financial aid to their students, about $200,000 for Hillsdale and $6 million to $7 million for Brigham Young.

For the many colleges whose Federal assistance is a fiscal necessity, however, such nose-thumbing is not feasible. Most administrators simply want to persuade the Federal government to make sense of its regulations. But even that lobbying effort runs into Catch-22. This fall, bills will be considered in Congress that may result in new Federal regulations limiting college lobbying.

PRESIDENT FORD'S FINEST HOUR

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. STEIGER of Wisconsin. Mr. Speaker, along with many of my colleagues, I had the honor last week of representing my district as a delegate at the 1976 Republican National Convention. For me, for most delegates, and for the millions of spectators in the hall and around the Nation, the high point of that week was surely President Ford's acceptance speech. I know, from conversations with numerous people—Republicans and non-Republicans alike—that the impact of those words and ideas was fully felt both within and far beyond the emotionally-charged atmosphere of Kemper Arena. It was an experience that few witnesses will forget soon.

A recent editorial in the Fond du Lac Reporter captured, with great perception, the effect which the President's address—and his presence—had upon those who heard him that night. I am proud to share this editorial with my colleagues:

PRESIDENT FORD'S FINEST HOUR

President Ford stole a page from the book of Harry Truman last night as he delivered a genuine "give 'em hell" speech in a remarkable windup to the Republican National Convention.

The speech, which lasted around 35 minutes and was interrupted by applauding delegates 65 times, was not the dull recitation that many had expected and probably was the best the President has ever given.

Not only did he challenge Democratic candidate Jimmy Carter to a series of televised debates, but he also took on the Democratic-controlled Congress. In doing so, he grabbed the offensive away from Carter and indicated that he is on the side of tax-burdened Americans who want to apply voting pressure on congressmen seeking re-election.

It was an enormously impressive windup to a squabbling GOP convention that was brought to life by a "new" Gerry Ford. During his speech there was a confident, fighting tone in his voice that, for a few minutes at least, even made weepy-eyed Ronald Reagon delegates forget about their beloved candidate.

President Ford, following an acceptance speech by his vice presidential choice, Sen. Robert Dole of Kansas and a humorous introduction of Betty Ford by handsome movie star Cary Grant, seemed to completely surprise the delegates by the vigor and delivery of his remarks.

It was early in his talk that he said he would be happy to debate Carter so that everyone can learn "exactly where both of us stand."

Admitting that he "probably has made some mistakes" since taking over the presidency in the midst of a constitutional crisis, President Ford defended the vetoes he has written to curb the excesses of a free-spending Congress.

And in the course of his speech he called for tax reforms, restrictions on school busing, action on rising crime and a strong national defense. The reason more progress hasn't been made, said President Ford, has been because "Congress is the problem."

Warming to his task, the President cited the success of his administration in fighting inflation and unemployment and pointed to the fact that American troops are not at warfare anywhere in the world. He said he believes the budget can be balanced by 1978, that the nation's troubled cities can be helped, that local controls can be restored to our school systems, that new efforts have to be made to aid farmers, that Social Security can be protected and Medicare improved.

Admitting that he trails Carter in the polls, President Ford declared, "The only polls that count are the polls that people go to on Nov. 2nd." As the leader of the party, he said he would conduct a fighting campaign and predicted that the November election will be "a victory for the American people."

Delegates appeared highly pleased and impressed by the tone of the Ford speech, and occasionally shouts of "Give 'em hell" could be heard from the crowd. When the President finished there was a swelling chant, "Ford will win! Ford will win! Such a response was far from the usual reaction to President Ford's prosaic speeches in the past.

An emotional touch was added when the President invited Reagan and his wife Nancy to come down from the balcony where earlier in the evening they had been roundly cheered. In a few brief minutes, Reagan praised the conservative GOP platform, perhaps to emphasize that it is his platform on which President Ford will have to run. He spoke in a soft, eloquent, occasionally poetic manner that again brought tears to the eyes of many delegates who had supported him.

It seemed, in those somewhat theatrical

waning moments, that actor Reagan was about to steal the final scene. Yet the plain-spoken, stimulating, leadership words of Gerald Ford lingered. They were confident, hard-hitting, straight-talk words and, as if by magic, they appeared to pull a divided Republican party together. Oratorically, it was Mr. Ford's finest hour. And after two difficult, criticism-filled years, it may have been the making of a President.

THE CASE AGAINST COMPREHENSIVE GUN CONTROL

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. SYMMS. Mr. Speaker, one of the most stalwart defenders of the right to own and use firearms by American citizens is my good friend and colleague JOHN M. ASHBROOK. He has written an article entitled "Against Comprehensive Gun Control" which appears in the July–August issue of Current History. Arguing the other side of the issue is Senator KENNEDY.

At this point I include the text of Mr. ASHBROOK's article in the RECORD and commend it to the attention of my colleagues.

AGAINST COMPREHENSIVE GUN CONTROL

Every few years there is a renewed call for legislation dealing with firearms. Often the proposed legislation would further restrict the right of law-abiding American citizens to own and use firearms. Such legislation is usually proposed in the hope that it will help put an end to violent crime; so-called gun control is viewed as crime control. But it is a serious mistake to confuse the two.

Let us define the terms. The sloganeers throw the words "gun control" around as if everybody knows what they mean—as if good citizens are for gun control and bad citizens are against it. In fact, every American I know is for some form of gun control. No one favors allowing people to walk the streets with Thompson submachine guns. Nor does the average citizen need a howitzer or an anti-tank bazooka. Most Americans believe that laws that prohibit concealed weapons are fair. The list could go on and on. This is not what the advocates of gun control legislation mean, however. They advocate the registration and the eventual confiscation of firearms.

The right (and in some societies, the duty) of citizens to own arms is of long standing. As early as the thirteenth century, the English Parliament upheld the right of Englishmen to keep and bear arms.

In his *Commentaries*, an important basis for our founding fathers' understanding of English law, William Blackstone, the English jurist, pointed to the importance of the right to keep and bear arms, a right that is the final recourse of free men against tyranny.

This right, of course, played an important role in the American Revolution. In his book, *Our Vanishing Freedom*, James B. Whisker writes, "the first clash between colonists and British forces came about as a result of Americans' defense of their right to keep and bear arms."[1] It was British General Thomas Gage's attempt to remove military supplies kept by the colonial militia that helped start the American Revolution.

The second amendment to the United States Constitution speaks of the right of the people to keep and bear arms. Constitutions of the original 13 states also recognized the right. During the nation's westward expansion, the right to own firearms was well recognized.[2]

In addition to the provisions of the U.S. constitution, constitutions of over 75 percent of the states recognize an individual's right to keep and bear arms.

Gun control is frequently advocated as a means of reducing crime. Certainly, almost every American would like to reduce the amount of criminal activity in this country. There is no reason to believe, however, that gun control will result in crime control.

There are already more than 20,000 gun laws in existence at the federal, state and local levels. Many of these laws have been enacted in the last few years in an effort to bring crime under control. Despite all these laws, the crime rate has continued to escalate.

In fact, proponents of gun control legislation cannot point to any city or state that has reduced crime by adopting a gun law, regardless of the many gun laws on the books. It is interesting to note that, according to Federal Bureau of Investigation crime reports, approximately 20 percent of all the murders in the United States take place in New York City, Chicago, Detroit and Washington, D.C. Each of these cities has very stringent firearms laws. Why has gun control failed in those cities?

Gun control advocates respond that either the laws are not strong enough or that weak laws in surrounding jurisdictions make it easy to get around the laws. But New York City, for example, has one of the strongest gun control laws in the nation. There is a virtual handgun prohibition; only some 500 handgun permits are issued to persons not involved in law enforcement. Nevertheless, in 1973, New York City had almost twice as many murders with handguns and more than four times as many robberies with handguns as the rest of the country, on a per capita basis.

Proponents of gun control blame Ohio and other states with minimal gun laws for the high crime rates in New York City and Detroit. They believe that the availability of firearms causes crime. If this were the case, a state like Ohio, with minimal firearms laws, would have a far higher crime rate than states where guns can be obtained only by illegal purchases. In actuality, however, Ohio has a far lower murder and robbery rate than either New York or Michigan.

The excuse that guns from areas with weak laws account for the failure of New York City's firearms laws collapses on other grounds. It should be kept in mind that it is a violation of federal law for a person to buy a handgun outside his state of residence or for a person to sell a gun to a non-resident. In addition, it is a violation of state law for any New Yorker to import, carry or possess an unlicensed gun. Why will another federal law be obeyed when all the others have not?

The truth of the matter is that people who commit crimes like murder and robbery are not going to worry about a gun-licensing or registration law. Criminally minded individuals will always be able to procure guns—regardless of firearm laws. It is the law-abiding citizens who will lose their right to gun ownership. And it is the law-abiding citizens who are not going to commit murder and bank robbery anyway.

Charles Lee Howard, who has been serving time in the Ohio State Penitentiary, might well be called an expert on this subject. Howard has written:

"It's baffling that the people who want to prevent criminals like me from getting hold of guns expect to accomplish this by passing new laws. Do they forget that the criminal makes a business of breaking laws? No criminal would obey a gun law while committing a crime of equal or greater seriousness."[3]

The lesson of Charles Lee Howard should be clear to everyone. Any person willing to risk the penalties for murder, burglary or assault is not going to worry about the penalty for possessing an unauthorized weapon.

In short, it is naive to think that legislation to register or otherwise make it difficult to acquire firearms for legitimate purposes would in any way impede the unlawful conduct of the criminal or would prevent him from securing a gun. This position is backed by the California Peace Officers Association, which in 1969 stated:

"We have been unable to discover any evidence which would indicate that there is any direct relationship between the registration of firearms or the licensing of gun owners and the reduction in crime committed by the use of firearms."[4]

It is also supported by the National Sheriffs' Association, which has said:

"There is no valid evidence whatsoever to indicate that depriving law-abiding American citizens of the right to own arms would in any way lessen crime or criminal activity. . . . The National Sheriffs' Association unequivocally opposes any legislation that has as its intent the confiscation of firearms . . . or the taking away from law-abiding American citizens their right to purchase, own and keep arms."[5]

Other police officials have also made statements on the issue. The chief of police of Los Angeles, California, had the following to say on more firearm legislation:

"My views on gun control and the rights of individual gun ownership are well known. Some people seem to believe that if you legislate against handguns you will reduce murders and other gun-related crimes. That whole idea is absurd. We have legal restrictions on guns right now, but that doesn't stop the Arthur Bremers from receiving $50 fines or probation.

"New York is a good example of a city that has restrictions on handgun ownership. The Sullivan Law has been in effect for several years. Yet, this law seems to only have an impact on the people who are generally law-abiding. The criminals sure don't have any difficulty getting guns."[6]

Chief James Rochford of the Chicago Police Department takes an opposite viewpoint. He favors not only the registration but the outright confiscation of firearms. However, the policemen beneath him differ drastically. A poll of Chicago policemen indicated that 73.5 percent believe that current gun laws are adequate; they do not favor extending gun control laws despite the position of their chief.

In the central portion of Ohio, I took a survey of law enforcement officers. There was overwhelming opposition to the federal registration or confiscation of all firearms. When the question was federal registration of all handguns, there was still overwhelming opposition. By almost a three-to-one margin these officials felt that, if there were to be any more laws dealing with firearms, they should be at the state level rather than at the federal level.

These statements are supported in a comprehensive study prepared by Alan S. Krug, an economist at Pennsylvania State University. His study, which related FBI crime statistics to state firearms laws, concluded that "there is no statistically significant difference in crime rates between states that have firearms licensing laws and those that do not."[7]

Another myth is the theory that most handgun murders are unpremeditated, spontaneous crimes primarily resulting from family or romantic quarrels. Such killings are frequently labeled "crimes of passion."

A recent study in New York City conducted by the Rand Institute indicates that this is a myth. The study revealed that an upsurge in deliberate murders was responsible for most of the 60 percent increase in homicide in New York City from 1968 to 1974. During that period, homicides rose from 968 a year to 1,554.

Footnotes at end of article.

The Rand study emphasized that in most murder cases there was no longer a close relationship between the victim and the killer. At most, one out of five involved family members or close friends. The report declared that "We find that the major part of the citywide rise in homicides since 1968 seems to be in deliberate killings."[8]

No one can doubt that crime is a growing industry in the United States. The number of crimes committed in the United States is growing astronomically; since 1960 the crime rate has more than doubled. From 1973 to 1974, there was the largest annual increase—17 percent—in serious crime in the history of our country. According to the latest FBI figures, serious crime increased another 9 percent in 1975. Serious crime includes murder, rape, robbery, aggravated assault, burglary, larceny and auto theft. It is estimated that if unreported crimes were included the total might be three to five times higher in a number of cities.

Terrorism continues to be a threat. We read of terrorist bombings in London and other cities overseas. While not receiving as much media attention, terrorist activities are also continuing in the United States. During 1975, there was an increase in bombings in this country. Sixty-nine people were killed, and 326 were injured. Property damage was over $26 million.

Gun control is indeed needed to control criminals. I have introduced legislation that would make a prison sentence mandatory for anyone convicted of committing a crime in which he used a gun. To quote the chief of the Los Angeles Police Department:

"If we really want to reduce gun-related crimes, all we have to do is require judges to impose an additional penalty on those individuals using guns during crimes. This has a dramatic deterrent effect on other gun-carrying criminals. Your average criminal on the street knows just what society will tolerate. He knows that his sentence will not be any greater, under current judicial practices, if he 'packs a piece'."[9]

Police officials do not confuse gun control with crime control. The American people have expressed similar views. Decision Making Information, a firm based in Santa Ana, California, recently completed a comprehensive public opinion survey on the issue of gun control.[10] This poll, conducted during September and October, 1975, is based on interviews with more than 1,500 registered voters from all regions of the country.

According to the DMI survey, almost three out of every four Americans feel that crime would not be reduced if Congress forced the people to turn in their guns. Instead, they recommend harsher punishment of criminals as the best way of cutting back on crime.

The survey found that fully 73 percent of the public does not believe that a federal law requiring all guns to be turned in would be effective in reducing crime. When asked to suggest ways to reduce crime, only 11 percent volunteered gun control as a solution. In contrast, by far the most popular suggestion was more severe punishment of criminals (33 percent). Only 1 percent mentioned the registration of firearms, and less than .5 percent suggested a ban on so-called "Saturday night specials."

In addition, 78 percent of the public feel that neither of the two recent attempts to assassinate President Gerald Ford could have been prevented by a national handgun registration law, and 71 percent reject the idea that assassination attempts on public officials could be avoided by banning the private ownership of handguns.

In conclusion, let us look at one of the causes of crime. In my opinion, a major problem is the decline of one of the basic tenets of this country—individual responsibility. Our forefathers believed that a person was responsible for his actions. If a person committed a crime, he should pay the price.

In recent years, some sociologists and other social scientists have advanced the view that individuals are not responsible for their actions. On the contrary, individuals are supposedly the products of their environment. The result has been the decline of individual responsibility and a rise in crime.

Nevertheless, attempts to ignore the facts of life have not negated those facts. Human beings are responsible for their actions. A return to this basic view will help to deter and punish criminals.

FOOTNOTES

[1] James B. Whisker, *Our Vanishing Freedom*, 2d ed. (Skokie, Ill.: Publishers' Development Corp., 1973).

[2] For a more detailed treatment of the historical and constitutional basis for the right to own firearms, see *ibid.*

[3] Charles Lee Howard as quoted in John Lee Ashbrook, "Gun Control Legislation," *Congressional Record*, June 27, 1968, p.H 19144.

[4] Lynn D. Compton, "California Police Officers Adopt Gun Control Policy," *Journal of California Law Enforcement* (January, 1969), p. 126.

[5] National Sheriffs' Association, "Resolution," June 23, 1971.

[6] As quoted in "Tough Words on Crime by L.A. Police Chief," *Human Events*, vol. 35, no. 12 (March 22, 1975), pp. 8-9.

[7] Alan S. Krug, *A Statistical Study of the Relationship Between Fire Arms Licensing Laws and Crime Rates* (University Park: Institute for Research on Land and Water Resources, 1967). See also Douglas R. Murray, "Handguns, Gun Control Laws and Firearm Violence," *Social Reforms*, vol. 23, no. 11 (October, 1975), pp. 91-93.

[8] Arthur J. Swerse and Elizabeth Enloe, *Homicide in Harlem* (Santa Monica: Rand Institute, 1975).

[9] *Supra*, note 6.

[10] "Public Opinion Survey on Gun Control" (Santa Ana: Decision Making Information, 1975).

UNIFORM PROMOTION PROCEDURES

HON. JIM LLOYD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. LLOYD of California. Mr. Speaker, on Friday we are scheduled to consider the Defense Officer Personnel Management Act. The act will establish new and uniform promotion procedures for all services. I will be offering an amendment to DOPMA to correct what I feel is one of the fundamental injustices of the promotion system. My amendment will allow an officer who was not selected for promotion to request the reason for his being passed over. The officer will have the option to appeal the decision within 30 days. This right to know and to appeal will insure consistent promotion policies, and extend to the military a form of due process. The text of the amendment follows:

Proposed Section 613, Chapter 36, Title 10:

On page 14, line 10, insert after "section" the following: "or by section 626 of this title".

Proposed Section 626, Chapter 36, Title 10:

On page 22, line 35, insert "(a)" after the opening quotation marks and before "An".

On page 22, between lines 37 and 38 insert the following:

"'(b) An officer who has failed of selection by a board convened under section 611 of this title may, within 30 days after he is notified that he has failed of selection, request reasons why he was not selected for promotion. The request shall be in writing and be submitted through official channels. Within 30 days of receipt of such a request, the selection board shall advise the officer in writing of the reasons why he was not selected for promotion.

"'(c) An officer in the regular grade of captain, major, or lieutenant colonel in the Army Air Force, or Marine Corps, or lieutenant, lieutenant commander, or commander in the Navy who has requested reasons under subsection (b) of this section may, within 30 days after receipt of the advice of reasons from the selection board, appeal his failure of selection to a board of review convened under subsection (d) of this section. The appeal shall be in writing and submitted through official channels and may not criticize any other officer or reflect on the character, conduct, or motive of any other officer.

"'(d) Boards of review, each composed of three or more officers, shall be convened by the Secretary of the military department concerned at such times as he may prescribe to consider appeals from failure of selection under subsection (c) of this section. No officer may be a member of a board of review to consider an appeal from failure of selection by a selection board of which he was a member. If the board of review determines that the failure of selection was contrary to law or involved material error or fact or material administrative error, the Secretary concerned shall refer the record of the officer to a special selection board convened under section 627 of this title. Otherwise, the failure of selection shall be affirmed.

Proposed Section 630, Chapter 36, Title 10:

On page 24, line 27, insert after "time," the following: "whose right of appeal, if any, under section 626 of this title has been exhausted,"

Proposed Section 631, Chapter 36, Title 10:

On page 25, line 13, insert after "time" the following: ", whose right of appeal under section 626 of this title has been exhausted,".

Proposed Section 632, Chapter 36, Title 10:

On page 26, line 25, strike out "and".

On page 26, line 27, insert after "(Navy)," the following: "and whose right of appeal under section 626 of this title has been exhausted,".

ETHNIC HERITAGES

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. MURPHY of New York. Mr. Speaker, all America is a multi-ethnic society where people of all national origins bring their culture and heritage together to form a unified nation. My own 17th Congressional District of New York is a microcosm of America, with representatives of nearly every ethnic society living side by side.

Some of America's greatest unsung heroes have their roots in these ethnic heritages. I refer specifically to the foreign language newspapers published in America, whose responsibilities are to explain America to its ethnic constituency and to keep open the avenues of communication between the many facets of our ethnic mosaic. One of their most important functions is to help immigrants

to become American citizens by keeping them informed of the daily flow of events, and by forming a bridge of understanding between the immigrant's old and new cultures.

Recently, the China Post, a major Chinese language daily newspaper published at 11 Allen St. in New York's 17th Congressional District, was instrumental in having the New York City Police Department change its offensive terminology for identifying the American Chinese. For over a century, American Chinese were identified as "the yellow race" in official records. At the suggestion of the China Post, New York City Police Commissioner Michael Codd changed the records procedure which had previously identified those of Asian heritage as "yellow," to a system which now identifies them as "oriental."

The purpose of the change is to eliminate the prejudices and confrontations among police and our citizens of Asian descent.

I would hope that police departments across the nation might follow Commissioner Codd's lead in contributing to equality and the elimination of racial prejudices. I believe the China Post deserves the highest recognition for its performance of a public service in eliminating such an unjust practice by the bureaucracy which had been for so long a thorn in the side of honest, industrious Americans of Oriental heritage.

Three letters pertaining to the abovementioned subject follow.

THE CHINA POST,
New York, N.Y., May 18, 1976.

Mr. MICHAEL J. CODD,
Police Commissioner,
New York, N.Y.

DEAR MR. CODD: In covering crime stories for The China Post I have become increasingly aware of a discrepancy in the police reports which name the Chinese peoples as the "yellow race" (M-Y)

This appellation is an anachronism and an injustice to the Chinese peoples (one billion) because they all do not have "yellow skin". I have yet to discover where the term originated.

Perhaps New York City can extend the same courtesy to its Chinese peoples as they have to its Black Puerto Ricans who are now listed at Hispanics (M-H).

The Chinese peoples arriving now to live in New York City are very much different than those who had arrived over 100 years ago. They are better educated, more sophisticated, higher on the social scale and their skin tone is as light as the average Scandinavian. Our Chief Editor once asked me why the American Chinese peoples are called the "yellow race"?

A change in the nomenclature would eliminate the ammuntion for future confrontations and probable prejudices among future rookie policemen.

May we suggest you change the reference from M-Y to M-A for "Male-Asians". It would establish a landmark decision which would be identified with your tenure in office. This gesture would be undoubtedly adopted by Police departments in the rest of America during this Bi-Centennial Year.

May we have your reply at your earliest convenience?

Thank you,

EMILE BOCIAN,
Assistant to Editor.

THE CITY OF NEW YORK,
POLICE DEPARTMENT,
New York, N.Y., July 9, 1976.

Mr. EMILE BOCIAH,
Assistant to Editor, The China Post, 11 Allen Street, New York, N.Y.

DEAR MR. BOCIAN: Your recent letter concerning the reference in department records to those of Asian heritage as the "yellow race" raises an important issue. For sometime, the New York City Police Department has taken steps to eliminate terminology in official communications which is offensive to the people of various ethnic origins living and visiting our city.

On May 27, 1976, I promulgated an order requiring the term "Oriental" to be used in arrest reports and on June 18, 1976 for Juvenile Reports. With these orders, the official designation of those of Asian heritage will be Oriental.

I appreciate your concern and thank you for bringing the matter to my attention.

Sincerely,

MICHAEL J. CODD,
Police Commissioner.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 10, 1976.

Mr. EMILE BOCIAN,
Assistant to the Editor, The China Post, 11 Allen Street, New York, N.Y.

DEAR EMILE: Thank you for the copies of correspondence regarding the New York City Police Department's recent change in terminology used on arrest reports for citizens of Asian heritage. I appreciate your keeping me informed, and I appreciate even more your untiring efforts on behalf of the Asian community in New York. Seldom does a bureaucracy alter its unacceptable practices without first having had an infusion of community interest through such dedicated and involved citizens as yourself.

I am sure I speak for the entire community in thanking you for your contribution to equality and to the elimination of racial prejudices.

Sincerely,

JOHN M. MURPHY,
Member of Congress.

LEGISLATION TO COUNTER FOREIGN BOYCOTTS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. ROSENTHAL. Mr. Speaker, at the next meeting of the International Relations Committee, scheduled for Tuesday, August 31, I and several of my colleagues, including Messrs. BINGHAM, SOLARZ, FASCELL, GILMAN, and J. HERBERT BURKE, will be offering an amendment to prohibit all American compliance with the Arab boycott and any other secondary boycott of American business.

Because of the great interest expressed by numerous Members in the contents of that amendment, I wish to include in the RECORD at this point a summary of the provisions of this important measure. I also append an editorial from the Washington Post which ably and succinctly sets forth the vital need for this action:

ANALYSIS OF ANTIBOYCOTT AMENDMENT

PROHIBITION

The amendment prohibits all American businesses and individuals from taking "any action with an intent to comply with or to further or support" the Arab boycott and any other foreign boycott of a country friendly to the United States. It also directs the Commerce Department to enforce the prohibition by issuing rules and regulations outlawing specifically the following types of conduct among others:

Discriminating against any American on the basis of race, color, religion, sex, nationality, or national origin.

Boycotting any American company, the boycotted country, any company or individual in the boycotted country, or any company which does business with the boycotted country, its businesses or residents.

Furnishing information about an American's race, color, religion, sex, nationality, or national origin.

Furnishing information about any business dealings related to the boycotted country.

REPORTING

The amendment requires all American businesses and individuals to file with the Commerce Secretary a report of all boycott-related requests which they receive. These reports must be made public and transmitted to the Secretary of State.

ENFORCEMENT

Any American business or individual hurt by a violation of the boycott prohibition may institute a private right of action to collect three times actual damages and other litigation costs. This would arguably protect, for example, an employee fired as a result of a boycott request or a company which loses a contract because of its business relations with the boycotted country.

[From the Washington Post, June 12, 1976]

ARAB BOYCOTT VICTIMS: AMERICANS

The specific dimensions of the Arab boycott—in fact, a boycott of American firms that deal with or in Israel or whose officers are identified as "Zionists" or simply as Jews—are becoming known for the first time. One House subcommittee has established that in 1974-75, 637 American exporters sold at least $352 million and perhaps as much as $781 million in goods and services under boycott conditions. Another subcommittee found that in the four months running from last December, one bank alone received and executed 824 Arab letters of credit, worth $41 million, containing boycott clauses. In one of a number of such cases, General Tire has been accused (by the SEC) of paying a $150,000 commission to get off the boycott list. Although the Justice Department has filed an antitrust suit against Bechtel Corporation for boycotting another American firm in order to fulfill a boycott requirement, Bechtel is said to be notifying subcontractors that Israeli goods or materials shipped on blacklisted vessels cannot be used in a $20 billion Saudi seaport project.

So the Arab boycott is real. It is immense, though sometimes capricious. It seems to be growing as business prospects grow.

What should be done? The administration believes its own current quiet policies suffice. Further legislation would be "counterproductive," Treasury Secretary William Simon argued the other day. But it is precisely during the last two-year period of discreet administration policy that boycott practices have spread to the point where hundreds of millions of dollars of business a year are affected and where Americans are forced to trample on their own laws and values and each other as they pursue Arab business. It is difficult to imagine a policy that has been more discredited.

The Arabs' *primary* boycott of Israel is their own affair. The need is overwhelming, however, for legislation addressing the *secondary* boycott, by which Arabs try to make American companies their instruments in

boycotting Israel; and against the *tertiary* boycott, by which Arabs try to make American firms boycott other American firms that deal with Israel or that have Zionist/Jewish officers. Will the Arabs take their business elsewhere? No doubt some will. But since Arabs want American business ties not just for the goods and services but for the broad political ties that come with them, we are confident that most Arabs will decide otherwise. They are not so blind to their own self-interests as apologists for the boycott tend to claim.

The antiboycott principle has been embodied in American law for 11 years. "It is the policy of the United States," says the Export Administration Act, to "oppose" boycotts imposed against friendly countries, and to "encourage and request" American firms not to take part. What is now involved is to turn that eminently sound principle into actual practice. The State Department has had other—political—matters foremost in mind. The Treasury Department thinks first of dollars. But an increasing number of companies favor legislation that would make it illegal to participate in a practice that—even critics of the legislative approach agree—is fundamentally offensive and un-American. Federal Reserve Board Chairman Arthur Burns stated the other day that it is no longer enough merely to "encourage and request" noncompliance with boycott requests. "It is unjust," he said, "to expect some banks to suffer competitive penalties for responding affirmatively to the spirit of U.S. policy, while others profit by ignoring this policy." He urged Congress to "act decisively." It should.

THE NEED TO STAND FIRM IN KOREA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. CRANE. Mr. Speaker, the brutal murder of two American officers by the government of North Korea in the demilitarized zone was not without a purpose.

The Communist government of Kim Il Sung timed the incident to coincide with the meeting of the world's "nonalined" nations in Sri Lanka and was an effort to convince these countries that the United States and South Korea were bent on invading the North. Although photographs taken at the scene confirm beyond any doubt that the North Koreans were the aggressors, the "third World" was quick to adopt the North Korean view.

There were at least two other purposes for these brutal murders.

One is the determination of Kim Il Sung to get United Nations action at this year's General Assembly toward U.S. withdrawal from South Korea and the reunification of the two Koreas under him on his terms.

The other is an effort by the North Koreans to influence American public opinion. Democratic Presidential candidate Jimmy Carter has already advocated the "phased" withdrawal of U.S. troops from Korea, as have a number of Members of Congress. Kim Il Sung evidently hoped to stimulate others to take this view by his aggressive acts.

Fortunately, the reaction seems to be contrary to what the North Koreans expected. The initial response of the United States was firm and massive. When the North Koreans issued a statement calling the killings "regretful", the State Department said this was "unacceptable", because North Korea had not admitted responsibility for the deaths of the two Americans. Yet, on the very next day, the State Department reversed itself and now discovered that Kim Il Sung's statement had been "a positive step."

Does this response add up to strength, or to vacillation? The question, unfortunately, remains to be answered.

The record of the North Koreans in the years since the end of the Korean war has been an adequate barometer of their aggressive designs. This was not the first time that Americans have died during the 23-year-old truce. Forty-nine have been killed, along with more than 1,000 Koreans. In addition, there has been the *Pueblo* affair of 1968 and the destruction of an American aircraft and all personnel aboard in April 1969. There has been the machinegun ambush of an American troop transport in the DMZ in October 1969, and the boobytrap slayings of United States and South Korean personnel who discovered illegal North Korean tunnels into the DMZ in 1974. The list is a long one.

It is essential that we make it clear to the world that our commitments to the Government of South Korea will be honored. Kim Il Sung is counting upon an American withdrawal and the eventual communization of all of Korea. If he succeeds, the thousands of Americans who died fighting aggression in Korea will have died in vain.

In an editorial commentary on this situation the Wall Street Journal declared that, "U.S. troops remain in South Korea for sound and even imperative reasons." The New York Times stated that:

Pyongyang's latest brute display of unpredictable aggressiveness underscores the continuing need for a strong and patient United States presence.

I wish to share with my colleagues the editorial, "The Whys Of Panmunjom," as it appeared in the Wall Street Journal of August 23, 1976, and the editorial, "Measured Response," which appeared in the New York Times of the same date and insert them into the RECORD at this time:

[From the Wall Street Journal, Aug. 23, 1976]

THE WHYS OF PANMUNJOM

The latest North Korean atrocity at Panmunjom has stirred American anger, but when the anger ebbs and frustrations take hold, there will be new voices asking "why are we there?"

It's a good question. But even though the answer is in no way as simple as either the critics or supporters of U.S. policy sometimes seek to make it, U.S. troops remain in South Korea for sound and even imperative reasons.

The critics say, of course, that the U.S. investment of lives and substance in Korea 23 years ago has gone sour. South Korean President Park runs what is, by Western standards, a repressive regime, they argue, rejecting South Korean protests that this is only true because South Korea remains a nation at war.

One suspects that these complaints, from sources who always seem to be more critical of repression by the right than by the left, are not wholly humanitarian in their origins. South Korea certainly is not a democratic showcase but it is a rather remarkable showcase of what private economic development, as opposed to socialist development, can achieve in improving the living standards of an undeveloped country. Socialists everywhere, including the United States, are chafed by its economic successes.

The supporters of U.S. policy argue more successfully but sometimes narrowly as well. The 41,000 U.S. troops in Korea are indeed part of the politics of containment, but they have a broader purpose. If containment were the only problem, South Korea's army alone might easily serve. Many military analysts believe that South Korea, despite a certain vulnerability arising from the proximity of its capital to the northern border, is a stronger military power than North Korea, fully capable of dealing with a North Korea not supported by China or Russia.

The true danger is that some incident, possibly of just the type that occurred last week, would trigger fighting between North and South that would quickly escalate into a contest between General Park and Kim Il Sung of the North for control over the entire Korean peninsula. Reunification is, after all, the policy of both sides, although General Park is more inclined towards peaceful reunification.

The consequences of such a contest could be highly dangerous to world peace. While there is a solid prospect that the South would win a one-on-one struggle with the North, it is also likely that the struggle would not remain one-on-one for long if the South appeared to be winning. The entry of Russia or China into the fray would face the United States with the alternative of abandoning yet another Asian ally or fighting a repeat of the Korean war.

Under either circumstance, the tenuous relationship with Peking that has been built so painstakingly would be at risk, there would be a new and dangerous confrontation with either China or Russia, and Japan would have a new blow to its confidence in the U.S. which most likely would lead it towards rapid rearmament. It is not hard, under these circumstances, to imagine a complete and humiliating withdrawal of the U.S. from Asia.

Such a scenario is so frightening that even the United Nations, with all its anti-U.S. animus of recent years, has been in no hurry for the U.S. to end its peace-keeping role in Korea, still technically conducted under UN auspices.

Nonetheless, there are U.S. Congressmen who want us out of Korea. Jimmy Carter, groping for some concept of foreign policy, has given encouragement to these forces without demonstrating a very sure grasp of what is really at stake.

The murder of two American officers at Panmunjom, barbaric and at the same time probably premeditated, is all the more infuriating because U.S. policy makers seem powerless to punish such conduct. But it is dangerous to believe that the frustrations and risks would evaporate if the U.S. pulled out. They more than likely would grow larger, with dangers for the U.S. and all of Asia.

[From the New York Times, Aug. 23, 1976]

MEASURED RESPONSE

Three days after North Korean guards brutally assaulted and killed two American officers supervising a tree-pruning operation in the demilitarized zone, allied forces returned Friday and cut down the tree, which had been obstructing the view of a United Nations Command post.

This symbolic gesture was backed by a show of military power sufficient to discourage any further North Korean interference

and to evoke a belated apology of sorts from Pyongyang. It did not—as nothing could—adequately make amends for the lives lost as a result of North Korea's calculated barbarism. Nevertheless, the measured allied response drives home the essential message that the United States will not be bullied or otherwise driven from fulfilling its role as guardian of the 23-year Korean armistice; and it did so without additional loss of life and without unnecessarily exacerbating an already tense situation.

The incident of the tree strongly reinforces the conclusion reached by last week's "nonaligned" conference in Colombo that a "grave" threat of new conflict exists in Korea. But the evidence in no way supports the conference's incredibly myopic conclusion that the provocation is all on the allied side and that the danger of war woud be removed by dissolution of the United Nations Command and withdrawal of American forces.

On the contrary, Pyongyang's latest brute display of unpredictable aggressiveness underscores the continuing need for a strong and patient United States presence, preferably under United Nations auspices, until North Korea's leaders abandon their persistent dream of military conquest and sit down to negotiate a final peace settlement.

A RESPONSE TO THE NEW YORK TIMES ON AUTOMOBILE EMISSION CONTROLS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. DINGELL. Mr. Speaker, the New York Times recently discussed the pending Clean Air Act amendments, H.R. 10498, in a manner that I could not entirely agree with. I responded to the Times in a Letter to the Editor which was printed by the newspaper August 25.

I urge the attention of my colleagues to this correspondence which further details information on the auto emission control decision the House anticipates action on the week of August 30.

I insert my Letter to the Editor as printed by the Times, at this point:

ON CLEAN AIR, ENERGY AND THE ECONOMY

To the Editor:

I do not agree with all of your editorial Aug. 5, "Keep It Clean," referring to the clean air bill stuck in Congress, a series of amendments to the Clean Air Act of 1970.

First, it has been intolerably and inexplicably delayed all summer in the House. Serious dislocations within the nation's largest industry and employer are threatened. Auto manufacturers and related industry timetables slip due to lack of decision on 1978 and subsequent model year auto emission standards. Testing is delayed. The Environmental Protection Agency must begin 1978 certification in September, but clean air has no House priority until, perhaps, Aug. 31.

Secondly, while your salute that I am a "reliable environmentalist," is appreciated, I reject your comment that the Dingell-Broyhill (Train) auto emission control amendment I will offer to the bill is "ominous." Representative Broyhill of North Carolina is co-sponsor. The amendment carries the recommendation and support of another "reliable environmentalist," Administrator Train of the E.P.A.

Released documentation pinpoints balanced economic, health and environmental, and energy conservation advantages of our amendment. The 1970 Clean Air Act was enacted when energy supplies appeared sufficient. As Energy and Power Subcommittee Chairman since 1975, concerned on energy conservation and resources, I oppose standards more stringent than the Train recommendation. Documentation is contained in the April 1976, Environmental Protection Agency, Department of Transportation, and Federal Energy Administration, interagency analysis of effects of auto emission control schedules. It concludes that auto standards in the bill would waste gasoline, be unnecessarily costly to consumers and offer no significant improvements in air quality.

I cite the June 1976 Chase Econometric Associates analysis, a macroeconomic study of emission standards.

Chase determines penalties of the pending bill, compared to savings of Dingell-Broyhill (Train) would be almost a 15 percent fuel loss on new cars, 1980–1985; cost consumers an additional $280 each for vehicle maintenance, 1982–1985; and increase prices to $340 per new car, 1981–1985. Chase then predicts loss in automobile sales of eight million units, 1980–1985, and loss in jobs at 820,000, during 1980–1985.

Thus, auto emission standards tighter than Dingell-Broyhill (Train) would destroy opportunity for economic, energy conservation and environmental balance. While I do represent a portion of Detroit in the Michigan 16th Congressional District, it is also true that its citizens are concerned about air quality, consumer costs, jobs, productivity and energy supply, as is the rest of the country.

A DECLARATION OF FAITH

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. GAYDOS. Mr. Speaker, as our Bicentennial Year moves into its final months, the time seems appropriate to turn our attention from the commemoration of historic events to planning for what is to come.

We have had a magnificent observance of our Nation's founding. We have paid proper tribute to those people who built the foundation of our freedom. And we have acted properly in so doing. Their courage, ideals, and clarity of vision combined to produce a system of government which remains unsurpassed today.

But while the foundation of our society remains strong and undamaged, the superstructure which has been built over the years is beginning to creak in places. There are cracks in the plaster and a few leaks in the roof. The structure can be repaired, of course. At least the physical damage can be repaired. The psychic damage is another matter. It is in this area that I believe we Americans have cause for legitimate concern.

Our emphasis this year on our Nation's beginnings has served to point up the difference between the American of those early days and our country as we know it in 1976. As we read our history books or listen to those among us who are old enough to remember a different time, we see a picture of an America which people regarded as the land of opportunity. In those days, Fourth of July orators called America "the greatest country on earth" and we believed them. In our schools and churches and homes, we were taught pride in our country and on holidays the bands played and the flags waved. It never occurred to anyone that all this might be unsophisticated or corny. It was just the normal atmosphere in which we lived—a state of mind which gave meaning to life, put some purpose into toil and struggle and fired the soul of many a young person.

That, unfortunately, is not the atmosphere in which we live today. In the last half century, America has had to grow up and take her place among the nations of the world, and it has been a painful and confusing experience. We have made some mistakes and we have learned that we have some national faults. We have become the leader of the free world and we have discovered that leadership involves some awesome responsibilities. We have also learned that a leader is the target for criticism of all kinds, much of it unreasonable.

Those who would use our freedom to destroy us constantly criticize Americans and our actions. We are told that we are all materialistic with little desire or capacity for the finer things of life; that we are psychopathic about the threat of world communism; that we have not done enough to correct the evils of our system, and so on down the line of our sins—both personal and national.

We, of course, can live with this criticism. In fact, it is true that in some cases we deserve the censure that has been leveled at us. We are not perfect, and we need to attack the problems which still plague our society. What bothers me is that this barrage of criticism is having its effect on our own state of mind. The seeds of doubt—doubt of ourselves—are becoming too strong within us. It is right that we should examine our own faults. It is only by a free discussion of our errors that we can correct them.

But throughout this process, let us remember that there still is much about which we can be proud. There is no reason to be apologetic about America. All other nations have made mistakes, too, and it would be hard for any of them to match the decent idealism we have brought to our role in both domestic and foreign affairs.

So I think it is high time that we all start saying a good word for our country whenever the opportunity arises. Somehow, we must revive in our own hearts, and in the hearts of our young people, the deep pride that all Americans must have in their heritage.

These are bewildering and fearful times. We have serious economic, social and environmental problems at home and the threat of war and its accompanying nuclear destruction still lurks abroad. Our only real safeguard is to remain strong—but strong in heart and fiber as well as strong in arms. I believe we will find a way to do this because I retain a basic confidence in the character, ability and decency of my fellow

Americans. I subscribe to the words of MacKinlay Cantor, the famous author who wrote about civil war and pioneer days, who, on the occasion of receiving an honorary degree, addressed himself to the spirit of Abe Lincoln in these words:

The dreams are ever around us Mr. Lincoln. There is medicine in the breeze and an enzyme beneath the sod; and we still have a yearning and a gallantry sir.

I echo that high note. I think we still have it in us to dream and to achieve, to be gallant and proud and to stand up on our hind legs and be Americans.

STEMMING THE TIDE OF TERRORISM

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. HEINZ. Mr. Speaker, the tragedy and the viciousness of terrorism struck close to home earlier this month when Mr. Hal Rosenthal, an aide to Senator JACOB JAVITS, lost his life during a hijack attempt at the Istanbul Airport. His death, like the deaths of over 25 other Americans who have been murdered by international outlaws, serves as a grim reminder of the urgent need for our Nation to take immediate steps to curb the tide of terrorist activities.

During its consideration of H.R. 10612, the Tax Reform Act, the Senate adopted an amendment providing for strong economic sanctions against nations that aid and abet terrorists. This amendment, authored by Senator LLOYD BENTSEN, ought to become a part of a tough national policy that gives international outlaws no quarter and no comfort. For this reason, 16 of my colleagues have joined me in asking Congressman AL ULLMAN to help insure that the Bentsen amendment remains in H.R. 10612 if and when the bill is enacted into law. The text of our letter to Chairman ULLMAN, who I know shares our concern in this matter, follows:

AUGUST 26, 1976.

Hon. AL ULLMAN,
Chairman, Committee on Ways and Means, U.S. House of Representatives, Washington, D.C.

DEAR CHAIRMAN ULLMAN: During its consideration of H.R. 10612, the Tax Reform Act of 1976, the Senate adopted an amendment denying tariff and trade preferences to nations that harbor international terrorists. We believe that this amendment, drafted by Senator Bentsen, represents an effective step toward making American opposition to skyjacking and other tactics of international terrorism felt throughout the world. Therefore, it is crucial that the Bentsen amendment be retained by the conference committee that is currently meeting on this bill.

As you know, in recent years international terrorism has grown in frequency, violence and viciousness. Over the past eight years, nearly 800 people have been killed and over 1700 more injured as a result of terrorist activities. Twenty-eight of our own citizens have met their death at the hands of these international outlaws—the most recent victim being a staff aide to Senator Jacob Javits. We cannot allow these grim statistics to continue to grow.

During the last two months, three hijacking attempts—two directed against Israel and one against Egypt—have been a tragic reminder that the international community must find a workable solution to this problem. As representatives of the American people, we are obliged to take strong and effective leadership toward this end.

Because we know that you and the other House conferees share our concern for the need to stem the spread of terrorism, we urge you to ensure that the Bentsen amendment remains in the Tax Reform Act, if and when it is enacted.

Sincerely,

Bella S. Abzug; H. John Heinz III; Edward P. Boland; Thomas J. Downey; Gilbert Gude; James R. Mann; J. J. Pickle; Peter W. Rodino, Jr.; Robert A. Roe; Herman Badillo; James C. Cleveland; Benjamin A. Gilman; Edward I. Koch; William S. Moorhead; Joel Pritchard; Gladys Noon Spellman; Stephen J. Solarz.

Members of Congress.

NEW YORK SHINES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. RANGEL. Mr. Speaker, the financial crisis experienced by New York City last year focused a great deal of national attention on that city. As had usually been the case, most of the publicity was negative; one heard only of reports of wasteful spending, inefficient government and chaotic city life. In short, New York became a symbol of the seeming futility of urban America, a city which, by the charitable, was pitied.

This summer, things have apparently changed. The Bicentennial celebration attracted thousands to the "Big Apple" to witness the tall ships come into the harbor. The Queen then visited, and finally the city played host to the Democrats during their convention. Perhaps it was this latter event that has served to return my city to the place of prominence and respect which it deserves. New York is truly the capital of the world.

I mention these things because I feel that it is very important for my colleagues to realize that there is a considerable amount of vitality left in the city. When we were discussing providing financial assistance to it late last year, many of my colleagues expressed the notion that aid was not necessary as the city was going to die and thus it would be an exercise in futility. I maintain that the events this past summer clearly illustrate that the people of New York City are indeed friendly and willing to show those out-of-towners a good time. My hope is that those of you who had difficulties in supporting assistance to New York City will look closely at the events over the last couple of months and ask yourselves, Are you really willing to continue to treat such an important cultural, financial, and recreational center like a stepchild?

I am pleased to insert in the RECORD at this point the following editorial which was aired over WCBS-TV in New York:

NEW YORK, NEW YORK

"I'll take Manhattan, the Bronx and Staten Island, too,"—"I like New York in June, how about you?" Remember when love songs used to be written to New York City? It's been a long time since people have been singing our song—or our praises for that matter. In fact, about a year ago when New York, once rich and powerful, was brought to its knees, the rest of the country was not sympathetic, almost seeming to take satisfaction in New York City slickers getting their comeuppance. New York after all had the reputation of being a cold and unfriendly place where a visitor was more than likely to be mugged or hustled by some street corner sin salesman. Then a few weeks ago something happened.

First, the tall ships sailed into New York harbor, then, the Queen of England went shopping in Bloomingdales, and last week, the Democrats descended on Madison Square Garden. Suddenly, New York City was the golden girl of the East. The atmosphere had changed. And the convention delegates took the message back home, New York, New York, it's a wonderful town.

How did this happen? Well, superb planning on the part of the city, especially the police and transportation departments helped. So did the smooth handling of the convention by Madison Square Garden. Of course, New York was also the lucky beneficiary of an uncharacteristically peaceful Democratic convention. But it was more than planning and luck. New Yorkers themselves rose to the occasion and made a special effort to be helpful and courteous. The too-long maligned city cab drivers were also ambassadors of good will.

How can we make this spirit of July 1976 last? Well, for one thing, New Yorkers should continue to take pride in their city and not make negative wisecracks about New York. And city officials should keep up the momentum by planning other events that not only will keep the city's new image alive but will also attract tourist dollars.

It's too bad the spirit of the last few weeks can't be bottled. Because New York is going to need it. But if the city continues to generate that spirit, maybe the next time New York asks for help, it won't be regarded as a fiscal leper. Maybe the New York of July 1976 will be remembered as worth saving.

ANNE V. MARINELLI RECEIVES DISTINGUISHED RECOGNITION BY PRESIDENT OF ITALY

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. OBERSTAR. Mr. Speaker, Anne V. Marinelli, of Hibbing, Minn., recently received the decoration of Knight of the Order of the Star of Solidarity from the President of the Republic of Italy. At the same time she was awarded the President's Citation Diploma and two insignias.

She is possibly the only American woman ever to receive these high symbols of recognition from the Italian Government.

As she and I both share Italian-American heritage, and grew up in neighboring

towns. I am doubly proud to call her many achievements to the attention of my colleagues in the House of Representatives.

The decoration, citation and insignias recognize her lifetime of dedication to bringing about a closer understanding between the American people and peoples of many other countries, especially Italy.

Miss Marinelli is a librarian by profession, and has made a distinguished mark on the national and international library communities.

Her father, John Marinelli, came to this country from Rome in 1898, and settled in Hibbing. He like virtually all Italian-Americans, kept his Italian heritage and traditions alive in his new home. Prime among these was his dedication to education for his four daughters, all of whom received a university education.

Anne was born and grew up in Hibbing, among first and second generation Americans from all parts of Europe. This early experience among the rich cultures of so many countries inspired her lifelong mission: to preserve the desirable elements of foreign cultures in our own; and to assure better understanding among peoples.

She studied and pursued her professional career at universities and libraries across America and also at the Universita per Stranieri in Perugia, Italy.

She further developed her interest in other cultures while on special assignment to the Pan American Union Library, which brought her into contact with the cultures, languages, writers, and intellectual leaders of Latin America.

Miss Marinelli was able, early in her career, to enrich her experience with foreign cultures while employed at the New York City Public Library, where she steeped herself in the many national communities and activities of that multinational city.

The Librarian of Congress, after reading one of her publications, invited Miss Marinelli to accept a post as his special assistant. In this capacity she was responsible for many international library activities, working closely with prominent library leaders of other countries, the State Department, and other Government agencies as well as professional associations.

She returned to Italy as a Fulbright professor and lecturer. For a full year and a half she traveled the whole of Italy and Sicily, lecturing and offering consultant services to Italian librarians in 110 libraries throughout Italy. She worked closely with the Italian Ministry of Public Instruction, the Italian Association for Libraries, and the U.S. Cultural Affairs Office.

These contacts have been strongly felt, and one of the direct results has been the further development of an exchange of ideas and people between Italy and the United States.

Mr. Speaker, Anne V. Marinelli is a wonderful, warm, and outstanding person in her own right; a woman who has left many landmarks and made many friends wherever she has been, and who brings great credit to the people of Minnesota and to all Italian-Americans.

I am proud to share her accomplishments and honors with my colleagues, and with Italian-Americans everywhere. In her, we have much to be proud of.

CONGRESSMAN RON PAUL SPEAKS OUT AGAINST SOCIALIZED MEDICINE

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. BAUMAN. Mr. Speaker, in the August issue of the distinguished medical journal, Private Practice, our colleague, RON PAUL of Texas has written an excellent article analyzing the Democratic platform plank on health care.

Drawing on his own personal experience as a medical doctor, RON PAUL has made an impressive indictment of the failure of socialized medicine and the other party's advocacy of this policy of failure.

The article follows:

AN IDEA WHOSE TIME HAS GONE, I HOPE

(By Ron Paul, MD, Member of Congress)

The proposed plank on medical care for the 1976 Democratic platform is another attempt on the part of political opportunists, committed interventionists, and misled humanitarians to impose a bureaucratic straightjacket on American medicine. This straightjacket will be financed by a massive increase of Federal taxation, should the proposal be passed by Congress and signed into law. Once again, a political program which is guaranteed to produce further Federal deficits, reduced medical efficiency, more bureaucracy, and angry patients wrapped in red tape, is being considered by Democratic Party leaders in the name of "maximum personal interrelationships between patients and their physicians. . . ." You know, those kinds of personal interrelationships that welfare recipients have with their case workers, or New York City parents have with their school board officials, or Social Security recipients have with clerks in the Social Security office.

The basic provision of the platform is found in paragraph three: "We need a comprehensive national health insurance system with universal and mandatory coverage. Such a national health insurance system should be financed by a combination of employer-employee shared payroll taxes and general tax revenues. Consideration should be given to developing a means of support for national health insurance that taxes all forms of economic income." If enacted into law, this three-sentence program would unquestionably revolutionize not only the American medical care system but also the American tax system.

First, there is the question of compulsion. Nobody escapes. This is required, of course, because the experiments in socialized medicine in every country have led to a reduction in the quality of medical care and an increase in taxes. If people could escape the burdens of taxation associated with the program, simultaneously gaining after-tax income to be used for first-rate medical care, only the poorest members of the community would participate in the Federal health insurance scheme. Like those residents of Iron Curtain countries who would "vote with their feet" if given the opportunity, the middle-class voters of America would take the same approach. The authors of the proposed program, like political officials in the Iron Curtain commonwealths, seek to make "foot voting" a crime.

Second, there is the question of financing. In the midst of a growing tax revolt, the Democratic platform announces a new round of taxes. These will be identical to the Social Security taxes, insofar as the base is the contribution by the employer and employee. Since the Social Security tax now produces income for the Federal government second only to the income tax, the fiscal implications of the proposed measure are staggering. Furthermore, all forms of income will be taxed under this scheme, spelling the death of the municipal bond markets which rely on the tax-exempt status of their debt obligations to find favor with high-income investors. (And when this proposal kills off municipal revenues, then the same authors of this platform will no doubt call for revenue sharing—from a Federal government which is consistently running $50 billion deficits.)

The proposed scheme also calls for more Federal aid to government laboratories and to private research institutions, thereby guaranteeing the Federal bureaucratization of medical research. To make certain that fewer alternatives are available within a community, the platform announces: "Communities must be encouraged to avoid duplication of expensive technologies and meet the genuine needs of their population." Who will determine the "genuine" needs of the local community? Obviously, the bureaucrats in charge of distributing the funds. And what level of government will be the primary source of funding once the municipal bond markets are in shambles? Naturally, the Federal government—the one which is supposed to increase its aid to government laboratories.

With private medical facilities, patients can gain access to a wide variety of medical technologies, as well as seemingly similar technologies administered by physicians of varying skills and concerns. This multiplicity of medical facilities is therefore a threat to Federally funded medical bureaucrats. Thus, concludes the platform: "Savings will result from the removal of inefficiency and waste in the current multiple public and private insurance programs and the structural integration of the delivery system to eliminate duplication and waste." Duplication and waste are apparently the products of open competition in a free market; savings are the product of systematically designed, compulsory programs of Federal bureaucrats protected by Civil Service rules.

The capper is the following: "A further need is the comprehensive treatment of mental illness, including the development of Community Mental Health Centers that provide comprehensive social services not only to alleviate, but to prevent mental stresses resulting from social isolation and economic dislocation. Of particular importance is improved access to the health care system by underserved population groups." Not only are psychiatrists supposed to diagnose mental illness accurately, including the pinpointing of the specific economic causes of certain forms of "social isolation and economic dislocation," they must also be able to prescribe a remedy. "Take two aspirins and a trip to Bermuda at Federal expense and call me next month." The physician must not only heal men's bodies and minds, he must also cure the supposedly hostile, competitive economic environment in which alienated poor people find themselves. We have told criminals that they're not criminals, but only sick people mentally; now we will tell mentally sick people that they are sick because they are poor. And if this proposed platform is passed into law, there are

going to be a lot more poor people wandering the streets.

The obvious failure of the Social Security system has begun to alert average voters about the collapse of Federal security programs for old age retirement. They will learn that Federal guarantees for medical care are even less enforceable. The new concern about taxes and bureaucracy will, I hope, create a climate of opinion in this country which will send the Democratic platform statement on medical care to a well-deserved oblivion.

WHO'S IN CHARGE HERE?

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. O'HARA. Mr. Speaker, this morning a column by Art Buchwald came to my attention. I doubt that Mr. Buchwald meant this column to be taken seriously; but I do know that the description of the administrative process which Mr. Buchwald gives is very close to the process which I know to exist today.

I share this column with my colleagues in the hopes that they will get their chuckles from it, as I got mine. But more importantly, I share it with them to help remind them of the great need of the Congress to find ways to get the laws executed fairly, effectively, and in a timely manner.

The article follows:

WHO'S IN CHARGE HERE?

(By Art Buchwald)

Everybody thinks that the Democratic and Republican conventions and the November election decide who is going to run the country.

I hate to be the one to throw cold water on this idea, but neither the President of the United States nor Congress can really do much to change anything.

The guy who runs this country is Plotkin. He is neither elected by the American people nor does he have to answer to them.

Plotkin, and thousands like him, are civil servants averaging somewhere around $20,000 a year. They are stashed away in large brick and glass buildings all over Washington, Maryland and Virginia, and no matter what Congress or the President decide, they are the people in charge.

Let us say that the President wants a pothole reform bill. He sends it up to Congress where, after two years, it is passed. The President signs it, and everyone in the United States believes it is the law of the land.

Except Plotkin.

Plotkin gets the bill and examines it. The wording, after the lobbyists get through with it, is, of course, vague. What kind of potholes does the law cover? How much money should be spent to fill each pothole? Should the work be contracted to private industry or to the Army Corps of Engineers? Was it Congress' intent to deal with all potholes or just those on federal property? And, finally what constitutes a pothole in the first place?

Plotkin, who has been a civil servant for 20 years, knows if he takes any action on his own, he could be criticized and he could blot his copy book.

So he calls a meeting of all his department heads and asks them to write him memoranda on the best way to administer the pothole bill. He tells them it is a matter of urgency and he wants to hear from everybody in six months.

Six months later the people under Plotkin all submit memoranda. A majority of them suggest that a study be made of potholes by a commission made up of engineering experts from companies, universities and government that will report back to the bureau in a year.

Plotkin likes the idea and approves it. But to play it safe, he also hires his own experts to check out the report of the commission. This means larger office space, and Plotkin decides to move the bureau to a new building. The move requires tremendous logistics, but also causes fierce competition among all of Plotkin's subordinates as to where their offices will be located, as well as carpeting, furniture and the location of the water cooler.

There is so much controversy over the new quarters that Plotkin hasn't had too much time to worry about the potholes.

Finally the move is made, new people are hired and everyone settles down to the task of administering the pothole bill. The outside commission has submitted its report, which is circulated throughout the bureau for comments.

The comments are all negative, and it is decided to scrap the commission's report. The fear of most of the people in Plotkin's office is that, if they accept the recommendations of the commission, they would have to put them into action. If they turn them down, they'll have to come up with their own—which would mean expanding the bureau, thus guaranteeing everyone a promotion to the next civil service grade.

By this time, Congress and the President have forgotten they even passed a pothole bill. But one day the President is driving on U.S. Highway 95 and he hits a pothole. His head bumps the ceiling of the limousine, and an Associated Press photographer gets a picture of it. This makes the President very mad, and he says to his aide, "Whatever happened to the pothole bill I signed?"

That night Plotkin gets a call from the White House and the aide says, "The President wants a progress report on what you're doing about the potholes in this country."

"We're working on a report right now," Plotkin assures him. "But just because the President signs a bill doesn't mean he can expect results overnight."

LET'S NOT RUSH INTO SALT II

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. KEMP. Mr. Speaker, in a U.S. News and World Report editorial of August 30, Howard Flieger makes some vital points about SALT that the Congress should consider. Pointing out that a bad agreement is worse than no agreement at all, he counsels patience and caution.

Mr. Flieger points out that—

A major U.S. objective in SALT I was to eliminate the danger of a 'first strike' against America's Minuteman missiles. What worried American strategic planners were Russia's 300 or so powerful SS-9 intercontinental missiles—vastly more destructive than anything in the United States' arsenal.

The SALT I agreement was supposed to neutralize that threat by prohibiting Moscow from installing any more of these 'modern heavy' missiles. Instead, the Soviets introduced four new intercontinental missiles which are as much as four times greater in 'throw weight' than the rockets they are replacing. As a result, the danger that the U.S. hoped to forestall in SALT I is now greater than ever.

Mr. Flieger also points out that a recent study issued by the Congressional Budget Office raises the troubling question of whether the Soviets share our objective of arms limitation. In view of the absence of a reassuring answer to this troubling question and the increased danger we face as a result of SALT I, there must be no rush into SALT II.

The editorial follows:

WHAT'S THE RUSH?

(By Howard Flieger)

Now that Gerald Ford's nomination has set the presidential race, expect to hear a great deal about the need to rush into a SALT II agreement with the Soviet Union.

President Ford—which is to say, candidate Ford—is anxious to reach a new strategic-arms-limitation deal with Moscow before the election. He fears that, otherwise, there may be nothing to replace the SALT I accord when it expires in October of 1977, and that this could restart an arms race. Secretary of State Henry Kissinger seems equally anxious for a SALT agreement this year.

It's time to sound a warning signal when there are signs that policy makers are about to negotiate against a deadline.

There are few people who would question the desirability of an arms agreement that would actually enable the U.S. and Russia to reduce defense spending.

But one lesson has emerged from the SALT negotiations so far: They have had no visible restraint on the Russian drive to achieve strategic superiority over the U.S., nor have they significantly curtailed the build-up of offensive weapons there or here.

A study issued recently by the Congressional Budget Office, and prepared by independent strategic experts, raises a troubling question: Do the Soviets share the objective of stability and believe an attempt to achieve some form of major strategic advantage would be futile?

The answer comes through in an analysis of what has happened since the 1972 SALT agreement. A major U.S. objective in SALT I was to eliminate the danger of a "first strike" against America's Minuteman missiles. What worried American strategic planners were Russia's 300 or so powerful SS-9 intercontinental missiles—vastly more destructive than anything in the United States' arsenal.

The SALT I agreement was supposed to neutralize that threat by prohibiting Moscow from installing any more of these "modern heavy" missiles. Instead, the Soviets introduced four new intercontinental missiles which are as much as four times greater in "throw weight" than the rockets they are replacing. As a result, the danger that the U.S. hoped to forestall in SALT I is now greater than ever.

Nothing that conceivably can emerge from SALT II will change that. As the 1,000 Minuteman missiles become increasingly vulnerable to a Russian "first strike," the U.S. will have to decide whether to replace them with a whole new system.

So what is the point of going on with SALT negotiations? Most strategic experts in Washington—even the "hawks"—believe that some modest benefit could result from an agreement that would limit the two superpowers over the next 10 years to 2,400 strategic vehicles—long-range missiles and bombers—with a sublimit of 1,320 on the number that can be armed with multiple warheads. That would mean that, strictly in terms of numbers, neither side could go beyond those limits. The agreement would not, however, prevent either from building new missiles.

The Russians will hold out for concessions. They insist the agreement must cover the American cruise missile—a fantastically accurate, subsonic, pilotless drone, armed with nuclear or conventional warheads—that can

be launched from anywhere. At the same time, they insist their new Backfire bomber be excluded. Some experts maintain that Moscow's aim is an agreement that would virtually kill off a revolutionary new American weapon while allowing the Soviets to build an unlimited number of bombers capable of hitting the U.S.

What's needed is patience. What certainly is not needed is a U.S. strategy that involves American negotiators in a race against the clock—a rush to get an agreement before the November election or before next year's inauguration. A bad agreement is worse than no agreement at all.

HINESVILLE HOSPITAL WILL LOWER PRICES 15 TO 20 PERCENT

HON. BO GINN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. GINN. Mr. Speaker, the statistics about the increasing cost of health care in America have been exceedingly disturbing. Health care expenses in recent years have risen more than almost any other expenditure facing the average citizen.

I am pleased to report, however, that there is some good news amid all of the bad. The Liberty Memorial Hospital in Liberty County, Ga. has recently lowered the cost of its room rates and also reduced other charges. The July 29 issue of the Liberty County Herald reported some of the details of this action, and I ask that this article be reprinted in the RECORD at this point:

[From the Liberty County Herald, July 29, 1976]

HINESVILLE HOSPITAL WILL LOWER PRICES 15-20 PERCENT

In the days of rising prices, Liberty Memorial Hospital is lowering prices. At the July regular meeting of the Hospital Authority of Liberty County, they voted to reduce all hospital room rates by $6.00 a day. They also voted to reduce most other service charges to patients by 15-20 per cent.

This will become effective August 1, 1976. While prices are being reduced, new services are being offered.

When asked how Liberty Memorial Hospital could lower prices, Doyle E. Mullis, Jr., administrator, said that it had been due largely to the increase in volume of patients and services to patients. This increased volume was brought about by the increased number of doctors on the medical staff. He pointed out that there are enough doctors to see patients in the community, whereas before, most services were sought elsewhere.

The hospital is now operating at the best utilized capacity when before it was seldom pushed to best capacity. The increased number of patients provides spreading the cost over the greater volume.

Just six years ago, people of Hinesville and Liberty County were traveling great distances for a good portion of their medical needs. There were two doctors here and their offices were always crowded, so many people left the county to get medical help elsewhere.

The Hospital Authority set up a recruitment program to bring new doctors to the community, and this program was welcomed and endorsed by the two doctors.

The Hospital Authority succeeded in attracting OB-Gyn specialist, Dr. Chen Shih; two Pediatric specialists, Dr. Grace Bautista and Dr. Cecilia Ong; two general practice anesthesiologists, Dr. Victor Bautista and Dr. Tony Ong (who practice at Midway, 9 miles from Hinesville) to the community. Dr. Ben Silan, another surgeon came to Hinesville in 1975, and two Brunswick podiatrists, Dr. Paul Bodamer and Dr. Tom Sandford have opened offices in Hinesville.

Dr. James Snow, an Osteopathic doctor in general practice at Darien, joined the hospital also.

DR. JOSEPH L. BLANCHARD, DEDICATED EDUCATOR, PUBLIC SERVANT, ENTERS ACTIVE RETIREMENT

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. McFALL. Mr. Speaker, John F. Kennedy once observed that: "Our progress as a nation can be no swifter than our progress in education."

In the area of California I am privileged to represent, we have been fortunate to have a person whose life has been dedicated to strengthening the bond of public education which binds our people and to preparing the young to assume their full responsibilities to the Nation, community, and family.

This good man is Dr. Joseph L. Blanchard, president and superintendent of San Joaquin Delta College.

Tonight, Mr. Speaker, his colleagues, many friends, and family will gather in Stockton to express their appreciation to him and wish him a happy and active retirement after four decades of public service in education.

Twenty-five of those years, Mr. Speaker, have been spent in service first to Manteca High School and then to San Joaquin Delta College.

Joe Blanchard is a builder, Mr. Speaker. In every post he has served—from his first as principal-teacher in Oregon in 1937 to the present, he has sought to develop education within the community to its highest potential.

The people of my area of California are grateful and appreciate his successes, for they are shared by the whole community.

Joe Blanchard understands that public schools must serve and reflect the people and meet the needs of the community. To bridge any gap that might exist between the public and their educational institutions, Joe Blanchard has sought to let people know factually and with candor what was taking place.

An example has been a regular newspaper column that has served to fully inform the public of developments, actions, and events which affect them and their children.

As a public servant and leader, Joe Blanchard has received the support of the people and boards of education which have placed their trust in him and his abilities.

In Manteca, as principal-superintendent, the people backed four successful bond issue elections. He was instrumental in bringing about more efficient administration of Manteca High School and strengthening its academic programs. When he left there in 1964, plans already were underway to begin construction of a second high school which since has been built.

At San Joaquin Delta College, his accomplishments have been many. Again, his efforts have led to strengthening the administration of the district, expanding its boundaries and improving the general curriculum, including developing tutorial and reading laboratory facilities so that students needing help receive it to achieve their full potential.

And with perseverance, he has guided a $55 million program to build a new campus while at the same time maintaining the fiscal integrity of the college.

San Joaquin Delta College, today, Mr. Speaker, is among the finest community colleges in the Nation, having a full range of quality educational programs.

San Joaquin Delta College's progress is exceptional and its future is bright. Joe Blanchard has been able to work unceasingly, effectively, and successfully in the best interests of the students with the backing of his board, faculty, and the people he has served so very well.

I could say much more, Mr. Speaker, about this fine man and good friend—his service in war and peace as a Marine officer and his many civic activities. But what stands out is his sustained optimism and belief in people and public education.

Now that he enters active retirement—still serving his community in many ways, including members on the Port of Stockton Commission. I take this opportunity to say: "Thank you Joe Blanchard, for who you are and what you have done. Best wishes to you and your Elizabeth for many, many wonderful years ahead."

WHAT'S RIGHT WITH NEW YORK

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. DELANEY. Mr. Speaker, there have been numerous recent events which highlight the continued vitality of our great city and industry's confidence in its dynamic and growth-filled future. Among these—the decisions by a number of major corporations not only to remain in Manhattan, but to launch expansion programs of their current facilities. Corporation after corporation is casting its vote on the side of the people of New York and the city's ability and determination to solve its problems.

Only yesterday, Philip Morris, Inc., one of the Nation's leading manufacturers, with 1975 sales of more than $3.6 billion, announced plans to maintain and expand its headquarters on Park Avenue. The firm's executives noted the city's preeminence as the world's center of communications, culture, and finance, and as the business-transportation center of the globe—both domestically and internationally. All modes of transit are readily available—with employees free

to choose a home in central Manhattan or the surrounding boroughs and free to pursue any of a dazzling variety of lifestyles. This decision affects some 700 present employees with salaries and wages totaling more than $15 million a year and 300 additional staff members to join the firm in the near future.

As another company president put it:

New York is the finest place in the world to conduct business. The best banks, the best lawyers, the best investment specialists, and the best service facilities of all kinds are right at your doorstep. No other city can match its attractions.

Yes, Mr. Speaker, New York is America's city, the way London is England's, Rome is Italy's, and Tokyo is Japan's. Yes, Mr. Speaker, we're still the greatest. That is what's right with New York.

CONFERENCE ON AGING

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. WIRTH. Mr. Speaker, ours was a youth-oriented culture long before the emergence, of a "youth culture" in the 1960's. We have always admired youthful vigor and youthful looks, and as a result, we have tended to ignore the values and virtues associated with age. Now at least we can see a growing appreciation for, and sensitivity to, those values and virtues.

In Denver, Colo., the combined efforts of a generous benefactor and a number of dedicated health professionals, community organizers, and social workers have resulted in bringing to the Denver community the new Davis Institute for the Care and the Study of the Aging. Although the physical plant is still under construction, the spirit is moving already, with the first annual Colorado Conference on Aging held in June and continuing plans for organizing this facility and putting its capabilities to use.

I would like to share with my colleagues the following articles about the Davis Institue, which promises to increase substantially our understanding of the complex issues of growing old.

INTERVIEW—DR. ABRAHAM KAUVAR

Senior Edition: How did the idea for the Davis Institute originate?

Dr. Kauvar: About nine months ago, a very good friend of mine, Marvin Davis, said he'd always wanted to do something in the health field. He asked me, because I was a good friend and I'm in the health field, "What would make the most impact?"

I said, after thinking about it, that there are three things I think are important in the next 10 or 15 years in medicine. The first has to do with cancer. Of course that's a big killer and a young killer. But there are plenty of cancer institutes.

I said the second was the delivery of health care. I think that's a very important thing—how do you deliver health care to the people. Well, this is something that we've done a lot with and a lot more is being done. It's out of our control to some extent because of the government.

The third has to do with problems of aging. Now the reason that aging is appealing is because this is the new frontier in medicine, as far as I'm concerned. When I graduated from medical school we were all interested in cures. And technology was the big thing. We did a tremendous thing as far as technology is concerned. But very rarely were we interested in something that has to do with taking care of people. One of the things that I recently told a group of medical students is that the word therapy has been equated with cure. In medical school we talk about diagnosis and therapy. Well "therapy," from the Greek derivation, means "to take care of." That's a little different from cure, you see, so doctors have to be interested in taking care of people. And we've done such a rotten job of taking care of people as they get older.

The other thing I think was that it appealed to me because it goes through all the branches of medicine. When I expressed my feelings to Mr. Davis, he thought that would be a very appropriate thing for him to put his money into.

Senior Edition: What was the personal connection between you and Mr. Davis?

Kauvar: Ever since Mr. Davis has been in Denver, now about 25 years, I took care of him and his family, so we've been friendly all the time. His father had a stroke, about 10 years ago, and luckily things went right and he's done very well since then. I think that's another reason for all of this. But, primarily, he has a great sense of human feeling and he said the first thing a person has to do if he has money is to take care of their family, and the second is to do something for humanity. Here's a man who really wants to do something, and for my part, he trusts me to do something that's good for humanity. And I hope I'm able to do it, that's all.

Senior Edition: One of the major goals for the Davis Institute, according to the public literature, is to interrupt the downward cycle that leads an elderly patient from the hospital to an extended care facility to permanent custodial care in a nursing home. What can the Davis Institute do to alter this downward cycle?

Dr. Kauvar: Very much. Let's take a patient with a stroke. If he has a stroke, it's an acute affair. He goes to an acute hospital. An acute hospital does what? It takes care of him for a few days and he either lives or dies. If he lives, at the end of those five days there's no place for him to go. He can't stay in an acute hospital so he has three choices. He goes to his own home, which may be totally inadequate, you know; or he may go to his folks or his children's home, which may be devastating to him; or he may go to an extended care or a nursing home. Our whole purpose is to try to do something for people and not put them in the nursing homes. That is, we'd like to take that stroke patient to the Davis Institute, take him and his family, and show how he can be rehabilitated with the best kind of rehabilitation so that he doesn't go to a nursing home and just vegetate away. I think that by taking them from our acute care hospital into the Davis Institute, we can show them and their family how they can live a good, normal life for a long time.

But even more than that we're going to try at the Davis Institute to show how people can get back into the mainstream of living. What is it that puts them in a nursing home? What is it that gets them out of a nursing home? We'd like to do more things to see that they get back into the mainstream of living rather than trying to just keep them as custodial patients.

I'm not against nursing homes. I think they're doing a tremendous job for what they've got. They're hamstrung with politics, with finances, with everything else under the sun. But nursing homes are trying to do all things for all people. That is, they're trying to be day care, night care centers, rehabilitation centers. They can't do it. So we're going to try on a research method to be able to say: What is the staffing pattern for a day care center? What's the staffing pattern for a night care center? Then go to a nursing home and say, "You try to do all you can with day care. You try to do all you can for night care. We'll show you how to make money at it." Standards is what we're going to set, and I think this is the important thing for the patient.

Senior Edition: What types of actual patient care will be available?

Dr. Kauvar: Everything. We're going to have everything from acute care on. Supposing we want to be interested in the acute stroke patient—we'll be able to take care of them there. We'll take care of them in living quarters with their family, if necessary, to show the family how to do it. So we'll have an apartment set up. We'll see how two people can live together, how one person can live alone. We'll have all sorts of methods and it's very flexible.

Senior Edition: Will all patient care be connected with research?

Dr. Kauvar: Yes, because we're a small institution. The most we'll have are 80 patients on an inpatient basis; maybe more on an outpatient basis. All we're trying to do is to be a research source for other people, or to be a source where other people can come and consult with us, or to be in the forefront of things, to start innovative things so that other people can take them up.

This is a small diamond. We're not trying to be a big, huge stone. We want to be a small diamond that really means something. To give you an illustration of that, when I finished medical school I had my choice of going to a county hospital where they had a thousand patients with diabetes without much instruction, or to go to a place where they maybe had only two patients with diabetes but had good instruction. What was the answer? I opted for two patients with very good instruction because I think I can learn from two patients as much as you can from a huge gamut of patients. I think we're going to do it here.

Senior Edition: Are you concerned about the possibility that you might create a demand here that can't be met and raise the frustration level of patients trying to get the kind of care you will be offering?

Dr. Kauvar: Not really because we are not trying to isolate ourselves from the community. We're going to try and put ourselves in the community. That means if we are doing a good job we can go to a nursing home and say, "Hey, we've learned this, why don't you do it," I think we can upgrade the whole level of care. So it won't be the Davis Institute that's known all over the country, it'll be Denver that's known all over the country.

Senior Edition: What priorities have you established for research?

Dr. Kauvar: We have four priorities. I think the first one which we feel is very, very important and that has to do with basic research. That means, what makes a cell grow, What makes an artery grow hard? What makes blood clot? This is basic research.

The second thing is what we call applied research. That is—Is digitalis the same at age 80 as at age 70? What happens when you get older as far as nutrition is concerned? What do you need as far as vitamin supplements as you get older?

The third is what we call psychological and social caring research, and that means what I just spoke about in regard to re-integrating patients back into the community.

And finally, teaching. We think that teaching is a tremendously important part, not only to doctors but to health care professionals of all kinds so that they know who to take care of people and how to do it.

Senior Edition: Will there be any specific research into preventing or curing such chronic conditions such as arthritis?

Dr. Kauvar: Yes. Arthritis is a specialized thing and there are good arthritis places. For instance, Spaulding does a lot with arthritis, and General Rose is doing a lot with arthritis. What w.'d be interested in is what makes the bone get hard. I think we ought to encourage them to continue their research on arthritis and not try to duplicate the effort that they're doing.

Senitor Edition: How about other chronic conditions?

Dr. Kauvar: There are many chronic conditions. For instance, we have people here that are interested in Parkinson's disease. Also hardening of the arteries with all of its manifestations. The problem in my particular field has to do with stomach disease—what happens with the absorption of food as you get older? These are all problems that we're going to be associated with.

Senior Edition: Do you foresee any programs to train health professionals to care for the needs of older patients?

Dr. Kauvar: Yes. We think that maybe doctors can't take care of the elderly quite as well as some of the health care professionals. For instance, one of the thoughts has been that the nurse practitioners can do a very good job in this field. So this may be the future of medicine in a lot of different areas because I think this is a health team problem. I think the doctor will only be the head of the health team and that we should look for paraprofessionals and we should look for physician assistants. We should look for all the things that will do the job.

We're going to have to change the doctor's attitude because the doctor's attitude has been one of "Let's get going. Let's cure. If we can't cure them they're a crock." You have to be a little older to appreciate that. When I was young and a young doctor, I had the same feeling the young doctors have today. That is, "Boy, I want these patients to get well." Maybe it's a feeling of omnipotence that you develop in medical school which I think is one way of looking at it. I also think aging has a lot to do with death and dying, and this is a real problem to young people because young people don't look at it that way. You have to reach maturity to say, "Well, hey, we're not going to live forever." And then you empathize with someone who's a little older. But when you're young it's hard to empathize because it's all inward as far as what happens with your omnipotence, your immortality, your feeling of curing people real fast. We have to change a lot of those attitudes. A lot of those are society's attitudes too, so we've got to change those.

Senior Edition: Are there any special features in the construction of the building to accommodate special needs of older people?

Dr. Kauvar: Yes. We spent nine months in which I went around to every place I knew that was doing anything on this, and wrote to the places I couldn't go to. We wanted to get all the information we could.

Let me give you a simple little illustration that came up. We found that in a lot of the homes some of the older people became confused if they just saw a bunch of doors. So we have to make each door a little bit different. Maybe a little logo on the door so somebody could say, "Say, I'm in the red room with a bird on it." Or, "I'm in the blue room with a something else on it"—so they don't get confused. The corridors have to be wider. We're trying very hard to make the rooms not pleasant—we want pleasant rooms, of course, but we don't want them to have so many things in their rooms that they won't get out and congregate with other people. It's a very big must. I've seen a lot of the homes where the rooms are so nice, so comfortable, that nobody wants to get out of them. We want to make it that—sure they sleep there—but let's get them out. There are many tricks we learned during the last nine months and that we have worked with the architect on.

Senior Edition: What plans are there for cost containment in regard to patient charges?

Dr. Kauvar: We think that we have to be the model; we think we can be the model. As I said, supposing we are interested in day care patients because a lot of patients don't need night care. They're able to be taken care of at night at home. We think that we can, with our cost control methods, determine how many people you need for a patient, what the nutritional requirement is, how you can get a balanced diet on $1 a day, or whatever. The state is interested in what we're doing because they need a facility of our type to be able to make a model against which all the others can be looked at.

Senior Edition: Is the older community of Colorado being involved in any significant capacity in planning the Davis Institute? Will older people be involved in operating the Institute? In what capacity?

Dr. Kauvar: Yes, because our whole philosophy of health and hospitals is the following: Why is a neighborhood health program such a success? The reason it's such a success is because we do what the patients perceive to be their needs and then we as professionals add to that perception. In other words, we have to do what they perceive to be their needs no matter what else we do. If we don't we have failed in our function. So we are asking the people in that age group, "What is it you perceive to be your needs? What is it you think? And then we're going to add to that and say, "In addition to what you think, these are the things you might not have thought of that we think ought to be done." This is a very important involvement and we've got the Capitol Hill group and all sorts of groups interacting with us. We want them to interact with us.

We want the older people with this but we also want the younger people to be with us in this institute because we think this is a societal problem, not just an elderly problem. I've made the statement that I don't think a person should be labeled as elderly or young. There are a lot of elderly people who are more alert and vigorous than some younger people. I think we ought to say "Who can contribute the most to this institution?" We want to include older people and also a lot of young people who realize the importance of such a thing and want to be associated with us.

Senior Edition: Is there going to be an advisory board?

Dr. Kauvar: There already is. We have a national advisory board. These are the very top names of all the people from all over the country. They'll meet once or twice a year to sort of plot our course and interact with the country at large. Then we have a local advisory board. We've got maybe 15 people on that already and more will be added. These are the people who are already working in the field. I mean people like Dr. Vest, Bill Hines and Edith Sherman. The reason for that is that we don't want to be an ivory tower; we want to get down with the people. We want everybody involved.

We look at two things. We say, "What can you do for the Davis Institute? Because what you do for us will help us but it will also help you." And then we turn it around and say, "What can we do for you?" We want to involve ourselves with everybody else; to be a place where everybody can come and say, "What do you think?" Let me give you an example. The city has projects going all the time. They have already turned over to the local advisory board two projects for the aging to have, the Davis Institute give their critique of these problems. This is something we can do very well.

Senior Edition: What's the target date for completion of the building? When will the Institute become operational?

Dr. Kauvar: The target date for the completion of the building, we hope, will be about April or May of 1977. The building is being done right now and it's going very well.

However, the Davis Institute will officially be opened at the conference we're going to have on June 7, 8, and 9, the First Colorado Conference on Aging. It's a combined project between the State Department of Institutions, the University of Colorado Medical School, and the Davis Institute on the occasion of the opening of the Institute.

But we don't need a big building. We can start in. We've already accepted our first grant from the Department of Institutions. They gave us $50,000. We're going to take 10 nursing home patients and ask "Why did these 10 patients go in the nursing home? What happened to them in the nursing home? And what happened to them when they left the nursing home? It's a pilot study and we're going to have to enlarge on that, but we're already started. We're not waiting for the building to be done.

Conference on Aging Held as Davis Institute is Opened

Last March Denver received a $5 million donation from Marvin Davis for the establishment of a facility for the care and study of aging.

This month the Davis Institute for the Care and Study of the Aging opened, and to celebrate the fulfillment of Davis' aim, the first Colorado Conference on Aging was held.

Several noted speakers were featured during the three day program. Dr. Robert Butler, director of the National Institute on Aging in Bethesda, Maryland and winner of a Pulitzer prize for his book, "Why Survive? Being Old in America," spoke on the future of research in aging and on the National Institute on Aging.

Dr. Abraham J. Kauvar, Manager of Health and Hospitals, City and County of Denver lectured on the future of the Davis Institute. Dr. Kauvar is chairman of the board of trustees and president of the Institute. Among his goals for the Institute is the development of methods designed to keep elderly persons out of nursing homes. Dr. Kauvar said of the elderly, "Society has too long neglected this potent social and political force."

Other speakers at the Conference were Dr. Eric Pfeiffer, on sabbatical to help set up Davis Institute programs from Duke University where he is Associate Director for the Study of Aging and Human Development at the University Center; Michael Muldavin, advisor to California Governor Jerry Brown on health affairs; Sir Martin Roth, recently knighted for his work in outpatient geriatric care and professor of psychological medicine at the Royal Victoria Infirmary in Great Britain; and Dr. Carl Eisendorfer, chairman of psychiatry and behavioral sciences at the University of Washington and a widely known authority on aging.

Services to be offered by the Davis Institute, which will need federal and state funding to operate, will include basic and applied research, psychological and social caring for the aged as well as teaching and projecting knowledge to practicing physicians and medical schools. In this way Dr. Kauvar hopes "to change attitudes and bring about understanding." The Institute's main concern will be to develop new and varied techniques for assisting the elderly.

The Davis Institute hopes to retain a quality of life whereby longer life means a more productive and satisfying existence, not eventual isolation from society or mental deterioration due to existing societal attitudes that force the aged into a vacuum existence.

The aims are high but necessary, for, as Dr. Pfeiffer stated, "Society as a whole is going to fail" if these problems aren't faced.

A MARRIAGE OF RESEARCH AND PSYCHOLOGY

(By Herb Stoenner, Denver Post Staff Writer)

It took a lot of "soul searching" for Dr. Abraham J. Kauvar, manager of health and hospitals, to decide what to do with a $5 million gift with no strings attached.

The donation came from Denver oilman Marvin Davis.

Build a health institute? Yes, but what kind should it be and where should it be built?

"If I were going into medicine, and somebody told me I'd be given this opportunity, I would have thought, My God, this is heaven," Kauvar said.

He said that the gift came from his admired friend, who simply asked, "What would make the most impact?"

Kauvar said that after thinking about it for a long time, he decided that the project must be a necessary one, that it must be functional, national in scope and yet have a local impact because Davis made his money in Denver.

Kauvar, who is president of whatever the project would be called, said that he began his search by trying to think of the programs with which he would like to be associated in the next 10 to 15 years he may be around.

Cancer? That was No. 1, but cancer institutes are all around "and anyway they're going to get these answers some way," he decided.

Delivery of health care? This is a terribly important field . . . to get it down to the people, but there are many people working on this, too, he said.

Problems of aging? This seemed to be a fairly open field, especially if you could come up with a unique approach.

Thus was born the Davis Institute for the Care and Study of the Aging under construction adjacent to Denver General Hospital, but a separate entity.

The institute is unique because it carries basic research on aging (why does a cell grow old and die) and the practical psychology of aging in the same program. Nobody else is doing it, according to Kauvar, and interest in the idea has been surprising across the nation.

Kauvar said that little work has been done in this field because when one talks about aging there are associations of termination and loss, and people tend to put such things in the back of their minds. But, he said, we are getting closer and closer to the time when these problems must be faced because this minority is getting closer to becoming a majority all the time.

And, he noted, doctors have been trained to do the dramatic things, not custodial care.

"When I was practicing medicine, I loved to see a patient who would get well fast, and a long-term commitment of just taking care of an elderly patient was very difficult," he said.

Then he found himself getting more and more involved with "local parentis"—the care of patients who no longer had children around. "I began to think of them in terms of taking care of my own father and mother," he said.

He said that medical schools don't teach much about aging. Recently he spoke to a sophomore class of medical students, and it was the first talk they had had on the problems of aging.

Kauvar explained that medicine has consisted of two parts: diagnosis and therapy, but therapy has been equated with "cure."

"This is one of the reasons for the malpractice mess we're in today. Everybody thinks therapy is cure, but if you go back to the Greek root of therapy, you find out that it means 'to take care of' and this is what we should be doing," he said.

One of the techniques of taking care of people is a multidisciplinary approach where many professional and human service workers take part in the decisions—and this has been built into the institute program.

Kauvar gave a few examples of some lags in programming for the aged.

"There are a lot of things in medicine that we don't know exactly and nobody has researched. We give digitalis the same to a patient who is 35 as to one who is 75. There has been no hard research to find out if you need more or less as you grow older. What about vitamins and drugs that are prescribed? Research on sleep as you grow older . . . now that's a fascinating topic," he said.

He mentioned other areas in which there has been little research, such as the psychological effect on a person who retires at 65 because of a societal edict, or how does a family best take care of a person after a stroke? What changes need to be made in a home, not in a nursing home, to which a patient returns after hospitalization.

Helice, the institute complex will consist of two buildings, one of them connected to DGH by a suspended corridor for easy access to hospital services. Building No. 1 will house basic research facilities and other projects funded through grants, plus administrative offices. Building No. 2 will house experimental apartment modules for patients or patients and families to live on a short-term basis for instructions on patient care, or for experimenting with various types of ovens or other household needs. This building also will house a cafeteria. Facilities for outpatient care and outreach of the program into the region are part of the complex.

Outreach lies close to the heart of Kauvar's health planning. He has shifted the thrust of his hospital to a regional as well as a Denver program.

"I'm firmly convinced that the future of core cities depends on what these cities can do for the regions around them" he said.

And sharing information from the molecular biology section of the institute on what makes a cell grow old or the arteries grow hard is larger than just Denver, he explained.

The same would be true for sharing information on how much it costs to run a care center, what staff is necessary and what constitutes good diet or helping with grant or legislative funding, he said.

Kauvar said that in his travels for his research on the institute, he found people on the national level surprisingly interested because the idea was unique and no funding would be required for "brick and mortar" (thanks to Davis' grant) which grantors and congressmen dislike.

He described his open reception in Washington at congressional committee hearings and at other institutes an aging, including Duke University, the University of Michigan and Andrus Institute in Southern California.

And, he discussed what he called a "coup" on his visit to Duke. The renowned Dr. Eric Pfeiffer, professor and assistant director of Duke's Center for the Study on Aging and Human Development, will take a sabbatical leave and come to Denver as acting director of the Davis Institute.

Although the institute buildings are scheduled for completion by April 1977, Dr. Pfeiffer will move to Denver July 1 and assume his office temporarily at DGH.

Why locate the institute in Denver?

The State Department of Institutions is interested in the project in order to establish care cost factors through research. Denver, according to Kauvar, has all the needed ingredients: it isn't too large like a Chicago, but large enough to have ethnic representation; it has a good reputation nationally in the health field, especially in the neighborhood health programs; it has a responsive form of government that values human services, and in addition it is the center for medical research through its universities, he added.

Two forthcoming events involve research for the aging. Dr. Pfeiffer will visit Denver Tuesday as a speaker for the 86th annual meeting of the Visiting Nurse Association of the Denver Area, Inc. He will speak on contributions of research in improving care for the aged.

And, June 7-9, the Governor's Colorado Human Services Cabinet Council, the University of Colorado Medical Center and the Davis Institute will sponsor the first Colorado scientific and professional conference on aging at the Executive Tower Inn in Denver.

OCEAN ESSAY

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. EDGAR. Mr. Speaker, I hope members will be interested in reading another "ocean essay" by one of my constituents, Dr. John J. Logue, director of Villanova University's World Order Research Institute. It is entitled "Tall Ships and Tall Dreams: Reflections on Two Summer Gatherings in New York City." The essay appeared in the June 1976 issue of the institute's publication WORI Report. Like two other essays of Dr. Logue's that I have placed in the RECORD—"Canada, the Third World and the Law of the Sea," October 7, 1975; and "What the Law of the Sea Conference Needs is a Monnet," May 18, 1976—this essay is a thoughtful look at current developments in one of our most important and least understood policy areas: the law of the sea.

I also recommend the reading of an editorial which appeared in the August 9, 1976, edition of the Philadelphia Bulletin. It is entitled "Law of the Sea Laps On" and it uses Dr. Logue's "Tall Ships and Tall Dreams" essay as a point of departure.

TALL SHIPS AND TALL DREAMS: REFLECTIONS ON TWO SUMMER GATHERINGS IN NEW YORK CITY

In early July—the Fourth of July to be exact—tall ships from all over the world will sail into New York Harbor to celebrate the Bicentennial of the American Revolution. That Revolution's basic thesis, "all men are created equal", has helped to foster a hundred national revolutions and thousands upon thousands of social and economic movements to better the lot of human beings in every part of our planet.

For reasons they may not fully understand, millions of Americans will line the waterways around the island of Manhattan to catch a glimpse of the great square-riggers, barquentines and clipper ships of another era. Through the miracle of television a hundred million other human beings round the world will watch these sailing ships glide under New York City's giant bridges and sail past its skyscrapers, including a beautiful blue one on the East River. Somehow the tall ships have caught the imagination of men and women and children everywhere.

In early August—August 2nd to be exact—thousands of diplomats of every race and creed and color will enter that blue building on the East River to attend one of the largest, longest and most important diplomatic gatherings in history: The New York session of the Third United Nations Conference on the Law of the Sea. And

though the Conference is trying to establish a system of law and order and justice for the seven seas, to write a Constitution for seventy percent of the earth's surface, almost no one will be there to greet the delegates. Almost no one will come to their important meetings. And if no one cares, there is a good chance that the delegates will fail in their crucial task.

Why do so few seem to care? Why hasn't the Conference—in which so many good people have worked so hard for so long—caught on?

Tall ships, great movements, tall dreams move men's hearts, catch their imaginations, enlist their sympathy, win their support. Curiosity, nostalgia, a feeling for beauty—these will be among the motives of the viewers as they watch "Operation Sail" on this Bicentennial Fourth of July. Ships, especially sailing ships, suggest adventure, a destination, aids, obstacles, struggle—and fulfillment. They suggest the possibility of using, working with, befriending the elemental forces of our beautiful planet. They suggest the need for moral and emotional and intellectual qualities: a stout and persevering heart, a quick and probing mind and a love of the task. Above all they suggest the idea of a crew, a company, a common purpose, a common destiny and skills and qualities which, if all goes well, a gifted captain can harmonize into purposeful activity.

Perhaps the dedicated men and women who will come to UN Headquarters in August have that sense of unity and purpose and destiny. But if they have, they have not yet been able to communicate it to the common people of the world. Perhaps they are trying—really trying—to implement tall dreams, dreams such as human equality, "social and economic justice", "clear, clean seas" or, the dream of "the oceans as the common heritage of mankind", the dream which inspired the Law of the Sea Conference.

Perhaps the delegates and the governments who sent them to New York are trying as hard as they can to reconcile their national interests—or alleged national interests—with the common interest of mankind. Perhaps they are trying too hard, using their heads too much—and their hearts and imagination too little. Perhaps, when they come to New York in August, they should think of the tall ships which came in July and ask why the ships got the great response they did. Perhaps the Law of the Sea Conference needs a stronger purpose, a stouter heart, a bolder course and more harmony in its crew. Then perhaps, like the tiny ships which sailed from Spain and Portugal four centuries ago, the Conference's voyage would change our world—and bring it to a better time.

WILL THE "OCEAN HAVES" SHARE WITH THE HAVE NOTS? KEY QUESTION IN THE LAW OF THE SEA CONFERENCE

Act IV of the giant Third United Nations Conference on the Law of the Sea (UNCLOS III) will open in mid-summer at UN Headquarters in New York City. The seven week (August 2-September 17) session follows close on the eight week spring session also held in New York. By the end of the summer session the world should know whether the delegates to this "oldest, established, permanent, floating crap game" are making history—or comedy or tragedy.

It will probably be a mixture of all three.

Although it may take an Act V—possible in Caracas in early 1977—to arrive at a definitive treaty text, this summer's session will probably indicate whether an agreed text is possible. For time is moving very fast and recent unilateral actions by five important nations in the Conference—the United States, Canada, Mexico, Iceland and France—suggest that the play must end soon even if the players cannot agree on a treaty. Each of these nations has—or is about to—violate international law by declaring a 200-mile fishing zone or a 200-mile "exclusive economic zone". (EEZ)

It may be that no treaty can be achieved by UNCLOS III. But if one can it will probably be not too dissimilar to the "Revised Single Negotiating Text" (RSNT) which the Conference's several thousand delegates will be wrestling with before and during this summer's session. Also known as "the New York Text", the RSNT's 400 or so articles are a revision, but not a very substantial revision, of the May 1975 Informal Single Negotiating Text (ISNT), also known as "the Geneva Text". Neither text had an official status but both served a very important function, i.e. to give a focus to the deliberations of the several thousand delegates. Like the Geneva Text the New York Text is not the work of the delegates. No part of it has been voted on. It is instead the work of the chairmen of the Conference's three major committees, Paul Engo of Cameroon, Andres Aguilar of Venezuela and Alexander Yankov of Bulgaria, as well as of Conference President Hamilton Shirley Amerasinghe of Sri Lanka. What gives the texts a certain authority is that they represent their authors' "sense" of what the delegates *may* be willing to agree to, in the light of the long discussions and negotiations in the two and a half year old Conference.

What kind of a treaty would the New York Text make?

The sad truth is that in its essence the New York text is a "giveaway" treaty, heavily biased in favor of a small number of coastal states, half of them very rich and half of them very poor or relatively poor. The great gainers include the United States, Canada, the Soviet Union, Norway, Australia and South Africa. The New York text gives this elite "New Class" of geographically advantaged states the lion's (shark's?) share of the fish and minerals in a 200-mile exclusive economic zone. That this is true becomes clear when one realizes that some 90 percent of the world's fish are within 200 miles of shore and that some thirty trillion dollars worth of hydrocarbons (i.e. oil and natural gas) are also found within 200 miles of shore. Those "within 200" hydrocarbons are many times more valuable than the much talked of "manganese nodules", which are usually found well beyond 200 miles. And they are also many times more valuable than the "very difficult to exploit" hydrocarbons *beyond* 200 miles. (In any case the New York Text awards almost all of the hydrocarbons beyond 200 to the coastal states.)

It will take a minor miracle to turn the Conference around and restore the principle of "the common heritage of mankind" to the key position it should have in the treaty. And that is just what the increasingly articulate and increasingly self-confident "Landlocked and Geographically Disadvantaged States" will try to accomplish in the summer session. Now a well-organized group, these 51 nations have learned a great deal about the law of the sea from the sessions of UNCLOS III and from five years of meetings of the 91-nation Seabed Committee which served as the Conference's Preparatory Commission. One thing has become especially clear to the Disadvantaged and that is that the exclusive economic zone is a ripoff. For it awards the coastal states—and especially those with long coastlines—all of the immensely valuable resources within 200 miles of shore, resources which, for more than three hundred years, were regarded as either *res nullius*, no one's property or *res communis*, common property. On the last day of the spring session the Disadvantaged issued a strong statement complaining that their "just aspirations" had been virtually ignored in both the Geneva and New York Texts. Their statement, issued by their Chairman, Ambassador Karl Wolf of Austria, said:

"We view a progressive development of . . . the Law of the Sea not as a development exclusively favoring certain groups of states to the detriment of others. . . . This has in our view all too often been overlooked in the course of the past deliberations of this Conference . . . no solution to the unsettled issue seems possible without an adequate accommodation of the just aspirations of the landlocked and geographically disadvantaged states."

After deploring past or contemplated unilateral action, the Group says that:

"It will continue to actively pursue its goal, namely the establishment of a new and just order of the law of the Sea benefitting all groups of states and mankind as a whole."

Perhaps, as many believe, the geographically favored states would rather have no treaty than share some part of the "within 200" wealth with the Disadvantaged, most of whom are very poor indeed. But the "ocean haves"—which include important Third World states—may yet decide to give the Disadvantaged a real stake in the new ocean system. One reason for hope is that on the same day as Ambassador Wolf's statement the Chairman of the Conference Drafting Committee, Ambassador Alan Beesely of Canada said that special attention must be given to the concerns of the Geographically Disadvantaged. This could foreshadow a major breakthrough in the Conference—and a major step forward to agreement on a treaty. For Canada has been one of the most effective champions of the EEZ and, hardly a coincidence, one of the nations which stands to gain the most resources from it.

However there is reason to believe that the "big coastals" hope to appease the Disadvantaged not by giving them a share in the mineral wealth off the shores of the rich nations but by giving them a right—and only a very qualified right—to fish in the zones of their (usually) poor neighbors. The influential Evensen group has been promoting this technique of the poor—rather than the rich—helping the poor. Fabulous discoveries of offshore oil are making Norway, Ambassador Evensen's home and a nation of only four million people, the Saudi Arabia of Europe. Although Thor Heyerdahl and other prominent Norwegians have suggested that Norway share at least twenty-five percent of the oil revenues within 200 miles of shore, the Norwegian government wants every penny of them for Norway.

The EEZ is by far the most important feature of the New York Text and the "probable treaty"—if there is a treaty. That "probable treaty" will have two other main features (in addition to the EEZ). Feature two will be the preservation—though not without ambiguity—of freedom of navigation including "unimpeded transit" through straits. All nations, not just maritime nations have a strong interest in that freedom. The third feature will be the establishment of a powerful—but poor—international seabed authority (ISA) which will organize production—but not too *much* production—of the valuable—but not really *very* valuable hard mineral resources of the deep seabed. This is an important and exciting development and appears to be a step in the direction of the new economic order which the Third World desires so ardently. Perhaps it is cynical to say it, but one of the ISA's great values to the "have" nations is that it diverts Third World attention from the massive grabs of offshore oil resources by the "have" nations.

To single out these three issues is not to suggest that there have not been other important issues before the Conference. There have—dozens of them, e.g. pollution, scientific research, naval armament, dispute settlement. These and many other subjects received a great deal of attention. But in most of them the probable result will be treaty articles with ambiguous—and even contradictory wording. Thus, the actual "operative regime" for each of the problem

areas will envolve through "state practice" and uneasy bargaining between the coastal and flag states.

But what the big coastals want to avoid sharing is the really valuable riches, i.e. oil and gas within 200 miles of shore. They have no strong objections to sharing their fish with poor neighboring countries under a general obligation of coastal states to permit—more or less on the coastal state's terms—other nations to fish for species which they, the coastal states, do not or cannot take, provided that the total catch does not exceed the maximum sustainable yield.

Let us look at some of the other features of the "probable treaty", i.e. in most respects, the New York Text. The most important source of ocean pollution, land-based pollution, is not treated at all, except for a pious declaration. Third World countries need money to pay for the technology to deal with that pollution. They won't use their own funds. An obvious source of the funds would be the tremendous revenues in the economic zone. However the concept of the EEZ forbids this. The "mixed economic zone" proposal (MEZ) would take care of this problem and mean substantial aid to development as well. It would require coastal states to contribute 1 to 20 percent, depending on per capita GNP, of the offshore mineral revenues within the MEZ to a World Common Heritage Fund.

As to the Authority, the U.S. has gone some distance in meeting the desires of the Third World. It is now willing to have the Authority itself engage in production, if a role is guaranteed for private enterprise. It is willing to accept, at least for some years, a limit on production so as to protect the interests of land-based producers. It is willing to accept a voting scheme which permits the developed countries to be outvoted but does weigh voting in their favor. However the Authority will probably provide little common heritage funding for decades, nothing like the six billion dollars per year (by 1975) that Ambassador Pardo's plan would have produced. It will have to pay its own expenses first, then compensate land-based producers. And, some believe, there will be enough "national nodules", i.e. nodules within 200-mile economic zones, to undercut the price and production controls the Authority may try to establish.

Some champions of the treaty believe that the Conference will adopt a system of "compulsory and binding dispute settlement mechanisms" for marine disputes. It is true that the Dispute Settlement Draft which Conference President Amerasinghe presented to the spring session has such provisions. But the long debate on that subject revealed a widespread reluctance on the part of coastal states to accept any kind of third party dispute settlement within the economic zone, although maritime nations regard this as essential. There is even doubt as to how compulsory third party settlements outside the zone will be.

To sum up. Perhaps the champions of a "least common denominator treaty" are right. Perhaps the New York Text will be—and should be—acceptable to the Disadvantaged, even though it enriches the rich and impoverishes the poor. Perhaps, with minor revisions, it will win the necessary votes in the Conference and win the necessary ratifications afterwards. Perhaps it will be self-enforcing. Perhaps the money to save the oceans and to build development will be found elsewhere.

But perhaps the realistic thing to do, if we really want a treaty, is to abandon the idea of a least common denominator treaty and try to write a treaty which measures up to the dimensions of the problems which man faces on land and on sea, a treaty inspired by the concept of the oceans as the common heritage of mankind. When George Washington was presiding over the American Constitutional Convention he finally intervened to question the realism of the realists. His words may be the proper counsel for the law of the sea delegates when they return to New York not long after the tall ships:

It is too probable that no plan we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If, to please the people, we offer what we ourselves disapprove, how can we afterwards defend our work. Let us raise a standard to which the wise and the honest can repair. The event is in the hands of God.

TALL SHIPS BECALMED? LAW OF THE SEA LAPS ON

Recently we printed an article by Dr. John J. Logue of Villanova University. He wrote eloquently of the way that "Operation Sail"—the world's Tall Ships parading in New York harbor—had captured the imagination of people everywhere.

Maybe, he suggested, something of this spirit should be inspired by the New York session of the Third United Nations Conference on the Law of the Sea, which reconvened last week. "Perhaps," said Dr. Logue, who is director of the World Order Research Institute, "the Law of the Sea Conference needs a stronger purpose, a stouter heart, a bolder course and more harmony in its crew."

These qualities are not apparent among the thousands of negotiators in the conference's 157 delegations. They resumed the current series of debates with acrimony about negotiating procedures.

Basically, the fussing is about who gets what of the mineral and other wealth of the sea. There are the matters of security, and the free passage of shipping and communications through sea zones being economically developed by coastal countries. Also in question is how landlocked countries are to share in sea wealth, the international controls to be applied, and the means for settling disputes.

The arguments on updating sea law have dragged on for many years now. The difficulties are enormous, with geography and technology resulting in national interests that cut across the western, Communist and Third World blocs. The stakes in new mineral wealth are high, as well as in the sea food that has caused strife among fishing nations.

The expectation is now voiced that one or two more sessions extending into next year will be required to produce a treaty. That seems to justify the impatience of the U.S. Congress when it established a 200-mile exclusive fisheries zone offshore, effective in March 1977, to protect our New Jersey, Delaware and other East Coast fishermen from excessive foreign fishing and to goad the sea law conferees to act.

Congress is also under pressure from highly advanced American industry that has the technology to mine the ocean floor and wants to get ahead with it. Clearly there is a limit beyond which it is unreasonable to prevent those capable of developing sea wealth from doing so—provided it is fairly shared to benefit mankind.

The "tall ships" of the sea law conference unfortunately have been either snarled in the gulfweed of greed or becalmed in the horse latitudes of need. It's time now to use their engines.

COMMUNIST PARTY PLANS LABOR DAY MARCH IN NORTH CAROLINA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. McDONALD. Mr. Speaker, the Communist Party, U.S.A.—CPUSA—has organized a "March for Human and Labor Rights" to be held September 6, 1976, in Raleigh, N.C. The CPUSA has organized the demonstration through its front directed at the "civil rights" and "prison reform" movements called the National Alliance Against Racist and Political Repression—NAARPR—which operates from national headquarters at 150 Fifth Avenue, New York, N.Y. 10010 (212/243-8555). NAARPR is directed by its executive secretary, Charlene Alexander Mitchell, a top CPUSA Central Committee member responsible for overseeing minority group organizing.

The NAARPR march is designed to develop support for a campaign to free 13 convicted and imprisoned felons in North Carolina's prisons—Rev. Ben Chavis—a NAARPR vice-chairperson—and the Wilmington 10, and James Grant, Jr. and the Charlotte 3 convicted of arson. Grant was an organizer for the Southern Conference Educational Fund—SCEF—during the period when it was the CPUSA's principal front in the South.

The second focus of the NAARPR march is to gain support from organized labor for the National Alliance, and to in turn persuade organized labor to accept help from the Communist Party in union organizing drives in North Carolina. The NAARPR has expressed particular interest in efforts by the Textile Workers Union to organize J. P. Stevens plants in North and South Carolina.

The Communist Party's drive against North Carolina is being supported by the Soviet Union's international propaganda organizations to generate anti-United States and anti-North Carolina sentiment in the "world public opinion." Chief among the international Communist fronts under Soviet control which have taken up the NAARPR campaign is the World Peace Council—WPC—headquartered in Helsinki, Finland.

The demonstrators assembled under NAARPR's aegis will gather at 9 a.m. on the grounds of the State museum, Wilmington and Lane Streets, from which they will march past the State legislature, the State Capitol, the Federal Building and the Governor's Mansion before returning to the museum grounds for a rally.

Featured speakers are to include Colorado Lt. Gov. George Brown; Georgia State Senator Julian Bond; Angela Davis; Hilton Hanna, a vice-president of the Amalgamated Meatcutters and Butcherworkmen of North America, a union long dominated by the Communist Party; and Rev. W. W. Finlator, chairperson of the North Carolina Advisory Committee to the U.S. Commission on Human Rights.

Local NAARPR chapters are organizing charter buses. For those who plan to attend from New York, round-trip bus tickets are being sold for $30. Buses will leave from NAARPR headquarters at 150 Fifth Avenue; from 96th Street and Broadway; from 168th Street and Broadway; from Queens Boulevard and 63d Drive in Queens; and from Grand Army Plaza in Brooklyn. The New York buses will leave at 6 p.m. on Sunday, September 5, and will leave Raleigh

for the return to New York at 5 p.m., Monday. The demonstrators are to arrive back in New York about 5 a.m. on Tuesday, September 7.

To drum up last minute support for the National Alliance demonstration, the tank-topped superstar of the Communist Party Central Committee, Angela Davis, a "cochairperson" of the NAARPR, has been on a national speaking tour.

On August 12, 1976, Davis spoke at the Trinity Evangelical Lutheran Church, 168 W. 100th Street, New York City. Introduced by Trinity's pastor Rev. David Kalke, Davis was supported by other speakers including:

Antar Mberi—former chairman of the Athens, Ohio, Young Workers Liberation League—YWLL—who now heads the CPUSA's W.E.B. DuBois Center in Harlem.

Charlene Mitchell—CPUSA Central Committee.

Martin Sostre—recently pardoned by New York Governor Carey for one offense, and now a legislative aide to Assemblywoman Marie Runyon. Sostre had received a 30-year sentence for his third drug-selling conviction. In prison he used his position as a "political prisoner" to support the Symbionese Liberation Army and the Black Liberation Army, both terrorist organizations.

Morton Sobell—a convicted Soviet atom spy who was part of the Rosenberg ring; Sobell and Sostre expressed sympathy for their fellow "political prisoners" in North Carolina.

Ali Rashed, a "minister" of the Nation of Islam—Black Muslims—who denounced the trial of Louis 37X Dupree for the murder of a police officer during a Black Muslim attack on police in a New York mosque.

Hank Williams, WBLS Radio.

Suni Paz, a folksinger active in Castroite circles.

Martha Siegel.

Lennox "Tony" Hinds, a vice-chairperson and founding member of the NAARPR who is active with the National Lawyers Guild and the National Conference of Black Lawyers. Hinds also serves as the United Nations representative of the International Association of Democratic Lawyers—IADL—an international Soviet-controlled Communist front.

A claimed 1,000 persons attended the Trinity rally; however, the Communist Party newspaper, Daily World, reported a mere $500 raised in response to Hinds' appeal for bus rental funds.

Three days later, on August 15, Davis spoke in Baltimore, Md., at Johns Hopkins University before a crowd of some 700 persons. Davis shared the platform with Representative PARREN MITCHELL. Davis leveled a broad attack on North Carolina's criminal justice system, former President Nixon, South Africa, the Baltimore youth curfew law, the Baltimore Police Department and its Commissioner, Donald D. Pomerleau. The Baltimore police have been attacked for monitoring meetings of Communist Party fronts at which public figures have appeared. The press reported the Representative charged that FBI "spying" had not ended and that he believed "They are right here." It was noted that no disorders or acts of violence took place during the NAAPR meeting in Baltimore, despite several telephoned bomb threats which necessitated several police searches of the auditorium before the Communist Party Leader appeared.

On the next morning, Davis spoke at a 20-minute press conference in the D.C. Municipal Building city council meeting room with Councilman Marion Barry, former head of the Student Nonviolent Coordinating Committee, and Jimmy Ingram, vice president of Local 6, Newspaper and Graphic Communications Union. Mr. Ingram's local represents the Washington Post pressmen, 15 of whom were indicted for smashing the presses in a strike action last October. The indicted pressmen are being represented by identified Communist Party member David Rein of the National Lawyers Guild.

That evening, Angela Davis spoke at the AME Zion Church, 1518 M Street, NW, Washington, D.C. Among those speaking with the Communist Party representative was Ray Collins, recording secretary of Local 6. Collins was cheered when he told the crowd that only three months ago, Local 6 members, relatively well-paid and presuming themselves safe from layoffs, would not have associated with the struggle to free the Wilmington 10 and Charlotte 3. He urged the crowd to go to Raleigh, adding, "Just by your being there, you are showing that you believe they should be free."

Angela Davis warmly praised the pressmen saying:

> The fact that our brothers are here tonight proves that something is happening in this country.

Davis emphasized the NAARPR/CPUSA drive for organized labor participation in the Raleigh march. She repeated the NAARPR charge that North Carolina is "one of the most repressive States against organized labor. Davis linked the drive to free the prisoners with the textile plant organizing drive and claimed:

> Rev. Ben Chavis and Dr. Jim Grant were singled out by the officials of North Carolina because they saw the connection between the fight for civil rights and the fight by organized labor.

During previous weeks Davis had spoken in New Haven, Chicago, and Los Angeles. Davis' activities are continuing right up until the Labor Day weekend.

A FREE AMERICA NEEDS A STRONG DEFENSE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. LENT. Mr. Speaker, the recent brutal murders of two American officers by the North Koreans comes at a time when Congress is moving toward adoption of the final budget resolutions for fiscal year 1977. I rise to ask my colleagues to remember the provocation at Panmunjom, and to resist the temptation to effect massive government economies at the expense of our national defense.

President Ford's defense request simply continues the increase begun in 1976 that reversed the 7-year decline in real defense resources. The administration's defense program will reduce programs that do not contribute directly to combat effectiveness, lower civilian personnel levels accordingly, and in general, spend our defense dollars more efficiently.

We cannot afford to be dazzled by détente. America is at peace, but a strong credible defense is essential to keeping the peace. And our adversaries have been steadily building up their military might. To be sure, the United States enjoys a momentary qualitative advantage, but unless Congress acts affirmatively, we will begin to live in an unstable, and therefore dangerous, world. An objective look at the doubling of Soviet military strength, or the constant series of Russian-backed provocations around the world, will convince the most stubborn skeptic that the Soviets are again on the move.

Mr. Speaker, arms control and reduction is a goal every sane person must endorse, but we live in a world filled with unpleasant realities and those realities dictate a wary approach. There are those who tell us that the Soviet military buildup is concentrated at the border between Russia and China, and therefore should not be regarded as a threat to the United States. But I suggest this line of reasoning is at least overly optimistic and at worst, naive. Because, Mr. Speaker, to rely on the continuation of Sino-Soviet rivalry is to give control of the strategic balance in the world to the People's Republic of China. I, for one, do not feel comfortable having China as the guarantor of America's security. I would be more comfortable—and I believe most of my constituents agree with me—having an American defense capability second to none. Détente cannot be a substitute for deterrence in a nuclear age.

The Federal Government now spends twice as much on human needs as on defense. That is not exactly the budget pattern of a "military state," which is the description some critics of defense spending have applied to our current defense program. Consider these facts: the United States spends only 6 percent of its gross national product—GNP—on defense, while the Soviet Union is devoting 20 percent of its GNP to defense. In comparison, on the eve of World War II, Hitler allocated only 19 percent of his GNP to military expenditures.

Mr. Speaker, when a major nation like Russia—ostensibly at peace—devotes such a high percentage of its resources to the production of weapons and to a general military build-up, we must ask: Why? Military spending unequalled since the war preparations of the Nazis in the thirties must at least engage our interest, and suggest that there are no grounds for complacency.

I agree with the views expressed by former Secretary of Defense James Schlesinger that to continue our complacent attitude, and allow real defense spending to decline further, would be a conscious decision to slip to an inferior status vis-a-vis the Soviet Union.

Dwight Eisenhower used to say that military strength is only the sharp edge of the sword's blade. The strength of the blade and therefore of the sword, is based on the economic might and political freedom of the American people. By that test, Mr. Speaker, we are a strong nation, growing stronger. My concern is that, while we keep our sword sheathed, we do not allow it to become dull or rusty. For if we do, we shall pay a terrible price.

We want peace. We are working towards a relaxation of international tensions. We hope our adversaries want peace. But this Nation is being tested around the world, and a prudent caution is necessary. Part of that caution must be an adequate American defense program, and I hope my colleagues will join me in voting to achieve it.

INFANT FEEDING RESOLUTION

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. HARRINGTON. Mr. Speaker, today I am introducing the "Infant Feeding Resolution," a joint resolution cosponsored by eight of my colleagues in the House to study the marketing and misuse of infant formula as a substitute for mother's milk in the developing nations. The promotional practices of several large American multinational corporations in the Third World represent a potential threat to infant nutrition.

Recent studies by leading nutritionists and pediatricians strongly suggest that increased use of infant formula in developing nations has contributed to a rise in infant malnutrition, illness, and higher infant mortality. Infant formula manufacturing subsidiaries of three U.S.-based firms—Abbott Laboratories, American Home Products, and Bristol-Myers—have stepped up questionable sales efforts of formula and weaning foods, largely in response to the expanding market in the populous developing world. Such corporate practices include the widespread distribution of free formula samples and the hiring of "milk nurses" commissioned by the firm to promote formula products in the home and elsewhere.

In recent years, women of the industrialized West, as a result of urbanization, increased employment opportunities, technological advancement, and greater affluence have discarded breast feeding and turned to the use of infant formula. Recently, the trend toward the use of milk substitutes has been extended to the developing nations of the world which can least afford to properly utilize these products. The large majority of the citizens of these nations lack the sanitary, educational, and economic resources necessary for safe formula use. Contaminated and diluted formula has been a major contributor to infant malnutrition and suffering. Thus in recent years nutritionists and pediatricians have strongly encouraged the practice of breast feeding as the preferred alternative for women in developing nations.

Our joint resolution addresses these problems of formula promotion by U.S. subsidiaries and of improper formula use in the developing world. We request the President to conduct a study of the infant formula problem through the appropriate executive branch channels and by calling on the Agency for International Development to promote breast feeding in its programs.

A multifaceted strategy in partnership with developing nations designed to promote breast feeding by AID would represent a vital step toward balancing the voluminous promotional activities of multinational formula manufacturers. Our resolution requests AID to undertake practical education programs through the mass media, community outreach efforts and other means to encourage breast feeding as the preferred alternative for the majority of women without the economic, sanitary, and educational means to use the formula safely.

From a health standpoint, infants bottle fed under less than optimum conditions are more susceptible to a wide range of diseases including, bacterial and viral infections, allergies, and diarrhea, than are breast-fed infants. Perhaps more importantly, "increasing scientific evidence indicates the specific active protective effects of human milk against many infections in infancy, particularly diarrheal disease and especially in areas of poor environmental hygiene," according to Dr. Derrick Jelliffe of the UCLA School of Public Health. The widespread use of artificial formula represents a substantial economic waste for families and governments worldwide. Alan Berg, an economist of the World Bank, cites some relevant examples of this loss. Potential human milk production in Chile was 93,200 tons in 1970, of which only 14,600 were realized. Instead, 78,600 were provided to infants in the form of costly imported formulas. Kenya, too, suffers an annual loss of approximately $11.5 million or two-thirds of that country's national health budget due to the increased purchase of infant formula.

Thus, in light of the economic and health benefits of breast feeding, a strategy which aims at reversing the trend toward early weaning may help to decrease the malnutrition resulting from the improper use of infant formula.

Several factors have contributed to the decline of breast feeding among Third World women. Among these, are the questionable promotional practices of multinational corporations involved in the sale and marketing of infant formulas, which have played a substantial role in furthering this trend. By the time an infant reaches 4 to 6 months of age, some sort of weaning food is necessary to supplement the mothers own milk. All too frequently, however, firms' high pressure sales promotion convinces mothers never to start breast feeding at all or to abandon it after just a few weeks.

Formula marketing takes many forms, including some highly questionable advertising and promotional practices which have come under increasing attack in recent years. For example, these infant formula manufacturing subsidiaries often hire "milk nurses" or "mothercraft personnel" who visit the mothers of newborn infants after acquiring their names from hospital registers. Dr. Derrick Jelliffe states:

> They (mothercraft personnel) may bring small samples of the milk which they are paid to promote to the mothers' bedside, emphasizing at the some time the suitability and ease of bottle feeding to lactating women.

Company spokespersons claim that their mothercraft presonnel perform a valuable function in supporting professional and paraprofessional medical personnel. However, many of these individuals are drawn from the existing force of health personnel by the promise of higher pay. Many receive commissions on sales and thus they are primarily concerned with the promotion of the company's products. Tragically, the use of trained personnel to promote infant formula products in countries with far too few qualified health professionals only serves to exacerbate these shortages.

Another inappropriate corporate marketing practice is the distribution of free bottles and formula samples to the mothers of newborn children. Free drug and formula distribution to hospital patients is a disturbing and unnecessary fact of life in the developing world.

Company representatives argue that their advertising is aimed only at medical professionals and those upper income families who can afford artificial feeding products. However, again and again the continuous flow of advertising carried by newspapers, magazines, radio and television, reach and influence the underprivileged mother. For example, a 1973 study found that ads for Swiss-based Nestle's "Lactogen" made up 11.26 percent of all radio advertising in Kenya that year. Clinics in various countries also display brightly colored calendars and distribute eyecatching "baby books" emphasizing the case of use and the unmatched quality of various formula products. In contrast, information about the benefits of breastfeeding tends to gain little visibility.

Human suffering is the inevitable result of improper infant formula use. The extreme expense of artificial formula virtually forces underprivileged mothers to dilute the product in an effort to stretch it further. A 1-pound container of milk formula which is intended to last for 3.5 to 4 days is sometimes diluted to last up to 3 weeks or longer. For example, a study in Barbados conducted by the Pan American Health Organization, revealed that 82 percent of mothers surveyed in 1969 overdiluted formula products. Worse still, according to a 1975 Consumers' Union study:

> When the tin of formula is used up, if the women have no money and their breast milk

is used up, they give the babies "something else" (e.g., cornstarch mixed with water or chocolate drink).

Furthermore, sterile equipment and clean water are essential for the healthful use of artificial infant formula. For poor mothers, especially in rural areas, such requirements are very difficult to fulfill. The consequences of formula use under such precarious conditions can be tragic. Infant mortality rates among bottle-fed infants in Chile are three times that of breast-fed infants, according to a 1973 WHO study. The use of dirty water and unsanitary bottles leads to more frequent and severe instances of gastroenteritis and diarrhea. These disorders may occur up to 12 times more frequently in cases where an infant is solely bottle-fed.

This resolution expresses, as the sense of Congress, the conviction that United States based businesses, and U.S. subsidiaries of foreign-based businesses, involved in marketing infant formula should act responsibly in conducting activities which affect the nutrition and health needs of people in the developing world.

More importantly, we cannot hope to find remedies to the infant feeding problem without first collecting the critically needed data. The growing number of local and regional studies on infant malnutrition, infant formula use, and corporate promotion must be synthesized and elaborated by a far more extensive investigation if we are to fully understand this problem.

The resolution requests the President to conduct through the appropriate executive departments and agencies "a detailed study into the nature, scope, and extent of effects of infant formula use in developing nations." This study hopefully will provide comprehensive answers to the following questions:

First. How much formula is being used worldwide by region? What is the socioeconomic status and literacy level of the women using the product? How much formula is necessary as a nutritive supplement? What are the health and nutritional effects of infant formula use under existing local conditions?

Second. Which corporations are involved, and in what manner and to what extent?

Third. What is the effect of advertising and promotional techniques employed by U.S.-based and foreign-based corporations with U.S. subsidiaries?

Fourth. Is any direct or indirect support being provided to infant formula manufactured by U.S. Government agencies?

Fifth. How widespread are bribes and the use of illegal payments to foreign governments by businesses seeking to secure markets for infant formula sales?

At least, one study on the incidence of breast feeding versus formula use is already underway, funded by the Agency for International Development's Food and Nutrition sector. However, a more comprehensive study remains of critical importance.

Businesses cannot simply affirm the healthfulness of their products in a vacuum. Firms must acknowledge the potential health hazards resulting from the promotion of ostensibly good products to people who cannot fulfill the many requirements for safe use.

POST CARD REGISTRATION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 26, 1976

Mr. FRENZEL. Mr. Speaker, the Wall Street Journal's lead editorial today pointed out that post card registration has not produced "appreciable increase in voter turnout," and that less than 12 percent of nonvoters in 1970 claimed illness or registration requirements for their nonparticipation. Since the Senate leadership has neither scheduled the bill for floor action, nor referred it to committee, the post card bill is now resting in a state of suspended animation. Candidate Carter, who was badly burned on his first legislative adventure, is unlikely to try to breathe life back into the bill. But because someone else might get that bright idea, I invite the attention of the House to the WSJ editorial which follows:

[From the Wall Street Journal, Aug. 26, 1976]

POST CARD REGISTRATION

Jimmy Carter's first venture into congressional politics proved to be a partial success, which isn't half-bad for a man who is not even an elected official much less a Congressman. For it was at his urging, shortly after his nomination, that the long dormant postcard registration bill was resurrected from committee and sent to the House floor. The full House rejected the proposal endorsed by candidate Carter that the federal government mail voter registration forms to all eligible voters in the U.S., but it did vote to allow prospective voters to pick up registration forms at the Post Office and return them through the mail.

The exercise was probably for naught, since even if a mail registration bill gets to President Ford's desk—not very likely in a Congress faced with far more pressing business—he has promised to veto it. Mr. Carter would settle for that, since he believes he can make a campaign issue out of the veto, but he would no doubt also like to have a postcard registration law, since his strategists guess that most non-registrants are nominally or potentially Democrats.

But neither side talks about mail registration in crass partisan terms. Republicans discuss the enormous expense involved and the potential for vote fraud, while Democrats make mail registration sound like the quintessence of democracy. Actually, neither party has ever addüced any real evidence to support its claims. Perhaps their gut reactions would be borne out if mail registration were ever adopted, but so far both sides are operating solely on hunches.

For example, although some 17 states have some form of mail registration for state elections, one of the few studies of any such plan was undertaken by political scientist Richard G. Smolka, who examined the mail registration systems that became effective in Maryland and New Jersey during 1974. In an analysis for the American Enterprise Institute he concluded that (1) No appreciable increase in voter turnout was related to mail registration, and (2) The relationship between mail registration and party identification is inconclusive, although the evidence from those two states suggests that persons who register by mail are less likely to affiliate with either party.

Supporters of mail registration frequently cite the low rate of U.S. voter participation, low not just in comparison with dictatorships but also in comparison with other democracies with high literacy and universal suffrage. Politicians generally condemn such apathy, while liberal politicians go further and tend to blame it on obstacles put in the path of voters. Yet neither explanation withstands serious analysis.

It's true that the U.S. alone among Western democracies places responsibility for registering voters on the individual and on political parties, rather than on the government. But responsibility—the responsibility for taking the time to register—is a far cry from those "obstacles" we hear so much about. A U.S. Census Bureau poll found that less than 12% of nonvoters in the 1970 election blamed illness or registration requirements for their nonparticipation. While that poll no doubt is not scientifically accurate it does jibe with similar polls taken over the years. All tend to discredit the notion that government has erected difficult hurdles for potential voters.

Many voters apparently refrain from voting because they generally like both candidates while others refrain because they generally dislike both. A proliferation of parties and candidates might stimulate greater voter turnout, as it does in other nations. But many careful observers attribute much of the success of the American political system to the absence of splinter parties and the willingness of both major parties to accommodate a wide spectrum of issues and opinions.

The ideal, of course, would be a high turnout of informed, concerned voters. But those who are most enthusiastic about boosting voter turnout almost never mention an informed or concerned electorate. Their emphasis seems to be exclusively on increased percentages.

The traditional U.S. view is that the essence of representative democracy is not how many warm bodies can be cajoled, shamed or talked into going to the polls. It is how many voters will take time to inform themselves about the issues so they will go willingly to exercise their franchise.

SENATE—*Friday, August 27, 1976*

The Senate met at 9 a.m. and was called to order by Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God and Father of us all, in Thee do we trust and to Thee confidently lift our morning prayer. Thou art holy and we are unholy. Thou art great and we are